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Tuesday
August 7, 1979

Highlights

46264 **Banks and Banking** FDIC amends regulations relating to penalties for early withdrawal of deposits, interest rate ceilings on deposits, and restrictions on nondeposit obligations; effective 8-1-79

46365 **Insurance Companies** Labor/P&WBP grants class exemption to permit sales of employee benefit funding contracts under certain conditions; effective 1-1-75 and 1-1-82

46353 **Housing Assistance** HUD/CPD announces that it is accepting requests from Areawide Planning Organizations for special allocations based upon approved Areawide Housing Opportunity Plans

46386 **Federal Land Policy and Management** Interior/BLM establishes planning system for public lands and resources; effective 9-6-79 (Part II of this issue)

46404 **Outer Continental Shelf** Interior/GS adopts rules governing Oil and Gas Information Program; effective 10-9-79 (Part III of this issue)

46414 **Pesticide Programs** EPA proposes rules for registration by States to meet special local needs; comments by 10-9-79 (Part IV of this issue)

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46275 **Regulation of Fuels and Fuel Additives** EPA exempts small refiners from gasoline lead content limitation requirement; effective 10–1–79

46314 **Pollution Control for Limited Life Facilities** EPA announces availability of policy statement concerning enforcement of requirements

46250 **Agricultural Credit** USDA/FmHA revises regulations governing account servicing of borrower loans; effective 8–7–79

46288 **Beef Research and Information** USDA/AMS, ASCS proposes amending procedure for conduct of referendums with respect to orders; comments by 10–9–79

46268 **New Animal Drugs** HEW/FDA amends ophthalmic and topical dosage regulations to indicate certain conditions of use; effective 8–7–79

46290 **Prevention of Animal Diseases** USDA/APHIS proposes revising packaging requirements to permit separate shipment of diluent for certain desiccated poultry vaccines; comments by 10–9–79

46290 **Prevention of Animal Diseases** USDA/APHIS proposes rules on lable requirements for certain canine vaccines; comments by 10–9–79

46272 **Federal Records** DOD/Navy amends regulations relating to personal privacy and rights of individuals regarding personal records; effective 8–7–79

46383 **Sunshine Act Meetings**

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

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 772

Appeals to the Commission

AGENCY: Office of Personnel Management.

ACTION: Final Rule (Conforming Technical Correction).

SUMMARY: Part 772, Appeals to the Commission, is being eliminated in its entirety as a technical change to conform with applicable provisions of the Civil Service Reform Act of 1978 (Pub. L. 95–454) and Reorganization Plan No. 2 of 1978 (43 FR 36037) to reflect the fact that the Merit Systems Protection Board is now responsible for handling appeals formerly the responsibility of the United States Civil Service Commission. The Board issued final regulations (5 CFR Part 1200) to implement the Reform Act and Reorganization Plan provisions (44 FR 38342—83361, June 29, 1979).

EFFECTIVE DATE: June 30, 1979.

FOR FURTHER INFORMATION CONTACT: Wilma Lehman, Workforce Effectiveness and Development Group, Office of Personnel Management, 1900 E Street, N.W., Washington, D.C. 20415, (202) 632–5623.

SUPPLEMENTARY INFORMATION: The United States Civil Service Commission was redesignated the Merit Systems Protection Board by section 201 of Reorganization Plan No. 2 of 1978 (43 FR 36037). Section 101 of the Plan established the Office of Personnel Management. The Civil Service Reform Act of 1978 (Pub. L. 95–454) provided for parallel organizational structures at sections 202 and 201, respectively.

Most appeals formerly handled by the Civil Service Commission are now the responsibility of the Board, which has issued final regulations (5 CFR Part 1200) to provide procedures for handling these appeals. While the Office of Personnel Management is responsible for certain types of review, procedures for these reviews are provided by applicable OPM regulations. Therefore, Part 772 has become obsolete.

PART 772 [Deleted]

Accordingly, the Office of Personnel Management is hereby amending 5 CFR Part 772, Appeals to the Commission, by deleting that part from its regulations.

Office of Personnel Management,
Beverly M. Jones,
Issuance System Manager.

[FR Doc. 79–24301 Filed 8–6–79; 8:45 am]
BILLING CODE 6325–01–M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 925

Handling of Fresh Prunes Grown in Designated Counties in Idaho and in Malheur County, Oreg.

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This document terminates the marketing agreement and Order No. 925, which regulate the handling of fresh prunes grown in designated counties in Idaho and Malheur County, Oregon. It also authorizes disposition of program assets. Production of prunes in the area covered by this program has been declining and this trend is expected to continue. Indications are that this program is no longer needed.

EFFECTIVE DATE: September 15, 1979.

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

SUPPLEMENTARY INFORMATION: This document terminates the Marketing Agreement and Order No. 925 and authorizes disposal of program assets. These actions are being taken in accordance with § 925.64 of said order, and § 8c(16(A)) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.) under which the marketing agreement and order are effective.

This regulatory program became effective July 21, 1960. It authorizes the regulation of grade, size, quality, maturity, packs and containers of fresh prune shipments. The purpose of such regulation, consistent with the objectives of the Act, is to improve grower returns through establishment and maintenance of orderly marketing conditions for prunes. However, this program has been inactive since 1974. In 1974, a winter freeze caused extensive tree damage. Since then, there have been substantial tree removals. Production of prunes in the area covered by this program has been declining and this trend is expected to continue. Indications are that this program is no longer needed.

Recently a mail ballot was conducted among members of the Idaho-Oregon Fresh Prune Marketing Committee to ascertain whether or not they favored termination of the program. This is the agency, established under the program, to administer it locally. The vote was unanimous in favor of termination. A notice of proposed termination was published in the April 30, 1979 Federal Register (44 FR 25239) allowing interested persons until July 15, 1979, to file comment. None were received. This rule has been reviewed under the USDA criteria for implementing Executive Order 12044, and has been classified "significant". A final Impact Statement is available from Malvin E. McGaha, Fruit Branch, Fruit and Vegetable Division, AMS, USDA, Washington, D.C. 20250.

Finding: It is hereby found that marketing agreement No. 140 and marketing order No. 925 do not tend to effectuate the declared policy of the act. Therefore, it is ordered that: (1) Marketing Agreement No. 140 and Order No. 925 are terminated, effective September 15, 1979;

(2) The Idaho-Malheur County Fresh Prune Marketing Committee members and alternates, after disposition of committee funds and other assets, are hereby relieved of their powers and duties under this order;

(3) Committee funds totaling about $1,080 in unexpended assessment funds are to be transferred to the University of Idaho for prune research; and

(4) Committee fixed assets are hereby transferred to local industry groups, e.g.,

the Idaho-Oregon Fruit and Vegetable Association, Inc., Parma, Idaho.

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

Dated: August 1, 1979, to become effective September 15, 1979.

P. R. "Bobby" Smith,

Assistant Secretary for Marketing and Transportation Services.

[FR Doc. 79-24257 Filed 8-6-79; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 947

Irish Potatoes Grown in Modoc and Siskiyou Counties in California and in All Counties in Oregon Except Malheur County; Handling Regulation—Correction

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final Rule; Correction.

SUMMARY: This corrects FR Doc. 79–21960 on page 41171 of the **Federal Register** of July 16, 1979, by changing the words "Russet Burbank" in paragraph(b)(3)(ii) to "all russet type potatoes," as recommended by the Oregon California Potato Committee. As Russet Burbank variety potatoes are also referred to by the name "Netted Gems" such a change would prevent misunderstandings among handlers covered by the regulation as to the minimum size requirements for such potatoes.

EFFECTIVE DATE: September 1, 1979.

FOR FURTHER INFORMATION CONTACT: William D. Paterson (202) 447–2788.

In FR Doc. 79–21960 on page 41171 in the **Federal Register** of July 16, 1979, paragraph(b)(3)(ii) of § 947.338 is corrected by changing the words "Russet Burbank" to "all russet type potatoes."

The corrected paragraph(b)(3)(ii) is as follows:

§ 947.338 Handling regulation.

* * * * *

(b) * * *

(3) * * *

(ii) beginning September 1, 1979, all russet type potatoes—2 inches in diameter or 4 ounces in weight.

* * * * *

(Secs. 1–19, 49 Stat. 31, as amended (7 U.S.C. 601–674))

Dated August 1, 1979, to become effective September 1, 1979.

James S. Miller,

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

[FR Doc. 79-24264 Filed 8-6-79; 8:45 am]

BILLING CODE 3410-02-M

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7 CFR Part 993

Dried Prunes Produced in California; Expenses of the Prune Administrative Committee, and Rate of Assessment, for the 1979–80 Crop Year

AGENCY: Agricultural Marketing Service,USDA.

ACTION: Final rule.

SUMMARY: This regulation authorizes expenses and a rate of assessment for the 1979–80 crop year, to be collected from handlers to support activities of the Committee which locally adminsters the Federal marketing order covering California dried prunes.

DATES: Effective August 1, 1979 through July 31, 1980.

FOR FURTHER INFORMATION CONTACT: William J. Higgins (202) 447–5053.

SUPPLEMENTARY INFORMATION: Pursuant to Marketing Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Committee, established under this marketing order, and upon other information, it is found that the expenses and rate of assessment as hereinafter provided, will tend to effectuate the delared policy of the act.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking and postpone the effective date until 30 days after publication in the **Federal Register** (5 U.S.C. 553), as the order requires that the rate of assessment for a particular crop year shall apply to all assessable dried prunes handled from the beginning of such year which begins August 1, 1979. To enable the Committee to meet crop year obligations approval of the expenses and assessment rate is necessary without delay. Handlers and other interested persons were given an opportunity to submit information and views on the expenses and assessment rate at an open meeting of the Committee. It is necessary to effectuate the declared purposes of the act to make these provisions effective as specified.

Further, in accordance with procedures in Executive Order 12044, the emergency nature of this regulation warrants publication, without opportunity for further public comments. The regulation has not been classified significant under USDA criteria for implementing the Executive Order. An Impact Analysis is available from William J. Higgins (202) 447–5053.

The expenses and assessment rate for the 1979–80 crop year follow:

§ 993.330 Expenses and rate of assessment.

(a) Expenses that are reasonable and likely to be incurred by the Prune Administrative Committee during the 1979–80 crop year, will amount to $210,000.

(b) The rate of assessment for said year payable by each handler in accordance with § 993.81 is fixed at $1.75 per ton of salable prunes.

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

Dated: August 1, 1979.

James S. Miller,

Acting Deputy Director, Fruit and Vegetable Division.

[FR Doc. 79-24324 Filed 8-6-79; 8:45 am]

BILLING CODE 3410-02-M

Farmers Home Administration

7 CFR Parts 1822, 1861, 1863, 1872, 1945, 1951, 1955

[FmHA Instruction 1951-A]

Account Servicing Policies; Redesignation and Revision of Regulations

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) is redesignating and revising its Account Servicing regulations. The intended effect of this action is to incorporate provisions of the Agricultural Credit Act of 1978 and to clarify and simplify regulations for account servicing of borrower loans. This action results from recently enacted legislation and a general revision and renumbering of FmHA regulations.

EFFECTIVE DATE: August 7, 1979.

FOR FURTHER INFORMATION CONTACT: James E. Lee, (202) 447–6257.

SUPPLEMENTARY INFORMATION: FmHA proposes to amend its regulations for Account Servicing by establishing a new Subpart A of Part 1951, Chapter XVIII,

Title 7 in the Code of Federal Regulations. This subpart replaces Subpart A of Part 1861. Numerous changes have been made for clarity. § 1951.17 has been revised as a result of 4 comments received on a document regarding moratorium on payments published at 42 FR 55090 on 10/13/77.

The following are the major changes to the regulations:

(1) Section 1951.6—New section on handling payments to incorporate AL 90 (451).

(2) Sections 1951.1 to 1951.20—Little change, except for § 1951.6. Some editing has been done for clarification.

(3) Section 1951.25—New section to provide for the review of limited resource OL and FO loans.

(4) Section 1951.33—Contains provisions for rescheduling, consolidating and deferring existing OL, EM and EE loans.

(5) Section 1951.40—Contains provision for reamortizing and deferring payments on FO, SW, RL, EM and EE loans and provides for the use of a new Form FmHA 1951–4, "Change in Rates and Terms," to notify the Finance Office of these changes.

It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. However, these regulations are not being published for comment because the majority of the changes were made to restructure existing account servicing regulations and incorporate provisions of the Agricultural Credit Act of 1978. Therefore, public participation is unnecessary. Also due to the fact that the new loan making regulations are already issued any delay in the issuing of these account servicing regulations would not be in the best interest of the public. This determination was made by H. Allan Brock, Deputy Administrator, Farm & Family Programs, FmHA.

Therefore, Title 7, Chapter XVIII is amended as follows:

SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

PART 1822—RURAL HOUSING LOANS AND GRANTS

Subpart A—Section 502 Rural Housing Loan Policies, Procedures, and Authorizations

§ 1822.18 [Amended]

1. § 1822.18, line 13 change the reference from "§ 1861.9(e)(i)" to "§ 1951.20 or § 1951.40."

SUBCHAPTER E—ACCOUNT SERVICING

PART 1861—ROUTINE

Subpart A [Deleted]

2. Subpart A of Part 1861 is hereby deleted from the CFR.

Subpart C [Amended]

3. The title of Subpart C of Part 1861, is amended to read "Servicing Association and Organization Loans and Security".

§ 1861.46 [Amended]

4. In § 1861.46(b) line 3, change the reference from "Subpart A of this Part" to "Subpart A of Part 1951 of this Chapter."

PART 1863—REAL ESTATE TAX SERVICING

§ 1863.4 [Amended]

5. In § 1863.4, line 17 of the introductory paragraph, change "Part 1861" to "Part 1951".

SUBCHAPTER F—SECURITY SERVICING AND LIQUIDATIONS

PART 1872—REAL ESTATE SECURITY

Subpart A—Servicing and Liquidation of Real Estate Security for Loans to Individuals and Certain Note-Only Cases

§ 1872.3 [Amended]

6. In § 1872.3(a) line 17, change the reference from "1861" to "1951".

§ 1872.4 [Amended]

7. In § 1872.4(d) line 71 (line 11 from the end of the paragraph) of the introductory paragraph, change the reference from "§ 1861.9" to "§ 1951.20 or 1951.40."

§ 1872.9 [Amended]

8. In § 1872.9(d) lines 22 and 23, change the reference from "§ 1861.3 of Subpart A, Part 1861, Subchapter E" to "§ 1951.9."

SUBCHAPTER H—PROGRAM REGULATIONS

PART 1945—EMERGENCY

Subpart B—Emergency Loan Policies, Procedures and Authorizations

§ 1945.68 [Amended]

9. In § 1945.68(c)(8) lines 16, 17, 18, change the reference from "Parts 1861 and 1864 of this Chapter (FmHA Instructions 451.1 and 456.1)" to "Parts 1951 and 1864 of this chapter (FmHA Instruction 1951.1)—A and 456.1".

Subpart C—Economic Emergency Loans

§ 1945.119 [Amended]

10. In § 1945.119(h) lines 16, 17 and 18, change the reference from "Parts 1861 and 1864 of this chapter (FmHA Instructions 451.1 and 456.1)" to "Parts 1951 and 1864 of this chapter (FmHA instruction 1951.1–A and 456.1)".

PART 1955—REAL ESTATE AND CHATTEL PROPERTIES

Subpart A—Liquidation of Loans and Acquisition of Property

§ 1955.10 [Amended]

11. In § 1955.10, (5), lines 19, 20 and 21 change the reference from "§ 1861.1(b) of this chapter (FmHA Instruction 451.1, paragraph I B" to "1951.7(b) of this chapter (FmHA Instruction 1951.7 (b))."

§ 1955.15 [Amended]

12. In § 1955.15, (b)(2), lines 22 and 23, change the reference from "§ 1861.10 of this chapter (FmHA Instruction 451.1, paragraph X)" to "§ 1951.17 of this chapter."

13. In § 1955.15(d) (4), lines 10 and 11, change the reference from "§ 1861.5 of this chapter (FmHA Instruction 451.1, paragraph V)" to "§ 1951.11(b)."

14. As revised and redesignated from Subpart A of Part 1861, the new Subpart A of Part 1951 is added and reads as follows:

SUBCHAPTER H—PROGRAM REGULATIONS

PART 1951—SERVICING AND COLLECTIONS

Subpart A—Account Servicing Policies

Sec.

1951.1 Purpose.
1951.2 Policy.
1951.3 Authorities and responsibilities.
1951.4–1951.5 [Reserved].
1951.6 Handling payments.
1951.7 Accounts of borrowers.
1951.8 Types of payments.
1951.9 Distribution of payments when a borrower owes more than one type of FmHA loan.
1951.10 Application of payments on Operating (OL), Emergency (EM), Economic Emergency (EE), Economic Opportunity (EO) loans to individuals, Soil and Water Conservation (SW) coded "24", and other production type loan accounts.
1951.11 Application of payments on real estate accounts.
1951.12 Changes in the application of loan payments.
1951.13 Overpayments and refunds.
1951.14 Recoverable and nonrecoverable cost charges.

Sec.

1951.15 Return of paid-in-full or satisfied notes to borrower.
1951.16 Other servicing actions on real estate type loan accounts.
1951.17 Moratorium on principal and interest payments on Sections 502 and 504 loans
1951.18–1951.19 [Reserved]
1951.20 Reamortizing direct and insured Sections 502 and 504 RH accounts.
1951.21–1951.24 [Reserved]
1951.25 Review of limited resource FO and OL loans.
1951.26–1951.32 [Reserved]
1951.33 Deferral, consolidation and rescheduling of OL, EM and EE loans made for subtitle B purposes.
1951.34–1951.39 [Reserved]
1951.40 Deferment and reamortization of FO, SW, RL, and EE or EM loans made for real estate purposes.
1951.41–1951.50 [Reserved]
Exhibit A—Schedule of Automatic Interest Rate Increases for Limited Resource FO loans
Exhibit B—Notice of change in interest rate

Subpart A—Account Servicing Policies

§ 1951.1 Purpose.

This Subpart sets forth the policies and procedures to use in servicing borrower's accounts.

§ 1951.2 Policy.

Borrowers are expected to pay their debts to the Farmers Home Administration (FmHA) in accordance with their agreements and ability to pay. They will be encouraged to pay ahead of schedule, consistent with sound financial management. When borrowers have acted in good faith and have exercised due diligence in an effort to pay their indebtedness but cannot pay on schedule because of circumstances beyond their control, servicing actions will be consistent with the best interests of the borrower and the Government. It is policy of this agency to service borrower loan accounts without regard to race, color, religion, sex, marital status, national orgin, age, physical or mental handicap (borrower must possess the capacity to enter into a legal contract for services).

§ 1951.3 Authorities and responsibilities.

County Supervisors are responsible for servicing all FmHA accounts serviced by the County Office as prescribed by this Subpart under the general guidance and supervision of District Directors and State Office personnel. Full use will be made of the County Office Management System in account servicing.

§ 1951.4–1951.5 [Reserved]

§ 1951.6 Handling payments.

(a) *Payments on Rural Housing (RH) loans.* Payments on RH loans will be handled in accordance with Part 1951, Subpart B and FmHA Instruction 451.7 (available in any FmHA office).

(b) *Payments for other than RH, Farm Ownership (FO) and Soil & Water (SW) loans.* These payments will be handled in accordance with Part 1951, Subpart B.

(c) *Payments for FO and SW loans.* (1) Payments made through the County Office without direct payment cards for FO and SW loans will be handled in accordance with Part 1951, Subpart B.

(2) Payments for FO and SW loans made through the County Office with direct payment cards will be handled as follows:

(i) County Supervisors may put FO and SW borrowers on direct payment cards systems if the borrower only needs limited credit counseling or only makes one annual installment per year on the loan.

(ii) For new loans, the County Supervisor will indicate by checking the appropriate block on Form FmHA 440–1, "Request For Obligation of Funds," that for selected borrowers direct payment cards are to be mailed to the County Office.

(iii) An existing loan borrower may be put on or taken off this direct payment card system by filling out Form FmHA 451–34, "Direct Payment Plan Change," in accordance with the Forms Manual Insert (FMI) and mailing it to the Finance Office.

(iv) Payments must be made by check or money order payable to the Farmers Home Administration. The check or money order with the appropriate payment card should be placed in the direct payment envelope and forwarded directly to the Finance Office with any other items being mailed that day.

(v) The Finance Office upon receipt of the payment card and check or money order will credit the borrower's account with payment as of the date the payment is received in the Finance Office.

(vi) When the Finance Office receives payment card number 10, a new supply of cards will be mailed to the County Office. All 12 payment cards should be used before using the new supply.

(3) Direct payment for FO and SW loans mailed directly to the Finance Office by the borrower are handled as follows:

(i) The County Supervisor will select the FO and SW borrowers who, in the supervisor's opinion are capable of making direct payments to the Finance Office. The County Supervisor will not select borrowers who (a) will need frequent credit counseling, (b) because of the lack of education or other reasons, are not capable of assuming responsibility for making payments directly to the Finance Office, or (c) have payments directly assigned to FmHA, such as milk assignments. The fact that a borrower does not maintain a checking account will not, however, prevent selection for direct payments.

(ii) For new loans the County Supervisor will indicate on Form FmHA 440–1 the selected borrowers by checking the appropriate box. The payment card packet will be forwarded to the County Office at the time the loan is obligated. It will be delivered to the borrower at loan closing, at which time the use of the payment cards will be explained to the borrower.

(iii) For Assumption Agreements, the packet will be mailed to the borrower at the time the Assumption Agreement is processed in the Finance Office.

(iv) The payment cards and pre-addressed envelopes, together with instructions on how to use the cards and a record keeping card, will be assembled into an envelope in which the borrower may retain the records. The Form FmHA 370–45 "Direct Payment Card," will be numbered 1–12, even though the borrower may have less or more than 12 payments scheduled during the year.

(v) The Finance Office upon receipt of Form FmHA 370–45 and a check or money order will credit the borrower's account with payment as of the date the payment is received by the Finance Office.

(vi) When the Finance Office receives Form FmHA 370–45 for payment number 10, a new supply of Forms FmHA 370–45 will be prepared and mailed to the borrower. All 12 copies of Form FmHA 370–45 should be used before using the new supply.

(vii) If a borrower is on direct payment and receives a subsequent FO or SW loan, the Finance Office will send a set of Forms FmHA 370–45 with "FO" or "SW" in the loan number block. This indicates the borrower has more than one loan of the particular type. The borrower will be instructed by the County Office to send a Form FmHA 370–45 showing the amount and a check or money order for the total payment.

(d) *County Office handling of direct payment accounts.* Form FmHA 405–1, "Management System Card—Individual" and Form FmHA 405–5, "Management System Card—Individual (Rural Housing only)," will be used in the County Office Management System

Box. These forms and the transaction records will be maintained as prescribed in FmHA Instruction 405.1 (available in any FmHA office). In addition, an orange signal will be placed to the left of Position A on Form FmHA 405–1 to denote that the borrower is on the direct payment system. If a borrower fails to make payments as agreed, or becomes delinquent in taxes or insurance so that it is necessary for FmHA to pay taxes or insurance by voucher, the County Supervisor may request the Finance Office to remove the borrower from the direct payment method. If this decision is made, the County Supervisor will contact the borrower and collect the remaining supply of Forms FmHA 370–45 which will be destroyed. The borrower will be informed that payments after that date should be made to the County Office. If at a later date the borrower is making payments on schedule, the County Supervisor may request the Finance Office to put the borrower back on the direct payment method and provide a new set of Forms FmHA 370–45. These changes are made by filling out Form FmHA 451–34 in accordance with the FMI and mailing it to the Finance Office.

(e) *Account servicing actions retained by the County Office.* For those borrowers who make direct payments to the Finance Office, the County Supervisor will continue to handle the following servicing actions:

(1) Any regular payments a borrower is to make prior to receiving the packet of payment cards will be made through the County Office in the usual manner.

(2) All payments other than regular payments will be made through the County Office in the usual manner.

(3) The County Supervisor will counsel with borrowers concerning questions they have about their account. If assistance is needed the County Supervisor will contact the State or Finance Office as appropriate.

(4) If an uncollectible item is received, the Finance Office will reverse the amount from the borrower's account and a new Form FmHA 451–26, "Transaction Record," reflecting the uncollectible amount will be prepared. The Form FmHA 451–26 will be mailed to the County Office. The uncollectible item with a transmittal memorandum will be sent to the County Office. The County Office will return the uncollectible check to the borrower after it is fully redeemed. The borrower will make payment by sending a new check and a new payment card to the Finance Office.

(f) *Borrowers receiving other type loans.* If a borrower is on direct payment and subsequently receives another type loan, the original loan may remain on the direct payment system.

§ 1951.7 Accounts of borrowers.

(a) *Accounts of active borrowers.* The foundation for proper and timely debt payment is sound farm and home planning or budgeting, including plans for debt payment, supplemented by effective followup management assistance. Account servicing, therefore, must begin with initial planning and must be an integral part of analysis and subsequent planning, as well as followup management assistance.

(b) *Accounts of collection-only borrowers.* (1) Collection-only borrowers are expected to pay debts to FmHA in accordance with their ability to pay. Efforts to collect such debts, including use of collection letters and account servicing visits, must be coordinated with other program activities. If these borrowers are unable to pay in full, appropriate debt settlement policies should be promptly applied.

(2) When a collection-only borrower who is employed by the Federal Government has the ability to pay all or part of the debt to FmHA but refuses to do so, the County Supervisor will contact the employing agency, including the military establishment or the Coast Guard, to arrange for the orderly retirement of the debt by allotment or otherwise. (This procedure is authorized by 4 CFR 102.5 of the Joint Regulations issued by the General Accounting Office and the Department of Justice pursuant to section 3 of the Federal Claims Collection Act of 1966). If this effort to collect the debt fails, the County Supervisor will submit the case to the State Director in accordance with the provisions of Subpart A of Part 1962 of this Chapter.

(3) Envelopes addressed to collection-only borrowers will bear the legend "DO NOT FORWARD". When an envelope is returned indicating the borrower has moved, appropriate steps will be taken to determine the borrower's correct address.

(4) Regular County Office employees are generally expected to service the collection-only caseload when it is of moderate size. State Directors may assign additional employees to County Offices having large collection-only caseloads when necessary to service such cases to a prompt conclusion. State Directors may inform the National Office of the need for employing special collection personnel in urban areas having large collection-only caseloads when employees are not available to assign to such areas.

(5) The following actions will be taken in servicing accounts owed by collection-only borrowers:

(i) District Directors will review all collection-only cases in each County Office with the County Supervisor as early in each fiscal year as possible. They will jointly agree on the actions to take and will complete Form FmHA 451–27, "Review of Collection-Only Accounts."

(ii) District Directors will establish with County Supervisors a systematic plan for collecting the accounts or initiating appropriate debt settlement actions during the year.

(iii) County Supervisors will include in their monthly calendars plans for servicing these accounts.

(iv) On visits to County Offices, District Directors will review the progress being made by County Supervisors to insure that goals will be reached.

(c) *Notifying borrowers of payments.* County Supervisors will notify borrowers of the dates and amounts of payments that have been agreed on for all types of accounts. Form FmHA 451–3, "Reminder of Payment to be Made," or similar form approved by the State Director, will be used. These notices will be timed to reach borrowers immediately before the receipt of the income from which the payments should be made or before the installment due date on the note, as appropriate, and may include other pertinent information such as a reference to agreements reached during the year and sources of income from which the payment was planned. Such notices need not be sent when frequent payments are scheduled and the borrower customarily makes the payments when due.

(d) *Subsequent servicing.* When a borrower fails to make a payment as agreed, the County Supervisor will contact the borrower to discuss the reasons why the payment was not made and to develop specific plans for making the payment. Form FmHA 451–32, "Notice of Payment Due," may be used to notify borrowers who make payments directly to the Finance Office that their payment has not been received. Form FmHA 450–13, "Request for Assignment of Income From Trust Property," may be used when other methods of loan collection fail and debt repayment is possible from trust income. In the event the borrower refuses to make the payment when income is available, or if it is determined that income will not be available to make the payment within a reasonable length of time and will not be available to make future payments, action will be taken to protect the

Government's interest in accordance with applicable regulations. Followup actions for subsequent servicing will be noted on appropriate Management System Cards.

(e) *Maintaining records of accounts in County Offices.* Records of the accounts of FmHA borrowers will be maintained in the County Office on Forms FmHA 405–1, FmHA 405–5, and FmHA 405–10, "Advice of Borrower's Change of Address or Name," as provided in FmHA Instruction 405.1 (available in any FmHA office).

(f) *Inquiry Station.* The following information concerning individual borrower transactions can be obtained from the Finance Office Inquiry Station by County Offices:

(1) Unpaid balances on accounts being transferred.

(2) Status on loan dockets submitted for obligation.

(3) Status of loan checks not received within two weeks of date requested.

(4) Unpaid balances for final payments on all types of loans.

(5) Status of insured notes for loan servicing. If a particular note is needed but is not at the County Office, ask the operator to determine the note's location. If it is held by a private investor, the Finance Office can arrange for its repurchase.

(6) Help in problem cases when information requests through regular channels within the Finance Office have not been responded to or the information received was inaccurate. *DO NOT* make initial contacts on such cases through an inquiry station—go to the appropriate unit of the Finance Office. For the telephone number and further information on use of the inquiry station please consult the booklet "Inquiry Station Helps County Offices Get the Facts on Borrower Accounts."

§ 1951.8 Types of payments.

(a) *Regular payments.* Regular payments are all payments other than extra payments and refunds. Usually, regular payments are derived from normal farm or non-farm income, and do not include proceeds from the sale of basic chattel or real estate security. Regular payments also include payments derived from sources such as Agricultural Stabilization and Conservation Service payments (other than those referred to in paragraph (b) of this section), off-farm income, inheritances, life insurance, and normal income as defined in Subpart A of Part 1872 of this Chapter (FmHA Instruction 465.1), including income from leases or bonuses. Regular payments in the case of a Section 502 RH loan to an application involved in a mutual self-help project will include loan funds advance for the payment of any part of the first and second installments. All payments to the Finance Office by direct payment borrowers are considered regular payments.

(b) *Extra payments.* Extra payments are payments derived from:

(1) Sale of basic chattel or real estate security, including rental or lease of real estate security of a depreciating or depleting nature.

(2) Refinancing of the real estate debt.

(3) Mineral royalties.

(4) Cash proceeds of real property insurance as provided in Subpart A of Part 1806 of this Chapter (FmHA Instruction 426.1).

(5) A sale of real estate not mortgaged to the Goverment, pursuant to a condition of loan approval.

(6) Agricultural Conservation Program payments as provided in Subpart A of Part 1941 of this Chapter.

(7) Transactions of a similar nature which reduce the value of basic security.

(c) *Refunds.* Refunds are payments derived from the return of unused loan or grant funds, except that the term "refunds" as used in Form 1940–17, "Promissory Note," will be construed to mean the return of funds advanced for capital goods, when a loan is made for operating purposes.

§ 1951.9 Distribution of payments when a borrower owes more than one type of FmHA loan.

"Distribution" means dividing a payment into parts according to the rules set out in this section.

(a) *Distribution of regular payments.* (1) When a borrower owes more than one type of FmHA loan, regular payments received from *each crop year's income* will be distributed in accordance with the following priorities:

(i) *First,* to an amount equal to any advances made by FmHA for the crop year's living and operating expenses. If no advances were made, distribute the payment according to § 1951.9 (a)(1)(ii). If the amount of the payment was greater than the amount of any advances, the excess should be distributed according to § 1951.9(a)(1)(ii).

(ii) *Second,* to FmHA loans in proportion to the approximate amounts due on each for the year. In determining the amounts due for the year, deduct an amount equal to any advances or the year's living and operating expenses. If the amount of the payment exceeds the amount of any advances *plus* the amount due on each loan for the year the excess should be distributed according to § 1951.9(a)(1)(iii).

(iii) *Third,* to FmHA loans in proportion to the delinquencies existing on each. If the amount of the payment exceeds the amount of any advances *plus* the amount due on each loan for the year *plus* any delinquencies, the excess should be distributed according to § 1951.9(a)(1)(iv).

(iv) *Fourth,* as advance payments on FmHA loans. In making such distribution consider the principal balance outstanding on each loan, the security position of the liens securing each loan, the borrower's request, and related circumstances.

(2) When the County Supervisor determines it is reasonable to expect that the income which will be available for payment on FmHA debts will be sufficient to pay the installments scheduled for the year under the first and second priorities, collections may be distributed so as to avoid unnecessary delinquencies and regular payments derived from rental or lease of real estate security after approval of foreclosure or voluntary conveyance will be distributed to the real estate lien of the highest priority.

(3) Payments will be distributed differently than the priorities provided in this section if accounts are out of balance or a different distribution is needed to protect the Government's interest.

(b) *Distribution of extra payments.* Extra payments will be distributed first to the FmHA loan having highest priority of lien on the security from which the payment was derived. When the payment is in excess of the unpaid balance of the FmHA lien having the highest priority, the balance of such payment will be distributed to the FmHA loan having the next highest priority.

(c) *Application of payments.* After the decision is reached as to the amount of each payment that is to be distributed to the different loan types, application of the payment will be governed by §§ 1951.10 or 1951.11 of this Subpart as appropriate.

§ 1951.10 Application of payments on Operating (OL), Emergency (EM), Economic Emergency (EE), Economic Opportunity (EO) loans to individuals, Soil and Water Conservation (SW) coded "24", and other production type loan accounts.

Employees receiving payments on OL, EM, EE, EO, SW coded "24", and other production-type loan accounts will select, in accordance with the provisions of this paragraph, the account(s) to which such payment will be applied. All

payments on OL and EM loans approved on or before December 31, 1971, will be credited by the Finance Office first to unpaid billed interest and then to principal. All payments on all other loans including OL and EM loans approved after December 31, 1971, will be credited first to interest to the date of the payment and then to principal.

(a) *Rules for selection of accounts.* The following rules will govern the selection of accounts and installments to which payments will be applied. As used in this section, "recoverable costs" are those which the loan agreement documents say the borrower is primarily responsible for paying and which the government can charge to the borrower's account.

(1) Payments from the sale of security representing normal income or from assignments of income will be applied first to accounts with small balances, including recoverable costs, to remove such accounts from the records. Any balance will be applied on debts secured by the lien in the following order:

(i) To amounts due or falling due on loans made in connection with the current year's operations, except:

(A) When funds loaned for the purchase of capital goods were used to meet the current year's operating expenses, payments will be applied first to the final unpaid installments to the extent of the loan funds so used. These payments will be treated as extra payments.

(B) When installments on loans previously made fall due before the installment on the loan for the current year's operations or when such loans are delinquent and it is anticipated that sufficient income will be received to meet the installment on the current year's operations when due, collections may be applied first to installments on loans made in previous years.

(ii) To accounts having the oldest delinquencies, or if no delinquencies, to the oldest unpaid account, except that the amount available for payment on OL and EM loan accounts will be prorated between the two accounts on the basis of:

(A) The delinquent amount owed on each, or

(B) The total amount owed on each if there are not delinquencies.

(2) Payments derived from the sale of basic security, including real estate security, will be applied to the earliest account secured by the earliest lien covering such basic security. The amount to be applied to principal will be applied to the final unpaid installment(s).

(3) On partial refunds of loan advances, the amount to be applied to the principal will be applied to the final unpaid installment on the note which evidences such advance; however, when the refund represents an advance for current farm and home expenses repayable within the year, it may be applied to the principal on the first unpaid installment on such note as a regular payment.

(4) Total refunds of loan advances will be applied to the notes which evidence such advances.

(5) In applying payments from sources other than those in paragraphs (a) (2), (3), and (4) of this section, the borrower has the right to select the loan account or accounts on which such payments will be applied. In the absence of the borrower's selection, such payments generally will be applied in the following order:

(i) To accounts with small balances, including recoverable costs.

(ii) To accounts with the oldest unsecured note(s).

(iii) To accounts with the oldest delinquencies.

(iv) To accounts with the oldest secured note or notes.

(6) Employees receiving collections are authorized to make exceptions to paragraphs (a) (1), (2), and (5) of this section when it is necessary to apply a part of a payment to delinquent accounts to prevent the Federal Statute of Limitations from being asserted as a defense in suits on FmHA claims.

(b) *Payments in full.* (1) When it is intended to pay one or more of a borrower's accounts in full, the collection officials will collect all of the interest and principal shown on Form FmHA 389–223 "Rural Housing Monthly Payment Account Status Report," for the account(s) to be paid in full plus interest on the account from the effective date of the report to the date of the collection. If uncertain, check with the Finance Office Inquiry Station for final payment.

(2) Errors of a significant amount in computation or collection will be called to the attention of the collection official by the Finance Office. The borrower's note will not be returned until the balance on the loan account is paid in full. Claims by or on behalf of the borrowers that the amounts owed have been computed incorrectly will be referred to the Finance Office.

§ 1951.11 Application of payments on real estate accounts.

(a) *Regular payments.* If a borrower owes more than one type of real estate loan, or has received initial and subsequent loans on which separate accounts are maintained, payments on such accounts should be applied so as to maintain the note accounts approximately in balance at the end of the year with respect to installments due on the notes, other charges, and delinquencies.

(1) All regular payments on direct loan accounts will be applied first to interest accrued to the date of the receipt of payment and then to principal.

(2) All regular payments on insured loan accounts will be applied first to any unpaid balance of the insurance account, including unpaid interest on any advance from the insurance fund which is shown on the statement of account, and second to interest accrued on the note as of the date of the receipt of payment. Any remainder will be applied to the principal balance on the note. For amortized cost item accounts application will be made to only amount due before application to interest and principal on the note.

(b) *Refunds and extra payments.* (1) Refunds will be applied to the note representing the loan from which the advance was made.

(2) Extra payments will be applied to the note secured by the earliest mortgage on the property from which the extra payment was obtained. The amount to be applied to principal will be applied to the final unpaid installment(s).

(3) Funds remaining from an RH grant or a combination loan and grant, after completion of development, will be refunded. If the borrower received a combination loan and grant, the remaining funds up to the amount of the grant are considered to be grant funds.

(c) *County Office actions.* (1) The collecting official will complete Form FmHA 451–1, "Acknowledgment of Cash Payment," in accordance with the FMI when cash or money orders are received as a payment.

(2) The collecting official will complete Form FmHA 451–2, "Schedule of Remittances," in accordance with the FMI.

(d) *Finance Office handling.* (1) Regular payment will be handled as follows:

(i) Amounts paid on direct loan accounts will be credited to the borrower's account as of the date of Form FmHA 451–2 or for direct payments the date payment is received in the Finance Office, and will be applied first to interest accrued to the date received and second to principal.

(ii) Amounts paid on insured loan accounts will be credited to the borrower's account as of the date of Form FmHA 451–2 or for direct

payments the date payment is received in the Finance Office, and will be applied in the following order:

(A) Advances from the insurance funds as shown on the latest Form FmHA 389–404, "Analysis of Accounts Maturing." (If the collection is intended for final payment of the loan, or to pay the insurance account in connection with an assumption agreement, the collection will be applied first to the interest accrued on the advance to the date of the payment.)

(B) Principal advanced from the insurance fund.

(C) Unamortized costs.

(D) Amount due for amortized costs for taxes and insurance.

(E) Unpaid loan insurance charges, including the current year's charge, when applicable.

(F) Accrued interest to the date of the payment on the note account and then to the principal balance of the note account.

(2) Extra payments and refunds will be credited to the borrower's note account as of the date of Form FmHA 451–2 and will be applied first to interest accrued to the date of the receipt and second to principal. The amount to be applied to principal will be applied to the final unpaid installment(s). Extra payments and refunds will not affect the schedule status of a borrower except indirectly in connection with the amortization of a direct loan.

(3) The Finance Office will remit final payments promptly to lenders. Other collections (regular, extra, and refunds) applied to a borrower's insured note will be accumulated until the annual installment due date, and will be remitted along with any advances from the insurance fund to the lender within 30 days after the installment due date. All payments to a lender will be credited first to interest to the date of the Treasury check and then to principal. Since the application of a payment to a borrower's account with the Government and the Government's account with a lender is of a different effective date, the balance owed by a borrower to the Government and by the Government to a lender ordinarily will not be the same.

§ 1951.12 Changes in the application of loan payments.

(a) *Authority to change payments.* County Supervisors and Assistant County Supervisors are hereby authorized to approve requests for changes in the application of payments between loan accounts when payments have been applied in error and such requests conform to the policies expressed in this Subpart. However, no change will be made if the payment applied in error resulted in the payment in full of any FmHA loan and the canceled note or notes have been returned to the borrower.

(b) *Form FmHA 451–7, "Request for Change in Application."* Requests for changes in application of payments will be made on Form FmHA 451–7. For requests which County Supervisors or Assistant County Supervisors are authorized to approve, the County Supervisor or Assistant County Supervisor will sign the original of Form FmHA 451–7 and forward it to the Finance Office. The Finance Office will send Form FmHA 451–26 to the County Office when the change is made on Finance Office records.

(c) *Changes by the Finance Office in application of remittances.* (1) When reapplication of collections is made by the Finance Office Form FmHA 451–8, "Journal Voucher for Loan Account Adjustments," will be prepared. Form FmHA 451–26 will be forwarded to the County Office to show the reapplication.

(2) When necessary, the Finance Office will correct Form FmHA 451–2 as prepared by the County Office.

§ 1951.13 Overpayments and refunds.

(a) The Finance Office will mail any overpayment refund check to the County Supervisor, who will verify that the refund is due before delivering the check.

(b) Borrower requests for overpayment refunds must be in writing. Borrowers will be discouraged from requesting refunds when the County Office records show that a refund is not due, however, the County Supervisor will forward any requests to the Finance Office. Finance Office computations will control in determining the amount of any refund.

(c) Underpayments or overpayments of less than $10 will not be collected or refunded (except as provided in paragraph (b) of this section) since the expense of processing the action would be more than the amount involved.

§ 1951.14 Recoverable and nonrecoverable cost charges.

(a) The County Supervisor will: (1) Prepare vouchers for recoverable and nonrecoverable cost charges according to the applicable instructions for the type of advance being made. ("Recoverable costs" is defined in § 1951.10 (a) of this Subpart).

(2) If a recoverable cost, show on the voucher the fund code to which the advance is to be charged.

(3) If the cost item relates to security for more than one type of account, show the code for the loan secured by the earliest promissory note (if lien secures more than one note.)

(b) The Finance Office will forward Form FmHA 451–26, to the County Office when the recoverable cost charge is processed.

§ 1951.15 Return of paid-in-full or satisfied notes to borrower.

(a) *Notes not held in County Office.* When the original of the note is not held in the County Office the County Supervisor will request the Finance Office to acquire and forward the note to the County Office.

(b) *Return of notes after collection.* When a note (or loan-type account) evidencing an OL, EM, EE, EO, Special livestock (SL), SW loan coded "24", or other production-type loan has been satisified by payment in full, the County Supervisor will examine the borrower's records in the County Office and determine that the account has been satisfied before delivering the note to the borrower (See § 1962.27 of Subpart A of Part 1962 on the satisfaction of chattel security instruments). The note(s) will be returned to the borrower immediately except that:

(1) When the final payment is made in a form other than currency and coin, Treasury check, cashier's check, certified check, Postal or bank money order, bank draft, or a check issued by a responsible lending institution or a responsible title insurance or title and trust company, the note or notes will not be surrendered until 30 days after the date of final payment, and

(2) When notes are needed in making marginal releases or satisfactions of security instruments, the notes will be held until the instruments are satisfied.

(c) *Surrender of notes to effect collection.* (1) County Supervisors are authorized to surrender notes to borrowers when final payment of the amount due is made in the form of currency and coin, Treasury check, cashier's check, certified check, Postal or bank money order, bank draft, or a check issued by a responsible lending institution or a responsible title insurance or title trust company.

(2) The amount due on the note(s) to be surrendered will be confirmed with the Finance Office. County Supervisors will request the original note(s) from the Finance Office if it is not in the County Office.

(d) *Return of notes reduced to judgment.* Notes which have been reduced to judgment are a part of the court records and ordinarily cannot be

withdrawn and returned to the borrower even after satisfaction of the judgment. Therefore, no effort will be made to obtain and return such notes except on the written request of the judgment debtor or debtor's attorney. Such requests will be referred to the Office of the General Counsel (OGC).

(e) *Debt settlement case.* See Part 1864 of this Chapter (FmHA Instruction 456.1) for the handling of notes in debt settlement cases.

(f) *Loss notes.* (1) All promissory noted dated on or after 11–1–73 are held in the County Office. A few notes (with the exception of OL notes) are still held by investors. If a note dated prior to 11–1–73 cannot be located in the County Office and it is needed for servicing the case, the County Supervisor will write a memorandum to the Finance Office explaining why the note is needed. The request should give the name and case number of the borrower, date and original amount of the loan, type of loan and loan code.

(2) If a promissory note is lost in the County Office and it is needed for servicing a case, the State Director may authorize the County Supervisor to execute an appropriate affidavit regarding the lost note. The form of such an affidavit will be provided by OGC.

§ 1951.16 Other servicing actions on real estate type loan accounts.

(a) *Installment on note and other charges.* (1) *Direct loan accounts.* For a borrower with a direct loan, the term "installment on note and other charges," as used in this Subpart, will be the sum of the following:

(i) Annual installment for the year as provided in the promissory note(s).

(ii) Any recoverable cost charges paid for the borrower during the year. ("Recoverable costs" is defined in § 1951.10(a) of this Subchapter.)

(2) *Insured loan accounts.* "Loan insurance charge" means a separate insurance charge applying to FO and SW insured loans evidenced by promissory note forms bearing a form date before January 8, 1959. For all insured loans evidenced by note forms bearing a form date of January 8, 1959, or later, the insurance charge is called "annual charge" and is included in the interest position of the annual installment in the note. For a borrower with an insured loan, the term "Installment on note and other charge" means the sum of the following:

(i) Annual installment for the year as provided in the promissory note.

(ii) Amounts owed the Agricultural Credit Insurance Fund. These amounts are covered by the general term "Insurance Account" and consist of the following:

(A) Unpaid loan insurance charges from prior years.

(B) Loan insurance charge for the current year. The loan insurance charge is computed on the basis of the amount of the unpaid principal obligation as of the installment due date and is due and payable on or before the next installment due date.

(C) Any unpaid balance on advances from the insurance fund, including any recoverable cost charges paid for the borrower during the year.

(D) Any accrued interest on advances from the insurance fund.

(iii) The amounts owed on the insurance account must be paid by regular payments each year whether or not the note account is ahead of schedule.

(b) *Schedule status.* For direct and insured loans, a borrower will be on schedule when the sum of regular payments through the last preceding due date of the note equals the sum of installments on the note and other charges due through the same date. Such a borrower will be ahead of schedule or behind schedule when the sum of such regular payments is larger or smaller, respectively, than the sum of such installments on the note and other charges.

(c) *Real estate payments.* A borrower may make regular payments ahead of schedule at any time and use them later to forego payments or to supplement the amount available during any year for payment on the annual installment on note and other charges. Refunds and extra payments will not be used in this way.

§ 1951.17 Moratorium on principal and interest payments on Sections 502 and 504 loans.

A moratorium on principal and interest payments shall be granted on Sections 502 and 504 RH loans, as authorized under section 505 of the Housing Act of 1949, upon determination that, due to circumstances beyond the borrower's control, the borrower is unable to continue making scheduled payments without unduly impairing his or her standard of living. Cancellation of interest accrued during the moratorium period is also authorized in cases of extreme hardship.

(a) *Definitions.* As used in this section: (1) "Scheduled payments" means the amount of the monthly or annual installment on an RH loan promissory note as this amount may be modified by any outstanding Interest Credit Agreement, Supplementary Payment Agreement, Additional Partial Payment Agreement, or other written agreements between FmHA and the borrower.

(2) "Unduly impaired standard of living" means a condition whereby the borrower, due to circumstances beyond the borrower's control, is unable to pay normal living expenses and scheduled payments as provided by the loan documents. The borrower must present evidence that the inability to repay the loan will probably last for a period of 6 months or more and that income will be available to resume payments after the moratorium period. The circumstances include but are not limited to the following:

(i) A substantial reduction of income which will cause the total payments on the RH loan and the taxes and insurance on the dwelling to exceed the borrower's ability to pay after all interest credits authorized have been granted. (A moratorium based on loss or reduction of income will not be granted if the sum of the principal, interest, real estate taxes and insurance is less than 30 percent of the borrower's adjusted income based on the next 12 months' projected earnings. The fact that such payments would exceed 30 percent of the borrower's projected annual income does not by itself mean that the borrower is eligible for moratorium.) Such reduction may result from:

(A) Unemployment or underemployment caused by circumstances beyond the borrower's control, or

(B) Loss or reduction in benefits which constituted a substantial part of the annual income as defined in § 1822.3 (n) of Subpart A of Part 1822 of this Chapter (paragraph N of FmHA Instruction 444.1), or

(C) Illness, injury, or death of the borrower or other adult who contributed to the annual income, or

(D) A situation in which a spouse is living apart from the borrower's family and away from the RH financed dwelling and legal papers have been filed with the appropriate court to commence divorce or legal separation proceedings provided: The remaining spouse is occupying the dwelling, owns a legal interest in the property, is liable for the debt, and the loan account is put in the remaining spouse's name only, or

(E) A situation in which a spouse has lived apart from the borrower's family and away from the RH financed dwelling for 6 months or longer because of broken marriage or separation and not because of work assignment or military order and legal papers have not been filed to commence divorce

proceedings, provided the conditions of § 1951.17 (a)(2)(i) of this Subpart are met by the borrower who is living in the dwelling. (For purposes of the retroactive provisions of paragraph (b)(4) of this Section, the moratorium may be effective 90 days prior to the end of the 6-month period or the filing of a request for moratorium, whichever is later.)

(ii) The need to pay certain essential family expenses which have or may result in a lien being place on the borrower's dwelling, and which if not paid are likely to result in loss of the dwelling. Such expenses may result from:

(A) Accident, illness, or injury to the borrower or dependent member of the borrower's family, or

(B) Death of a member of the borrower's family, or

(C) Cost of repairs for uninsured damage to the security if the loss occurred because adequate insurance coverage was not available.

(3) "Extreme hardship" means that condition described in paragraph (a)(2) of this section, which has continued until interest accruing on the loan causes the amount of monthly or annual payments on the balance of the debt to exceed the borrower's repayment ability if the debt is reamortized over the remaining term of the loan plus any extension authorized in paragraph (e)(1)(iii) of this section, unless all or part of the interest which accrued during the moratorium period is canceled.

(b) *Policy guidelines in granting moratorium.* (1) Applicants and borrowers will be advised of the moratorium provisions as follows:

(i) In the interview required by § 1822.11(c) of Subpart A of Part 1822 of this Chapter, (Paragraph XI C of FmHA Instruction 444.1), the interviewer will inform the applicant(s) of moratorium provisions under this Subpart.

(ii) The County Supervisor will advise borrowers in writing of the possible availability of a moratorium when any of the following conditions exist:

(A) The County Supervisor becomes aware of a change in the borrower's circumstances which would be likely to justify the granting of a moratorium, or

(B) The borrower fails to make payments as agreed and the County Supervisor sends a collection letter or writes to schedule an appointment to develop a new repayment agreement. The letter will include the following statement: "You may be interested in knowing that you may apply for a moratorium on payments if, due to circumstances beyond your control, you are unable to continue making scheduled payments on your rural housing loan account without unduly impairing your standard of living. Some of these circumstances are: Loss of your job or sudden reduction of income from other sources; a loss of income or a substantial increase in expenses due to injury, illness, or death in the family; or under certain conditions, in cases of separation, when your spouse is living apart from the family and the RH financed dwelling."

(iii) A notice of acceleration and demand for payment (Exhibit C of Subpart A of Part 1955 of this Chapter) is sent to a borrower whose loan has been approved for forced liquidation because of monetary default. Paragraph 10 of the notice will be revised as follows: "HOWEVER, YOU HAVE THE OPPORTUNITY TO HAVE A MEETING BEFORE THIS FORECLOSURE TAKES PLACE. If you wish to make use of this opportunity to meet because you believe the United States is in error in accelerating your account(s) and proceeding with the foreclosure, or because you have not been advised of your rights to request a moratorium on payments on your rural housing loan account, you should IMMEDIATELY contact the District Director of the Farmers Home Administration in writing at the following address: ————."

(2) Moratorium on principal and interest payments on an RH loan account may be granted provided:

(i) The borrower: (A) Has, before experiencing the hardship, paid real estate taxes, property insurance premiums, and RH loan payments when due, or in accordance with an approved repayment schedule which was developed based on the borrower's ability to pay, and has complied with the other conditions of the loan documents, and

(B) Requests a moratorium on payments in accordance with paragraph (c) of this section and appropriate documents the conditions causing the unduly impaired standard of living.

(ii) The County Supervisor: (A) Has verified the accuracy of the information received with the request for a moratorium on payments from the borrower, and

(B) Has determined, after using all other alternatives such as granting all authorized interest credits, that a moratorium on payments is still necessary and the borrower is eligible for such moratorium on payments.

(3) The County Supervisor is authorized to approve or disapprove a request for a moratorium. The borrower will be notified of the action taken within 15 days after request has been received in the County Office. The decision relative to a moratorium is recorded on FmHA 451–23, "Moratorium on Payment: (Section 502–504 RH loans)." The reasons and justification for approval or disapproval will be noted or attached as additional information. An original and two copies will be prepared and distributed as indicated on the FMI. If the moratorium is denied, the borrower will not notified by letter which will include the following:

(i) A statement of the action taken, a recitation of the facts upon which the decision is based, and the specific reason(s) for the decision denying the moratorium.

(ii) An invitation to call at the County Office to discuss the decision with the County Supervisor. If the borrower wishes to bring additional information or a representative to the meeting, the borrower may do so.

(iii) A statement that the borrower may appeal the decision. The statement will advise the borrower of appeal rights, in accordance with Subpart B of Part 1900 of this Chapter.

(4) A moratorium may be granted for 6 months. The moratorium may be retroactive for up to, but not more than, 90 days prior to the date the request for a moratorium was received in the County Office if the circumstances for which the moratorium is to be granted existed during that time.

(5) Immediately before the end of each 6-month period, or sooner if the County Supervisor becomes aware of the facts that substantially change the borrower's repayment ability, the justification for a moratorium will be reviewed by the County Supervisor and the moratorium terminated or extended for another 6-month period if the facts so warrant. The extension will be processed in accordance with paragraph (b)(3) of this section prior to the expiration date of the current moratorium. No moratorium plus extensions may exceed 3 years, and 5 years from the end of the moratorium plus extensions must elapse before another moratorium may be granted unless prior approval is received from the State Director. If the situation creating a hardship continues after 3 consecutive years of moratorium and the borrower is still unable to make scheduled payments even if the account were reamortized, and all authorized interest credits were granted, and interest accrued during the moratorium were cancelled, the account must be liquidated in accordance with applicable FmHA regulations. If, at the end of the moratorium period and any extensions thereof, it is determined that

the account will be continued (as modified by any interest credit or interest cancellation assistance), it will then be handled in accordance with paragraph (e) of this section.

(6) Interest will accrue during the moratorium at the rate shown on the promissory note as modified by an Interest Credit Agreement. Interest credits will be granted and renewed throughout the period a moratorium is in effect for all loans eligible for interest credits under Exhibit E Subpart A of Part 1822 of this Chapter (FmHA Instruction 444.1).

(7) Cancellation of any part or all of the interest accrued during the moratorium plus any extension thereof, will be granted only in cases of extreme hardship as defined in paragraph (a)(3) of this section. Cancellation will be done in accordance with paragraph (e) of this section.

(c) *Request for moratorium.* The County Supervisor will provide the borrower who wishes to apply for a moratorium with two copies of Form FmHA 451–22, "Request for Moratorium on Payments (Sections 502–504 RH Loans)." The borrower, who may be assisted by County Office personnel, will complete the applicable spaces on the form, and sign and return the original to the County Supervisor. The County Supervisor will retain the original in the borrower's case folder.

(d) *Borrower's appeal of adverse action.* The borrower may appeal an adverse action on the request for moratorium, extension, or cancellation of interest accrued during the moratorium. The appeal will be handled in accordance with Subpart B of Part 1900 of this Chapter.

(e) *Action at the expiration of the final moratorium period.* (1) At the end of the moratorium period, the County Supervisor will verify the borrower's annual income and obtain a current financial statement to determine the borrower's ability to repay the unpaid balance of the RH indebtedness. Interest cancellation, reamortization of the account, and repayment schedules will be determined in accordance with the following provisions:

(i) Borrowers who can repay, within 2 years, any principal and interest which was deferred during the moratorium period, in addition to the regular scheduled installments, will execute Form FmHA 451–37, "Additional Partial Payment Agreement," to establish a new repayment schedule.

(ii) For borrowers who cannot meet the repayment requirements of paragraph (e)(1)(i) of this section, the unpaid principal and interest balance of the loan will be reamortized within the remaining term of the loan.

(iii) For borrowers who cannot meet the repayment requirements of paragraph (e)(1)(ii) of this section, the loan account will be reamortized and the remaining term of the loan may be increased to the maximum legal term for the loan (33 years from the date of the note for a section 502 RH loan, or 20 years from the date of the note for a section 504 RH loan) plus a period not to exceed the time the moratorium was in effect. State supplements will be issued for extending the term of the loan or advice will be obtained from OGC on a case by case basis. The borrower must pay for title clearance and legal services needed to assure that the Government's lien priority is retained.

(iv) If the determination is made that the borrower cannot make scheduled payments on the balance owed under the terms of paragraph (e)(1)(iii) of this section without cancellation of part or all of the interest which accrued during the moratorium, the County Supervisor will determine how much interest must be cancelled to enable the borrower to repay the loan during the time authorized in paragraph (e)(1)(iii) of this section. The County Supervisor will complete Section II of Form FmHA 451–23 indicating the amount of interest cancelled. Such amount will be deducted from the balance owned in determining a new repayment schedule.

(v) The borrower will be advised by letter of the action taken, the reasons for the action, the new repayment schedule, and that, if the borrower does not agree with the action taken, the borrower may appeal the action as provided in paragraph (d) of this section.

(2) The County Supervisor, after a determination concerning the cancellation of interest has been made, will complete Form FmHA 452–2, "Reamortization and/or Deferral Agreement," if the account is to be reamortized or Form FmHA 451–37 if reamortization is not planned. If Form FmHA 451–37 is submitted, the County Supervisor will appropriately change County Office records to reflect the amount of the new installments.

§§ 1951.18–1951.19 [Reserved]

§ 1951.20 Reamortizing direct and insured section 502 and 504 RH accounts.

Reamortizing extends loan payments to the maximum repayment period, or rearranges the payments within the remaining years of the original payment period.

(a) Sections 502 and 504 RH loan accounts may be reamortized: (1) When the borrower has made extra payments or refunds both totaling 10 percent or more of the loan being reamortized and the County Supervisor determines that the borrower cannot reasonably be expected to meet the obligation unless the account is reamortized to substantially reduce the annual or monthly installments, or

(2) At the expiration of the final moratorium period in accordance with § 1951.17(e) of this Subpart, or

(3) When a Section 502 or 504 RH loan, an FO, individual SW, RL, EE loan for real estate purposes, or EM loan for real estate purposes is being made to a presently indebted Section 502 or 504 RH borrower, and the loan approval official determines that the borrower cannot reasonably be expected to meet installments due unless the account is reamortized.

(b) To reamortize the account, the following actions will be taken: (1) Form FmHA 452–2, will be completed in accordance with the FMI.

(2) If the note or assumption agreement (new terms) being reamortized is not held in the County Office, the County Supervisor will obtain the promissory note and any assumption agreement from the Finance Office before processing the reamortization.

(3) On the back of the original of the note or assumption agreement (new terms), below all signatures and endorsements, the County Supervisor will insert the following: "A reamortization agreement and/or deferral agreement dated ——— 19—, in the principal sum of $———, has been given to modify the payment schedule of this note."

(4) The end of the amortization period will be the final due date of the note being reamortized unless the due date is extended in accordance with paragraph (e) of this section.

(5) Interest rate for the account will be unchanged.

§§ 1951.21–1951.24 [Reserved]

§ 1950.25 Review of limited resource FO and OL loans.

(a) *Frequency of reviews.* (1) OL loans will be reviewed 60 days prior to the third anniversary date of the note and at least once every two years thereafter.

(2) The interest rate on FO loans will be increased in accordance with the schedule in Exhibit A of this Subpart regardless of the borrower's circumstances at the end of the third year. The loans will then be reviewed at least once every two years,

approximately 60 days prior to the anniversary date of the note.

(3) After the first three years a review will be conducted any time a servicing action such as consolidation, rescheduling, reamortization or deferral is taken. The interest rate may not be changed more often than quarterly.

(b) *Method of review.* (1) Each loan will be considered on its own merit.

(2) The County Supervisor should consider:

(i) The borrower's income and repayment record during the preceding years;

(ii) The projections shown on the most recent Farm and Home Plan, in light of the previous year's projected figures and actual figures;

(iii) Whether improved production practices have been or need to be implemented;

(iv) The borrower's progress as a farmer; and

(v) All other factors which the County Supervisor believes should be considered.

(3) The Farm and Home Plan projections for the coming year for "balance available to pay debts" should exceed the amount needed to pay debts by at least 10 percent before an increase in interest rate is put into effect. Borrowers that continually purchase unplanned items without the County Supervisors approval will have the interest rate on their loans increased to the current rate for that loan type. Borrowers that fail to provide sufficient information in a timely manner for a review of their repayment ability will have their interest rate on their loan increased to the current rate for the OL or FO loan as applicable. The rate may increase in increments of whole numbers to the current rate for borrowers who are not limited resource borrowers. In the borrower's case file, the County Supervisor must document the unplanned purchases and the failure to provide information in a timely manner. The County Supervisor must write the borrower a letter which sets out the facts documented in the case file and advises the borrower that the interest rate will be increased unless the unplanned purchases cease or unless the borrower provides information in a timely manner. Whenever it appears that the borrower has a substantial increase in income and repayment ability or ceases farming, either the interest rate may be increased to the current rate for FO or OL loans, as applicable, or the borrower will be graduated from the program as provided in Part 1865 of this Chapter (FmHA Instruction 451.6).

(4) The County Office will be responsible for scheduling and completing the reviews. The Finance Office will not send a list of borrowers to be reviewed. The reviews must be completed 60 days prior to the anniversary date of the note.

(5) Even though the interest rate on FO loans is to increase at the end of three years regardless of borrower circumstances, the County Office must initiate the increase by notifying the borrower and the Finance Office as outlined in paragraph (c) of this section. This increase in interest rate will be as provided in Exhibit A of this Subpart. This Exhibit may be obtained from any FmHA Office.

(c) *Processing.* (1), If, after the review, the interest rate is to remain the same, no further action needs to be taken.

(2) If the interest rate is to be increased, Form FmHA 1951–4, "Change in Rates and Terms," will be completed and sent to the Finance Office 30 days prior to the effective date of the change. The borrower must be notified in writing at least 30 days prior to the effective date of the change. Exhibit B of this Subpart may be used as a guide. This exhibit may be obtained from any FmHA office. The effective date of the change in interest rate will be the anniversary date of the promissory note. The borrower must be informed of the following for each loan:

(i) The authorization for the change,

(ii) Reason for change (automatic, repayment ability, etc.),

(iii) The effective date and rate of the increase in interest,

(iv) Amount of the new installments and dates due, and

(v) Right to appeal if other than an automatic increase.

(3) It is not necessary to obtain a new promissory note for this change in interest rate.

§ 1951.26–1951.32 [Reserved]

§ 1951.33 Deferral, consolidation and rescheduling of OL, and EM and EE loans made for Subtitle B purposes.

All borrowers are expected to repay their loans according to planned repayment schedules. However, circumstances may occur which will not permit borrowers to pay as scheduled or to refinance the loans. This section explains how to consolidate, reschedule, and defer installments on *existing* loans providing the borrower agrees to such actions.

(a) *Definitions:*

(1) Subtitle B purposes are the loan purposes stated in § 1941.16 of Subpart A of Part 1941 of this Chapter.

(2) Reschedule means to rewrite the rates and/or terms of OL, EM or EE loans made for Subtitle B purposes.

(3) Consolidate means to combine and reschedule the rates and terms of two or more OL, EM or EE loans made for Subtitle B purposes for other than actual losses.

(4) Defer means to postpone the payment of part of a loan installment.

(b) *General requirements.* County Supervisors are authorized to approve, consolidate, reschedule and defer loans. When the County Supervisor determines that consolidation, rescheduling and deferral will assist in the orderly collection of the loan, the County Supervisor should take such action, provided:

(1) Such action is not used in lieu of or to delay liquidation;

(2) Such action is not taken to only remove a delinquency;

(3) Such action is not taken to circumvent FmHA's graduation requirements;

(4) The borrower's account is not being serviced by OGC or the U.S. Attorney, and there are no plans to have the account serviced by either of these offices in the near future;

(5) The County Supervisor determines that the borrower is making satisfactory progress or will make satisfactory progress with revised repayment terms; and

(6) The borrower is cooperating in servicing the account and is maintaining the security.

(c) *Consolidation and rescheduling OL loans.* (1) An OL loan secured by real estate will not be consolidated or rescheduled, unless the County Supervisor reviews the Government's real estate lien priority and value of security and determines such an action will be in the best interests of the Government and the borrower.

(2) OL loans will be consolidated only with other OL loans.

(3) The amount of outstanding accrued interest at the time of consolidation or rescheduling will be added to principal.

(4) Consolidated and rescheduled loans will be repaid according to the borrower's repayment ability, but never in excess of seven years from the date of consolidation or rescheduling.

(5) The interest rate for consolidated or rescheduled loans will be the current interest rate for OL loans made to regular or limited resource loan borrowers, as appropriate. Limited resource loan interest rates will be stated in increments of whole numbers and may be increased to the current OL rate or decreased to not less than 5

percent in accordance with a borrower's repayment ability.

(d) *Consolidation and rescheduling EE and EM loans.* EE and EM loans made for Subtitle B may be consolidated or rescheduled subject to the following conditions:

(1) An EM actual loss loan will *not* be consolidated with other EM loans.

(2) EE loans will be consolidated only with other EE loans, and EM loans will be consolidated only with other EM loans.

(3) An EE or EM loan made for a Subtitle B purpose in existence at the time another loan is made for the same purpose should be consolidated and rescheduled.

(4) An EM or EE loan scheduled to be repaid in more than 7 years but not over 20 years will not be consolidated with other EE or EM loans.

(5) An EE or EM loan may be consolidated or rescheduled when it is in the best interests of the borrower and the Government.

(6) The interest rate for consolidated or rescheduled loans:

(i) For EE loans will be the current loan rate in effect at the time of consolidation or rescheduling.

(ii) For EM loans, other than actual loss loans, will be the current prevailing market rate in effect at the time of consolidation or rescheduling.

(iii) For EM actual loss loans rescheduled, the interest will not be changed from the rate in the original note.

(7) All EE and EM loans made for Subtitle B purposes will be repaid over a period consistent with the borrower's repayment ability, but not in excess of 7 years from the date of the consolidation or rescheduling except in special cases authorized in § 1945.68(b)(1) and § 1945.118(b)(i)(B). When a longer term is needed EE or EM loans for Subtitle B purposes may be rescheduled for up to 20 years from the date of the original note.

(e) *Deferral of OL, EM, and EE loans made for Subtitle B purposes.* Installments on loans, including loans that are consolidated or rescheduled, may be deferred. The use of deferral authority will generally involve beginning farmers, applicants with limited income and resources, and applicants who have had production and economic losses because of natural or economic conditions.

(1) Deferred payments may be authorized if the following conditions exist: (i) A Form FmHA 431–2 "Farm and Home Plan" and, if appropriate, Form FmHA 431–4, "Business Analysis-Nonagricultural Enterprise," shows loan installments cannot be repaid according to schedule.

(ii) A typical Farm and Home Plan and, if appropriate, a Business Analysis-Nonagricultural Enterprise for a full crop year (calendar year for EM) following the deferral period indicates that full installments can be paid if normal conditions exist.

(iii) If appropriate, a Form FmHA 431–1, "Long-time Farm and a Home Plan," is prepared.

(iv) If appropriate, development and improvements have been provided for on Form FmHA 424–1, "Development Plan."

(2) Scheduling and repaying deferred installments. (i) Up to three installments may be deferred, but in no case will the deferral extend beyond the final due date of the note. Partial payments of accrued interest will be scheduled annually during the deferral period on Form FmHA 1940–17, "Promissory Note." Full payments will be scheduled at the earliest date the Farm and Home Plan indicates they can be repaid.

(ii) borrowers will be advised that they are expected to make payments as soon as they have repayment ability, even though the deferral period has not expired.

(iii) Deferred interest will not be capitalized.

(iv) Installments of principal and interest to be paid after the deferral period will be calculated in accordance with the FMI for Form FmHA 1940–17.

(f) *Processing.* (1) Form FmHA 1940–17 will be prepared for notes or assumption agreements being consolidated or rescheduled in accordance with the provisions of the FMI. If the County Office does not have possession of the original note or assumption agreement, the County Supervisor will ask the Finance Office to return the original form so it is in the County Office *before* Form FmHA 1940–17 is processed. Form FmHA 1951–4, "Change in Rates and Terms," will be completed and sent to the Finance Office in accordance with the provisions of the FMI.

(2) The original and County Office copy of all notes or assumption agreements that are consolidated or rescheduled, will be stamped "Consolidated", or "Rescheduled", as appropriate, by the County Office. The original instruments being consolidated or rescheduled will be filed with the borrower's new consolidated or rescheduled note and a copy filed in the borrower's case file. When the consolidated or rescheduled note has been paid in full or otherwise satisfied, it and all other instruments will be handled in accordance with the provisions of § 1951.15 of this Subpart.

§§ 1951.34–1951.39 [Reserved]

§ 1951.40 Deferment and reamortization of FO, SW, RL, EE or EM loans made for real estate purposes.

All borrowers are expected to repay their loans according to planned repayment schedules. However, circumstances may occur which will not permit borrowers to pay as scheduled or to refinance loans. This section explains how the County Supervisor can reamortize and defer installments on existing loans. County Supervisors are authorized to approve deferments and reamortization of loans under this section including assumption agreements.

(a) *Definitions:* (1) Reamortization means to rearrange the installments of a loan which may include changing the interest rate and terms of the loan.

(2) Defer means to postpone the payment of part of a loan installment.

(b) *Requirements.* These servicing actions will not be taken if a borrower's account(s) is being serviced or is planned to be serviced in the near future by the OGC or the U.S. Attorney. Also, these servicing actions will not be used for the purpose of avoiding FmHA graduation requirements.

(1) Loans should be reamortized, subject to the following conditions: (i) FO, SW, RL, EE, and EM loans should be reamortized when it will be in the best interest of the borrower and the Government.

(ii) A loan will not be reamoritzed only to remove a delinquency.

(iii) A delinquent account will not ordinarily be reamortized if it appears the borrower can pay the account current within two years.

(iv) At the time of reamortization an FO loan may be changed to a limited resource interest rate if the borrower meets the requirements for a limited resource interest rate.

(2) Installments on existing FO, SW, RL, EM and EE loans should be deferred subject to the following conditions: (i) The deferment is necessary to enable the borrower to remain on the farm.

(ii) The borrower shows that due to circumstances beyond the borrower's control, the borrower is temporarily unable to continue making payments of principal and interest due on the loan without unduly impairing the borrower's standard of living.

(iii) The borrower is cooperating in servicing the account and maintaining the security.

(iv) Payments are not being deferred just to remove a delinquency or delay liquidation.

(v) A Farm and Home Plan and Business Analysis—Nonagricultural Enterprise, when appropriate, shows that the reamortized installments or the full installments at the end of the deferred period can be paid.

(c) *Terms.* (1) Reamortized installments usually will be scheduled for repayment within the remaining period of the note or assumption agreement being reamortized. If any repayment is extended, the new repayment period may not exceed 40 years from the date of the original note or assumption agreement or the useful life of the security, whichever is less.

(i) The FmHA's lien priority may be affected if the final due date of the original loan is changed. A State supplement will be issued to provide instructions on the effect a change in due date has on security instruments and the action necessary to retain the Government's lien priority. The State supplement will also include instructions in releasing the original security instrument when a new one is obtained.

(ii) The amount of interest accrued at the time of reamortization will be added to the principal unless a deferment is involved. If there are no deferred installments, the first installments under the reamortization will be at least equal to the interest which will accrue on the new principal between the date of Form FmHA 1940–17 and the next January 1.

(2) Generally, only one installment will be deferred at a time. However, more than one installment, but not more than three, should be deferred if it is determined that such action is necessary to enable the borrower to remain on the farm.

(i) The deferred period cannot be later than the final due date on the promissory note or assumption agreement unless the final due date is changed by reamortization as provided in paragraph (c)(1) of this section.

(ii) Whole installments will not be deferred. Some payment will be scheduled on each installment due date.

(iii) When a deferment is necessary the loan will be reamortized and the installments scheduled in accordance with the borrower's repayment ability.

(iv) Borrowers will be encouraged to make additional payments during the deferral period if they are able to do so.

(d) *Interest.* (1) The interest rate for other than limited resource loans will be the current interest rate (for EM the current prevailing market rate) in effect at the time the reamortization is granted except for EM actual loss loans, in which case the interest rate will not be changed.

(2) If a limited resource loan is reamortized within the first three years the interest rate will be the same rate at which the loan was initially made. After the first three years a limited resource loan may be reamortized at the interest rate in effect at that time for that loan or at a higher rate in accordance with the borrower's repayment ability. If the interest rate is to be increased it may be done in increments of whole numbers to the current rate for nonlimited resource borrowers.

(3) The amount of all accrued interest through the date the reamortization is granted will be added to the principal. When it is necessary to defer part of the interest, the amount deferred will be limited to that amount shown in the Farm and Home Plan to be necessary to enable the applicant to regain repayment ability. Interest accrued during the deferral period will not be added to the principal. Installments after the deferral period will be scheduled for payment in accordance with the FMI for Form FmHA 1940–17.

(e) *Processing.* A separate Form FmHA 1940–17 will be used for each note or assumption agreement being reamortized or deferred.

(1) Form FmHA 1940–17 may be processed provided the County Office has possession of the original note or assumption agreement being reamortized or deferred. If the County Office does not have possession of the original note or assumption agreement, the County Supervisor will ask the Finance Office to return the original form so it is in the County Office *before* Form FmHA 1940–17 is processed.

(2) Form FmHA 1940–17 will be completed, signed, and distributed as provided in the FMI.

(3) Form FmHA 1951–4 will be completed and sent to the Finance Office to inform it of the new terms.

(4) The original and County Office copy of notes or assumption agreements that are reamortized or on which payments are deferred will be marked "REAMORTIZED, *(date)*" OR "DEFERRED, *(date)*", as appropriate. The original of Form FmHA 1940–17 will be attached to the original of the note or assumption agreement being reamortized or deferred and filed in the promissory note folder. A copy of each will be filed in the borrower's case file.

(5) There is no limit on the number of times a Form FmHA 1940–17 can be processed providing the requirements for reamortization are met each time this form is processed. No more than 3 installments may be deferred at one time.

§§ 1951.41–1951.50 [Reserved]

Exhibit A—Schedule of Automatic Interest Rate Increases for Limited Resource FO Loans

Date of Approval: Loan approved from 8–4–78 to (———) date of any change.

Interest Rate: Initial interest rate is 3% for 3 years. At the end of 3 years it will increase to 5% for the next 2 years. It will be subject to review at the end of the 5 year period.

Exhibit B—U.S. Department of Agriculture Farmers Home Administration

(Insert date)

Notice of Change in Interest Rate

[

(Insert borrower's address)

[

Dear (insert borrower's name): Your promissory note dated ——— for the original amount of —— dollars ($) provides for a change in interest rate for a limited resource loan with the Farmers Home Administration regulations.

Effective (insert date) the interest rate on this loan will be — percent (%) on the unpaid principal balance. Your installment due January 1, 19—, will be —— dollars ($—). This change in interest rate is for the reason indicated below.

☐ Automatic increase in accordance with Farmers Home Administration regulations.

☐ Increase in repayment ability as per Farm and Home Plan dated ———.

☐ (Insert reason if other than above for increase in interest rate)

If this increase in interest rate is other than the automatic increase, you may appeal this action by writing to (hearing officer) (address) within 30 calendar days of the date of this letter, giving the reason why you believe this matter should be decided differently. This time may be extended if you cannot notify the hearing officer within 30 days for reasons beyond your control.

Sincerely,

County Supervisor.

*The automatic increase in interest *must* be effective on the 3rd anniversary date of the note. Thereafter the change in interest rate date will be on or about the anniversary date of the note after completion of the review of the case.

(7 U.S.C. 1989; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.)

Note.—This document has been reviewed in accordance with FmHA Instruction 1901–G, "Environmental Impact Statements." It is the determination of FmHA that the proposed action does not constitute a major Federal action significantly affecting the quality of the human environment and, in accordance with the National Environmental Policy Act of 1969, Pub. L. 91–190, an Environmental Impact Statement is not required.

Note.—This final rule has been reviewed under the USDA criteria established to implement Executive Order 12044, "Improving Government Regulations." A determination has been made that this action should not be classified "significant" under those criteria. A Final Statement has been prepared and is available from the Chief, Directives Management Branch, Farmers Home Administration, USDA, Room 6346, South Agriculture Building, Washington, D.C. 20250.

Dated: July 24, 1979.

Gordon Cavanaugh,

Administrator, Farmers Home Administration.

[FR Doc. 79-24229 Filed 8-6-79; 8:45 am]

BILLING CODE 3410-07-M

Animal and Plant Health Inspection Service

9 CFR Part 82

Exotic Newcastle Disease; and Psittacosis or Ornithosis in Poultry; Areas Released From Quarantine

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final Rule.

SUMMARY: The purpose of this amendment is to release portions of Los Angeles County in California, from the areas quarantined because of exotic Newcastle disease. Surveillance activity indicates that exotic Newcastle disease no longer exists in the areas released from quarantine. No areas in the State of California remain under quarantine.

EFFECTIVE DATE: August 2, 1979.

FOR FURTHER INFORMATION CONTACT: Dr. M. A. Mixson, USDA, APHIS, VS, Federal Building, Room 748, Hyattsville, MD 20782, 301-436-8073.

SUPPLEMENTARY INFORMATION: This amendment releases portions of Los Angeles County in California, from the areas quarantined because of exotic Newcastle disease under the regulations in 9 CFR Part 82, as amended. Therefore, the restrictions pertaining to the interstate movement of poultry, mynah and psittacine birds, and birds of all other species under any form of confinement, and their carcasses and parts thereof, and certain other articles from quarantined areas, as contained in 9 CFR Part 82, as amended, will no longer apply to the areas released.

Accordingly, Part 82, Title 9, Code of Federal Regulations, is hereby amended in the following respects:

§ 82.3 [Amended]

In § 82.3(a)(1), relating to the State of California, paragraphs (i) and (ii) relating to Los Angeles County, are deleted.

(Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; (21 U.S.C. 111-113, 115, 117, 120, 123-126, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141.)

The amendment relieves certain restrictions no longer deemed necessary to prevent the spread of exotic Newcastle disease. It should be made effective immediately in order to permit affected persons to move poultry, mynah, psittacine birds, and birds of all other species under any form of confinement, and their carcasses and parts thereof, and certain other articles, interstate from such areas without unnecessary restrictions. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Therefore, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this final rule are impracticable and contrary to the public interest and good cause is found for making this final rule effective less than 30 days after publication of this document in the **Federal Register.**

Further, this final rule has not been designated as "significant," and is being published in accordance with the emergency procedures in Executive Order 12044 and Secretary's Memorandum 1955. It has been determined by J. K. Atwell, Assistant Deputy Administrator, Animal Health Programs, APHIS, VS, USDA, that the emergency nature of this final rule warrants publication without opportunity for public comment or preparation of an impact analysis statement at this time.

This final rule implements the regulations in Part 82. It will be scheduled for review in conjunction with the periodic review of the regulations in that part required under the provisions of Executive Order 12044 and Secretary's Memorandum 1955.

Done at Washington, D.C., this 2nd day of August 1979.

E. A. Schilf,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 79-24262 Filed 8-6-79; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

12 CFR Part 4

Description of Office, Procedures, Public Information Office Organization and Delegation of Authority

AGENCY: Comptroller of the Currency.

ACTION: Final rule.

SUMMARY: This amendment revises 12 CFR 4.1a, a regulation which describes office organization and delegations of authority within the Office of the Comptroller of the Currency. The purpose of the amendment is to incorporate into the regulation recent delegations of authority within the Office so as to ensure that the information available to the public is both current and accurate.

EFFECTIVE DATE: These changes regarding delegations of authority are already in effect.

FOR FURTHER INFORMATION CONTACT: Barbara M. Yadley, Staff Attorney, Comptroller of the Currency, Washington, D.C. 20219, (202/447-1880).

SUPPLEMENTARY INFORMATION: This amendment is issued under authority of 12 U.S.C. 1 *et seq.* pursuant to the requirement of 5 U.S.C. 552 that each agency publish in the **Federal Register** descriptions of its central and field organizations. The amendment revises 12 CFR 4.1a, a section which describes office organization and delegations of authority. The purpose of the amendment is to incorporate into the section recent delegations of authority within the Office so as to comply with the Administrative Procedure Act and to ensure that the information available to the public is both current and accurate.

The Administrative Procedure Act does not require public rulemaking procedures or delayed effectiveness for rules of agency organization, procedures, or practice. This regulation does not constitute a significant regulation under Treasury Department criteria because it relates to internal agency procedures and because it does

not create additional burdens for national banks.

Summary of Changes

Paragraph (c) of § 4.1a has been revised to reflect additional delegations of authority which have been granted to each Regional Administrator of National Banks. The revision incorporates into the paragraph the fact that each Regional Administrator has been delegated authority to approve or disapprove the establishment of *de novo* operating subsidiaries for activities previously approved by the Comptroller and to approve or disapprove changes in par value of common stock. The revision of paragraph (c) also reflects the fact that the Regional Administrators' former authority to approve (but not to disapprove) capital increases through stock dividends or sales of additional common stock, cash dividends, and increases in investments in bank premises has been revised so that it now includes the authority to approve *and* disapprove such activities. It is anticipated that the additional delegations will serve to reduce unnecessary time delays in processing certain applications.

Drafting Information

The principal drafter of this document was Richard H. Neiman, Staff Attorney, Office of the Comptroller of the Currency, Washington, D.C. 20219.

Adoption of Amendment

Accordingly, 12 CFR 4 is amended by revising § 4.1a to read as follows:

§ 4.1a Central and field organization; delegations.

(a) * * *

(b) * * *

(c) *Delegations.* The Comptroller of the Currency has delegated to each Regional Administrator authority to approve or disapprove:

(1) Capital increases through stock dividends or sales of additional common stock,

(2) Changes in par value of common stock,

(3) Cash dividends pursuant to 12 U.S.C. 60(b),

(4) Increases in investments in bank buildings and other fixed assets, and the

(5) Establishment of *de novo* operating subsidiaries for activities previously approved by the Comptroller.

Dated: August 1, 1979.

John G. Heimann,

Comptroller of the Currency.

[FR Doc. 79-24317 Filed 8-6-79; 8:45 am]

BILLING CODE 4810-33

FEDERAL DEPOSIT INSURANCE CORPORATION

12 CFR Part 329

Amendments Relating to Penalties for Early Withdrawal of Deposits, Interest Rate Ceilings on Deposits, and Restrictions on Nondeposit Obligations

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Final rule.

SUMMARY: On May 30, 1979, FDIC issued for public comment two proposed amendments to FDIC's regulations. The first proposal would require banks supervised by FDIC to honor requests for early withdrawal of deposits without imposing a penalty in cases where the depositor has died. The second proposal would require any evidence of indebtedness arising from the sale subject to repurchase of U.S. Government securities or securities guaranteed by the U.S. Government (so-called repurchase agreements or "RP's") to be in an amount of at least $100,000 in order to be exempt from the interest rate ceilings on deposits and certain nondeposit obligations.

FDIC has decided to adopt both proposals in modified form. In addition, the FDIC is further liberalizing its early withdrawal penalties to (1) apply the new withdrawal penalty adopted by the Board on May 30 to all time deposits, including those made prior to July 1, 1979; and (2) require penalty-free withdrawal in cases of mental incompetency. FDIC is also acting to increase the rate of interest payable on certain categories of time deposits, to clarify prior interpretations concerning maximum interest rates on additions to existing time deposits, and to make miscellaneous technical and conforming amendments to the regulations.

EFFECTIVE DATE: August 1, 1979.

FOR FURTHER INFORMATION CONTACT: F. Douglas Birdzell, Senior Attorney, or Douglas H. Jones, Senior Attorney, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, D.C. 20429 (202-389-4324 or 202-389-4433).

SUPPLEMENTARY INFORMATION: On May 30, 1979, FDIC issued two proposed rules for public comment (44 FR 32397, June 6, 1979). The first of these would amend § 329.4(d) of FDIC's regulations (12 CFR 329.4(d)) to require banks to permit penalty-free early withdrawal from a time deposit where the depositor has died. Under present regulations, early withdrawal in the event of the death of the depositor is permissible, but only at the discretion of the bank.

The second proposed rule would require that RP's be subject to the interest rate ceilings on deposits unless the amount were $100,000 or more.

After reviewing the comments on the proposals, FDIC has decided to adopt both proposals, but in modified form.

FDIC received twenty-five comments on the proposed mandatory exemption for penalty-free early withdrawal where the depositor has died. Those opposing the proposal urged that making the present penalty exception mandatory as opposed to discretionary could lead to abuses which might introduce an undesirable element of uncertainty into time deposit structures. Those favoring the proposal felt that it was a sound concept and would be easier to administer than the discretionary penalty exception now in effect.

The mandatory exception will encompass all time deposits whether made before or after the effective date of these amendments.

In addition to the foregoing exception, FDIC has decided to adopt a new required exception to the withdrawal penalties which will permit withdrawal of time deposits prior to maturity without penalty where the depositor has been declared mentally incompetent by a court. In the opinion of the FDIC, such an exception is desirable to provide guardians with ready access to funds in order to administer incompetents' affairs. Documentation in the form of a court order or decree adjudicating the depositor incompetent will be required.

In addition, banks supervised by FDIC may, with the consent of the depositor, apply the new withdrawal penalty adopted by FDIC on May 30 and effective July 1, 1979, to all time deposits, irrespective of date. This change is being made so that a bank will not have to apply two different penalties, depending on the date of the deposit.

With respect to the proposal to amend § 329.10(b)(2) of FDIC's regulations (12 CFR 329.10(b)(2)) to require that in order to qualify for the exemption from interest rate ceilings, RP's must be in minimum amounts of $100,000, FDIC received thirty-one comments. Twenty-five comments were from banks and were almost unanimously opposed to the proposal. The primary argument in opposition was that particularly with respect to smaller banks, most transactions involved RP's of less than $100,000, and adoption of the proposal would be detrimental to investors in such smaller denomination obligations, including public units and small businesses. One bank expressed very strong opposition to the proposal,

pointing out that it had been marketing consumer-type RP's for nine years with the approval of the regulators and had seen no evidence of active competition with normal deposits which could raise questions of erosion of Federal Reserve Regulation Q. This bank suggested alternative approaches, one of which was a grandfathering provision.

After reviewing the comments, FDIC has decided to adopt this proposal in modified form. Generally, RP's entered into on and after August 1, 1982 will be subject to interest rate ceilings unless they are in amounts of $100,000 or more or have maturities of 89 days or less. Further, RP's in amounts of less than $100,000 and having maturities of 89 days or less will not be exempt if they are automatically renewable.

For the three-year period following the effective date of these amendments (August 1, 1979 to August 1, 1982), each bank supervised by FDIC must limit the outstanding dollar volume of RP's of less than $100,000 with maturities of 90 days or more to no more than the dollar volume of such RP's in the bank on the effective date. RP's in excess of that amount will be subject to interest rate ceilings.

To qualify for exemption from interest rate ceilings, RP's must continue to represent evidences of indebtedness arising out of the sale subject to repurchase of U.S. Government obligations or obligations guaranteed as to prinicipal and interest by the U.S. Government. The general exemption for interbank transactions is not affected by this amendment.

Section 329.6 of FDIC's regulations is being amended to increase the maximum rate of interest payable on commercial bank time deposits of thirty days or more or but less than ninety days from 5% to 5¼%. This rate increase is designed to complement the recent increase in the commercial bank passbook savings deposit rate to 5¼%.

Section 329.3 of FDIC's regulations is being amended to require that additions to existing time deposits pay a maximum rate of interest which is no higher than that permitted by regulation at the time the additional deposit is made. This amendment formalizes prior FDIC staff interpretations. In the case of the new four year, variable-rate deposit authorized by FDIC on May 30, it will prevent possible abuses of the regulation where the indexed Treasury rate fluctuates downward after the initial deposit has been made.

Several other amendments of a minor technical and conforming nature are being made to the regulations.

The provisions of sections 553(b) and 553(d) of Title 5 of the United States Code (5 U.S.C. 553(b) and 553(d)) and §§ 302.1, 302.2 and 302.5 of FDIC's regulations relating to notice, public participation, and deferred effective date were followed only to the extent that certain of the following amendments were previously issued in FDIC's May 30 Notices of Proposed Rulemaking. The Board has determined that as to these amendments, the public interest requires that they be made effective on August 1, 1979. The remaining amendments, with the exception of the amendment requiring banks to honor requests for early withdrawal where a depositor has been declared incompetent, simply formalize existing interpretations or relax current restrictions. Hence, no purpose would be served by following the notice and public participation requirements.

Pursuant to its authority under sections 9 and 18 of the Federal Deposit Insurance Act (12 U.S.C. 1819 and 1828) the FDIC, after coordination with the Board of Governors of the Federal Reserve System and the Federal Home Loan Bank Board, is amending §§ 329.3, 329.4, 329.6, 329.7 and 329.10 of Part 329 of its regulations as follows:

1. Section 329.3(a) is amended by adding a new sentence at the end thereof as follows:

§ 329.3 Interest on time and savings deposits.

(a) *Maximum rate.* * * * The maximum rate of interest that may be paid by a bank on an additional deposit to any existing time deposit shall not exceed the maximum rate that may be paid in accordance with the provisions of § 329.6 on the date the additional deposit is made.

* * * * *

2. Section 329.4(d) is amended by revising the first sentence thereof, adding a new fourth sentence, and revising footnote 11b, all as follows:

§ 329.4 Payment of time deposits before maturity.

* * * * *

(d) *Penalty on payment of time deposits before maturity.* In the event of payment before maturity of all or any portion of a time deposit, the depositor shall, at minimum, forfeit all interest earned on the amount withdrawn from the date of deposit or for six months, whichever is less, if the original maturity of the account in which the funds to be withdrawn are on deposit is more than twelve months (one year). Where the original maturity of the account is twelve months (one year) or less, the minimum penalty shall be a forfeiture of three month's interest on the amount withdrawn or interest earned since the date of deposit, whichever is less.[11b] Where necessary to comply with this requirement, interest already paid to or for the account of the depositor shall be deducted from the amount to be withdrawn * * *. Notwithstanding the provisions of this paragraph, as to any time deposit, upon the death of any owner of time deposit funds or where any owner of time deposit funds has been declared incompetent to manage his or her affairs by a court, the depository bank must grant a request for early withdrawal and no penalty may be applied as a result of such withdrawal. Where early withdrawal of a time deposit is sought because of mental incompetency, a certified copy of the court's order or decree shall be presented to the bank at the time withdrawal is sought. An "owner" of time deposit funds is any individual who at the time of his or her death, or declaration of incompetency, has full legal and beneficial title to all or a portion of such funds, or, at the time of his or her death, or declaration of incompetency, has beneficial title to all or a portion of such funds and full power of disposition and alienation with respect thereto, including but not limited to a power of revocation with respect to any trust of which the funds comprise all or part of the assets, whether or not such owner is acting as trustee. At the discretion of the depository bank, the penalty prescribed by this paragraph (d) need not be applied to the withdrawal of all or part of a time deposit prior to maturity under any of the following circumstances: (1) Where the time deposit consists of funds contributed to an Individual Retirement Account established pursuant to 26 U.S.C. 408 or to a Keogh (H.R. 10) plan established pursuant to 26 U.S.C. 401 and the individual for whose benefit the account is maintained is 59½ years of age or older or has become disabled within the

[11b] The provisions of this paragraph apply to all time deposit contracts entered into on or after July 1, 1979, and to all existing time deposit contracts that are extended or renewed (whether by automatic renewal or otherwise) on or after such date. The provisions of this paragraph also may be applied, with the consent of the depositor, to all other time deposit contracts entered into before July 1, 1979. All contracts not subject to the provisions of this paragraph shall be subject to the restrictions of § 329.4(d) in effect prior to July 1, 1979, which provided that where a time deposit, or any portion thereof, is paid before maturity, a nonmember bank may pay interest on the the amount withdrawn at a rate not to exceed that prescribed in § 329.6 and § 329.7 for a savings deposit and the depositor shall forfeit three months interest payable at such rate. If, however, the amount withdrawn has remained on deposit for three months or less, all interest shall be forfeited.

meaning of 26 U.S.C. 72(m)(7); or (2) where the funds constituting the time deposit consist of funds transferred to new insured banks,[11b-1] but only to the extent that the funds sought to be withdrawn were insured prior to the merger and have become uninsured as a result thereof: *And provided,* That notice of withdrawal is given the new or resulting bank not later than twelve months after consummation of the merger.

3. Section 329.6 is amended by revising paragraphs (b) (1), (3) and (4), all as follows:

§ 329.6 Maximum rates of interest payable on time and savings deposits by insured nonmember banks.[13]

* * * * *

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

Maturity	Maximum percent per annum
30 days or more, but less than 90 days	5¼
90 days or more, but less than 1 year	5½
1 year or more, but less than 30 months	6
30 months or more	6½

* * * * *

(3) *Time Deposits of Public Units.* Except as provided in paragraph (a), and paragraphs (b) (5) and (6) of this section, no insured nonmember bank may pay interest in any time deposit of 30 days or more of a public unit (as defined in section 3(m) of the Federal Deposit Insurance Act) at a rate in excess of 8 percent per annum.

(4) *Individual Retirement Account and Keogh (H.R. 10) Plan Deposits.* Except as provided in paragraph (a), and paragraphs (b) (5) and (6) of this section, no insured nonmember bank may pay interest on any time deposit with a maturity of three years or more that consists of funds deposited to the credit of, or in which the entire beneficial interest is held by, and individual pursuant to an Individual Retirement Account agreement or Keogh (H.R. 10) Plan established pursuant to 26 U.S.C. 408, or 401, at a rate in excess of 8 percent per annum.[13b]

* * * * *

4. Section 329.7 is amended by revising paragraphs (b) (1)(i), (3), (5) and (6), all as follows:

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

* * * * *

(b) *Maximum rates payable.*—(1) *General.* (i) Except as provided in paragraphs (b) (2), (3), (4), (5), (6), (7), (8), and (10) and paragraph (e) of this section, no insured nonmember mutual savings bank may pay interest or dividends at a rate in excess of 5½ percent per annum on any deposit. * * *

* * * * *

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

* * * * *

(5) *Time deposits of public units.* Except as provided in paragraphs (b) (2), (7), and (10) of this section, no insured nonmember mutual savings bank shall pay interest or dividends on any time deposit of 30 days or more of a public unit (as defined in section 3(m) of the Federal Deposit Insurance Act) at a rate in excess of 8 percent per annum.

(6) *Individual Retirement Account and Keogh (H.R. 10) Plan Deposits.* Except as provided in paragraphs (b) (2), (7), and (10) of this section, no insured nonmember mutual savings bank shall pay interest on any time deposit with a maturity of three years or more that consists of funds deposited to the credit of, or in which the entire beneficial interest is held by an individual pursuant to an Individual Retirement Account agreement or Keogh (H.R. 10) Plan established pursuant to 26 U.S.C. 408 or 401 at a rate in excess of 8 percent per annum.[14c]

* * * * *

5. Section 329.10 of FDIC's regulations is amended by revising paragraph (b)(2) and adding a new footnote 17a, as follows:

§ 329.10 Obligations other than deposits.

* * * * *

(b) *Exceptions.* * * *

* * * * *

(2) Evidences an indebtedness arising from a transfer of direct obligations of, or obligations that are fully guaranteed as to principal and interest by the United States or any agency thereof that the bank is obligated to repurchase, and is either (a) In denominations of $100,000 or more, or (b) In denominations of less than $100,000, matures in less than 90 days and cannot be automatically renewed or extended; [17a]

By order to the Board of Directors.

Dated: July 30, 1979.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 79-24263 Filed 8-6-79; 8:45 am]

BILLING CODE 6714-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

15 CFR Part 922

Designation and Management of Marine Sanctuaries

Correction

In FR Doc. 79-23574, appearing at page 44831 in the issue for Tuesday, July 31, 1979, the effective date now listed as "August 31, 1979" should read "July 31, 1979".

BILLING CODE 1505-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 101]

[Docket No. 77N-0067]

Food Labeling; Foods That Are Not Meaningful Sources of Nutrients

AGENCY: Food and Drug Administration.

ACTION: Extension of Effective Date.

SUMMARY: The Food and Drug Administration (FDA) is extending the time period for full compliance with the nutrition labeling requirements for those products that were permitted to use an abbreviated form of nutrition labeling on the basis that they were foods that are not meaningful sources of nutrients. The National Soft Drink Association (NSDA) requested an extension, and the agency is granting one because of possible confusion about the applicability of certain other regulations.

11b-1 * * *

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13b * * *

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[17a] A bank with obligations in denominations of less than $100,000 with maturities of 90 days or more that evidence an indebtedness arising from a transfer of direct obligations of, or obligations that are fully guaranateed as to principal and interest by the United States or any agency thereof that the bank is obligated to repurchase, may continue to issue such obligations until August 1, 1982 without regard to this subsection so long as the aggregate amount does not exceed its total of such obligations outstanding on August 1, 1979.

EFFECTIVE DATE: All products initially introduced into interstate commerce on or after July 1, 1980, shall comply with the complete requirements of § 101.9 (21 CFR 101.9) and all other applicable regulations.

FOR FURTHER INFORMATION CONTACT: Taylor M. Quinn, Bureau of Foods (HFF–300), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C. St., SW., Washington, D.C. 20204, 202–245–1243.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of May 27, 1977 (42 FR 27261), FDA terminated the proposal published in the **Federal Register** of March 6, 1974 (39 FR 8621) to exempt from certain requirements of nutrition labeling those foods that are not meaningful sources of nutrients. In the same document FDA further established an effective date of July 1, 1979, for the nutrition labeling compliance for those products subject to the terminated proposal.

FDA has received a petition from NSDA requesting that the effective date for those products covered by the terminated proposal be extended from July 1, 1979 to July 1, 1981.

The petitioner states that the labeling requirements for nutrition labeling set forth in 21 CFR 101.9 and those established for foods for special dietary use (21 CFR 105.66 and 105.67) are closely related. Therefore, the petition continues, the soft drink industry was unaware of the exact nature of the labeling requirements imposed on diet soft drinks until the publication of §§ 105.66 and 105.67 in the **Federal Register** of September 22, 1978 (43 FR 43248). Further, although the industry was aware that full nutrition labeling would be required on any product making a nutrition claim, including any food making a calorie claim, it was impossible to anticipate other labeling changes that might be required by the publication of §§ 105.66 and 105.67. Furthermore, the petitioner argues, the unsettled status of the use of saccharin in foods makes unclear the exact nature of labeling changes that will be required for diet soft drinks.

FDA has reviewed the petition and has determined that there are grounds for extending the effective date of compliance with § 101.9 for those products that were entitle to use the abbreviated nutrition labeling format under the proposal regarding nutrition for foods that are not meaningful sources of nutrients. However, the agency does not agree that compliance should be delayed until July 1, 1981, as requested.

The NSDA petition states that the nutrition labeling requirements (§ 101.9) and the labeling requirements for foods for special dietary use (§§ 105.66 and 105.67) are intertwined. The agency does not agree with this position. However, since there may have been some confusion as to the applicability of § 101.9, in lieu of §§ 105.66 and 105.67, and since the effective date of §§ 105.66 and 105.67 has been extended to allow for the purchase of new labels and sale of current labeled products, the agency agrees that the same extension of effective date for compliance with full nutrition labeling for foods that are not meaningful sources of nutrients should be granted.

The agency does not consider the current status of, or any future action taken against, the use of saccharin in foods as grounds to delay the full nutriton labeling of those products requiring such labeling because of their label claims.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201, 403, 701(a), 52 Stat. 104–1042 as amended, 1047, 1055 (21 U.S.C. 321, 343, 371(a)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), the effective date for complete compliance of those foods that are not meaningful sources of nutrients with the regulations set forth in § 101.9 *Nutrition labeling of food* is hereby extended from July 1, 1979 to July 1, 1980, at which time all products initially introduced into interstate commerce shall comply.

Dated: August 2, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-24349 Filed 8-3-79; 11:02 am]

BILLING CODE 4110-03-M

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21 CFR Part 201

[Docket No. 77N-0104]

Labeling; Drugs: Information Commonly Known; Revocation of Labeling Exemption

AGENCY: Food and Drug Administration.

ACTION: Extension of effective date.

SUMMARY: The Food and Drug Administration (FDA) is extending to June 26, 1980 the effective date of its final rule that revokes provisions of the drug labeling regulations exempting certain prescription drugs from the requirement that their dispensing packages contain full disclosure labeling. The agency is taking this action to coordinate the effective date of that final rule with a subsequent final rule amending the agency's regulations on the content and format of prescription drug labeling.

EFFECTIVE DATE: August 7, 1979.

FOR FURTHER INFORMATION CONTACT: Michael C. McGrane, Bureau of Drugs (HFD–30), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301–443–5220.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of April 6, 1979 (44 FR 20657), FDA revoked the provision in § 201.100(c)(2) (21 CFR 201.100(c)(2)) that permitted full disclosure labeling (the package insert) to be omitted from the dispensing package of certain prescription drugs and revoked § 201.160 (21 CFR 201.160) that listed the drugs to which the exemption had applied. The revocation of the labeling exemption is effective October 3, 1979.

In the **Federal Register** of June 26, 1979 (44 FR 37434), FDA established final regulations on the content and format of labeling for human prescription drugs. Those regulations are effective on June 26, 1980, for prescription drugs that are not new drugs. Most of the drugs for which the labeling exemption was revoked are not new drugs. The format for labeling for prescription drug products under those regulations differs significantly from the current labeling of many prescription drugs and differs in some respects from the format that was proposed in the **Federal Register** of April 7, 1975 (40 FR 15392). Accordingly, prescription drug labeling prepared in response to the April 6, 1979 final rule would not likely comply with the requirements of the final rule of June 26, 1979.

The agency has received a letter from Abbott Laboratories, Abbott Park, North Chicago, IL 60064, contending that labeling prepared to comply with the regulation which revoked the labeling exemption would have to be revised to comply with the June 26, 1980 effective date of the new labeling format. Thus, Abbott claims, it will face needless technical difficulties and costs to comply with essentially the same regulatory requirement twice within about 8 months. Abbott states that its costs of complying with each effective date would be approximately $43,800. Abbott asks that the effective date of the final rule revoking the labeling exemption be changed from October 3, 1979 to June 26, 1980, to conform to that for the requirements for the content and format of prescription drug labeling. The same effective date for both

requirements would reduce significantly the costs of compliance for Abbott and other companies which must meet the requirements of both regulations. A copy of the Abbott letter has been placed on file in the office of the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

The agency concludes that a single effective date for both final rules is appropriate. The agency believes that it is important both to provide prescription drug labeling for products formerly exempt from that requirement and to provide prescription drug labeling that is in the format and contains the information required under the June 26, 1979 final rule. The agency is persuaded that the additional costs that would be necessary to meet each requirement separately will outweigh the benefits of imposing labeling requirements on previously exempt drugs for the short time period between the two effective dates. At the same time, FDA encourages manufacturers to implement both labeling requirements as soon as practicable and before the effective date of June 26, 1980, if at all possible. Although Abbott only asked that the effective date be extended for products that are not new drugs, the agency believes that for the efficient enforcement of the regulations the effective date should not distinguish between new drugs and drugs that are not new drugs.

Accordingly, the effective date paragraph of the final regulation appearing in the **Federal Register** of April 6, 1979 (44 FR 20657), which revised paragraph (c)(2) of § 201.100 *Prescription drugs for human use* and revoked § 201.160 *Drugs; information commonly known*, is revised to read as follows:

Effective date. This regulation is effective June 26, 1980, for any drugs that are subject to these regulations and are initially introduced or initially delivered for introduction into interstate commerce on or after that date.

(Secs. 502, 505, 701, 52 Stat. 1050–1053 as amended, 1055–1056 as amended (21 U.S.C 352, 355, 371).)

Dated: August 1, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79–24242 Filed 8–6–79; 8:45 am]

BILLING CODE 4110–03–M

21 CFR Part 524

Ophthalmic and Topical Dosage Form New Animal Drugs Not Subject to Certification; Dexamethasone Acetate, Nitrofurathiazide, Griseofulvin, Undecylenic Acid, Tetracaine Hydrochloride Otic Suspension

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document amends the animal drug regulations for dexamethasone acetate, nitrofurathiazide, griseofulvin, undecylenic acid, and tetracaine hydrochloride otic suspension to indicate those conditions of use for which approvals for identical products need not include certain types of efficacy data. These conditions of use were classified as probably effective as a result of a National Academy of Sciences/National Research Council (NAS/NRC), Drug Efficacy Study Group evaluation of the product. In lieu of certain efficacy data, approval may require submission of bioequivalence or similar data. An earlier **Federal Register** publication has reflected this product's compliance with the conclusions of the review.

EFFECTIVE DATE: August 7, 1979.

FOR FURTHER INFORMATION CONTACT: Donald A. Gable, Bureau of Veterinary Medicine (HFV–100), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301–443–4313.

SUPPLEMENTARY INFORMATION: The NAS/NRC review of this product was published in the **Federal Register** of August 6, 1970 (35 FR 12565). In that document, the Academy concluded, and the Food and Drug Administration (FDA) concurred, that the product was probably effective for acute or chronic ulcerative and suppurative mycotic otitis externa in dogs and cats.

That announcement was issued to inform holders of new animal drug applications (NADA's) of the findings of the Academy and the agency, and to inform all interested persons that such articles could be marketed if they were the subject of approved NADA's and otherwise complied with the requirements of the Federal Food, Drug, and Cosmetic Act.

Schering Corp., Galloping Hill Rd., Kenilworth, NJ 07033, responded to the notice by submitting a supplemental NADA (12–890V) providing current information covering manufacturing and controls and revising the labeling for the safe and effective use of the product for the treatment of cats. The supplemental application was approved by regulation issued in the **Federal Register** of August 23, 1973 (38 FR 22623). The regulation reflecting this approval (21 CFR 135a.47, recodified 21 CFR 524.541) did not specify those conditions of use that were NAS/NRC approved.

This document amends the regulations to indicate those conditions of use for which approvals for identical products need not include certain types of efficacy data required for approval by § 514.111(a)(5)(vi) of the animal drug regulations. In lieu of those data, approval of such products may be obtained if bioequivalency or similar data are submitted as suggested in the guideline for submitting NADA's for generic drugs reviewed by the NAS/NRC. The guideline is available from the office of the Hearing Clerk (HFA–305), Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20857.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1) and redelegated to the Director of the Bureau of Veterinary Medicine (21 CFR 5.83), Part 524 is amended in § 524.541 by adding after paragraph (c) (1), (2), (3) and (4) the footnote reference[1] and by adding at the end of the section the footnote to read as follows:

§ 524.541 Dexamethasone acetate, nitrofurathiazide, griseofulvin, undecylenic acid, tetracaine hydrochloride otic suspension.

* * * * *

(c) *Conditions of use.* (1) * * *[1]

(2) * * *[1]

(3) * * *[1]

(4) * * *[1]

Effective date. This regulation shall be effective August 7, 1979.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)).)

Dated: July 31, 1979.

Lester M. Crawford,

Director of Veterinary Medicine.

[FR Doc. 79–24244 Filed 8–6–79; 8:45 am]

BILLING CODE 4110–03–M

[1] These conditions are NAS/NRC reviewed and deemed effective. Applications for these uses need not include effectiveness data as specified by § 514.111 of this chapter, but may require bioequivalency and safety information.

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 55a

Election of Interim Yurok Governing Committee; Procedures for Conduct of Election and Duties of Interim Committee

AGENCY: Bureau of Indian Affairs, Department of the Interior.

ACTION: Final rule.

SUMMARY: The Department of the Interior hereby adds a new part of its regulations to establish rules and procedures for the conduct of an election of an interim Yurok tribal governing committee, and to indicate the duties and responsibilities of this committee. As stated in the November 20, 1978, message of the Assistant Secretary-Indian Affairs to the Hoopa and Yurok people, the election of this committee is the first step in the establishment by the Indians of a governing organization for the Yurok Tribe.

EFFECTIVE DATE: The new regulations will become effective on September 6, 1979.

FOR FURTHER INFORMATION CONTACT:
Theodore C. Krenzke, Director, Office of Indian Services, Bureau of Indian Affairs, 1951 Constitution Avenue NW., Washington, D.C. 20245, (202–343–2111).
William Finale, Area Director, Bureau of Indian Affairs, 2800 Cottage Way, Sacramento, California 95825, (916–484–4682).

SUPPLEMENTARY INFORMATION: On May 30, 1979, there were published in the Federal Register (44 FR 31156) proposed regulations for the ELECTION OF AN INTERIM YUROK GOVERNING COMMITTEE: PROCEDURES FOR CONDUCT OF ELECTION AND DUTIES OF INTERIM COMMITTEE. Written comments were received from the Hoopa Valley Business Council, and an attorney for plaintiffs in *Short* v. *United States*, No. 102–63 in the U.S. Court of Claims. Comments were also set forth in three other letters—one signed by one person, another signed by two and one bearing 20 signatures.

Almost all of the commentators recommended that the proposed regulations not be promulgated but offered certain changes for improvement, in the event the Department decided to proceed with them. For the reasons discussed below, the proposed regulations are being made final with modifications noted.

Comments and modifications

1. Most of the comments received are to the effect that the proposal to organize the Yurok Tribe should be discontinued until after *Short* v. *United States*, No. 102–63 in the U.S. Court of Claims is finally decided, and the Department should then assist all of the eligible "Indians of the Hoopa Valley Reservation" to elect a reservation-wide governing body.

The November 20, 1978, message from the Assistant Secretary-Indian Affairs, referred to in the supplementary information to the proposed regulations, stated to the Hoopa Valley and Yurok people of the Hoopa Valley Reservation that a single reservation exists in which the Hoopa Valley and Yurok Tribes have an interest. It was also indicated in that message that it was his intent to provide both tribes the opportunity, within the policy of self-determination, to participate in the management of the reservation. However, it was pointed out that while the Hoopa Valley Tribe is organized, the Yurok Tribe is not and that it is, therefore, not possible for the Yurok Tribe to participate in the management of the reservation until it has a functioning tribal governing body. The message stated further that the Assistant Secretary-Indian Affairs would provide the Yurok Tribe the opportunity to take the first step leading to the organization of a tribal government. These rules provide that opportunity.

Although these commentators believe that formation of a Yurok tribal government will have an adverse impact on their interests in the *Short* case, we disagree and regard that action as a separate issue; see the supplementary information contained in 44 FR 24536. The purpose of providing the Yurok Tribe an opportunity to form a tribal government is to enable it to participate in the future management of the reservation and to benefit from other programs the Federal Government makes available to Indian people only through tribal governments.

2. A further comment stated that in supporting the motion to substitute a "Yurok Tribe" for individual plaintiffs in the *Short* case, the Justice Department suggested that the "Gerard Plan" would lead to a voluntary choice as to (1) Whether a committee will be formed, and (2) if so, as to what tribal constitutional and membership proposals will be developed, and added that the proposed election procedures do not provide an opportunity for a vote on whether an interim committee shall be formed.

The November 20, 1978, message to the Hoopa and Yurok people, and all subsequent actions of this Department relating to the implementation of that message, have consistently called for the election of an interim Yurok Tribal governing committee. While no referendum has ever been planned on the specific desires of the Yurok people for a committee, it is apparent that the voters of the tribe must actively participate in the nomination and election process if a viable interim governing committee is to be created. Further, a permanent tribal government will not be formed unless it is adopted in the election held on the interim governing committee's proposal.

3. Another commentator urged that hearings be conducted on or near the reservation to provide opportunity to present alternatives to the "Gerard Plan."

The proposed regulations did not address the "Gerard Plan" but only the matter of an organization of the Yurok Indians, which while contemplated by the plan announced November 20, 1978, does not of itself commit the Yurok Tribe to following any particular course of action.

4. Several commentators stated that there were no valid tribal rights or tribal assets, that there were only reservation rights and reservation assets, and that prior to 1952, individual Indians were not required to be members of the tribe in order to share in the benefits and administration of the reservation. They, also, asked why the unanimous decision of the Court of Claims did not cause the Secretary to restore the reservation rights of those Yuroks who were recognized as "Indians of the Hoopa Valley Reservation" prior to the "illegal" division of the reservation.

As related in the supplementary information to the regulations for Organization of the Yurok Tribe—Voting for Interim Tribal Governing Committee; Qualification and Procedures for Preparing a Voting List (44 FR 24536), the organization of the Yurok Tribe does not involve the determination of the ownership of reservation assets. Issues relating to such questions are still awaiting decision in the *Short* case and are not affected by the organization of the tribe.

5. Other commentators urged that the election of the interim Yurok governing committee be considered valid only if a certain percentage of the eligible voters cast their ballots. They feel this is necessary in order to insure that the election results represent the views of a significant portion of the eligible voters.

In part, this comment stems from the requirement for elections conducted under the Indian Reorganization Act for adoption or rejection of a tribal constitution. Since this is not such an election but is, rather, an election for an interim governing committee which is charged with drafting a proposed constitution, this approach is comparable to those tribal elections in which officials are elected and in which a majority of those who cast their ballots decide the election regardless of voter turnout.

6. One comment opposed the "take it or leave it" concept of a proposed constitution and stated that voters should have the opportunity to propose alternative constitutions to the voters.

Eligible voters will have the opportunity to propose to the interim committee ideas and concepts they feel should be included in the draft constitution.

7. Some comments indicated that the procedures should include voting by district to prevent one faction from dominating the interim committee and to provide for better communicatjon with the reservation people.

Voting by districts would have to be established in line with the one man, one vote principle. There is not sufficient information currently available to meet that requirement. Thus, the election must be by at-large voting.

8. One comment stated that the rules will grant substantive rights to the Yurok voters, that voting on an interim committee and a proposed constitution is tantamount to membership in the Yurok Tribe. It also stated that the Hoopa Valley Tribe would have no way to protest or appeal the proposed membership of the Yurok Tribe and that the Hoopa Valley Tribe does not accept many of the persons who would qualify as Yurok voters and members because they are not Indians of the reservation or even Indians.

As stated in the supplementary information published with the regulations referred to in No. 4 *Supra*, the placing of a person's name on the eligible voters list does *not* convey any right to tribal membership. No one can determine who may qualify for membership in a tribe until the requirements for membership are spelled out. Concerning the Yuroks, such provisions would be developed by the interim committee subject to acceptance by the eligible voters and approval by the Secretary of the Interior. Membership requirements are not normally subject to review or protest by another tribe, and we see no reason to provide for such a review by the Hoopa Valley Tribe.

9. Another commentator felt the position taken by the Department of the Interior is inconsistent concerning who is qualified for membership in the Yurok Tribe in that in the *Short* litigation, the Department stated that many persons who will be eligible under the proposed regulations are not qualified to be Indians of the Hoopa Valley Reservation.

These comments are pertinent to the qualifications and procedures for preparing a voting list for which regulations have been adopted see 44 FR 24536.

10. Some comments stated a concern that elections conducted by mail are subject to great abuse and that other methods should be employed. One also stated that a double envelope system is needed to avoid stuffing the ballot box.

With adequate safeguards, we have found the conduct of elections by mail to be entirely satisfactory. The use of double envelopes is one of the standard safeguards consistently used in elections conducted by this Department and will be used in this election. To ensure this, we have so provided in these rules.

11. Concerning § 55a.9, one commentator felt the powers of the interim committee should be more specific and that the term "such other duties" should be clarified. Others expressed concern that provisions should be included to ensure accountability to the Yurok people through adequate notification of meetings, open sessions, access to records and a procedure for recall of committee members.

The regulations stress that the committee's primary responsibility is to draft a proposed constitution. Accordingly, there is no reason to burden the committee with other tasks that would interfere with its major objective. As the need arises, and if necessary, the Secretary of the Interior will consider delegating other duties and powers to that committee. Regarding the exercise of its delegated authorities, the committee is expected to develop such procedures necessary to promote order and efficiency and assure exercise of democratic processes.

In response to comment, we have added a provision that requires minutes and records of the committee to be available for review by the eligible voters at reasonable times.

Because the committee is temporary in nature and is primarily concerned with the drafting of a constitution, we feel the protections afforded by the removal provisions are sufficient and that a recall process is not necessary.

The primary authors of this document are Theodore C. Krenzke, Director, Office of Indian Services, Bureau of Indian Affairs, Department of the Interior, Washington, D.C. 20245 (202–343–2111) and Robert M. Farring, Tribal Relations Specialist, Bureau of Indian Affairs, Washington, D.C. 20245 (202–343–4045).

I have determined that these final regulations are not a major Federal action within the scope of the National Environmental Policy Act of 1969, 42 U.S.C. 4332(2)(c).

Note.—The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.

Subchapter G of Chapter I of Title 25 of the Code of Federal Regulations is amended by the addition of a new part to read as follows:

PART 55A—ELECTION OF INTERIM YUROK GOVERNING COMMITTEE; PROCEDURES FOR CONDUCT OF ELECTION AND DUTIES OF INTERIM COMMITTEE

Sec.

55a.1 Definitions.
55a.2 Purpose.
55a.3 Nomination of candidates.
55a.4 Conduct of the election.
55a.5 Election protests.
55a.6 First meeting of Interim Committee.
55a.7 Removal from office.
55a.8 Vacancies.
55a.9 Duties and responsibilities of committee.
55a.10 Tenure.

Authority: 5 U.S.C. 301, R.S. 463 and 465, 43 U.S.C. 1457, 25 U.S.C. 2 and 9, and Reorganization Plan No. 3 of 1950 (64 Stat. 1262).

§ 55a.1 Definitions.

As used in this part:

(a) "Voters" means those persons who are at least 18 years of age and who otherwise meet the qualifications set forth in 25 CFR 55.3. Such individuals are eligible to participate in the nomination and election of an interim Yurok tribal governing committee.

(b) "Petition" means the form prepared by the Sacramento Area Director to be used by the voters to nominate candidates for the interim Yurok tribal governing committee.

(c) "Petition Filing Deadline" means the thirtieth day following the date these regulations become effective.

(d) "Candidate" means a person who receives at least 15 valid signatures on a nominating petition to cause his or her

name to be placed on a ballot for election to the committee.

(e) "Interim Yurok Tribal Governing Committee" means an eight-member committee of persons nominated from and by the voters and elected by the voters to serve as the temporary governing body of the Yurok Tribe, with those duties and powers described in this part.

(f) "Election Date" means the deadline established by the Area Director for receipt of ballots.

(g) "Area Director" means the Area Director, Bureau of Indian Affairs, Sacramento Area Office, or his authorized representative.

(h) "Superintendent" means the officer in charge of the Hoopa Agency, Bureau of Indian Affairs, or his authorized representative.

§ 55a.2 Purpose.

The purpose of these regulations is to establish procedures for conducting an election to choose an interim Yurok tribal governing committee and to outline its duties, powers and tenure, once it is elected.

§ 55a.3 Nomination of candidates.

(a) The Area Director shall prepare a petition form to be used by the voters of the Yurok Tribe to nominate candidates to be placed on the ballot. Each petition must be signed by at least 15 persons whose names appear on the voters list prepared pursuant to 25 CFR 55.6.

(b) All nominating petitions shall be received by the Area Director no later than the petition filing deadline. Nominating petitions received after that date by the Area Director will not be counted.

§ 55a.4 Conduct of the election.

(a) The Area Director shall cause ballots to be prepared listing those candidates whose nominating petitions are determined to be valid. The Area Director shall mail ballots to those on the voters list who furnish the Area Director with a current address. Ballots shall be sent and received only through the U.S. Postal Service. Together with the ballot, there shall be an inner envelope bearing on the outside the words "Yurok Ballot", a preaddressed outer envelope and a certificate in form as follows:

I (Name) ———— hereby certify that I am an eligible voter whose name appears on the Yurok Voters list: That I will be 18 years of age or older on the election date, and am entitled to vote in the election to be held on (date) ————. I further certify that I marked the enclosed ballot in secret. (Signed)

(b) Each voter wishing to vote, shall mark the ballot provided and mail it to the Sacramento Area Director. Ballots received after the election date shall not be counted.

(c) The Area Director shall then cause the opening of the ballots, counting of the votes, posting of the results and the issuing of an election certificate.

(d) Each candidate, or a representative he or she chooses, shall have the right to be present to observe the counting of the ballots. The eight candidates receiving the highest number of votes cast will be certified as constituting the interim Yurok tribal governing committee. Tie votes shall be decided by the flip of a coin.

§ 55a.5 Election protests.

(a) Any person whose name appears on the Yurok voters list may protest the manner in which the election was conducted by filing a written statement to be received by the Sacramento Area Director within five days following the date of election results are certified. The Area Director shall review all protests and promptly respond to each one in writing.

(b) Any person whose protest is denied may appeal to the Area Director's denial directly to the Commissioner of Indian Affairs, who shall decide the protest finally for the Department and take whatever action, if any, is appropriate.

(c) In order to be considered, any appeal of the Area Director's decision must be in writing, must state the complete basis for the appeal, and be received by the Commissioner within 7 days of receipt of the Area Director's decision.

§ 55a.6 First meeting of interim committee.

As soon as possible following the protest period, the Superintendent shall call and conduct a meeting of the successful candidates to swear them into office. At that session, the committee shall be given the opportunity to achieve its internal organization by electing from its own number, a chairman, vice chairman, secretary and such other officers deemed necessary.

§ 55a.7 Removal from office.

A committee member may be removed from office for cause by six committee members voting in favor of removal after the accused has been given at least 10 days written notice of the charges and an opportunity to respond to the charges by facing his or her accusers at a meeting held for that purpose.

§ 55a.8 Vacancies.

Vacancies resulting from removal, death or resignation shall be filled by the person who received the next highest number of votes after the first eight in the election of the interim committee. Such person shall serve for the remainder of that term of office unless earlier removed.

§ 55a.9 Duties and responsibilities of committee.

The interim Yurok tribal governing committee shall have only the following duties, responsibilities and powers:

(a) To draft a proposed constitution as top priority to be presented to the Secretary of the Interior within one year following the initial election of the interim governing committee. If such proposal can be approved by the Secretary, he shall authorize an election to permit the Yurok voters to adopt or reject the proposed governing document.

(b) To enter into contracts and grants with the Bureau of Indian Affairs under the authority of Pub. L. 93–638.

(c) To confirm judicial appointments in accordance with 25 CFR 11.3.

(d) To adopt such procedural rules as may be required for the orderly conduct of business.

(e) To exercise such other duties and powers as the Secretary may from time to time delegate it.

(f) To make available for review by the eligible voters, at reasonable times, the minutes and records of the committee.

§ 55a.10 Tenure.

The committee members shall remain in office until their successors are duly elected under the terms of a constitution that has been adopted by the Yurok voters and approved by the Secretary of the Interior, but in no event shall they remain in office longer than two years from the date of the interim committee's election.

Rick Lavis,

Deputy Assistant Secretary-Indian Affairs.

Dated: August 2, 1979.

[FR Doc. 79-24310 Filed 8-6-79; 8:45 am]

BILLING CODE 4310-02-M

DEPARTMENT OF JUSTICE

Attorney General

28 CFR Part 0

[Order No. 843-79]

Authority of the Civil Rights Division Regarding Section 5 of the Voting Rights Act and Title VI of the Civil Rights Act of 1964

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: This rule amends two sections of the subpart of Title 28 of the Code of Federal Regulations which sets forth the responsibility of the Civil Rights Division of the Department of Justice. The first amendment adds to 28 CFR 0.50, which lists functions delegated to the Assistant Attorney General in charge of the Civil Rights Division, a specific reference to administration of section 5 of the Voting Rights Act, as amended, 42 U.S.C. 1973c. Section 5 requires certain States and political subdivisions to obtain Federal preclearance of changes in their laws affecting voting.

The second amendment brings up-to-date the reference in 28 CFR 0.51(b) to Department of Justice coordination of enforcement by other Federal agencies of Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d to d-4. Title VI prohibits discrimination, on the ground of race, color or national origin, in federally assisted programs. Executive Order No. 11764 assigns to the Attorney General responsibility for coordinating enforcement of Title VI.

EFFECTIVE DATE: Date of signature (July 30, 1979).

FOR FURTHER INFORMATION CONTACT: David Marblestone, Civil Rights Division, Department of Justice, Washington, D.C. 20530 (202-633-4492).

SUPPLEMENTARY INFORMATION: Neither of these amendments effects substantive change. The purpose of each is to describe long-standing practices.

Section 50.0(a) of Title 28 delegates to the Assistant Attorney General in charge of the Civil Rights Division general responsibility for enforcing Federal civil rights statutes, including those pertaining to voting. Pursuant to that delegation, the Civil Rights Division has exercised responsibility for administering section 5 of the Voting Rights Act. The purpose of the amendment to 28 CFR 50.0(a) is to describe specifically this function of the Civil Rights Division.

By virtue of the authority vested in me by 5 U.S.C. 301 and 28 U.S.C. 509-510, Subpart J of Part 0 of Title 28 of the Code of Federal Regulations is hereby amended as follows:

1. Section 0.50 of Title 28 of the Code of Federal Regulations is amended by addition of the following paragraph:

§ 0.50 General functions.

(h) Administration of section 5 of the Voting Rights Act of 1965, as amended (42 U.S.C. 1973c).

2. Section 0.51(b) of Title 28 of the Code of Federal Regulations is revised to read as follows:

§ 0.51 Assistance to other federal agencies.

* * * * *

(b) The Assistant Attorney General in charge of the Civil Rights Division shall assist the Attorney General in carrying out the responsibility, assigned by Executive Order No. 11764, of coordinating enforcement by Federal departments and agencies of Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d to d-4).

Date: July 30, 1979.

Griffin B. Bell,

Attorney General.

[FR Doc. 79-24299 Filed 8-6-79; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 701

Personal Privacy and Rights of Individuals Regarding Their Personal Records and Privacy Act Exemptions

AGENCY: Department of the Navy.

ACTION: Final rule.

SUMMARY: The Department of the Navy amends its regulations relating to personal privacy and rights of individuals regarding their personal records. The amendments update an obsolete reference to a superseded executive order and reidentify several exempted records systems.

EFFECTIVE DATE: August 7, 1979

FOR FURTHER INFORMATION CONTACT: Mrs. Gwendolyn R. Rhoads, Privacy Act Coordinator, Department of the Navy, OP-09B1P, Washington, D.C. 20350. Telephone: 202-694-2004.

SUPPLEMENTARY INFORMATION: On July 3, 1979, at 44 FR 38910 of the **Federal Register**, the Department of the Navy proposed this amended exemption rule. No comments were received on the proposal and the amended exemption rule as set forth below is adopted.

H. E. Lofdahl,

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

August 2, 1979.

32 CFR Part 701 is amended by revising §§ 701.121 and 701.123(e) and (l) as follows:

§701.121 Exemption for classified records.

All systems of records maintained by the Department of the Navy and its components shall be exempt from the requirements of 5 U.S.C. 552a(d) pursuant to 5 U.S.C. 552a(K)(1), to the extent that the system contains any information properly classified under Executive Order 12065 and predecessor orders and that is required to be safeguarded in the interest of national defense or foreign policy. This exemption, which may be applicable to parts of all systems of records, is necessary because certain records systems not otherwise specifically designated for exemptions herein may contain isolated items of information that have been properly classified.

§ 701.123 Exemptions for specific Navy record systems.

* * * * *

(e) Naval Investigative Service.

ID—N63285-01

Sysname:

NIS Investigative Files System

Exemption:

(1) Portions of this system of records are exempt from the following subsections of 5 U.S.C. 552a: (c)(3), (c)(4), (d), (e)(2) and (3), (e)(4), (G) through (I), (e)(5), (e)(8), (f) and (g).

AUTHORITY: (1) 5 U.S.C. 552a(j)(2).

Reasons:

(1) Granting individuals access to information collected and maintained by this component relating to the enforcement of criminal laws could interfere with orderly investigations, with the orderly administration of justice, and possibly enable suspects to avoid detection or apprehension. Disclosure of this information could result in the concealment, destruction, or fabrication of evidence and jeopardize the safety and well being of informants, witnesses and their families, and law enforcement personnel and their families. Disclosure of this information could also reveal and render ineffectual investigative techniques, sources, and

methods used by this component, and could result in the invasion of the privacy of individuals only incidentally related to an investigation. The exemption of the individual's right of access to his records, and the reasons therefor, necessitate the exemption of this system of records from the requirements of the other cited provisions.

Exemption:

(2) Portions of this system of records are exempt from the following subsections of 5 U.S.C. 552a: (c)(3), (d), (e)(1), (e)(4) (G) through (I), and (f).

AUTHORITY: (2) 5 U.S.C. 552a(k) (1) through (6).

Reasons:

(2) The release of disclosure accountings would permit the subject of an investigation to obtain valuable information concerning the nature of that investigation, and the information contained, or the identity of witnesses or informants, and would therefore present a serious impediment to law enforcement. In addition, disclosure of the accounting would amount to notice to the individual of the existence of a record. Access to the records contained in this system would inform the subject of the existence of material compiled for law enforcement purposes, the premature release of which could prevent the successful completion of investigation and lead to the improper influencing of witnesses, the destruction of records, or the fabrication of testimony.

Exempt portions of this system also contain information that has been properly classified under Executive Order 12065, and that is required to be kept secret in the interest of national defense or foreign policy.

Exempt portions of this system also contain information considered relevant and necessary to make a determination as to qualifications, eligibility, or suitability for Federal civilian employment, military service, Federal contracts, or access to classified information, and was obtained by providing an express or implied assurance to the source that his identity would not be revealed to the subject of the record. The notice for this system of records published in the Federal Register sets forth the basic statutory or related authority for maintenance of the system. However, in the course of criminal investigations, cases, and matters, the Naval Investigative Service will occasionally obtain information concerning actual or potential violations of law that are not strictly within its statutory or other authority or may compile information in the course of an investigation that may not be relevant to a specific prosecution. In the interest of effective law enforcement, it is necessary to retain such information in this system of records, since it can aid in establishing patterns of criminal activity and can provide valuable leads for Federal and other law enforcement agencies.

The categories of sources of records in this system have been published in the Federal Register in broad generic terms. The identity of specific sources, however, must be withheld in order to protect the confidentiality of the source of criminal and other law enforcement information. This exemption is further necessary to protect the privacy and physical safety of witnesses and informants.

This system is exempted from procedures for notice to an individual as to the existence of records pertaining to him dealing with an actual or potential civil or regulatory investigation, because such notice to an individual would be detrimental to the successful conduct and/or completion of an investigation, pending or future. Mere notice of the fact of an investigation could inform the subject or others that their activities are under, or may become the subject of an investigation. This could enable the subjects to avoid detection, to influence witnesses improperly, to destroy records, or to fabricate testimony.

Exempt portions of this system contain screening board reports. Screening board reports set forth the results of oral examination of applicants for a position as a special agent with the Naval Investigative Service. Disclosure of these records would reveal the areas pursued in the course of the examination and thus adversely affect the result of the selection process. Equally important, the records contain the candid views of the members composing the board. Release of the records could affect the willingness of the members to provide candid opinions and thus diminish the effectiveness of a program which is essential to maintaining the high standard of the special Agent Corps, i.e., those records constituting examination material used solely to determine individual qualifications for appointment in the Federal Service.

* * * * *

(l) Office of the Secretary.

(1) *ID–N 31698. WHSP.*

Sysname:

White House Support Program.

Exemption:

Portions of this system of records of 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4) (G) through (I), and (f).

AUTHORITY: 5 U.S.C. 552a(k) (1), (2), (3), and (5).

Reasons:

Exempted portions of this system may contain information which has been properly classified under Executive Order 12065 and predecessor orders which is required to be kept secret in the interest of national defense or foreign policy. Exempted portions of this system may also contain information considered relevant and necessary to make a determination as to qualifications, eligibility , or suitability for access to classified information, and which was obtained by providing an express or implied promise to the source that his identity would not be revealed to the subject of the record. Exempted portions of this system may also contain information collected and maintained in connection with providing protective services to the President and other individuals protected pursuant to 18 U.S.C. 3056. Exempted portions of his system may also contain investigative records compiled for law enforcement purposes, the disclosure of which could reveal the identity of sources who provided information under an express or implied promise of confidentiality, compromise investigative techniques and procedures, jeopardize the life or physical safety of law enforcement personnel, or otherwise interfere with enforcement proceedings or adjudications.

[FR Doc. 79-24347 Filed 8-6-79; 8:45 am]

BILLING CODE 3810-71-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1291-5]

Approval and Promulgation of Implementation Plans; Hawaii State Implementation Plan Revision

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: The environmental Protection Agency (EPA) takes final action to approve a change to the Hawaii State Implementation Plan (SIP) submitted by the Governor. The intended effect of this action is to update rules and regulations in the SIP.

EFFECTIVE DATE: September 6, 1979.

FOR FURTHER INFORMATION CONTACT: Louise Giersch, Director, Air and Hazardous Materials Division, Environmental Protection Agency, 215 Fremont Street, San Francisco, California 94105, Attn: Douglas Grano, (415) 566–2938.

SUPPLEMENTARY INFORMATION: On May 11, 1979 (44 FR 27699) EPA published a Notice of Proposed Rulemaking for a revision to the Hawaii Public Health Regulations submitted on February 22, 1979 by the Governor for inclusion in the Hawaii SIP. The Notice of Proposed Rulemaking provided for a 30-day comment period. No comments were received.

Under section 110 of the Clean Air Act, as amended and 40 CFR Part 51, the Administrator is required to approve or disapprove regulations submitted as SIP revisions.

This revision contains a variance from Chapter 43, Section 7(b)(5) of the Hawaii Public Health Regulations. The variance allows fires to be set in order to train crashcrews in the technique of fighting aircraft fires. The State of Hawaii has submitted an analysis which demonstrates that such burning would not interfere with the attainment and maintenance of the National Ambient Air quality Standards.

It is the purpose of this notice to approve the variance from Chapter 43, Section 7(b)(5) of the Hawaii Public Health Regulations and incorporate it into the Hawaii SIP.

The State of Hawaii has certified that the public hearing requirements of 40 CFR 51.4 have been satisfied.

Under Executive Order 12044 EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized." EPA has reviewed the regulations being acted upon in this notice and determined that they are specialized regulations not subject to the procedural requirements of Executive Order 12044.

(Secs. 110 and 301(a) Clean Air Act as amended (42 U.S.C. 7410 and 7601(a))

Dated: August 2, 1979.

Douglas M. Costle,

Administrator.

Subpart M of Part 52 of Chapter I, Title 40, of the Code of Federal Regulations is amended as follows:

Subpart M—Hawaii

1. Section 52.620 is amended by adding paragraph (c)(11) as follows:

§ 52.620 Identification of plan.

* * * * *

(c) * * *

(11) A variance to the Hawaii Public Health Regulations, Chapter 43, Section 7(b)(5) submitted on February 22, 1979 by the Governor.

* * * * *

[FR Doc. 79-24326 Filed 8-6-79; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 65

[FRL 1287-6]

Delayed Compliance Order for the Department of the Air Force Wright-Patterson Air Force Base

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: By this rule, the Administrator of U.S. EPA issues a Delayed Compliance Order to the Department of the Air Force, Wright-Patterson Air Force Base (Air Force). The Order requires the Air Force to bring air emissions from Buildings 66, 170, 271, 770 and 1240 at Wright-Patterson Air Force Base into compliance with certain regulations contained in the federally approved Ohio State Implementation Plan (SIP). The Air Force's compliance with the Order will preclude suits under the Federal enforcement and citizen suit provisions of the Clean Air Act (Act) for violations of the SIP regulations covered in the Order.

DATES: This rule takes effect August 7, 1979.

FOR FURTHER INFORMATION CONTACT: Louise C. Gross, Attorney, United States Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, Telephone (312) 353–2082.

SUPPLEMENTARY INFORMATION: On May 8, 1979, the Region Administrator of the U.S. EPA's Region V Office published in the Federal Register (44 FR 26931) a notice setting out the provisions of a proposed Federal Delayed Compliance Order for the Air Force. The Notice asked for public comments and offered the opportunity to request a public hearing on the proposed Order. No public comments and no requests for a public hearing were received in response to the notice.

Therefore, a Delayed Compliance Order effective this date is issued to the Air Force by the Administrator of U.S. EPA pursuant to the authority of Section 113(d)(1) of the Act, 42 U.S.C. 7413(d)(1). The Order places the Air Force on a schedule to bring its Buildings 66, 170, 271, 770 and 1240 at Wright-Patterson Air Force Base into compliance as expeditiously as practicable with Regulation AP-3-11, a part of the federally approved Ohio State Implementation Plan. The Air Force is unable to immediately comply with this regulation. The Order also imposes interim requirements which meet Sections 113(d)(1)(C) and 113(d)(7) of the Act, and emission monitoring and reporting requirements. If the conditions of the Order are met, it will permit the Air Force to delay compliance with the SIP regulation covered by the Order until April 15, 1980.

Compliance with the Order by the Air Force will preclude Federal enforcement action under Section 113 of the Act for violations of the SIP regulation covered by the Order. Citizen suits under Section 304 of the Act to enforce against the source are similarly precluded. Enforcement may be initiated, however, for violations of the terms of the Order, and for violations of the regulation covered by the Order which occurred before the Order was issued by U.S. EPA or after the Order is terminated. If the Administrator determines that the Air Force is in violation of a requirement contained in the Order, one or more of the actions required by Section 113(d)(9) of the Act will be initiated. Publication of this notice of final rulemaking constitutes final Agency action for the purposes of judicial review under Section 307(b) of the Act.

U.S. EPA has determined that the Order shall be effective upon publication of this notice (August 7, 1979) because of the need to immediately place the Air Force on a schedule for compliance with the Ohio State Implementation Plan.

(42 U.S.C. 7413(d), 7601)

Dated: August 2, 1979.

Douglas M. Costle,

Administrator.

1. In consideration of the foregoing, Chapter I of Title 40 of the Code of Federal Regulations is amended as follows:

PART 65—DELAYED COMPLIANCE ORDERS

By adding the following entry to the table in § 65.400:

§ 65.400 **Federal Delayed Compliance Orders issued under Section 113(d)(1), (3), and (4) of the Act.**

Source	Location	Order No.	Date of FR proposal	SIP regulation involved	Final compliance date
* *	*	*	*	*	*
Department of the Air Force ...	Wright-Patterson Air Force Base, Ohio.	EPA-5-79-A-43	5-8-79	AP-3-11	4-15-80
* *	*	*	*	*	*

[FR Doc. 79-24327 Filed 8-6-79; 8:45 am]
BILLING CODE 6560-01-M

40 CFR Part 65

[FRL 1287-7]

Delayed Compliance Order for Cooper Tire & Rubber Co.

AGENCY: U.S. Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: By this rule, the Administrator of U.S. Environmental Protection Agency approves a Delayed Compliance Order to Cooper Tire & Rubber Company (Cooper Tire). The Order requires the Company to bring air emissions from its coal fired boiler at Findlay, Ohio, into compliance with certain regulations contained in the federally approved State Implementation Plan (SIP). Cooper Tire's compliance with the Order will preclude suits under the Federal enforcement and citizen suit provisions of the Clean Air Act (Act) for violations of the SIP regulations covered in the Order.

DATES: This rule takes effect August 7, 1979.

FOR FURTHER INFORMATION CONTACT: Cynthia Colantoni, United States Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, Telephone (312) 353-2082.

SUPPLEMENTARY INFORMATION: On June 19, 1979, the Regional Administrator of U.S. Environmental Protection Agency's Region V Office published in the Federal Register (44 FR 35273) a notice setting out the provisions of a proposed State Delayed Compliance Order for Cooper Tire. The notice asked for public comments and offered the opportunity to request a public hearing on the proposed Order. No public comments and no request for a public hearing were received in response to the notice.

Therefore, a Delayed Compliance Order effective this date is approved to Cooper Tire by the Administrator of U.S. Environmental Protection Agency pursuant to the authority of Section 113(d)(2) of the Act, 42 U.S.C. 7413(d)(2). The Order places Cooper Tire on a schedule to bring its coal fired boiler at Findlay, Ohio, into compliance as expeditiously as practicable with Regulation OAC 3745-17-07, a part of the federally approved Ohio State Implementation Plan. Cooper Tire is unable to immediately comply with this regulation. The Order also imposes interim requirements which meet Sections 113(d)(1)(C) and 113(d)(7) of the Act, and emission monitoring and reporting requirements. If the conditions of the Order are met, it will permit Cooper Tire to delay compliance with the SIP regulation covered by the Order until July 30, 1979.

Compliance with the Order by Cooper Tire will preclude Federal enforcement action under Section 113 of the Act for violations of the SIP regulation covered by the Order. Citizen suits under Section 304 of the Act to enforce against the source are similarly precluded. Enforcement may be initiated, however, for violations of the terms of the order and for violations of the regulation covered by the Order which occurred before the Order was issued by the U.S. Environmental Protection Agency or after the Order is terminated. If the Administrator determines that Cooper Tire is in violation of a requirement contained in the Order, one or more of the actions required by Section 113(d)(9) of the Act will be initiated. Publication of this notice of final rulemaking constitutes final Agency action for the purposes of judicial review under Section 307(b) of the Act.

The U.S. Environmental Protection Agency has determined that the Order shall be effective upon publication (August 7, 1979) of this notice because of the need to immediately place Cooper Tire on a schedule for compliance with the Ohio State Implementation Plan.

(42 U.S.C. 7413(d), 7601)

Dated: August 1, 1979.

Douglas M. Costle,

Administrator.

1. In consideration of the foregoing, Chapter 1 of Title 40 of the Code of Federal Regulations is amended as follows:

PART 65—DELAYED COMPLIANCE ORDERS

Adding the following entry to the table in § 65.401:

§ 65.401 **U.S. Environmental Protection Agency Approval of State Delayed Compliance Orders issued to major stationary sources.**

The State Order identified below has been approved by the Administrator in accordance with Section 113(d)(2) of the Act and with this Part. With regard to this Order, the Administrator has made all the determinations and findings which are necessary for approval of the Order under Section 113(d) of the Act.

Source	Location	Order No.	Date of FR proposal	SIP regulation involved	Final compliance date
* *	*	*	*	*	*
Cooper Tire & Rubber Company.	Findlay, Ohio.....	None	6/19/79	OAC 3745-17-07.	7/30/79
* *	*	*	*	*	*

[FR Doc. 79-24328 Filed 8-6-79; 8:45 am]
BILLING CODE 6560-01-M

40 CFR Part 80

[FRL 1260-6]

Regulation of Fuels and Fuel Additives; Small Refinery Amendment

AGENCY: Environmental Protection Agency.

ACTION: Final Rulemaking.

SUMMARY: EPA is changing its regulations which limit the lead content of gasoline in order to exempt small refiners. This exemption is required by the Clean Air Act Amendments of 1977. EPA proposed this rule in the Federal Register on April 26, 1978, (43 FR 17841) and received comments from firms owning or representing refineries. In the final regulations described below, EPA simplifies those regulations with respect to establishing the average lead content in gasoline to be allowed for various

sizes of small refineries. These regulations take effect on October 1, 1979, and terminate on October 1, 1982, at which time small refiners will have to meet the limits on lead content of gasoline established in the EPA lead phasedown regulations applying to all refiners.

By removing a portion of gasoline production from the general phasedown regulations, the small refinery exemption will result in increased amounts of lead in the national gasoline pool. EPA finds that this increase will not cause lead in the air to exceed the EPA ambient air quality standard, or the population blood lead targets adopted by EPA in setting the lead ambient air quality standard. This finding is based on the relatively small percentage of total gasoline produced by small refineries, the location of most small refineries away from large urban areas associated with high traffic and population density, and the increasing use of unleaded fuel. EPA is concerned, however, that lead is a persistent environmental pollutant of considerable significance, and that any increase in lead use is to some degree detrimental to the environment. EPA believes that the final regulations balance this concern with the objective of meeting the requirements of the small refinery exemption in the Clean Air Act and responding to industry comments.

EFFECTIVE DATES: These regulations apply to the average lead content of gasoline produced by small refiners in the fourth quarter of 1979, beginning on October 1, 1979. These regulations expire on October 1, 1982.

ADDRESS: Docket No. OAQPS 783, containing material relevant to this rulemaking, is located in the U.S. Environmental Protection Agency, Central Docket Section, Room 2903B, 401 M Street, SW., Washington, D.C. The docket may be inspected between 8 a.m. and 4 p.m. on weekdays, and a reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Mr. Stanton Coerr, Office of Air Quality Planning and Standards Mail Drop 12, Environmental Protection Agency, Research Triangle Park, N.C. 27711 telephone: 919–541–5355

SUPPLEMENTARY INFORMATION: On October 1, 1976, following a period of comment and review, EPA formally resumed enforcement of a revised lead phasedown schedule (41 FR 42675, September 28, 1976).

On January 17, 1977, EPA proposed exemption from the lead phasedown schedule for small refiners in the **Federal Register** (42 FR 3188). This proposal required small refiners who were in operation on October 1, 1976, with a capacity of not more than 30,000 barrels per day of crude oil, to meet a maximum average lead standard of 1.0 grams per gallon (gpg) of lead in gasoline for each three-month period beginning October 1, 1979. This special consideration for small refiners was based on EPA studies including a report entitled "Impact of Lead Phasedown Rules on Small Refineries" by Sobotka and Company, Inc., and was designed to equalize the economic impact of the lead phasedown between large and small refineries.

EPA received comments on the proposed regulation and based on evaluation of the comments, was drafting a final regulation when it became apparent to EPA that Congress might pre-empt EPA's action in an amendment to the Clean Air Act. EPA delayed the promulgation of its regulation pending Congressional action, which occurred in the Clean Air Act Amendments, enacted in August 1977. On April 26, 1978, EPA proposed a new regulation conforming to the instructions in the Clean Air Act Amendments of 1977 (Pub. L. 95–95, 91 Stat. 746).

These April 26, 1978 proposed regulations adopted from the Act the allowable average lead content of gasoline for various sizes of small refineries, and applied these levels to gasoline produced by small refineries up to the annual production level in 1977. Increases in gasoline production above the 1977 base year were to be limited to the general lead phasedown standard of 0.5 gpg, after October 1979.

SUMMARY OF COMMENTS RECEIVED: EPA received 37 comments on the April 26, 1978 proposal. The comments received, and a description of the disposition of issues raised in the comments are available for inspection in the docket for this action as described above under "Availability of Further Information". Key issues raised in the comments on the April 1978 proposal are discussed below.

The proposed regulations could result in average lead content more stringent than that established by Congress in the Clean Air Act Amendments.

Agency Response

EPA agrees that limiting increases in gasoline production for small refineries above that of the 1977 base year to 0.5 gpg could lead to average lead content in gasoline more stringent than the Congressional schedule. EPA took this approach because the purpose of the amendment was to equalize the economic impact of the lead phasedown regulations between large refiners and small refiners, not to provide economic incentives for expansion of the capacities of small refiners. EPA acknowledges, however, that the proposed regulations could have caused inequities in the treatment of small refineries because of the timing of their construction, or changes in their production. In the final regulations below, EPA has not used a separate lead limit for production above a base level. In dropping control for expanded production, EPA notes that the potential expansion of lead use by small refiners is limited by the expiration of the exemption on October 1, 1982.

The proposed regulations give an unfair competitive advantage to small refineries owned by small refiners in comparison to small refineries constructed after 1976, to small refineries owned by large refiners, and to small refiners with capacity slightly above 50,000 bpd.

Agency Response

The language of the Clean Air Act Amendments is precise with respect to which small refineries are to be exempt. These regulations are to ease the impact of the lead phasedown regulations on small refiners which existed at the time of the amendment, and are not to increase the numbers, or gasoline production capacity of small refineries by allowing greater use of lead additives. Because of concern about lead as an environmental pollutant, EPA does not wish to greatly expand the effect of this exemption. EPA notes, however, that for small refineries owned by small refiners, there is little difference in the current production capacity between the group of refineries present in 1976, and the group composed of all present small refineries. Because of this slight difference, the final regulations extend the exemption to all small refineries of small refiners.

Comments received pointed out that certain small refineries owned by large refiners could be in economic jeopardy,

possibly resulting in adverse economic impacts on communities which depend on the continued operation of such a refinery. EPA has decided, however, that the small refinery exemption will not be extended to small refineries owned by large refiners, because this would significantly increase the percentage of U.S. gasoline refinery capacity which would be exempt from the phasedown regulations, an increase from 6.6% to 14.1%.

EPA has proposed postponing the October 1979 date for the 0.5 gpg limit for large refineries. This would lessen the impact of denial of the exemption to this group of small refineries.

There are inequities in use of a base year production level.

Agency Response

In the final regulations EPA has dropped use of a base year calculation.

Capacity determinations should not be based on the level certified by the Department of Energy.

Agency Response.

EPA will continue to define crude oil or bona fide feed stock capacity as that level certified by the U.S Department of Energy, Office of Refining Operations. Where a refiner believes that the DOE certification is in error, arguments to certify an alternative capacity should be addressed to the U.S. Department of Energy, Office of Refining Operations.

There should be some system for review where phasedown regulations or the small refinery regulations result in severe economic impact.

Agency Response

There is no need for such a system. An exemption from the phasedown regulations is the most favorable form of economic relief under the circumstances. This is being provided for those small refineries that Congress intended would receive such relief.

Large refiners should be allowed to average small and large refining production.

Agency Response

Such a rule would provide relief to that category of refineries for which this regulation is not intended. This comment should be directed to the general phasedown proposed rulemaking that is being considered.

This action requires an Economic Impact Statement.

Agency Response

Because this action lessens the ecomomic impact of existing EPA regulations, EPA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Analysis under Executive Order 12044, and Section 317 of the Clean Air Act Amendments.

Dated: July 27, 1979.

Barbara Blum,

Acting Administrator.

Amendment of 10 CFR Part 40 follows:

1. By adding new paragraphs (p), (q) and (r) at the end of § 80.2 to read as follows:

§ 80.2 Definitions.

* * * * *

(p) "Small refinery" means a refinery

(1) Which has a crude oil or bona fide feed stock capacity of 50,000 barrels per day or less, and

(2) Which is not owned or controlled by any refiner with a total combined crude oil or bona fide feed stock capacity greater than 137,500 barrels per day.

(q) "Owned or controlled" means leased, operated, controlled, supervised, or in ten percent or greater part, owned.

(r) Crude oil or bona fide feed stock capacity means that crude oil or bona fide feed stock capacity certified by the Department of Energy, Office of Refining Operations.

2. By adding new paragraphs (a)(5) and (b) at the end of § 80.20 to read as follows:

§ 80.20 Controls applicable to gasoline refiners.

(a) * * *

(5) Until October 1, 1982, the provisions of paragraphs (a)(1) and (a)(4) of this section shall not apply to any small refinery, as defined in § 80.2(p).

(b)(1) Gasoline manufactured at a small refinery shall not exceed the average lead content specified in the table below for any three month period (January through March, April through June, July through September, or October through December) beginning October 1, 1979, and ending with the three month period beginning July 1, 1982.

Barrels per calendar day[1]	*Grams* per gallon[2]
5,000 or under	2.65
5,001 to 10,000	2.15
10,001 to 15,000	1.65
15,001 to 20,000	1.30
Greater than 20,000	.80

[1] Preceding calendar year production rate of gasoline.
[2] Allowable average lead content of gasoline.

(2) For each small refinery, as defined in § 80.2(p), each refiner shall also submit reports as required in paragraph (a)(3) of this section.

(Section 211 (Section 223, Pub. L. 95-95, 91 Stat. 764, 42 U.S.C. 7545(g) and 301(a) (42 U.S.C. 7602(a), formerly 42 U.S.C. 1857g(a)) of the Clean Air Act as amended.)

[FR Doc. 79-24079 Filed 8-6-79; 8:45 am]

BILLING CODE 6560-01-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

[Amdt. No. 10 to Revised Service Order No. 1210]

Providence and Worcester Co. and Consolidated Rail Corp.

AGENCY: Interstate Commerce Commission.

ACTION: Amendment No. 10 to Service Order No. 1210.

SUMMARY: Service Order No. 1210 authorizes the Providence and Worcester to operate over tracks of Consolidated Rail Corporation in Rhode Island, known as the Slatersville and Wrenthan Branches.

EFFECTIVE DATE: 11:59 p.m., July 31, 1979, and continuing in effect until further order of this Commission.

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

SUPPLEMENTARY INFORMATION:

Decided July 31, 1979.

Upon further consideration of Revised Service Order No. 1210 (40 FR 7452, 19478; 41 FR 4929, 15414, 32430; 42 FR 6817, 39221; 43 FR 4433, 34147; and 44 FR 6728), and good cause appearing therefor:

It is ordered: § *1033. 1210 Providence and Worcester Company authorized to operate over tracks of Consolidated Rail Corporation and Consolidated Rail Corporation authorized to operate over tracks of Providence and Worcester Company.*

Revised Service Order No. 1210 is amended by substituting the following paragraph (h) for paragraph (h) thereof:

(h) *Expiration date.* The provisions of this order shall remain in effect until modified or vacated by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., July 31, 1979.

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

This amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad

Association. Notice of this amendment shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filling a copy with the Director, Office of the Federal Register.

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

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79-24270 Filed 8-6-79; 8:45 am]

BILLING CODE 7035-01-M

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49 CFR Part 1033

[Service Order 1390]

Chicago, Milwaukee, St. Paul and Pacific Railroad Co. and Consolidated Rail Corp.

AGENCY: Interstate Commerce Commission.

ACTION: Service Order 1390.

SUMMARY: Service Order No. 1390 authorizes Chicago, Milwaukee, St. Paul and Pacific Railroad Company to operate over Consolidated Rail Corporation tracks between Gibson, Indiana, and Terre Haute, Indiana.

DATES: Effective 12:01 a.m., August 1, 1979, until further order of this Commission.

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

SUPPLEMENTARY INFORMATION:

Decided July 30, 1979.

The Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) operates its trains between South Chicago Heights, Illinois, and Fayette, Indiana, a distance of approximately 138 miles. This track is in a deteriorated condition and will require major rehabilitation of the line in order to maintain service over this line. There is an alternate route available over Consolidated Rail Corporation (CR) tracks between Gibson, Indiana, and Terre Haute, Indiana, a distance of approximately 165 miles. Movement of the MILW trains over its present route causes train delay due to deteriorated condition of the track and the large number of slow orders.

Use of these CR tracks by the MILW will result in more efficient train operations, and improved car utilization due to reduced transit time over CR tracks. CR has agreed to use by MILW of its tracks between Gibson and Terre Haute.

The United States District Court for the Northern District of Illinois, Eastern Division, has authorized the execution of a Trackage Rights Agreement between MILW and CR between Gibson and Terre Haute; authorized the filing of an application for this authority; authorized a request for a service order for immediate authority to commence these operations; and authorized filing pursuant to Bankruptcy Rule 8-512(a) of an application to abandon the line between South Chicago Heights, Illinois, and Fayette, Indiana.

MILW will be permitted to use these trackage rights for bridge rights only except MILW will interchange traffic with the Toledo, Peoria and Western Railroad Company (TP&W) at Kentland, Indiana, the Norfolk and Western Railway Company (N&W) at Newell, Illinois, and The Baltimore and Ohio Railroad Company (B&O) at Chrisman, Illinois. MILW will file an application with the Commission for trackage rights over these tracks of CR. MILW will continue to provide rail service to shippers on its present lines.

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

It is ordered.

§ 1033.1390 Chicago, Milwaukee, St. Paul and Pacific Railroad Company authorized to operate over tracks of consolidated rail corporation.

(a) The Chicago, Milwaukee, St. Paul and Pacific Railroad Company (MILW) is authorized to operate over tracks of Consolidated Rail Corporation (CR) between Gibson, Indiana, CR milepost 4.3, and Terre Haute, Indiana, CR milepost 68.6 via Kentland, Indiana; Danville, Illinois; Paris, Illinois; and Ringo, Indiana. Pending construction of a connection at Terre Haute between CR and MILW track, MILW is authorized to operate over CR track from CR milepost 72.6 to the existing connection with MILW near CR milepost 70.1 near Chase, Indiana. The total distance is approximately 167.2 miles. MILW will be permitted to use these trackage rights for bridge rights only except MILW will interchange traffic with the Toledo, Peoria and Western Railroad Company (TP&W) at Kentland, Indiana; the Norfolk and Western Railway Company (N&W) at Newell, Illinois; and The Baltimore and Ohio Railroad Company (B&O) at Chrisman, Illinois.

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

(c) *Rates applicable.* Inasmuch as this operation by MILW over tracks operated by CR is due to MILW's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via MILW until tariffs naming rates and routes specifically applicable via trackage rights authorized by this service order become effective.

(d) In transporting traffic over these lines MILW and all other 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 carrier; 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.

(e) Nothing herein shall be considered as a prejudgment of the application of MILW seeking authority to operate over these tracks.

(f) *Effective date.* This order shall become effective at 12:01 a.m., August 1, 1979.

(g) *Expiration.* The provisions of this order shall remain in effect until modified or vacated by order of this Commission.

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

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of 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. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission, at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

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

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79-24163 Filed 8-6-79; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 32

National Wildlife Refuges in Michigan, Ohio, Illinois, Iowa, Minnesota, and Wisconsin

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special Regulation.

SUMMARY: Migratory game bird hunting on certain National Wildlife Refuges has been determined by the Director to be compatible with the objectives for which the areas were established, will utilize a renewable resource, and will provide additional recreational opportunity to the public.

DATES: Effective August 7, 1979, for the duration of the 1979–80 migratory game bird season. See individual refuge and respective State regulations for exact dates.

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

John S. Popowski, Area Manager, U.S. Fish and Wildlife Service, 202 Manly Miles Building, 1405 S. Harrison Road, East Lansing, Michigan 48823. Telephone: (517) 372–1910 ext. 206. Responsible for the Seney, Shiawassee and Ottawa National Wildlife Refuges.

George G. P. Bekeris, Area Manager, U.S. Fish and Wildlife Service, 530 Federal Building and U.S. Court House, 316 North Robert Street, St. Paul, Minnesota 55101. Telephone: (612) 725–7641. Responsible for the Chautauqua, Crab Orchard, Mark Twain (Big Timber Division), Sherburne, Tamarac and Upper Mississippi River National Wildlife Refuges.

John R. Frye, Refuge Manager, Seney National Wildlife Refuge, Seney, Michigan 49883. Telephone: (906) 586–9851.

Robert S. Johnson, Refuge Manager, Shiawassee National Wildlife Refuge, 6975 Mower Road, RR 1, Saginaw, Michigan 48601. Telephone: (517) 793–2340.

Leland E. Herzberger, Refuge Manager, Ottawa National Wildlife Refuge, 14000 W. State Route 2, Oak Harbor, Ohio 43449. Telephone: (419) 898–0014.

Thomas S. Sanford, Refuge Manager, Chautauqua National Wildlife Refuge, RR 2, Havana, Illinois 62644. Telephone: (309) 535–2290.

Wayne D. Adams, Refuge Manager, Crab Orchard National Wildlife Refuge, P.O. Box J, Carterville, Illinois 62918. Telephone: (618) 997–3344.

Howard Lipke, Refuge Manager, Mark Twain National Wildlife Refuge, Great River Plaza, 311 N. Fifth Street, Suite 100, Quincy, Illinois 62301. Telephone: (217) 224–8580.

Ronald Papike, Refuge Manager, Sherburne National Wildlife Refuge, Route 2, Zimmerman, Minnesota 55398. Telephone: (612) 389–3323.

Omer N. Swenson, Refuge Manager, Tamarac National Wildlife Refuge, Rural Route, Rochert, Minnesota 56578. Telephone: (218) 847–4355.

Jerry Schotzko, Refuge Manager, Upper Mississippi River Wild Life and Fish Refuge, 122 W. 2nd Street, Winona, Minnesota 55987. Telephone: (507) 452–4232.

SUPPLEMENTARY INFORMATION: Hunting migratory game birds on portions of the following refuges shall be in accordance with all applicable State and Federal regulations, subject to the additional special regulations and conditions as indicated. Portions of refuges which are open to migratory game bird hunting are designated by signs and/or delineated on maps. Special conditions applying to individual refuges and maps are available at refuge headquarters or from the respective Office of the Area Manager (addresses listed above).

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

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

§ 32.12 Special regulations; hunting migratory game birds; for individual wildlife refuge areas.

Michigan

Seney National Wildlife Refuge

Public hunting of Woodcock and Wilson's Snipe (Jacksnipe) is allowed subject to the following special condition:

Hunting is permitted on 33,525 acres of the refuge designated as Area B from September 15 through November 12.

Shiawassee National Wildlife Refuge

Public hunting of *geese only* is permitted subject to the following special conditions:

(1) Hunting shall be by Federal permit and only from assigned blinds and pits. Blind assignments will be determined by drawings.

(2) Only non-toxic steel shot will be permitted.

(3) Hunters may not have shotgun shells containing lead or other toxic shot in their possession.

(4) Each hunter may possess not more than 12 shotgun shells.

(5) A blind rental fee of two dollars per hunter is required.

(6) Not more than three hunters are permitted in each blind or pit.

(7) Permit application cards for hunting during the month of October must be postmarked on or before September 15, 1979 and only successful applicants will be notified.

(8) For the month of November a daily drawing will be held to determine who may hunt during that day. Applicants must be present for each day's drawing.

(9) After completion of the day's hunt, all hunters must proceed to refuge headquarters for check-out and the submission of geese for examination.

Ohio

Ottawa National Wildlife Refuge

Public hunting of Canada, snow (including blue color phase) and white-fronted geese is permitted, on areas comprising 640 acres, subject to the following special conditions:

(1) Hunting shall be by State permit and only from assigned blinds. Blind assignments will be determined by drawings.

(2) A fee of five dollars per hunter will be required for blind rental.

(3) No more than two persons per blind (permit holder and one guest) are permitted.

(4) Hunters must report to the check station at least one hour before legal shooting time.

(5) Each hunter may possess not more than 10 shells. Only nontoxic steel shot will be permitted.

Hunters may not have shotgun shells containing lead or other toxic shot in their possession.

(6) Hunters will be permitted to pursue and shoot downed geese only within 75 yards of their assigned blind.

(7) Hunting hours shall be from the legal opening time in the morning until 12 noon.

(8) All hunters must be out of their assigned blinds by 1:00 p.m.

(9) All hunters must report to the check station and submit their geese for examination by 2:00 p.m.

(10) The use of trained dogs to retrieve downed geese within the hunting area is permitted.

Illinois

Chautauqua National Wildlife Refuge

Public hunting of migratory game birds is permitted, on areas comprising 745 acres, subject to the following special conditions:

(1) Blinds—No permanent structure, excluding wood or brush duck blinds, shall be permitted, no blinds shall be locked or otherwise sealed against public entry.

(2) Waterfowl hunters using 12 gauge shotguns must use steel shot shells only, and may not possess 12 gauge ammunition containing lead or other toxic shot. All other sizes of shotguns are exempt from the use of steel shot.

Crab Orchard National Wildlife Refuge

Public hunting of migratory game birds is permitted, on areas comprising 23,000 acres, designated as Areas I and III, subject to the following special conditions:

(1) Only portable or temporary blinds located on the immediate vicinity of the site may be used for hunting and these must be removed or dismantled at the end of day's hunt. Blinds and pits beyond the shoreline of refuge waters may not be constructed, established, occupied or used.

(2) Waterfowl hunters using 12 gauge shotguns must use steel shot shells only, and may not possess 12 gauge ammunition containing lead or other toxic shot. All other sizes of shotguns are exempt from the use of steel shot.

(3) During the goose season, on Grassy, Orchard, Sawmill and Turkey Islands, hunters may hunt only from blinds provided by the refuge.

(4) Only authorized waterfowl hunting is permitted on the controlled areas of Grassy Point, Carterville Public, and Greenbriar Road Areas from sunrise to 12:00 Noon daily during the goose season. Goose hunting on these areas is subject to the following conditions:

(a) Hunting is permitted only from existing refuge established blinds. This includes lake shorelines.

(b) Hunters must comply with all rules as posted.

Iowa

Mark Twain National Wildlife Refuge

Public hunting of migratory game birds is permitted, on areas comprising 1,760 acres (Big Timber Division and Turkey Island Area), subject to the following special condition:

Blinds—No permanent structure; excluding wood or brush duck blinds, shall be permitted; no blinds shall be locked or otherwise sealed against public entry.

Minnesota

Sherburne National Wildlife Refuge

Public hunting of ducks, coots, rails, Wilson snipe and Woodcock is permitted, on an area comprising approximately 7,510 acres (designated Area B on map), subject to the following special conditions:

(1) Use of steel shot is required for hunting waterfowl and coots. Possession of lead shot shells while hunting waterfowl and coots is prohibited.

(2) Boats, without motors, may be used on the St. Francis River only from designated river access sites.

(3) Boats and decoys must be removed from the refuge at completion of day's hunt.

(4) Field possession of migratory birds in the refuge area closed to migratory bird hunting is prohibited.

Tamarac National Wildlife Refuge

Public hunting of ducks, geese and coots is permitted, on an area comprising approximately 12,500 acres, subject to the following special conditions:

(1) Use of steel shot is required for hunting waterfowl and coots. Possession of lead shot shells while hunting waterfowl and coots is prohibited.

(2) The use of dogs to retrieve downed waterfowl and coots is permitted and encouraged.

(3) Boats are permitted for waterfowl hunting.

Illinois, Iowa, Minnesota, Wisconsin

Upper Mississippi River Wild Life and Fish Refuge

Public hunting of migratory game birds is permitted where designated subject to the following special conditions:

(1) The hunting of migratory game birds in the Potter's Marsh area, River Mile 522.5–526, Illinois shall be only from a legal blind as determined by the Service and the State of Illinois. Blind allocation and construction shall be according to State of Illinois regulations which are adopted herein and made a part of this regulation.

(2) Waterfowl hunters using 12-gauge shotguns must use steel shot shells only, and may not possess 12-gauge ammunition containing lead or other toxic shot. All other sizes of shotgun are exempt from the use of steel shot.

This special regulation supplements the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32.

The public is invited to offer suggestions and comments at any time.

Harvey K. Nelson,

Regional Director.

July 18, 1979.

[FR Doc. 79-24266 Filed 8-6-79; 8:45 am]

BILLING CODE 4310-55-M

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50 CFR Part 52

Hunting: National Wildlife Refuges in Illinois, Iowa, Minnesota, and Wisconsin

AGENCY: Fish and Wildlife Service.

ACTION: Special regulations.

SUMMARY: The Director has determined that the opening to public hunting of certain National Wildlife Refuges is compatible with the objectives for which the areas were established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public. These special regulations describe the conditions under which hunting will be permitted on portions of certain National Wildlife Refuges in Illinois, Iowa, Minnesota, and Wisconsin.

DATES: Effective on August 7, 1979, for duration of seasons noted below for individual refuge areas.

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

George G. P. Bekeris, Area Manager, U.S. Fish and Wildlife Service, 530 Federal Building & U.S. Court House, 316 North Robert Street, St. Paul, MN 55101. Telephone (612)725–7641.

Joseph Kotok, Refuge Manager, Agassiz National Wildlife Refuge, Middle River, Minnesota 56737. Telephone: (218)449–4115.

James Heinecke, Refuge Manager, Big Stone National Wildlife Refuge, 25 N.W. 2nd Street, Ortonville, MN 56278. Telephone: (612)839–3700.

Wayne D. Adams, Refuge Manager, Crab Orchard National Wildlife Refuge, Post Office Box J, Carterville, IL 62918. Telephone: (618)997–3344.

John E. Toll, Refuge Manager, Horicon National Wildlife Refuge, Route #2, Mayville, WI 53050. Telephone: (414)387–2658.

Howard A. Lipke, Refuge Manager, Mark Twain National Wildlife Refuge, Great River Plaza, 311 N. 5th Street, Suit 100, Quincy, IL 62301. Telephone: (217)224–8580.

James M. Carroll, Jr., Refuge Manager, Necedah National Wildlife Refuge, Star Route, Necedah, WI 54646. Telephone: (608)565–2551.

David E. Heffernan, Refuge Manager, Rice Lake National Wildlife Refuge, Route #2, McGregor, MN 55760. Telephone: (218)768–2402.

Ronald V. Papike, Refuge Manager, Sherburne National Wildlife Refuge, Route #2, Zimmerman, MN 55398. Telephone: (612)389–3323.

Omer N. Swenson, Refuge Manager, Tamarac National Wildlife Refuge, Rochert, MN 56578. Telephone: (218)847–4355.

Jerry Schotzko, Refuge Manager, Upper Mississippi Wild Life and Fish Refuge, 122 W. 2nd Street, Winona, MN 55987. Telephone: (507)452–4232.

SUPPLEMENTARY INFORMATION: Hunting on portions of the following refuges shall be in accordance with all applicable State and Federal regulations, subject to additional special regulations and conditions as indicated. Portions of refuges which are open to hunting are designated by signs and/or delineated on maps. Special conditions applying to individual refuges and maps are available at refuge headquarters or from the Office of the Area Manager (addresses listed above).

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

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

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

Illinois

Crab Orchard National Wildlife Refuge

Crab Orchard National Wildlife Refuge, Jackson and Williamson Counties, Illinois, will be open for upland game hunting during the dates specified by the State of Illinois for the 1979 Upland Game Season. Hunting of upland game is prohibited from sunrise to 12:00 Noon in the refuge controlled goose hunting areas during the goose hunting season.

Minnesota

Big Stone National Wildlife Refuge

Big Stone National Wildlife Refuge, Lac qui Parle County, Minnesota, will be open to the hunting of Hungarian partridge, cottontail rabbit, gray and fox squirrel, and ringnecked pheasant beginning on the opening day of seasons for these species as established by the State of Minnesota. All upland game seasons on the refuge close at sunset, November 30, 1979.

Rice Lake National Wildlife Refuge

Rice Lake National Wildlife Refuge, Aitkin County, Minnesota will be open to hunting of ruffed and spruce grouse during the seasons for these species as established by the State of Minnesota. The open area comprises about 2,000 acres.

Sherburne National Wildlife Refuge

Sherburne National Wildlife Refuge, Sherburne County, Minnesota will be open to hunting of ruffed grouse, ringnecked pheasant, gray and fox squirrel, rabbits and hares during the seasons for these species as established by the State of Minnesota. The open area comprises about 19,840 acres. Boats, without motors, may be used on the St. Francis River. Launching is restricted to designated river access sites only.

Tamarac National Wildlife Refuge

Tamarac National Wildlife Refuge, Becker County, Minnesota, will be open to hunting of ruffed grouse, gray and fox squirrel, rabbits, and hares during the seasons for these species as established by the State of Minnesota on approximately 12,500 acres. An additional 18,000 acres will be open to hunting of ruffed grouse only.

Wisconsin

Horicon National Wildlife Refuge

Horicon National Wildlife Refuge, Dodge County, Wisconsin, will be open to hunting of ringnecked pheasant from October 27, 1979 through December 9, 1979. The open area comprises 16,000 acres.

Illinois, Iowa, Minnesota, Wisconsin

Upper Mississippi Wildlife and Fish Refuge

Upper Mississippi Wildlife and Fish Refuge, Illinois, Iowa, Minnesota and Wisconsin, will be open to hunting of upland game on designated "Public Hunting Areas" (about 148,000 acres) beginning concurrent with applicable state seasons and ending with the closing of applicable state seasons or March 1, 1980, whichever occurs first. Except for the Goose Island Closed Area in Pool 8, areas designated by signs as "Area Closed" (about 46,000 acres) will be open for upland game hunting beginning on the first day after the close of the last hunting season for ducks applicable to the geographic area concerned and ending with the closing of the applicable state seasons or March 1, 1980, whichever occurs first. The Goose Island Closed Area is closed at all times to hunting. Except with permission in writing obtained from the refuge manager, the discharge of guns of all types is prohibited on all lands and waters of the Upper Mississippi River Wildlife and Fish Refuge during the period from March 1 until the first day of the earliest fall state game bird or game animal season applicable to the geographic area concerned.

Illinois, Iowa

Mark Twain National Wildlife Refuge

Approximately 1,400 acres of the Keithsburg Division, Illinois, will be open to hunting of black, gray and fox squirrels from September 1 through October 15, 1979.

The entire Gardner Division (4,831 acres), Illinois, will be open to hunting of black, gray and fox squirrels by special permit. The season will open in accordance with the State season and will close on October 15, 1979. Hunters must have in their possession a refuge hunting permit which will be issued free upon contacting the Refuge Headquarters, 311 North Fifth Street, Suite 100, Quincy, Illinois 62301 (Telephone: (217)224–8580).

About 1,760 acres of the Big Timber Division and Turkey Island Area, Iowa, will be open to upland game hunting during the seasons as established by the State of Iowa.

§ 32.32 Special regulations; big game; for individual refuge areas

Illinois

Crab Orchard National Wildlife Refuge

Crab Orchard National Wildlife Refuge, Jackson and Williamson,

Counties, Illinois will be open to hunting of white-tailed deer concurrent with shotgun and bow and arrow hunt dates as specified by the State of Illinois for the 1979 Deer Season. In Areas I and III (23,000 acres), hunting is permitted from ground level only. In Area II (21,000 acres), the following conditions apply:

1. Each hunter must possess a special permit issued by the Illinois Department of Conservation showing the three-day season he/she is to hunt.

2. All hunters must check in at the Refuge Fire Station prior to hunting.

3. All hunters must comply with all special restrictions listed on a handout furnished to them at the time of check-in.

Minnesota

Agassiz National Wildlife Refuge

Agassiz National Wildlife Refuge, Marshall County, Minnesota will be open to hunting of white-tailed deer and moose concurrent with seasons as established by the State of Minnesota. The open area comprises approximately 56,500 acres. Construction or use of permanent blinds, platforms or scaffolds is prohibited. The following special conditions apply to moose hunting:

1. All parties hunting State Zone 2, which includes Agassiz National Wildlife Refuge, are required to report to the Agassiz Check Station located 11 miles east of Holt, Minnesota, before they begin to hunt.

2. All moose killed in Zone 2 must be registered at the Agassiz Refuge Check Station within 48 hours of the kill.

Big Stone National Wildlife Refuge

Big Stone National Wildlife Refuge, Lac qui Parle County, Minnesota, will be open to hunting of white-tailed deer concurrent with the seasons as established by the State of Minnesota. Construction or use of permanent blinds, platforms or scaffolds is prohibited.

Rice Lake National Wildlife Refuge

Rice Lake National Wildlife Refuge, Aitkin County, Minnesota, will be open to hunting of white-tailed deer with firearms during the "antlerless" portion of the State firearms deer season only. The open area comprises about 15,000 acres. Only those persons in possession of a valid Rice Lake Special Deer Permit (Area 69) issued by the Minnesota Department of Natural Resources will be allowed to hunt on the refuge. The permit must be carried at all times while hunting on the refuge. All hunters must report to the refuge check station at the beginning and end of each day's hunt. Successful hunters must have their deer checked at the refuge check station prior to transporting it outside the refuge. Construction or use of permanent blinds, platforms or scaffolds is prohibited.

Sherburne National Wildlife Refuge

Sherburne National Wildlife Refuge, Sherburne County, Minnesota, will be open to hunting of white-tailed deer concurrent with the seasons as established by the State of Minnesota. The open area comprises about 19,840 acres. Boats, without motors, may be used on the St. Francis River. Launching is restricted to designated river access sites only. Construction or use of permanent blinds, platforms or scaffolds is prohibited.

Tamarac National Wildlife Refuge

No hunting of big game (black bear or white-tailed deer) will be permitted on Tamarac National Wildlife Refuge during the 1979 season.

Wisconsin

Horicon National Wildlife Refuge

Horicon National Wildlife Refuge, Dodge County, Wisconsin, will be open to hunting of white-tailed deer with bow and arrow only from September 15 through November 11, 1979. The open area comprises 16,000 acres. Construction or use of permanent blinds, platforms or scaffolds is prohibited.

Necedah National Wildlife Refuge

Necedah National Wildlife Refuge, Juneau County, Wisconsin will be open to hunting of white-tailed deer and unprotected mammal species as listed in the 1979 Wisconsin Big Game Hunting Regulations with bow and arrow and firearms concurrent with the seasons for these species as established by the state of Wisconsin. The open areas comprise about 39,000 acres. Construction or use of permanent blinds, platforms or scaffolds is prohibited.

Iowa, Illinois, Minnesota, Wisconsin

Upper Mississippi Wild Life and Fish Refuge

Upper Mississippi Wild Life and Fish Refuge, Illinois, Iowa, Minnesota and Wisconsin, will be open to hunting of white-tailed deer with bow and arrow and firearms on designated "Public Hunting Areas" (about 148,000 acres) concurrent with applicable state seasons. Except for the Goose Island Closed Area in Pool 8, areas designated by signs as "Area Closed" (about 46,000 acres) will be open for deer hunting with bow and arrow and firearms concurrent with applicable state seasons, but only during the period from the first day after the close of the last hunting season for ducks applicable to the geographic area concerned until the end of the applicable state deer seasons. The Goose Island Closed Area is closed at all times to hunting. Construction or use of permanent blinds, platforms or scaffolds is prohibited.

Illinois, Iowa

Mark Twain National Wildlife Refuge

The Gardner Division of Mark Twain National Wildlife Refuge, Illinois, will be open to hunting of white-tailed deer with shotgun November 16, 17, and 18, 1979 from 6:30 am to 3:00 pm (CST) daily. The open areas comprise 4,831 acres. A valid State-issued shotgun deer permit with Mark Twain National Wildlife Refuge designation will serve as authorization to enter the public hunting area. Successful hunters are required to check their deer through the Adams County Check Station near the Division.

Big Timber Division and the Turkey Island Area of Mark Twain National Wildlife Refuge, Iowa, will be open to hunting of white-tailed deer concurrent with the seasons as established by the State of Iowa. The open areas comprise 1,760 acres.

Construction or use of permanent blinds, platforms or scaffolds is prohibited.

Dated: July 30, 1979.

Richard E. Toltzmann,

Acting Area Manager.

[FR Doc. 79-24297 Filed 8-6-79; 8:45 am]

BILLING CODE 4310-55-M

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50 CFR Part 33

Hunting; National Wildlife Refuges in Florida, Georgia, and South Carolina

AGENCY: Fish and Wildlife Service.

ACTION: Special regulations.

SUMMARY: The Director has determined that the opening to hunting of certain national wildlife refuges in Florida, Georgia and South Carolina is compatible with the objectives for which the areas were established, will utilize a renewable natural resource and will provide additional recreational opportunity to the public. Big game hunts on island refuges (i.e. Wassaw Island National Wildlife Refuge) provide biological control and keep population levels compatible with their habitat. This document establishes special regulations effective for the upcoming hunting seasons for certain migratory game birds, upland game and big game species.

DATES: September 1, 1979 to June 30, 1980. See State regulations for waterfowl seasons in Georgia and Florida.

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

Area Manager, U.S. Fish and Wildlife Service, 900 San Marco Boulevard, Jacksonville, Florida 32207, telephone (904) 791–2267.

Refuge Manager, Chassahowitzka National Wildlife Refuge, Route 2, Box 44, Homosassa, Florida 32646, telephone (904) 628–2201.

Refuge Manager, Lake Woodruff National Wildlife Refuge, P.O. Box 488, DeLeon Springs, Florida 32028, telephone (904) 985–4673.

Refuge Manager, Loxahatchee National Wildlife Refuge, Route 1, Box 278, Boynton Beach, Florida 33437, telephone (305) 732–3684.

Refuge Manager, Merritt Island National Wildlife Refuge, P.O. Box 6504, Titusville, Florida 32780, telephone (305) 867–4820.

Refuge Manager, Piedmont National Wildlife Refuge, Round Oak, Georgia 31080, telephone (912) 986–5441.

Refuge Manager, Savannah (Blackbeard Island, Pinckney Island and Wassaw Island) National Wildlife Refuge, P.O. Box 8487, Savannah, Georgia 31402, telephone (912) 232–4321, extension 415.

Refuge Manager, St. Marks National Wildlife Refuge, P.O. Box 68, St. Marks, Florida 32355, telephone (904) 925–6121.

Refuge Manager, St. Vincent National Wildlife Refuge, P.O. Box 447, Apalachicola, Florida 32320, telephone (904) 653–8808.

SUPPLEMENTARY INFORMATION:

General Conditions

1. Hunting is permitted on national wildlife refuges indicated below in accordance with 50 CFR Part 32, State regulations, applicable general conditions and the following special regulations:

The Refuge Recreation Act of 1962 (16 U.S.C. 460k) authorizes the Secretary of the Interior to administer such areas for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary objectives for which the area was established. In addition, the Refuge Recreation Act requires: (a) that no area of the National Wildlife Refuge System is used for forms of recreation not directly related to the primary purposes for which the area was established, and (b) that funds are available for the development, operation and maintenance of the permitted forms of recreation.

The recreational use authorized by these regulations will not interfere with the primary purposes for which Chassahowitzka, Lake Woodruff, Loxahatchee, Merritt Island, Piedmont, Savannah, Blackbeard Island, Pinckney Island, St. Marks and St. Vincent National Wildlife Refuges were established. This determination is based upon consideration of, among other things, the Service's Final Environmental Statement on the Operation of the National Wildlife Refuge System published in November 1976. Funds are available for the administration of the recreational activities permitted by these regulations.

2. All hunters must possess a refuge permit to hunt on a national wildlife refuge. Permits are available from the refuge headquarters and/or check stations. Permits are nontransferable and must be carried while hunting. Permits may be secured by either applying in person or by mail. All participants must fill in and return the questionnaire portion of the hunt permit to the refuge manager by the established deadline for respective hunts.

3. A list of special conditions applying to individual refuge hunts and a map of the hunt area are available at refuge headquarters. Portions of refuges which are open to hunting are designated by signs and/or delineated on maps.

4. Ingress and egress points for motor vehicles and/or boats are limited to designated check stations or other specified areas.

5. Only steel shot ammunition may be used during refuge migratory waterfowl hunts. Possession of lead or other toxic shot in any gauge is prohibited during such hunts.

6. Persons under age 18 must be under the close supervision of an authorized adult.

7. Deer, hogs and turkeys harvested during scheduled hunts for these species must be checked by refuge personnel before leaving the refuge.

8. Muzzleloading shotguns used during primitive gun big game hunts must be 20 gauge or larger, loaded with single shot.

9. Unless specified, dogs are not permitted on refuge areas during hunts.

10. Only temporary blinds are permitted.

11. Personal property must be retrieved by owner and removed from the refuge daily, unless otherwise specified.

12. Use of buckshot is prohibited on refuge big game hunts (except the Savannah NWR feral hog hunt).

§ 32.12 Special Regulations: Migratory game bird hunting for individual wildlife refuge areas.

Migratory bird hunting is permitted on the following refuges within those areas posted with signs and/or designated on a hunting area map. Migratory bird hunting shall be in accordance with the aforementioned general conditions and the following special conditions:

Florida

Chassahowitzka National Wildlife Refuge

(1) Only ducks and coots may be hunted on approximately 2,500 acres which have been designated as being open to public hunting. (2) Hunting will be permitted daily during the State waterfowl season. (3) Travel to and from the hunting area will be permitted only by outboard motorboat or manually propelled boats and canoes. Air thrust boats are prohibited. (4) Dogs are permitted for retrieving dead and wounded game.

Loxahatchee National Wildlife Refuge

(1) Only ducks and coots may be hunted on approximately 29,000 acres which have been designated as open to public hunting. (2) Hunting is permitted on Sundays, Wednesdays, Thursdays, Fridays and Saturdays during the State waterfowl season. Shooting hours are from one-half hour before sunrise until 11 a.m. (3) Air thrust boats may be launched at the headquarters landing only. Hunters must use the designated routes of travel to and from the hunting area. These routes are those portions of Canal 40 and Canal 39 (Hillsboro Canal) within the hunting area and a clearly posted access trail through the headquarters "closed area." No hunting is permitted in these canals or in the posted "closed area" near headquarters and the concession. (4) All air thrust boat operators must possess a refuge airboat permit available at refuge headquarters.

Merritt Island National Wildlife Refuge

(1) Migratory waterfowl hunting is permitted for ducks and coots on approximately 38,500 acres. (2) Hunting is permitted only on Sundays, Wednesdays, Thursdays, Fridays and Saturdays during the State waterfowl season. Shooting hours are from one-half hour before sunrise until 1 p.m. daily. (3) Proof of completion of a certified hunter safety training course is required to hunt Areas 1, 2 and 4 during the entire season. (4) The refuge will be closed to hunting at certain times during space shuttle operations. Consult local news sources for the space shuttle security schedule. (5) A hunter check station is currently scheduled to be operated the first day of the season for issuance of daily permits; however, it may be necessary to operate a check station at other times in support of space shuttle security. (6) Hunting from

or within 10 feet of any dike, roadway or railroad fill is prohibited. (7) All boaters must wear life jackets when boats are in motion in the Indian River and Mosquito Lagoon. Air thrust boats are prohibited. (8) The use of dogs is permitted, but they must remain under the control of their handlers at all times.

Georgia

Savannah National Wildlife Refuge

(1) Only ducks, coots and snipe may be hunted on approximately 3,500 acres which have been designated as open to public hunting. (2) Hunting will be permitted only on Thursdays, Fridays and Saturdays from one-half hour before sunrise to 12 noon during the State waterfowl season. (Note: Snipe season opens at different dates than duck and coot season but will close on the same date.) (3) Hunting will not be permitted in or on Front, Middle and Back Rivers nor closer than 50 yards to the shoreline of these rivers. (4) Hunters will not be permitted to enter the hunting area sooner than one and one-half hours before sunrise.

§ 32.22 Special Regulations: Upland game for individual wildlife refuge areas.

Florida

St. Marks National Wildlife Refuge

The hunt area for upland game is 600 acres of the St. Marks Unit; which is cooperatively administered as part of the Aucilla Wildlife Management Area according to all applicable State rules and regulations.

St. Vincent National Wildlife Refuge

(1) Species permitted: Turkey—bearded only. (2) Weapons: State regulations governing primitive weapons. (3) Season: January 19–20, 1980. (4) Bag limit: One (1) per season. (5) Permits: 125 permits will be selected by public drawing on December 17, 1979. (6) Camping and fires are permitted in two designated camping areas. Participants may not set up camp before 8 a.m. on the day prior to the scheduled hunt. All camping equipment must be removed by 1 p.m. the day following the last day of the hunt season. (7) The refuge is closed to the general public during the hunts. (8) The hunt area for wild turkey encompasses approximately 10,000 acres.

Georgia

Piedmont National Wildlife Refuge

(1) Species permitted: Quail, squirrel and rabbit. (2) Season: Daily except Sundays during State season. (3) Closed areas: Compartment 25 and the posted wildlife trail section of Compartment 14. (4) Permits: Available at refuge headquarters during the hunt. (5) Dogs are allowed for quail hunting and one dog per hunt party is allowed for squirrel hunting. Dogs are *not allowed* for rabbit hunting. (6) Handguns and buckshot are prohibited on the refuge. (7) Upland game hunting of designated species is permitted on approximately 33,000 acres.

§ 32.32 Special Regulations: Big game for individual wildlife refuges.

Florida

White-tailed deer and feral hogs may be hunted on the following refuge areas:

Lake Woodruff National Wildlife Refuge

(1) *Archery hunts:* (a) species permitted: deer and feral hogs; (b) season: September 21–23 and October 5–7, 1979; (c) Bag limit: deer—State regulation, hogs—no limit, (d) sex: either sex, (e) permits—100; permit applications must be received prior to the public drawing at 2 p.m. on August 10, 1979. (2) *Primitive gun hunts:* (a) species permitted: deer and feral hogs, (b) season: October 19–21 and November 2–4, 1979, (c) bag limit: deer—State regulations, hogs—no limit, (d) sex: bucks only, minimum of 5" antler, (e) permits—80 permits, applications must be received prior to the public drawing at 2 p.m. on August 10, 1979. (3) Stand hours: One-half hour before sunrise to one and one-half hours after sunrise. Stalking or movement through the hunt area is not permitted during stand hours. (4) No one may enter the hunt area prior to two hours before sunrise and all hunters must clear the area by two hours after sunset. (5) Big game hunting of designated species is permitted on approximately 2,250 acres.

St. Marks National Wildlife Refuge

The hunt area for big game is 600 acres of the St. Marks Unit; which is cooperatively administered as part of the Aucilla Wildlife Management Area according to all applicable State rules and regulations and 12,000 acres of the Wakulla Unit plus 8,000 acres of the Panacea Unit subject ot the aforementioned general conditions and the following special conditions:

(1) *Archery hunts:* (a) species permitted: deer and feral hogs, (b) season: September 28–30, 1979, (c) bag limit: deer—State regulations, hogs—no limit, (d) sex: either sex (except spotted fawn), (e) permits: no quota, permits available at refuge headquarters until August 31, 1979. (2) *Primitive gun hunt:* (a) species permitted: deer and feral hogs, (b) season: November 16–18, 1979, (c) bag limit: deer—State regulations, hogs—no limit, (d) sex: deer—bucks only, minimum of 5" antler, hogs—either sex, (e) permits: no quota, permits available at refuge headquarters until August 31, 1979.

St. Vincent National Wildlife Refuge

(1) *Archery hunts:* (a) species permitted: white-tailed deer and feral hogs, (b) season: November 10–12, 1979, (c) bag limit: deer—one deer, hogs—no limit, (d) sex: either sex, (e) permits: no quota; permits available at refuge headquarters until October 31, 1979, (f) hunters must be on stand one-half hour before sunrise to 9 a.m. (2) *Primitive gun hunts:* (a) species permitted: white-tailed deer and feral hogs, (b) season: December 14–16, 1979, (c) bag limit: deer—one deer, hogs—no limit, (d) sex: either sex, (e) permits: 300 permits selected by public drawing on November 16, 1979. (3) Hunter camping and fires are restricted to two designated camping areas. Participants may not set up camp before 8 a.m. on the day prior to the scheduled hunt. All camping equipment must be removed by 1 p.m. the day following the last day of the hunt season. (4) St. Vincent Wildlife Refuge is closed to the general public during these hunts. (5) Approximately 12,000 acres are open for hunting designated species of big game.

Georgia and South Carolina

Savannah National Wildlife Refuge

(a) Species permitted: Feral hogs, (b) season: October 6 and October 23, 1979, (c) bag limit: no limit, (d) Sex: either sex, (e) weapon: shotgun—"00" buckshot, (f) permits: 150 permits for each hunt, permit applications must be postmarked by September 6. Persons drawn for the first hunt will not be eligible for the second hunt. (2) The Savannah NWR (except for headquarters area) will be closed to the general public on hunt days. (3) Approximately 11,500 acres are open for feral hog hunting.

Blackbeard Island National Wildlife Refuge

(1) *Archery hunts:* (a) species permitted: deer, (b) season: October 29–November 1, 1979 and December 28–30, 1979, (c) bag limit: two deer, (d) sex: either sex, (e) permits: no limit; application forms must be postmarked by September 29 for the hunt beginning October 29 and by November 28 for the hunt beginning December 28. (2) Camping and fires are permitted at designated camping areas only. Entry on

the Island will not be permitted more than two days in advance of the opening date of each hunt period. Participants will be confined to the camping area until the morning of the first day of each hunt period and must be off the Island the day following the last day of the hunt period. (3) During the periods from one-half hour before sunrise until 9 a.m. and from 3:30 p.m. until sunset each day hunters must remain on their stands. No movement during these hours will be tolerated. (4) The Blackbeard Island National Wildlife Refuge will be closed to the general public October 27–November 1, 1979 and December 26–30, 1979. (5) Approximately 4,500 acres are open for deer hunting.

Georgia

Wassaw Island National Wildlife Refuge

Special Conditions: (1) *Archery hunts:* (a) species permitted: deer, (b) season: November 16–18, 1979, (c) bag limit: two deer, (d) sex: either sex, (e) permits: unlimited; permit applications must be postmarked by October 16, 1979. (2) *Gun hunts:* (a) species permitted: deer, (b) weapons: State regulations (except buckshot prohibited), (c) seasons: December 15–16, 1979, (d) bag limit: two deer, (e) sex: antlerless deer on December 15, 1979, either sex on December 16, 1979, (f) permits: 120 permits will be issued by drawing. Permit applications must be postmarked by November 15, 1979. (3) Entry on the refuge will not be permitted more than one day in advance of the opening date of the hunt period. Participants must remain in the camping area until morning of first day of hunt period and must be off the Island the day following last day of the hunt. (4) All camping and fires will be at designated camping areas only. (5) Stand hours: during the periods from one-half hour before sunrise until 9 a.m. and from 3:30 p.m. until sunset each day, hunters must remain on their stands. No movement during these hours will be tolerated. (6) The Wassaw Island National Wildlife Refuge will be closed to the general public November 15–18, 1979 and December 14–16, 1979. (7) Approximately 2,000 acres are within the designated deer hunting area.

Piedmont National Wildlife Refuge

(1) *Archery hunts:* (a) species permitted: deer, (b) season: October 5–8, 1979 and October 12–15, 1979, (c) bag limit: one deer—either sex, (d) permits: no limit. (2) *Primitive gun hunt:* (a) species permitted: deer, (b) season: October 20, 1979, (c) bag limit: one deer—3 points or more on one side or antlerless (d) permits: 1,200 permits issued by public drawing on August 27, 1979 at 9 a.m. (3) *Bucks only gun hunts:* (a) season: October 25–27, 1979, (b) bag limit: one buck with visible antler, (c) permits: 1,500 permits issued by public drawing on August 27, 1979 at 9 a.m. (4) *Either sex gun hunt:* (a) seasons: November 3 and November 10, 1979, (b) bag limit: one deer, (c) permits: 2,000 permits for each hunt issued by public drawing on August 27, 1979 at 9 a.m. (5) Children under age 12 are not permitted on the deer hunts. (6) Camping is permitted only in the Pippins Lake Campground, Compartment 19. The Campground will be open at 8 a.m. the day before each deer hunt and closed at 11 a.m. the day after each deer hunt. (7) Prehunt scouting and stand placement will be permitted from 8 a.m. until sunset on the day immediately prior to each deer hunt. Weapons are not permitted in the woods during scouting periods. (8) Refuge big game hunters are required to wear outer garment above the waist which contains a minimum of 500 square inches of daylight fluorescent orange material. (9) Handguns and buckshot are prohibited on the refuge. (10) Approximately 33,000 acres are open to deer hunting. (11) Piedmont National Wildlife Refuge (except headquarters area) will be closed to the general public on hunt days.

South Carolina

Pinckney Island National Wildlife Refuge

(1) *Primitive gun hunts:* (a) species permitted: deer, (b) weapons: State regulations (except use of buckshot prohibited), (c) season:

November 24, 1979, (d) bag limit: two deer, (e) sex: one buck, one doe, (f) permits: 50 permits will be issued by public drawing, applications must be postmarked by October 24, 1979. (2) Participants must check in at headquarters no earlier than 4:30 a.m. and park in designated area prior to hunting. Entry by boat is prohibited. (3) During the periods from one-half hour before sunrise until 9 a.m. and from 3:30 p.m. until sunset, hunters must be on their stands. (4) The refuge will be open November 10 and 11, 1979 from 8 a.m. until 5 p.m. for the purpose of scouting. Only hunt participants with their hunt permits will be permitted on the refuge. (5) Pinckney Island National Wildlife Refuge will be closed to the general public on November 24, 1979. (6) The hunting area encompasses approximately 2,500 acres.

The provisions of these special regulations supplement the regulations which govern hunting on wildlife refuge areas generally and which are set forth in Title 50, *Code of Federal Regulations*, Part 32. The public is invited to offer suggestions and comments at any time.

Dated: July 31, 1979.

Sam O. Drake, Jr.,

Acting Area Manager.

[FR Doc. 79-24298 Filed 8-6-79; 8:45 am]

BILLING CODE 4310-55-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 611

Fishery Conservation and Management; Foreign Fishing in the Northwest Atlantic Ocean Fishery

AGENCY: National Oceanic and Atmospheric Administration/Commerce.

ACTION: Preliminary fishery management plan (PMP) amendments and final regulation.

SUMMARY: This amendment to the Northwest Atlantic Ocean PMP's and the foreign fishing regulations removes the prohibition on foreign trawling between the 100 and 200 fathom bottom contours in the fishing areas in the Northwest Atlantic Ocean.

EFFECTIVE DATE: August 10, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. W. Perry Allen, Permits and Regulations Division, National Marine Fisheries Service, Washington, D.C. 20235. Telephone (202) 634–7432.

SUPPLEMENTARY INFORMATION: Amendments to the Northwest Atlantic Ocean PMP's and the foreign fishing regulations were proposed on June 25, 1979 (44 FR 37022) which would remove the prohibition on foreign trawling between the 100 and 200 fathom bottom contours in the fishing areas in the Northwest Atlantic Ocean. The prohibition against foreign trawling between the 100 and 200 fathom contours was originally intended to protect domestic fixed gear between 100 and 200 fathoms that had not been reported to the Coast Guard and, thus, was not included in a fixed-gear area broadcast by the Coast Guard. Foreign trawling is prohibited in broadcast fixed-gear areas. The 100 to 200 fathom prohibition, however, (1) precluded foreign trawling in large portions of the fishing area where there was no fixed gear, (2) contributed to overcrowded and dangerous conditions on the available fishing grounds, and (3) contributed to the inability of foreign

nations to harvest their allocations of fish. The recent expansion of the broadcast fixed-gear areas to include a buffer zone around fixed gear (44 FR 31651, June 1, 1979) provides an adequate means for domestic fixed-gear fishermen to protect their gear from foreign trawling without the necessity of the 100 to 200 fathom prohibition.

Five comments favoring the proposed amendments were received. No comments opposed to the amendments were received.

The effective date of this amendment to the foreign fishing regulations has been established as August 10, 1979, in order that affected domestic fixed-gear fishermen may be advised of the amendment and report the locations of their gear. The Regional Director, Northeast Region, National Marine Fisheries Sevice, will notify appropriate fishermen's associations and State agencies of this amendment. Commander, Atlantic Area, U.S. Coast Guard, will publish the amendment in its Atlantic Notice to Fishermen and will make voice broadcasts on appropriate frequencies.

The Assistant Administrator for Fisheries has determined that this regulation is not a significant regulation under Executive Order 12044. Environmental impact statements for the PMP's concerned are on file with the Environmental Protection Agency.

Accordingly, section V(d)(7) of the PMP's for the Mackerel, Squid, Hake, and Foreign Trawl Fisheries of the Northwest Atlantic (at 42 FR 9790, 9630, 10188, and 9983) is amended to read:

Fixed-Gear Avoidance

The NOAA Assistant Administrator for Fisheries shall promulgate regulations governing foreign fishing operations to provide protection for fixed gear in the authorized fishing areas.

(16 U.S.C. 1801 *et seq.*)

Signed at Washington, D.C. this 31st day of July 1979.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

50 CFR 611.50(d) is amended by deleting paragraph (d)(1) and replacing it with the following new paragraph:

§ 611.50 Northwest Atlantic Ocean fishery.

* * * * *

(d) * * *

(1) No foreign fishing vessel may trawl in any fixed-gear area broadcast by the Coast Guard (see § 611.11 and paragraph (d)(2) of this section). Broadcasts of fixed-gear areas will include a buffer zone around the actual reported locations of the fixed gear.

* * * * *

[FR Doc. 79-24267 Filed 8-6-79; 8:45 am]

BILLING CODE 3510-22-M

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50 CFR Part 674

Alaska Salmon Fishery

AGENCY: National Oceanic and Atmospheric Administration (NOAA)/ Commerce.

ACTION: Field Order/Emergency Regulation.

SUMMARY: The Director, Alaska Region (Regional Director), National Marine Fisheries Service (NMFS) issues an emergency regulation (Field Order) applicable to fishing by vessels of the United States in the Alaska salmon troll fishery, in accordance with the fishery management plan (FMP) for the "High Seas Salmon Fishery off the Coast of Alaska East of 175° East Longitude," and the interim emergency regulations implementing the FMP (50 CFR 674.22) (see 44 FR 29080 and 44 FR 40519). This Field Order closes the portion of the East management area from Cape Spencer to Cape Fairweather extending approximately 15 miles offshore effective beginning at 12 midnight Alaska Standard Time (AST) on Tuesday, August 7, 1979 rather than on September 20 for coho salmon and October 31 for chinook, chum, sock eye and pink salmon as currently provided in 50 CFR 674.23(a)(2). This closure remains in effect until September 20, 1979, unless superseded by subsequent Field Order.

EFFECTIVE DATE: 12 midnight, AST, Tuesday, August 7, 1979. Public comments are invited until October 7, 1979.

ADDRESS: Comments may be sent to Harry L. Rietze, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802, telephone (907) 586-7221.

FOR FURTHER INFORMATION: Contact Mr. Philip Chitwood at the above address.

SUPPLEMENTARY INFORMATION: The FMP (44 FR 33250) provides for inseason adjustments to season and area openings and closures. Regulations implementing this FMP—promulgated on an emergency basis on May 18, 1979 (44 FR 29080) and repromulgated on July 9, 1979 (44 FR 40519)—specify in § 674.22 that these decisions shall be made by the Regional Director in accordance with the criteria set out in that section. On October 20, 1978, the Assistant Administrator of Fisheries, NOAA, with the approval of the Administrator, NOAA, delegated to the Regional Director authority to promulgate Field Orders making in-season adjustments.

Coho abundance in 1979 in northern Southeastern Alaska as indicated by fishery performance is significantly below average. Coho fishing in the coastal areas will normally peak over the next three weeks and action must be taken at this time to allow more coho to reach fishing districts and spawning streams in inside waters.

Studies have shown that power trollers in the outer coastal areas north and south of Cross Sound harvest large numbers of coho bound for major Lynn Canal and Stephens Passage coho systems. Specifically, pigment marking studies in 1974 and coded micro wire tag recoveries in 1978 have demonstrated that the area closed by this order is an area of interception of coho stocks bound for major river systems in northern Southeastern Alaska. In 1978, 18.2% of the Berners River coho, 23.8% of the Speel River coho, and 40.3% of the Chilkat Lake coho were harvested in this area. Recoveries of coded micro-wire tags in this area in 1979 through July have substantiated the presence of these northern stocks as well as other coho stocks bound for inside streams of Southeastern Alaska.

Significant restrictions on fishing time and area are already in effect for most inside waters of northern Southeast Alaska. The outside waters are open to unrestricted fishing as to time and area. If effort concentrates in those waters north of Cape Spencer, a potential will be created for overharvest of stocks presently judged to be in low abundance.

Harvest figures show that the earlier part of the coho run to certain inside areas is extremely low in abundance. Gillnet catches of coho in the Taku River drift gillnet fishery are will below normal. The seasonal cumulative catch-to-date for the current and past six years follow:

Cumulative Catch by Year to July 21, 1979

Year:	*Cumulative catch of coho*
1973	2,572
1974	4,794
1975	451
1976	1,586
1977	3,044
1978	7,118
1979	617

The Juneau area recreational fishery coho catch is presently less than half of the 4 year average catch to date despite an increase in effort of 30% in 1979. The above data indicate the total 1979 coho

run to northern Southeast Alaska is likely to be extremely low in abundance.

Timing of the coho returns to the coastal and inshore fisheries in southern Southeastern Alaska appears to be normal. Peak catches in district 116 (north and west of Cape Spencer) usually occur between late July and mid-August. Commercial power troll catches in this area increased the last week of July from 15–30 coho per day per boat to 60–80 coho per day per boat indicating that the peak of catches in this area would probably occur by mid-August. Continued unrestricted fishing effort in this area could effectively reduce the potential escapement of fish to intermediate and terminal areas.

Although coho returns cannot be accurately predicted, parent year escapement gives an indication of the expected run strength. In 1975, the parent year of the 1979 coho run, escapements in the streams of northern Southeastern Alaska were poor in spite of troll, drift gillnet and recreational fishery restrictions. Sufficient fishing areas remain open to assess late run strength and determine if further regulatory action may be required.

The Regional Director further finds that, in order to protect the resource, public comment prior to issuance of this Field Order is impracticable and contrary to the public interest. However, public comments on the necessity for, and extent of, this closure will be received by the Regional Director for a period of 60 days after the effective date of the Field Order. (Address: Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1680, Juneau, Alaska 99802.) During this 60-day period, the data and information on which this decision is based will be available for inspection during business hours at the NMFS, Alaska Regional Office, Federal Building, Room 453, 709 West 9th Street, Juneau, Alaska.

If comments are received during the 60-day period the Regional Director shall, if appropriate, reconsider the necessity for the closure and, as soon as practicable after that reconsideration, publish in the **Federal Register** either:

(A) A notice of continued effectiveness of this closure; or

(B) A notice to modify or rescind the closure.

An environmental impact statement was prepared for the FMP and is on file with the Environmental Protection Agency.

Signed in Washington, D.C. this 6th day of August 1979.

(16 U.S.C. 1801 *et seq.*)

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

In accordance with 50 CFR 674.22, 50 CFR 674.23(a)(2) is amended as follows:

1. In subparagraph (i), change the period after "only" to a comma and add the phrase, "except as provided in subparagraph (iii) following."

2. In subparagraph (ii), change the period after "only" to a comma and add the phrase, "except as provided in subparagraph (iii) following."

3. Add a subparagraph (iii) as follows:

§ 674.23 Time and area limitations.

(a) * * *

(2) * * *

"(iii) Commercial fishing for salmon in waters bounded by a line projected west from Cape Spencer at 58°12'45" N. Latitude, 136°39'30" W. Longitude to a point at 58°48'45" N. Latitude, 137°08'00" W. Longitude, thence to a point at 58°48'30" N. Latitude, 138°30'00" W. Longitude, then east to Cape Fairweather at 58°48'30" N. Latitude, 137°56'45" W. Longitude is permitted from the season opening dates specified in subparagraphs (i) and (ii) to August 7 only.

* * * * *

[FR Doc 79-24490 Filed 8-6-79; 9:30 am]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register
Vol. 44, No. 153
Tuesday, August 7, 1979

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

OFFICE OF PERSONNEL MANAGEMENT

[5 CFR 630]

Absence and Leave

AGENCY: Office of Personnel Management.

ACTION: Proposed rulemaking.

SUMMARY: The Office of Personnel Management proposes regulations to implement the leave amendment contained in section 410 of the Civil Service Reform Act of 1978. Section 410 creates an exception, for individuals serving under an appointment to the Senior Executive Service, from the normal limitations on annual leave accumulation.

DATES: Comments must be received on or before October 9, 1979.

ADDRESS: Send written comments to Mr. Raymond C. Weissenborn, Director, Compensation Division, Office of Personnel Management, Washington, D.C. 20415.

FOR FURTHER INFORMATION CONTACT: Betty J. Roth, 202-632-6553.

SUPPLEMENTARY INFORMATION: Section 410 of the Civil Service Reform Act of 1978 amended section 6304 of title 5, United States Code, to add subsection (f), which reads as follows:

"§ *6304 Annual leave; accumulation*

* * * * *

"(f) Annual leave accrued by an individual while serving in a position in the Senior Executive Service shall not be subject to the limitation on accumulation otherwise imposed by this section."

Most employees subject to the provisions of the leave system in chapter 63 of title 5, United States Code, are restricted to a maximum accumulation of either 30 or 45 days of annual leave. The new section 6304(f) provides that individuals, while serving under an appointment in the Senior Executive Service, shall not be subject to this limitation on accumulation of annual leave.

Accordingly, the Office of Personnel Management is proposing to add to part 630 of title 5 of the Code of Federal Regulations a new § 630.301, as set forth below:

PART 630—ABSENCE AND LEAVE

* * * * *

Subpart C—Annual Leave

§ 630.301 Annual leave accumulation—Senior Executive Service.

(a) In accordance with subsection (f) of section 6304 of title 5, United States Code, the limitations on accumulation of annual leave imposed by subsections (a), (b), and (c) of such section 6304 do not apply to leave accrued by an individual while serving under an appointment to the Senior Executive Service under subchapter VIII of chapter 33 of such title 5.

(b) Annual leave accrued for any pay period during only a portion of which the employee served under an appointment to the Senior Executive Service shall be prorated, and only that portion of such leave that is attributable to the service in the Senior Executive Service shall not be subject to the limitations on accumulation of annual leave imposed by subsections (a), (b), and (c) of section 6304 of title 5, United States Code.

(c) When an individual who has been serving under an appointment to the Senior Executive Service moves to a position in which he or she is no longer in the Senior Executive Service, any annual leave which was accumulated while serving in the Senior Executive Service, and which is in excess of the amount allowed by subsection (a) or (b) of section 6304 of title 5, United States Code, shall remain to the employee's credit and shall be subject to reduction in accordance with the procedures in subsection (c) of such section 6304.

Authority.—5 U.S.C. 6311.

Office of Personnel Management.

Beverly M. Jones,

Issuance System Manager.

[FR Doc. 79-24300 Filed 8-6-79; 8:45 am]

BILLING CODE 6325-01-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

Agricultural Stabilization and Conservation Service

[7 CFR Part 1260]

Procedure for the Conduct of Referendums in Connection With Beef Research and Information Order (Amendment 1)

AGENCIES: Agricultural Marketing Service and Agricultural Stabilization and Conservation Service.

ACTION: Proposed Amendments.

SUMMARY: The proposed amendments provide for (1) voting by secret ballot, (2) reducing the registration and voting periods from 12 days to 4 days, (3) reducing the number of producers needed to approve the issuance of a Beef Research and Information Order from two thirds to a majority of the producers voting in a referendum, (4) reducing the time allowed for challenging a producer's eligibility to register and vote; and (5) reducing the time for the county ASCS executive director to make a determination on challenges. Several editorial changes were also made to reflect a recent Departmental reorganization. The amendments are intended to provide for confidentiality in balloting and to shorten the periods for registration, voting, challenging, and determination of challenges. The amendments will make the conduct of any referendum more efficient and less time consuming.

This proposed amendment in no way obligates the Secretary to hold a referendum.

DATES: Comments must be received no later than October 9, 1979, in order to be assured of consideration.

FOR FURTHER INFORMATION CONTACT: Robert Cook, Emergency and Indemnity Programs Division, ASCS, USDA, 4095 South Building, Washington, D.C. 20013 (202) 447-7997.

SUPPLEMENTARY INFORMATION: The Beef Research and Information Act (7 U.S.C. 2901), hereafter "the Act", provides that the Secretary of Agriculture shall issue a Beef Research and Information Order applicable to producers and slaughterers of cattle to effectuate the declared policy of the Act if the issuance of the

Order is approved or favored by cattle producers in a referendum conducted among cattle producers.

Rules for conducting referendums pursuant to the Act were published in the **Federal Register** on May 17, 1977, and a referendum was held in June (registration), and July (voting) 1977. In that referendum, the required two-thirds of the producers voting did not approve the Order. In August 1978, the Beef Research and Information Act was amended to require that a majority, instead of two-thirds, of the producers voting in a referendum favor the Order. Section 1260.203 is amended to reflect this change in the law.

The time allowed for the registration period and the voting period is being reduced from 12 days to 4 days. We believe shortening of the registration and voting periods will make the conduct of any referendum more efficient and less consuming. Section 1260.201 is amended accordingly.

In order to provide for more confidentiality in balloting, we propose to amend § 1260.208(b) by deleting the requirement that ballots be signed by the producer and by providing for the casting of secret ballots.

Some questions have arisen concerning the voting eligibility of both husband and wife in a husband-wife operation but no change in the regulations is proposed. Section 1260.206(a) provides for one vote per producer entity. Thus, a husband and wife operation is entitled to only one vote and either the husband or wife may vote. If the husband or wife operated another farm as a separate unit from the husband-wife operation, then that farm is entitled to a separate vote. Section 1260.206(c) provides that a group of individuals, such as, members of a family operating a farm as one producer entity, shall be entitled to one vote except that any member of such group may register and vote if that member is an eligible producer separate from the group.

It is proposed to reduce the time allowed for challenges to be made to make the conduct of any referendum more efficient and less time consuming. The time limit for challenges to be made is being shortened from the end of the voting period to the beginning of the voting period. There will still be sufficient time for challenges since challenges may be made anytime during the 4-day registration period as well as during the ten days between the registration and voting periods.

The time limit for the county ASCS executive director to make a determination on a challenge is also being shortened from the date of the opening of the ballot box to the end of the voting period. The county ASCS executive director will still have the 4 days of the voting period to make a decision should a challenge be made on the last day before the voting period.

The public is invited to submit written comments, suggestions or objections regarding the proposed amendments to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, no later than October 9, 1979, to be sure of consideration. Each person submitting comments, suggestions, or objections regarding the proposed amendments shall include their name and address and give reasons for any suggested change in the proposed amendments. Copies of all written communications received will be available for examination by interested persons at the office of the Hearing Clerk, Room 1077 South Building, USDA, during regular business hours.

Proposed Rule

In accordance with the above, it is proposed to amend 7 CFR Part 1260—Beef Research and Information, Subpart—Procedure for the Conduct of Referendums in connection with Beef Research and Information Order as follows:

§ 1260.201 [Amended]

1. Section 1260.201 is amended as follows:

(a) By substituting for the word "Programs" in paragraph (d) the words "State and County Operations".

(b) By substituting for the word "12-day" in paragraphs (m) and (n) the word "4-day".

§ 1260.203 [Amended]

2. Section 1260.203 is amended by substituting for the words "not less than two thirds" the words "a majority".

3. Section 1260.208 is amended by revising paragraph (b) to read as follows:

§ 1260.208 Voting.

* * * * *

(b) *Voting.* Voting may be in person or by mail. A producer wishing to vote by mail may request the county ASCS office to mail the producer a ballot. Ballots will be issued only to eligible cattle producers who have registered to vote. Ballots will not be provided nor accepted prior to the voting period. Each registered cattle producer voting shall obtain and cast a ballot on Form ASCS-151A with the county ASCS office where that producer registered to vote. The ballot shall be marked to indicate "yes" or "no". Producers voting in person shall place their own ballots in the ballot box and have their names checked off the registration list. Producers voting by mail shall mark their ballots and place them in an envelope marked BEEF BALLOT. This envelope shall be placed in a second envelope marked BEEF REFERENDUM. Producers shall print and sign their names on the second envelope and mail the ballot to the county ASCS office where the producer registered to vote. Upon receiving the ballot, the county office shall open the outer envelope, place the envelope marked BEEF BALLOT in the ballot pox unopened and note on the registration list that the producer has voted.

§ 1260.209 [Amended]

4. Section 1260.209 is amended as follows:

(a) By substituting for the words "end of the voting period" at the end of paragraph (a) the words "beginning of the voting period".

(b) By substituting for the words "opening of ballot box" at the end of paragraph (b) the words "end of the voting period".

(c) After the first sentence in paragraph (c), insert a new sentence to read as follows: "Challenged ballots shall be placed in the envelope marked BEEF BALLOT which in turn shall be placed in the envelope marked BEEF REFERENDUM with the name of the producer and the word "challenged" written in large letters across the envelop and placed in the ballot box."

§ 1260.211 [Amended]

5. Section 1260.211 is amended as follows:

(a) By deleting the word "unsigned," and the comma after the word "mutilated" in paragraph (b).

(b) By deleting the material after the words "interfere with the tabulation" and putting a period after the word "tabulation" in paragraph (c).

§ 1260.214 [Amended]

6. Section 1260.214 is amended by substituting for the word "Programs" in paragraph (a) the words "State and County Operations". The proposed rulemaking has been reviewed under the USDA criteria established to implement E.O. 12044 and has been determined non-significant. A pre-hearing investigation (draft impact analysis) has been prepared in connection with the Department's decision to hold a public hearing on the proposed Beef Research and Information Order. This analysis is available from Ralph Tapp, AMS, USDA, (202) 447-3970.

(Sec. 17, Pub. L. 94-294, 90 Stat. 537 (7 U.S.C. 2916).)

Signed at Washington, D.C. on July 23, 1979.

Ray Fitzgerald,

Administrator, Agricultural Stabilization and Conservation Service.

Barbara Schlei,

Administrator, Agricultural Marketing Service.

[FR Doc. 79-24132 Filed 8-6-79; 8:45 am]

BILLING CODE 3410-05-M

Animal and Plant Health Inspection Service

[9 CFR Part 112]

Viruses, Serums, Toxins, and Analogous Products; Label Requirements for Certain Canine Vaccines

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed amendment would require that a statement concerning the occurrence of corneal opacity be added to carton labels or enclosures for all biological products containing modified live canine hepatitis virus or modified live canine adenovirus type 2.

Uniform label statements that indicate if corneal opacity has been associated with the use of each product would be required. The addition of such statements to the labeling would provide more complete information concerning the characteristics of these products to the user.

DATE: Comments must be received on or before October 9, 1979.

ADDRESS: Interested parties are invited to submit written data, views, or arguments regarding the proposed regulations to: Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 828-A, Federal Building, Hyattsville, MD 20782.

FOR FURTHER INFORMATION CONTACT: Dr. R. J. Price, 301-436-8245.

SUPPLEMENTARY INFORMATION: Modified live canine hepatitis and canine adenovirus type 2 vaccines have been licensed for use in dogs for the prevention of infectious canine hapatitis. Dogs vaccinated with some of these products occasionally develop a transient corneal opacity. This adverse reaction to vaccination may be rather severe in some instances and can result in permanent damage to the eye. This reaction has not been associated with all such products, however, and it is, therefore, of interest to the user to be informed concerning the characteristics of each of the available vaccines when selecting a product for use. This proposed amendment would require that a uniform statement concerning the occurrence of corneal opacity be added to carton labels or circulars for these products. Either a statement indicating corneal opacity may occur following the administration of the product or one indicating corneal opacity has not been associated with the use of the product would be required.

Section 112.7 would be amended by adding paragraph (m) to read:

§ 112.7 Special additional requirements.

* * * * *

(m) In the case of a biological product containing modified live canine hepatitis virus or modified live canine adenovirus type 2, the carton label or enclosure shall hear the following statement: "Occasionally transient corneal opacity may occur following the administration of this product." Provided, that if acceptable data have been filed with Veterinary Services to indicate that the development of corneal opacity is not associated with the use of such a product, the following alternate statement may be used: "Data indicate that the development of corneal opacity is not associated with the use of this product."

All written submissions made pursuant to this notice will be made available for public inspection at the address listed in this document during regular hours of business (8 a.m. to 4:30 p.m., Monday to Friday, except holidays) in a manner convenient to the public business (7 CFR 12.7(b)).

Done at Washington, D.C., this 31st day of July 1979.

This proposal has been reviewed under the UNDA criteria established to implement E. O. 12044, "Improving Government Regulations." Under those criteria, this action has been designated for Agency oversight. A Draft Impact Analysis Statement has been prepared and is available from Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 828-A, Federal Building, Hyattsville, MD 20782.

Pierre A. Chaloux,

Deputy Administrator, Veterinary Services.

[FR Doc. 79-24121 Filed 8-6-79; 8:45 am]

BILLING CODE 3410-34-M

[9 CFR Part 112]

Viruses, Serums, Toxins, and Analogous Products; Revised Packaging Requirements

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed amendment would revise the packaging requirements in Part 112.6 of the regulations to permit diluent for certain desiccated poultry vaccines to be packaged and shipped separately from the vaccine under certain conditions.

This revision would be a relaxation of the present requirements to permit the marketing of new diluent packaging systems for use with poultry vaccines that are intended to be administered individually to birds using automatic vaccinating equipment.

DATE: Comments must be received on or before October 9, 1979.

ADDRESS: Interested parties are invited to submit written data, views, or arguments regarding the proposed regulation to: Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 828-A, Federal Building, Hyattsville, MD 20782.

FOR FURTHER INFORMATION CONTACT: Dr. R. J. Price, 301-436-8245.

SUPPLEMENTARY INFORMATION: Regulations concerning the packaging of desiccated vaccines in § 112.6 presently require that each final container of desiccated biological product, except Marek's Disease Vaccine, be packaged in a carton with an accompanying container of diluent, if such is required for rehydration of the product before administration.

An exception to this requirement was provided for Marek's Disease Vaccine because of the special handling and packaging that are required for marketing.

A new diluent container has been developed that provides a "closed system" for the rehydration and administration of products. This system is specifically applicable to poultry vaccines that are administered individually to birds using automatic vaccinating equipment. It is the opinion of the Department that the concept of a "closed system" for rehydration and administration of these vaccines has merit, as it will minimize the amount of bacterial contamination often encountered when using the system that are presently available.

Because of transportation and packaging problems, however, the marketing of this new diluent container

for the "closed system" would not be economically feasible if it were required to be shipped with the vaccine.

This proposed amendment would, therefore, facilitate the introduction of this new development by revising the present packaging requirements to permit diluent for desiccated poultry vaccines intended to be administered individually to birds using automatic vaccinating equipment to be packaged and shipped separately from the vaccine, as is presently permitted for Marek's Disease Vaccine.

Although diluent would be permitted to be shipped separately, this amendment would still require that the proper amount of diluent necessary for rehydration of the vaccine be provided to the user.

Section 112.6 would be amended by revising paragraph (a) and by adding paragraph (f) to read:

§ 112.6 Packaging desiccated products.

(a) Except as prescribed in paragraphs (e) and (f) of this section and § 112.8 of this Part, each final container of a desiccated biological product, produced by a licensee or a subsidiary, or presented for importation by a permittee, shall be packaged in a carton with an accompanying container of diluent if such diluent is required for rehydration of the product before administration.

* * * * *

(f) Diluent for desiccated poultry vaccines to be administered individually to birds using automatic vaccinating equipment shall be prepared and labeled in accordance with the regulations, except that such diluent need not be packaged in the same carton with the vaccine for shipment, in which case the licensee shall provide the proper amount of diluent to the user.

All written submissions made pursuant to this notice will be made available for public inspection at the address listed in this document during regular hours of business (8 a.m. to 4:30 p.m., Monday to Friday, except holidays) in a manner convenient to the public business (7 CFR 12.7(b)).

Done at Washington, D.C., this 31st day of July 1979.

This proposal has been reviewed under the USDA criteria established to implement E. O. 12044, "Improving Government Regulations." Under those criteria, this action has been designated for Agency oversight. A Draft Impact Analysis Statement has been prepared and is available from Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 828–A, Federal Building, Hyattsville, MD. 20782.

Pierre A. Chaloux,

Deputy Administrator, Veterinary Services.

[FR Doc. 79-24120 Filed 8-6-79; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[18 CFR Part 154]

[Docket No. RM78–23]

Interstate Pipeline Recovery of State of Louisiana First Use Tax

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Order directing the Solicitor to seek either an order of the court permitting the Commission to modify its orders to amend the CFR or a remand of the record.

SUMMARY: The Commission directs the Solicitor to request the United States Court of Appeals for the Fifth Circuit either to enter an order authorizing the Commission to modify its orders in Docket No. RM78–23, or to remand the record in *Tennessee Gas Pipeline Company, et al.*, v. *Federal Energy Regulatory Commission*, No. 78–3816 (5th Cir.), for the limited purpose of allowing the Commission to modify its orders in this proceeding. Attached to the Commission order is Appendix A, a draft Staff proposal, which the Commission has accepted in principle.

FOR FURTHER INFORMATION CONTACT: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, Room 9310, 825 North Capitol Street, N.E., Washington, D.C. 20426, (202) 275–4166.

SUPPLEMENTARY INFORMATION:

State of Louisiana First Use Tax in Pipeline Rate Cases

Order Directing the Solicitor to Seek Either an Order of the Court Permitting the Commission to Modify its Orders or a Remand of the Record

July 13, 1979.

Pending before the Commission are applications for rehearing of the March 30, 1979, order in *Arkansas Louisiana Gas Company, et al.*, Docket Nos. RP79–53, et al. (hereinafter "March 30 Order").

The Staff has reviewed those applications and has recommended that the Commission modify Order No. 10–B (44 FR 13460 (March 12, 1979)) as well as the March 30 Order. The Commission has determined that the Staff proposal, attached as Appendix A, has merit, and has accepted in principle that proposal.

The Commission, however, is unable to adopt an order based on the principles of the Staff proposal because the record on which Order No. 10–B is based has been certified to the United States Court of Appeals for the Fifth Circuit, and that court now has exclusive jurisdiction to modify Order No. 10–B. Natural Gas Act section 19(b); 15 U.S.C. 717r(b). The Commission is, therefore, directing the Solicitor to request the Fifth Circuit either to enter an order authorizing the Commission to modify its orders in this proceeding, or to remand the record in *Tennessee Gas Pipeline Company, et al.* v. *Federal Energy Regulatory Commission*, No. 78–3816, for the limited purpose of allowing the Commission to modify its orders in this proceeding. If either of these requests is granted the Commission will adopt an order modifying Order No. 10–B which is based on the principles of the Staff proposal, and promptly recertify the record to the Court.

The Commission orders

The Solicitor is directed to request the United States Court of Appeals for the Fifth Circuit either to enter an order authorizing the Commission to modify its orders in this proceeding, or to remand the record in *Tennessee Gas Pipeline Company, et al.* v. *Federal Energy Regulatory Commission*, No. 78–3816 (5th Cir.), for the limited purpose of allowing the Commission to modify its orders in this proceeding.

By the Commission.

Kenneth F. Plumb,

Secretary.

Appendix A Draft Staff Proposal

Federal Energy Regulatory Commission

[18 CFR Part 154]

[Docket No. RM78–23; Order No. 10–C]

State of Louisiana First Use Tax in Pipeline Rate Cases

Order Modifying Prior Orders and Amending Regulations

I. Louisiana First Use Tax on Natural Gas

In July 1978, the Louisiana Legislature in regular session, passed, and the Govenor signed into law the State of Louisiana first Use Tax on Natural Gas.[1] The First Use Tax

[1] 1978 La. Sess. Law. Serv. 482 (Act No. 294), to be codified as La. Rev. Stat. §§ 47:1301–47:1307. Hereinafter referred to as "First Use Tax." This act was one of several acts adopted to impose a tax on specified uses of certain classes of natural gas to provide for credits against that tax liability, and to dispose of revenues generated by the First Use Tax. The other acts are: (1) Act No. 293, 1978 La. Sess.

Footnotes continued on next page

is imposed, at a rate of 7 cents per thousand cubic feet ("Mcf")[2] upon the first "use"[3] of certain natural gas[4] within the State of Louisiana.

The constitutionality of the First Use Tax has been questioned since the inception of the tax. Testimony before the Senate Revenue and Fiscal Affairs Committee indicates that several witnesses questioned the constitutionality of the tax,[5] and that the sponsors of the tax noted questions regarding its constitutionality.[6] The Commission is of the opinion that the First Use Tax is unconstitutional and directly interferes with paramount federal authority to determine rates and charges, and to issue certificates of public convenience and necessity, for the transportation or sale of natural gas in interstate commerce. It thus instituted proceedings challenging the First Use Tax. *FERC* v. *McNamara, et al.*, Civil Action No. 78–384 M.D. La. filed September 29, 1978,[7] and supported the motion for leave to file an original complaint in *Maryland, et al.* v. *Louisiana*, No. 83 Original U.S. filed March 28, 1979.[8]

The cost of the First Use Tax to the interstate natural gas pipelines is significant, with the first year liability alone estimated to exceed $225 million. Until a court declares the First Use Tax unconstitutional, or until collection of the tax is enjoined, the interstate pipelines must pay the First Use Tax, since non-payment subjects the interstate pipelines to forfeiture of the natural gas.[9] Considering these factors, the Commission established procedures for recovery of the First Use Tax, subject to refund, which balanced the financial needs of the interstate pipelines with the Commission's responsibility to protect the ultimate consumer from a tax of questionable constitutionality. This order, although revising and simplifying those procedures, continues to balance equitably the interests of the pipelines and the consumers.

II. Procedural History

A. Commission Orders

In Order Nos. 10, 10–A, and 10–B,[10] the Commission established procedures governing recovery of the First Use Tax.[11] These orders amended § 154.38 of the Commission's Regulations (18 CFR 154.38) by adding a new paragraph (h). Paragraph (h) as amended by Order Nos. 10–A and 10–B, permits pipelines to collect the First Use Tax, subject to refund, pursuant to a temporary tracking mechanism similar to a purchased gas adjustment clause.

While allowing the pipelines to collect the First Use Tax from their customers, the Commission imposed conditions to ensure that consumers receive refunds of all amounts paid pursuant to Paragraph (h) with interest upon a final court determination that the First Use Tax is unconstitutional. In Order No. 10–A, the Commission required the pipelines to deposit all funds collected into an escrow account until a final court determination of the validity of the First Use Tax. In Order No. 10–B, the Commission, acting in response to comments and petitions for rehearing, amended paragraph (h) to allow pipelines the option of choosing either the escrow account procedure established in Order No. 10–A or, under certain conditions, a corporate undertaking procedure.

Pursuant to Order Nos. 10, 10–A, and 10–B, eighteen pipeline companies filed tariff sheets to establish provisions for tracking and deferred accounting of the First Use Tax. By orders issued March 30, 1979,[12] and May 9, 1979,[13] the Commission accepted the original or revised tariff sheets of the eighteen pipelines. Subject to the refund provisions of Order No. 10–B, all eighteen pipelines are presently collecting, from their customers, funds to cover the pipelines' First Use Tax liability. Several pipelines filed applications for rehearing of the March 30 Order. After reviewing these petitions for rehearing, the Commission finds that ambiguities exist regarding the refund provisions of Order No. 10–B as applied in the Commission's March 30 Order. In order to eliminate these ambiguities, the Commission is amending Order No. 10–B and clarifying its March 30 Order as hereinafter stated.

B. Petitions for Rehearing of March 30 Order

Applications for rehearing of the Commission's March 30 Order have been filed by twelve pipelines.[14] The major issues raised in the applications for rehearing are: (1) Whether the Commission can require pipelines selecting the corporate undertaking, to refund "voluntarily" those payments made on that portion of the First Use Tax found to be invalid by a final and non-appealable court order; and (2) Whether paragraph (N) of the March 30 Order denies pipeline companies the right of judicial review. After reviewing these applications for rehearing, the Commission finds that the following amendments and clarifications to Order No. 10–B are appropriate: (1) The escrow account procedure is deleted and all references to it are no longer applicable; (2) all references to "voluntary" agreement are deleted and no longer applicable; (3) the interest rate provision is amended; and (4) filing requirements are established in accordance with Order No. 10–B. The March 30 Order is amended and clarified by deleting paragraph (N) and the references to "voluntary" agreement and "further selection" of escrow acount.

Orders Nos. 10, 10–A, 10–B, and the March 30 Order balanced the financial needs of the interstate natural gas pipelines with the Commission's responsibility to protect the ultimate consumer from a tax of questionable constitutionality. In response to various pleadings by many parties the Commission has modified paragraph (h) several times in order to reach the appropriate balance. The Commission finds it appropriate to amend

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Footnotes continued from last page

Law Serv. 480 to be codified as La. Rev. Stat. § 47:1351 (establishes a First Use Tax Trust Fund); (2) Act No. 436, 1978 La. Sess. Law Serv. 842, to be codified as La. Rev. Stat. § 47:647 (allows credits against liability for the Louisiana Severance Tax); (3) Act No. 599, 1978 La. Sess. Law Serv. 1112, to be codified as La. Rev. Stat. § 47:11 (allows credits against Louisiana state and local taxes for electric generating utilities, gas distribution companies, and industrial users of natural gas); and (4) Act No. 797, 1978 La. Sess. Law Serv. 1613 (places on ballot a proposal to amend Louisiana constitution to incorporate therein a First Use Tax Trust Fund).

[2] La. Rev. Stat. § 47:1303(B).

[3] The term "use" is defined broadly as "(1) the sale; (2) the transportation in (Louisiana) to the point of delivery at the inlet of any processing plant; (3) the transportation in (Louisiana) of unprocessed natural gas to the point of delivery at the inlet of any measurement or storage facility; (4) transfer of possession or relinquishment of control at a delivery point in (Louisiana); (5) processing for the extraction of liquefiable component products or waste materials; (6) use in manufacturing; (7) treatment; or (8) other ascertainable action at a point within (Louisiana)." La. Rev. Stat. § 47:1302(8).

[4] Natural gas is subject to the First Use Tax if the natural gas is not subject to any severance or production tax levied by Louisiana or any other state or territory of the United States or is not subject to any import tax or tariff levied by the United States on imports from foreign countries. La. Rev. Stat. § 47:1303(A).

[5] Verbatim Draft Transcript of Hearing on the First Use Tax before the Senate Revenue and Fiscal Affairs Committee, June 26, 1978, ("Transcript") pp. 13–25. See Statements of Mr. Slaton, Mid Continent Oil and Gas Association (pp. 13–18); Mr. A. C. Garner, Jr., Exxon Company U.S.A. (pp. 18–22); and Mr. Truman Woodward, New Orleans law firm of Milling and Benson (pp. 22–25).

[6] The Governor of Louisiana stated: "May I say first that no one and I repeat and emphasize no one can tell you whether the legislation is constitutional or is not constitutional," and Representative Tauzin, author of the legislation, stated: "The reason that we do that [establishment of a trust fund] is the same as the governor said that it is possible and we have got to recognize it, that the courts could rule that we have some constitutional problem with our act." Verbatim Draft pp. 2 and 6.

[7] By order filed January 26, 1979, the district court stayed proceedings in this case pending the outcome of proceedings in *Edwards, et al.* v. *Transcontinental Gas Pipe Line Corp., et al.*, No. 216, 867 (19th Judicial District Court, La., filed September 22, 1978). The Commission appealed this order, *FERC* v. *McNamara*, No. 79–1403 (5th Cir.), and the Fifth Circuit has indicated that these proceedings should be stayed pending further developments in *Maryland, et al.* v. *Louisiana, infra.*

[8] By order entered June 18, 1979, the Supreme Court granted leave to file the original complaint, and directed Louisiana to answer the complaint within sixty (60) days.

[9] La. Rev. Stat. § 47:1306(B).

[10] 43 FR 45553 (October 3, 1978); 43 FR 60438 (December 28, 1978); 44 FR 13460 (March 12, 1979), petitions for review pending *sub nom. Tennessee Gas Pipeline Co., et. al.* v. *FERC*, No. 78–3816 (5th Cir.).

[11] In addition to establishing these procedures, the Commission challenged the constitutionality of the First Use Tax. See page 3 and notes 7 and 8, *supra.*

[12] *Arkansas Louisiana Gas Co., et al.*, Docket Nos. RP79–53, RP79–54, *et al.*, "Order Accepting Certain Tariff Sheets, Conditionally Accepting Certain Tariff Sheets and Rejecting Certain Other Tariff Sheets Which Reflect the Louisiana First Use Tax in Pipeline Rates Pursuant to Order Nos. 10, 10–A, and 10–B" issued March 30, 1979 ("March 30 Order").

[13] *Arkansas Louisiana Gas Co., et al.*, Docket Nos. RP79–53, RP79–54, *et al.*, "Order Accepting Revised Tariff Sheets" issued May 9, 1979 ("May 9 Order").

[14] Michigan Wisconsin Pipe Line Company, Natural Gas Pipeline Company of America, Northern Natural Gas Company, Panhandle Eastern Pipe Line Company, Sea Robin Pipeline Company, Southern Natural Gas Company, Tennessee Gas Pipeline Company, Texas Gas Transmission Corporation, Trunkline Gas Company, Transcontinental Gas Pipe Line Corporation, United Gas Pipe Line Company, and Texas Eastern Transmission Corporation.

and clarify further the mechanism for protecting the pipeline customers funds and the legal basis for that mechanism.

III. A Corporate Undertaking With a Guarantee of Full Refund Equitably Balances the Interests of Pipelines and Consumers

The Commission in Order Nos. 10 and 10–A required the escrowing of all funds collected for the First Use Tax. In the applications for rehearing of Order No. 10–B many pipelines provided their expert legal opinion that Louisiana would provide full refunds if the First Use Tax was found unconstitutional.[15] Based on these arguments the Commission in Order No. 10–B established a corporate undertaking subject to conditions, as an alternative to the escrow account.

All eighteen pipelines which filed tariffs to recover the First Use Tax selected the corporate undertaking procedure. In this regard, Tennessee indicated that, since 1971, when the Commission adopted a corporate undertaking requirement as a condition precedent to a pipeline collecting rates subject to refund,[16] "pipelines have collected billions of dollars (over $1.7 billion in fiscal year 1977 alone) subject to refund" and "there is no instance in which Tennessee is aware in which a pipeline has failed to comply with this undertaking commitment."[17] Because many pipelines have concluded that Louisiana will provide full refunds if the First Use Tax is found unconstitutional, because all eighteen pipelines have selected the corporate undertaking, and because this Commission's experience with the corporate undertaking provision in § 154.67 indicates that it adequately protects pipeline customers, the Commission hereby modifies paragraph (h) by deleting the escrow account procedure. The Commission will retain the corporate undertaking provision with its requirement that pipelines make full refunds plus interest upon a final and non-appealable court order finding the First Use Tax invalid. This requirement is necessary to balance the financial needs of the interstate natural gas pipelines with the Commission's responsibility to protect the ultimate consumer from a tax of questionable constitutionality.

This Commission has an affirmative duty to protect consumers.[18] Ensuring full refunds for a tax which is ultimately found unconstitutional is within that duty. *Cf. e.g., Federal Power Commission* v. *NAACP*, 425 U.S. 662, 666 (1976); *Cities Service Gas Co.* v. *Federal Power Commission*, 424 F. 2d 411, 417 (10th Cir. 1969); *Safe Harbour Water Power Corp.* v. *Federal Power Commission*, 179 F. 2d 179, 199–200 (3d Cir. 1949).

The pipelines have consistently argued that taxes are costs which the courts have traditionally allowed regulated companies to recover from their customers. From this basic premise, they argue that the Commission cannot require full refunds upon a final and non-appealable court determination that the First Use Tax is unconstitutional, but must limit refunds to whatever pipelines receive from Louisiana. Such a limitation may not adequately protect the pipelines' customers. Although the case law may support allowing recovery of the First Use Tax subject to refund while its validity is challenged, it does not abrogate this Commission's duty to protect any payments made by pipeline customers until final determination of the constitutionality of the First Use Tax. In *Tennessee Natural Gas Lines, Inc.* v. *FPC*,[19] the United States Court of Appeals for the District of Columbia held that funds collected from pipeline customers had to be "protected" until a final court determination of Tennessee's liability for a state tax.[20] The protection which this Commission finds necessary is a corporate undertaking which gurarantees full refunds upon a court determination that the First Use Tax is unconstitutional.

The interstate pipelines are the appropriate parties to insure that consumers receive full refunds. The interstate pipelines pay the tax, they alone under Louisiana procedures may pay the tax under protest and challenge its validity, and they will receive the refunds if the tax is found unconstitutional (La. Rev. Stat. § 47:1576). If for some reason full refunds are not forthcoming promptly upon a court determination that the First Use Tax is unconstitutional, the pipelines may be the only parties who have standing to challenge such actions.

The Commission has attempted to balance equitably the interests of the pipelines and customers. Pipelines are able to meet their financial obligations because this Commission is reluctantly allowing pipelines to collect the cost of the First Use Tax from their customers. Pipelines incur losses only if Louisiana does not make full refunds plus interest. Most pipelines[21] and several Louisians officials[22] have assured the Commission that this will not occur.

Some pipelines have noted that failure to refund amounts collected under an unconstitutional tax is unlawful.[23] This indicates that pipelines will ultimately prevail in collecting such funds from Louisiana. Pipelines losses, if they materialize, would therefore be limited to interest costs during the time between payment of refunds to their customers and the time Louisiana refunds the money. Louisiana may make refunds at only 6% per annum. To the extent interest costs to the pipelines are higher than 6%, pipelines may incur some losses. However, pipeline customers will have incurred similar interest losses throughout the pendency of litigation. If the interest rate on refunds is not increased above the 6% level, pipeline customers may suffer a real and measurable loss, while pipelines suffer a loss only if Louisiana does not promptly make refunds. A corporate undertaking which guarantees full refunds equitably balances the interests and burdens of pipelines and customers.

Order No. 10–B requires refunds "with corresponding interest at the refund interest rate under Louisiana law, but not less than 6% per annum."[24] Six percent per annum is the present interest rate on refunds under Louisiana law. La. Rev. Stat. § 47:1576(A). The Commission believes this rate to be an inadequate interest rate. It is inequitable for a state to make money from an unconstitutional tax. State Representative Tauzin noted the benefit to Louisiana of a 6% interest rate:

> So that the total amount that we might be liable for in the event that we should lose the litigation is available for refund of 6% interest. We are likely to make more than 6% interest on it in investments. We are actually going to probably come out a little bit ahead on it.[25]

In Order 10–B the Commission allowed a higher interest rate if the interest rate was changed "under Louisiana law." This language needs further clarification since the interest rate could be changed by the Louisiana legislature, by Louisiana state courts, or by federal courts. Therefore, the interest rate provision is amended to read: "together with corresponding interest at the rate of 6% per annum or such higher rate established by legislative or judicial determination."

Several pipelines question this Commission's termination of the tracking provisions after final court determination of the constitutionality of the First Use Tax. They claim that they will incur significant losses between the termination date and the filing of their next section 4 rate case. The Commission considers this issue premature, and will address it when it orders termination of the tracking provisions. At that time the Commission will know what further liability, if any, exists for the First Use Tax.

Order No. 10–B required pipelines to "submit such evidence as the Commission shall require in order to determine whether the procedures set out in La. Rev. Stat. § 47:1576 have been complied with."[26] Order No. 10–B did not detail what was required to meet this requirement. Additionally, Order No. 10–B did not require any substantiation that a pipeline was taking "all legal action necessary to enforce contract provisions which could require the other contracting party to pay for the First Use Tax." The Commission therefore amends Order No. 10–B to require pipelines to file with this Commission:

(1) A copy of the complaint filed in Louisiana protesting the constitutionality of the First Use Tax;

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[15] Order No. 10–B mimeo pp. 4–7.

[16] See 18 CFR 154.67(c).

[17] Tennessee Gas Pipeline Company, Docket No. RP79–52, "Application of Tennessee Gas Pipeline Company, a Division of Tenneco, Inc., For Rehearing and Reconsideration and Motion For Stay Pending Completion of Judicial Review." April 20, 1979.

[18] *E.g., California* v. *Southland Royalty Co.*, 436 U.S. 519, 523–24 (1978).

[19] 221 F. 2d 531 (D. C. Cir. 1954).

[20] The court stated at 532: "In the meantime the funds resulting from the payment of the higher rates should be protected, so that they can be refunded to the company's sole customers in these sales if the ultimate result be to that effect."

[21] Order No. 10–B, pp. 5–6.

[22] *Ibid.*

[23] *See, E.g., United Gas Pipe Line Company and Sea Robin Pipeline Company*, Docket Nos. RP79–44 and RP79–45, "United Gas Pipe Line Company and Sea Robin Pipeline Company's Joint Application for Rehearing and Motion to Stay, April 24, 1979. p. 7.

[24] Order No. 10–B, p. 22, 25–26.

[25] Transcript, p. 6.

[26] Order No. 10–B, p. 21.

(2) A listing of all contracts which contain conditions which could require other parties to pay the First Use Tax and an extraction of the pertinent provisions;

(3) A copy of any complaints filed which would require other parties to pay the First Use Tax;

(4) a report submitted every three months, beginning August 15, 1979, summarizing actions taken with regard to the First Use Tax. These filing requirements will allow the Commission to monitor more effectively pipeline challenges to the First Use Tax.

The Commission is making these amendments effective upon the date of issuance of this order upon a finding that good cause exists to proceed without compliance with the effective date provisions of 5 U.S.C. 553. The amendments to Order 10–B contained herein, reduce the burdens on the pipelines (escrow provisions are deleted); allow the Commission to more effectively monitor pipeline challenges to the First Use Tax, further clarify the refund provisions to protect the pipeline customer, and allow for expeditious court review of Order Nos. 10, 10–A, 10–B, and this order. The Commission, therefore, finds good cause exists to make these amendments effective upon issuance of this order. (Natural Gas Act (15 U.S.C. 717 c, f, o); Administrative Procedure Act (5 U.S.C. 553); Department of Energy Organization Act, (42 U.S.C. 7101, *et seq.*); and E.O. 12009, (42 FR 46267).)

In consideration of the foregoing, the Commission hereby orders that:

(A) The Commission's Order Nos. 10, 10–A, and 10–B and the March 30 Order, are amended and clarified consistent with this order;

(B) Paragraph (N) of the March 30 order is deleted.

(C) Part 154, Chapter I of Title 18, The Code and Federal Regulations, is amended as set forth below, to become effective as of the date of issuance of this order.

PART 154—RATES SCHEDULES AND TARIFFS

1. Section 154.38 is amended by revising paragraph (h) to read as follows:

§ 154.38 Composition of rate schedule.

* * * * *

(h) *Pipeline recovery of the State of Louisiana First Use Tax.* (1) Except as provided in subparagraphs (2), (3), (4), (5) and (6), no pipeline shall be permitted to reflect the costs attributable to the Louisiana First Use Tax in general section 4 rate applications prior to the date the tax is determined to be valid and constitutional by a final and non-appealable court order.

(2) Should a pipeline be required to pay the Louisiana First Use Tax during the pendency of litigation challenging the constitutionality of that tax, the pipeline will be permitted to collect the tax subject to refund if on or before March 15, 1979, it submits an application for tracking which is accompanied by an affidavit signed by an authorized representative stating that the applicant will undertake the procedures set out in La. Rev. Stat. § 47:1576. Upon completion of this requirement the Commission shall waive the filing requirements of § 154.63 and the provision of § 154.38(d)(3) of its regulations in order to permit the pipeline to reflect the tax in its rate by adjusting its rates, to become effective April 1, 1979, subject to refund, to reflect the estimated effect of the Louisiana First Use Tax. The initial amount to be tracked by the pipeline from April 1 through the date of its first adjustment date under the temporary tracking provision shall be based upon volumes estimated to be subject to the Louisiana First Use Tax during that period. The initial rate adjustment shall be calculated on the estimated total system sales for that same period. In order to continue to collect the tax subject to refund, pipelines must, on or before May 30, 1979, submit such evidence as the Commission shall require in order to determine whether the procedures set out in La. Rev. Stat. § 47:1576 have been complied with. Coincident with filing the initial rate adjustment, pipelines shall file temporary tracking provisions to provide for semiannual rate adjustments to coincide with their semi-annual PGAC adjustments. The tracking provisions shall include deferred accounting provisions through use of Account 186, Miscellaneous Deferred Debits, but no carrying charges will be permitted on balances accrued in the deferred account. Pipelines which have elected to recover changes in purchased gas costs through general section 4 rate cases pursuant to § 154.38(d)(4)(ix) may establish a tracking provision, which generally follows the PGA regulation, with any two semi-annual adjustment dates which are six months apart. Pipelines shall keep accurate accounts of all amounts received under this paragraph, specifying when, by whom and in whose behalf such amounts are paid.

(3) All funds collected pursuant to this paragraph are subject to refund. A pipeline agrees to refund, within 60 days of the issuance of a final and non-appealable court order, those payments made on that portion of the first Use Tax found to be invalid, together with corresponding interest at the rate of 6% per annum or such higher rate established by legislative or judicial determination. A pipeline makes this agreement recognizing that it will not be released from this obligation even if the State of Louisiana does not refund the tax payments plus interest to the pipeline.

(4) The pipeline company shall file, on or before March 15, 1979, an undertaking with the Secretary of this Commission to comply with the terms of this paragraph signed by a responsible officer of the company evidenced by proper authority from the Board of Directors and accompanied by a certificate showing service of copies thereof upon the purchasers under the rate schedules to be made effective by motion of the company, and in conformity to the model undertaking below.

AGREEMENT AND UNDERTAKING OF (COMPANY) TO COMPLY WITH THE TERMS AND CONDITIONS OF SECTION 154.38(h) OF THE COMMISSION RULES AND REGULATIONS UNDER THE NATURAL GAS ACT IN RESPECT TO (COMPANY'S) MOTION TO ALLOW RECOVERY OF THE LOUISIANA FIRST USE TAX

In conformity with the requirements of § 154.38(h) of the Commission's rules and regulations under the Natural Gas Act (Company) hereby agrees and undertakes to comply with the terms and conditions of said paragraph of the Commission's rules and regulations and has caused this agreement and undertaking to be executed and sealed in its name by its officers thereupon duly authorized in accordance with the terms of the resolution of its Board of Directors, a certified copy of which is appended hereto this————day of————, 1979.

Company ————————————

By: ————————————

Attest: ————————————

(5) If the pipeline company, acting in conformity with the terms and conditions of the undertaking required by this paragraph, makes the refunds as may be required by Order of the Commission, the undertaking shall be discharged; otherwise it shall remain in full force and effect.

(6) Pipelines shall take all legal action necessary to enforce contract provisions which could require the other contracting party to pay for First Use Tax.

(7) Should a final and non-appealable court order find the tax to be valid, the Commission shall by order terminate the temporary Louisiana First Use Tax tracking provisions, and provide for a final surcharge to clear the balance in the deferred account. The tax thereafter shall be recovered through general section 4 rate filings.

(8) Should a final and non-appealable court order find the tax to invalid, in whole or in part, the Commission shall by order terminate the tracking provisions, and

provide that the pipelines shall refund, within 60 days of the issuance of the court order, those payments made on that portion of the tax found to be invalid, together with corresponding interest at the rate of 6% per annum, or such higher rate established by legislative or judicial determination. Pipelines shall make these refunds even if the State of Louisiana does not refund the tax payments plus interest to the pipelines.

(9) Pipelines shall file with this Commission:

(i) A copy of the complaint filed in Louisiana protesting the constitutionality of the First Use Tax;

(ii) A listing of all contracts which contain conditions which could require other parties to pay the First Use Tax and extraction of the pertinent provisions;

(iii) A copy of any complaints filed which would require other parties to pay the First Use Tax;

(iv) A report submitted every three months, beginning August 15, 1979, summarizing actions taken with regard to the First Use Tax.

[FR Doc. 79-24306 Filed 8-6-79; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[24 CFR Part 107]

[Docket No. R-79-700]

Fair Housing—Non-Discrimination and Equal Opportunity in Housing Under Executive Order 11063

AGENCY: Department of Housing and Urban Development.

ACTION: Notice of Transmittal of Proposed Rule to Congress under Section 7(o) of the Department of HUD Act.

SUMMARY: Recently enacted legislation authorizes Congress to review certain HUD rules for fifteen (15) calendar days of continuous session of Congress prior to each such rule's publication in the Federal Register. This Notice lists and summarizes for public information an interim rule which the Secretary is submitting to Congress for such review.

FOR FURTHER INFORMATION CONTACT: Burton Bloomberg, Director, Office of Regulations, Office of General Counsel, 451 7th Street, S.W., Washington, D.C. 20410 (202) 755-6207.

SUPPLEMENTARY INFORMATION: Concurrently with issuance of this Notice, the Secretary is forwarding to the Chairmen and Ranking Minority Members of both the Senate Banking, Housing and Urban Affairs Committee and the House Banking, Finance and Urban Affairs Committee the following rulemaking document:

PART 107—NON-DISCRIMINATION AND EQUAL OPPORTUNITY IN HOUSING UNDER EXECUTIVE ORDER 11063

This prposed rule would prescribe compliance and enforcement procedures to implement E.O. 11063 governing prevention of discrimination in (1) the sale, lease or other disposition of residential property which is Federally-owned, operated or assisted and (2) the practices of lending institutions for Federally-insured or guaranteed loans.

(Sec. 7(o), Department of HUD Act, 42 U.S.C. 3535(o), sec. 324, Housing and Community Development Amendments of 1978.)

Issued at Washington, D.C. July 31, 1979.

Patricia Roberts Harris,

Secretary, Department of Housing and Urban Development.

[FR Doc. 79-24302 Filed 8-6-79; 8:45 am]

BILLING CODE 4210-01-M

[24 CFR Part 109]

[Docket No. R-79-699]

Fair Housing and Fair Housing Advertising

AGENCY: Department of Housing and Urban Development.

ACTION: Notice of Transmittal of Proposed Rule to Congress under Section 7(o) of the Department of HUD Act.

SUMMARY: Recently enacted legislation authorizes Congress to review certain HUD rules for fifteen (15) calendar days of continuous session of Congress prior to each such rule's publication in the Federal Register. This Notice lists and summarizes for public information an interim rule which the Secretary is submitting to Congress for such review.

FOR FURTHER INFORMATION CONTACT: Burton Bloomberg, Director, Office of Regulations Office of General Counsel, 451 7th Street, SW., Washington, D.C. 20410, (202) 755-6207.

SUPPLEMENTARY INFORMATION: Concurrently with issuance of this Notice, the Secretary is forwarding to the Chairman and Ranking Minority Members of both the Senate Banking, Housing and Urban Affairs Committee and the House Banking, Finance and Urban Affairs Committee the following rulemaking document:

PART 109—FAIR HOUSING ADVERTISING

This proposed rule would set forth the guidelines integrated into the Fair Housing and Equal Opportunity requirements of HUD's various programs. These guidelines govern advertizing with respect to the sale, rental or financing of residential real estate, and apply to newspaper publishers, real estate firms, banks, building and loan associations, as well as various other individuals or organizations engaged in financing and marketing interests in real estate.

(Sec. 7(o), Department of HUD Act, (42 U.S.C. 3535(o)); sec. 324, Housing and Community Development Amendments of 1978)

Issued at Washington, D.C. July 31, 1979.

Patricia Roberts Harris,

Secretary, Department of Housing and Urban Development.

[FR Doc. 79-24303 Filed 8-6-79; 8:45 am]

BILLING CODE 4210-01-M

[24 CFR Part 265]

[Docket No. R-79-698]

Transfer From Nonprofit to Profit-Motivated Ownership for HUD-Insured or HUD-Held Multifamily Housing Projects

AGENCY: Department of Housing and Urban Development.

ACTION: Notice of Transmittal of Proposed Rule to Congress under Section 7(o) of the Department of HUD Act.

SUMMARY: Recently enacted legislation authorizes Congress to review certain HUD rules for fifteen (15) calendar days of continuous session of Congress prior to each such rule's publication in the Federal Register. This Notice lists and summarizes for public information a proposed rule which the Secretary is submitting to Congress for such review.

FOR FURTHER INFORMATION CONTACT: Burton Bloomberg, Director, Office of Regulations, Office of General Counsel, 451 7th Street, SW., Washington, D.C. 20410, (202) 755-6207.

SUPPLEMENTARY INFORMATION: Concurrently with issuance of this Notice, the Secretary is forwarding to the Chairmen and Ranking Minority Members of both the Senate Banking, Housing and Urban Affairs Committee and the House Banking, Finance and Urban Affairs Committee the following rulemaking document:

PART 265—TRANSFER FROM NONPROFIT TO PROFIT-MOTIVATED OWNERSHIP FOR HUD- INSURED OR HUD-HELD MULTIFAMILY HOUSING PROJECTS

This proposed rule would set forth procedures for transferring HUD-insured or HUD-held multifamily housing projects from nonprofit to profit-motivated ownership and for satisfactorily meeting the physical, financial and management needs of the project under the transfer.

(Sec. 7(o), Department of HUD Act (42 U.S.C. 3535(o)), sec. 324, Housing and Community Development Amendments of 1978).

Issued at Washington, D.C., July 30, 1979.

Patricia Roberts Harris,

Secretary, Department of Housing and Urban Development.

[FR Doc. 79-24304 Filed 8-06-79; 8:45 am]

BILLING CODE 4210-01-M

[24 CFR Part 882]

[Docket No. R-79-697]

Section 8 Housing Assistance Payments Program—Existing Housing, Elimination of Rent Reduction Incentive

AGENCY: Department of Housing and Urban Development.

ACTION: Notice of Transmittal of Proposed Rule to Congress under section 7(o) of the Department of HUD Act.

SUMMARY: Recently enacted legislation authorizes Congress to review certain HUD rules for fifteen (15) calendar days of continuous session of Congress prior to each such rule's publication in the **Federal Register.** This Notice lists and summarizes for public information a proposed rule which the Secretary is submitting to Congress for such review.

FOR FURTHER INFORMATION CONTACT:

Burton Bloomberg, Director, Office of Regulations, Office of General Counsel, 451 7th Street, SW., Washington, D.C. 20410, (202) 755-6207.

SUPPLEMENTARY INFORMATION:

Concurrently with issuance of this Notice, the Secretary is forwarding to the Chairmen and Ranking Minority Members of both the Senate Banking, Housing and Urban Affairs Committee and the House Banking, Finance and Urban Affairs Committee the following rulemaking document:

PART 882—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—EXISTING HOUSING, ELIMINATION OF RENT REDUCTION INCENTIVE

This proposed rule would revise 24 CFR Part 882 to eliminate the rent reduction incentive (Rent Credit) now provided under § 882.115. The Rent Credit has proved to be ineffective in achieving the intended purpose of encouraging families to find units renting below fair market rent levels. Its elimination should help certain increases in Section 8 Existing Housing Program costs and streamline program administration.

(Section 7(o) of the Department of HUD Act, 42 U.S.C. 3535(o), Section 324 of the Housing and Community Development Amendments of 1978).

Issued at Washington, D.C., July 30, 1979.

Patricia Roberts Harris,

Secretary, Department of Housing and Urban Development.

[FR Doc. 79-24305 Filed 8-6-79; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF DEFENSE

[32 CFR Part 41]

[DOD Directive 1332.14]

Enlisted Administrative Separations; Correction

AGENCY: Office of the Secretary of Defense.

ACTION: Extension of comment period.

SUMMARY: Due to the impact of the proposed rule published in the **Federal Register** on June 19, 1979 (44 FR 35248) the Office of the Secretary of Defense is extending the comment period to give interested persons additional time to respond to the proposed rule.

DATE: Written comments received on or before August 14, 1979, will be considered.

ADDRESS: Office of the Deputy Assistant Secretary of Defense (Military Personnel Policy), the Pentagon, Room 3C980 Washington, D.C. 20301.

FOR FURTHER INFORMATION CONTACT:

LTC Robert D. Chelberg, telephone 202-697-9525.

August 2, 1979.

H. E. Lofdahl,

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

[FR Doc. 79-24265 Filed 8-6-79; 8:45 am]

BILLING CODE 3810-70-M

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 86]

[FRL 1291-5]

Denial of Petition for Reconsideration of Evaporative Hydrocarbon Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Denial of Petition for Reconsideration of 2 gram Evaporative Hydrocarbon Emission Standard for Light-Duty Trucks.

SUMMARY: On October 13, 1978, General Motors Corporation (GM) petitioned EPA for reconsideration of the 2 gram Evaporative Hydrocarbon Emission Standard for light-duty trucks greater than 6,000 lbs. GVWR. It was GM's contention that trucks in this weight class should have a less stringent standard than light-duty vehicles and light-duty trucks less than 6,000 lbs. GVWR. On April 26, 1979, by letter to Thomas M. Fisher, Director of Automotive Emission Control, Environmental Activities Staff, EPA informed GM that it had reviewed the petition and decided to let the rule stand as originally promulgated.

FOR FURTHER INFORMATION CONTACT:

Gregory J. Dana (ANR-455), Regulatory Management Staff, Office of Mobile Source Air Pollution Control, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460, (202) 755-0596.

The text of the letter follows.

Dated: July 31, 1979.

David G. Hawkins,

Assistant Administrator for Air, Noise, and Radiation.

United States Environmental Protection Agency,
Washington, D.C., April 26, 1979.

Mr. T. M. Fisher,
Director, Automotive Emission Control, Environmental Activities Staff, GeneralCorp., GM Technical Center, Warren, MI.

Dear Mr. Fisher: This letter is in response to General Motors Corporation's "Petition for Reconsideration of the 2 gram Evaporative Emission Standard for 1981 and Later Light-Duty Trucks," dated October 13, 1978. I apologize for not responding sooner. For the reasons stated below, I have decided to deny the petition.

GM contends that there is no basis for EPA's decision that a 2 gram evaporative emission standard is technologically feasible for trucks over 6,000 lbs. GVWR. GM maintains that the evaporative emission performance of light-duty trucks in the 6,001-8,500 lbs. GVWR range cannot be reasonable extrapolated from the performance of light-duty vehicles and that a major reason for this is the difference in the number and size of

fuel tanks on light-duty trucks as compared to light-duty vehicles.

We believe there is substantial support for the determination that a 2 gram standard is feasible. The control of evaporative emissions from light-duty trucks can be predicted from the performance of light-duty vehicles by comparing relevant fuel system parameters. We also believe that the capacity of a vehicle's fuel tank or tanks is not a direct indicator of the technically feasible level of evaporative emission control; rather, once a fuel tank has been adequately sealed such that no hydrocarbons escape from it into the atmosphere, the control of fuel tank vapors is dependent on the quantity and configurations of the vapor storage media. Moreover, data from light-duty trucks, most notably data from 1979 emission testing, support our determination. The following data and discussion verify these conclusions.

Information Available Prior to Promulgation of the 2.0 grams per Test (g/test) Standard

The sources of measured evaporative emissions can be grouped into two main areas, non-fuel sources and fuel sources. Fuel sources can also be divided into two main categories, fuel tank evaporation losses during diurnal testing and carburetor distillation losses during the hot-soak test.

The first area of evaporative emissions is non-fuel sources. Some specific sources of non-fuel emissions are vehicle paint, sealers, and sound deadeners. The level of stabilized non-fuel emissions from vehicles is largely dependent on the amount and composition of these materials. Therefore, assuming consistent composition, the amount of non-fuel losses is approximately proportional to the physical size of the vehicle. Since light-duty trucks (LDTs) are not substantially larger than passenger cars, it would not be expected that non-fuel emissions would be substantially different between the two types of vehicles. This conclusion is supported by non-fuel test data on a LDT which was used as a 4,000 mile certification vehicle for the 1978 model year. This vehicle's GVWR is under 6,001 lbs. A series of three tests determined the total non-fuel emission level (during both a simulated diurnal and hot-soak test) to be 0.31 g/test.(*1*) This is typical of the non-fuel losses from passenger cars. The main difference between LDTs with GVWRs of under and over 6000 lbs. is vehicle suspension components. Since a vehicle's suspension components do not affect evaporative emissions, there is no reason to expect a difference in non-fuel emissions between these two categories.

The second area of emission losses is fuel sources. These losses are so well understood that Patterson and Henein devote Chapter 6 of their book, *Emissions from Combustion Engines and Their Control* (1972), to a discussion of evaporative losses. In conclusion they say, "Because carburetor and fuel tank losses are similar to simple distillation and evaporation processes, established analytical techniques can be used to predict their amount and composition with good accuracy." The generation of fuel evaporative emissions depends upon the fuel system configuration (fuel tank vapor volume, liquid surface area, carburetor fuel volume, etc.) and its relation to its environment (which determines fuel tank(s) and carburetor temperatures). Once these essential factors are known, total fuel evaporative emissions can be estimated "with good accuracy."

The first category of fuel source evaporative emissions is fuel tank evaporation during the diurnal test. There is some developmental evaporative emission test data available on 6,001 to 8,500 lbs. GVWR LDTs. Data on five such vehicles are contained in GM's "Truck Evaporative Emission Development Summary" (May 1, 1978). The average diurnal emission for the listed vehicles, including both fuel and non-fuel losses and excluding data in which the carbon canister was intentionally saturated prior to testing, was 0.62 g/test. This level of diurnal loss is quite consistent with the Ford Motor Company statement that diurnal emissions can be controlled to about 0.5 g/test, almost independent of fuel tank capacity. (*2*)

The second source of fuel system evaporative emissions from vehicles is carburetor distillation losses during the hot-soak test. Tests have shown that this is usually the largest contributor to the total evaporative emission level. As with diurnal emission data, non-fuel losses are also contained in hot-soak test data. (Of the typical 0.3 gram of non-fuel losses from certification vehicles, about 0.2 gram occurs during the hot-soak test.) The remainder of the hot-soak loss is primarily a result of fuel evaporation in the carburetor. The function of evaporative control systems is to contain and transport these vapors to a vapor adsorption material. Later, these vapors are desorbed and burned during engine operations. Assuming constant gasoline composition, the quantity of vapors that are generated in the carburetor is largely dependent on the amount of gasoline which is in the carburetor and the maximum temperature of this gasoline during the hot-soak test.

As mentioned above, the GM "Truck Evaporative Emission Development Summary" includes evaporative emission tests on five vehicles in the 6,001 to 8,500 lbs. GVWR category. The average hot-soak emission from tests on these vehicles (again omitting tests prior to which the carbon canisters were intentionally saturated) was 1.96 g/test. These vehicles were all equipped with a carburetor which contains a gasoline volume of about 150 cc, and previous information from GM indicates the peak temperature of this gasoline during the hot-soak test ranges from 175° to 195°F. For these carburetor conditions, the measured hot-soak losses were higher than those which would be expected based on results of a test program previously conducted by Exxon Research and Engineering Company.(*3*) In that Exxon study, the evaporative emission control, system of a vehicle which had a carburetor gasoline volume of about 160 cc and a peak hot-soak temperature of 185°F was modified to achieve low evaporative emission levels. From liquid-vapor equilibrium considerations, the amount of vapors generated in this carburetor is approximately equal to that generated in the tests conducted by GM on their 6,001–8,500 lbs. GVWR trucks. The level of measured hot-soak losses from the vehicle modified by Exxon was 1.3 grams, and the total evaporative emission level (diurnal and hot-soak including all non-fuel losses) was 1.9 g/test.

The reason for the higher hot-soak losses from the GM test vehicles as compared to the Exxon modified vehicle could be either higher fuel losses or higher non-fuel losses, or both. The level of non-fuel losses was reported for only one of the GM vehicles; it was 0.75 g/test which is considerably higher than the non-fuel level of the non 1978 certification prepared truck previously mentioned (0.31 g/test). So it appears that higher than "certification level" non-fuel emissions are responsible for at least some of the higher than expected hot-soak emission levels from the GM vehicles. If differences in non-fuel losses are not totally responsible for the difference in hot-soak emissions between the GM vehicles and the Exxon modified vehicle, then it appears with better carburetor sealing and/or vapor storage system design GM can achieve lower hot soak emission levels. In either case, the GM test results do not warrant altering the standard.

Recent Information

Test data recently generated in two separate test programs have reinforced EPA's confidence that the full GVWR range of light-duty trucks can be controlled to a 2.0 g/test evaporative emission level.

One of these test programs is the American Petroleum Institute's study of on-board control of light-duty vehicle refueling losses. This study has demonstrated that a large quantity of fuel tank vapors can be adsorbed in an activated carbon bed during vehicle refueling, with very little hydrocarbon (HC) losss to the ambient air. The quantity of refueling HC was 88 grams for one of the vehicles tested (a 1978 Chevrolet Caprice) and the amount of HC lost to the ambient air during this process was 0.4 grams.(*4*) Also, the addition of the refueling loss control system to this vehicle did not significantly change its tailpipe emission levels. EPA and General Motors tests have shown that the amount of HC emitted from the fuel tanks of 100 gallon fuel capacity trucks during the diurnal portion of an evaporative emission test is about 50 grams. The recent refueling data, therefore, strongly support the feasibility of controlling diurnal evaporative emissions from vehicles with fuel capacities of at least 100 gallons to a level below 0.5 grams.

In view of the recent experience that Exxon Research and Engineering Company and Mobil Research and Development Corporation have had with refueling and evaporative emission control (Reference 4), EPA asked these two companies to submit any information they had relative to the control of these emissions from higher GVWR rated light-duty trucks. A copy of the EPA request is enclosed as Attachment I. The responses to the request are enclosed as Attachment II (from Exxon) and Attachment III (from Mobil). Although neither of these

companies had included trucks in its test program, Mobil states that a properly designed control system can significantly lower evaporative emissions. The Exxon letter states, "it is my considered opinion that light-duty trucks can be reasonably modified to meet a 2 gram evaporative emission standard and also provide a high degree of control of refueling losses with an on-board control system."

The second recent test program to which I refer is the EPA 1979 model year motor vehicle emission certification program. As of October 20, 1978, EPA had conducted 82 valid certification tests on light-duty trucks in the 6,001–8,500 lbs. GVWR range. The average emission level for these tests was 2.92 grams. (The average level for all light-duty truck tests was 2.80 grams. These figures are for vehicles designed to meet a 6.0 gram/test standard.) In comparison, the average emission level for passenger cars tests (242 tests) was 2.84 grams, less than 0.1 gram difference between the two groups. GM's October 13, 1978 letter showed cumulative frequency distribution graphs of 1978 certification data which compared emissions from trucks having 30 gallons or larger fuel tanks with passenger cars. Attachment IV is a similar graph for 1979 model year certification data. As shown, the two 1979 distributions are very similar; and in fact, a higher percentage of the trucks (47%) met a 2.0 g/test level than did the passenger cars (44%). This would indicate that the control technology required for larger fuel capacity LDTs is not significantly different than that required for LDVs. Also, comparison of the presented 1978 and 1979 truck distributions reveals a considerable improvement in evaporative emission control for large fuel capacity 1979 light-duty trucks as compared to the 1978 model year.

Points Raised By GM

GM claims that EPA takes the position that it is precluded from setting separate evaporative emission standards for vehicles from 6,000 to 8,500 lbs. GVWR based upon the 1976 regulation (41 FR 56316) which redefined light-duty trucks to consist of any vehicle under 8,500 lbs. GVWR. This characterization of EPA's view is incorrect. EPA retains the discretion to treat vehicles in the range of 6,000 to 8,500 lbs. GVWR separately, but has found no reason to deviate from the classification established by the 1976 regulation. GM and other interested parties were given an opportunity to comment on the inclusion of vehicles in the range of 6,000 to 8,500 lbs. GVWR during the earlier rulemaking.

GM further claims that the position EPA has taken is in direct conflict with the 1977 amendments to the Clean Air Act, referencing Section 202(b)(1)(C) and 202(b)(3)(C) of the Act. The apparent contradiction is explained in the preamble to the September 25, 1978 technical amendment (43 FR 43299):

It appears that the Act and the regulation are inconsistent with respect to the classification of 6,000 to 8,500 pound trucks; however, this is not the case. The Act (sec. 202(a)(3) (A)(iv)) permits the Administrator to establish classes or categories of vehicles based on gross vehicle weight, horsepower or other appropriate factors for the purpose of prescribing motor vehicle emissions standards. This provision has been interpreted by the conference committee as permitting the December 28 reclassification as follows: "The recent classification of vehicles between 6,000 and 8,500 pounds as light-duty trucks would continue to be appropriate provided regulations developed for such vehicles conform to this section" (Conference Report, U.S. House of Representatives Report No. 95–564, p. 164).

The principal provision that the 6,000 to 8,500 pound trucks must conform to is that the emission standards for these vehicles be at least as stringent as the heavy-duty vehicle emission standards, that is, representing a 90-percent reduction from the gasoline heavy-duty engine baseline for hydrocarbon and carbon monoxide emissions by 1983, and a 75–percent reduction in NO_x emissions from the same baseline by 1985.

Since no evaporative standard presently exists for vehicles over 8,500 lbs. GVWR, EPA's action is consistent with the Act.

GM notes that in an early EPA test program, three trucks modified to improve evaporative emissions were tested at 2.5, 4.7, and 8.5 g/test level. These test results are claimed to show that a 2 g/test level is not feasible. GM neglects to mention that of the three trucks tested, two were over 8,500 lbs. GVWR. Large heavy-duty trucks have characteristics different from those of trucks under 8,500 lbs.; for example, they often have large fuel tanks which are hung on the side of the vehicle and are exposed to considerably different conditions, such as direct radiant heating, etc., than is the case for fuel tanks in trucks under 8,500 lbs. GVWR. Also, this test program was carried out before production components designed for controlling evaporative emissions in a SHED were available. We believe the more recent certification data mentioned above are more indicative than this experimental data on a broad range of weight classses.

The reference to Ford Motor Company correspondence dated May 1978 is in error in the context used by GM. The Ford document speaks primarily to the higher end of the range of "heavy-duty trucks" as defined in the Act, not to trucks in the 6,000 to 8,500 lbs. GVWR range. This is obvious from the references to a new driving cycle and the purchase and installation of larger dynamometers and SHED facilities. The regulation in question does not propose a new driving cycle, nor does it require extensive new facilities. As discussed above, trucks over 8,500 lbs. GVWR have characteristics significantly different from those under 8,500 lbs. GVWR.

GM cites *International Harvester Co.* v. *Ruckelshaus*, 478 F. 2d 615 (D.C. Cir. 1973), as support for its contention that data from passenger vehicles cannot be utilized to assist in determining the feasibility of light-duty trucks to meet applicable emission standards. In that decision however, the Court held only that light-duty trucks could not be included in the class of "light-duty vehicles" regulated under section 202(b) of the Act and must, instead, be governed by standards promulgated under Section 202(a). The Court did not in any way suggest that data from a given class of vehicles had no relevance in making a determination of feasibility with regard to another class or that such data could not be used for such purposes. *(5)* The two gram evaporative emission regulations applicable to light-duty trucks were promulgated under section 202(a), consistent with the decision in *International Harvester*.

Conclusion

The above information, in combination with the fact that the evaporative emission deterioration factor for most manufacturers is 0.00, demonstrates the technical feasibility of certifying 6,001–8,500 lbs. GVWR trucks (including optional fuel capacity configurations) to a 2.0 g/test evaporative emission standard. Accordingly, I believe no useful purpose would be served by reconsidering the decision which established the 2.0 g/test standard for these vehicles.

Sincerely yours,

Douglas M. Costle

Attachments.

References

1. "Ford Motor Company Proposed Test Procedures for Determination of Evaporative Emissions from Heavy-Duty Vehicles," Attachment 10, submitted to EPA at March 17, 1978 meeting (sent to General Motors on June 13, 1978 in response to its May 23, 1978 Freedom of Information Act request).

2. Memoranda from Michael W. Leiferman to the File, "Discussions with Ford Motor Company and Chrysler Corporation Concerning the Feasibility of Controlling Evaporative Emissions from Light-Duty Trucks (0–8,500 lbs. GVWR) to a 2.0 g/test Standard for the 1981 Model Year," March 22, 1978 (identified in June 13, 1978 letter from EPA to General Motors as being available in the public docket).

3. "Investigation and Assessment of Light-Duty Vehicle Evaporative Emission Sources and Control," P. J. Clarke, Exxon Research and Engineering Company, EPA Report No. 460/3–76–014, June, 1976 (identified in June 13, 1978 letter from EPA to General Motors as being available in the public docket).

4. "On-Board Control of Vehicle Refueling Emissions; Demonstration of Feasibility," API Publication No. 4306, October, 1978.

5. See *Portland Cement Association* v. *Ruckelshaus*, 486 F.2d 375, 389 (D.C. Cir. 1973) (technology used in one industry may have a bearing on the technological capability of another to comply with standard).

Attachment I

October 18, 1978.

Hugh Shannon, *Exxon Research and Engineering Co., Linden, NJ 07036.*

Dear Mr. Shannon: This is a follow-up to our discussions of this past summer regarding the feasibility of controlling refueling emissions on-board vehicles. In particular, we discussed the feasibility of controlling refueling emissions and eveporative emissions at the two gram per test standard

for larger light duty trucks (i.e. 6000–8500 lbs GVWR) with large or multiple fuel tanks. As you probably recall, this was in conjunction with our technical review of the contract work you are doing for API.

During those discussions, I recall you responding that the basic vapor (evaporative and refueling) control technology was being demonstrated with the test vehicles (light duty vehicles) and that the application of that technology to other vehicles, including the higher GVW rated light trucks with large or multiple fuel tanks, was just a matter of sealing vapor leaks and sufficient vapor storage capacity (canister size and design) to contain the generated and/or displaced vapors. Even with consideration of this rationale, I encouraged you to try to work such a light duty truck into your demonstration efforts.

Since it has been some time now since those discussions, this letter is to request any test data which you may have been able to generate in this area. If it has not been possible to build up additional demonstration vehicles, it is requested that you specifically address this issue based on the experience you have attained. If you believe that such light duty trucks can be reasonably made to comply with the two gram evaporative emission standard *and* substantially control refueling losses, please so state and provide a supporting analysis. If it is your judgment that such is not the case, a clear expression of this position and your rationale would also be appreciated. We have already provided the EPA "refueling working group" with our first-draft analysis. Since this was a weak area in our analysis, we would appreciate your response by November 1, if possible, so as to allow us an opportunity to expand our input to the Agency's decision regarding refueling emission control.

Sincerely yours,

Charles L. Gray

Division Director, ECTD.

cc. Edward P. Crockette,

American Petroleum Institute.

Attachment II

Exxon Research and Engineering Co., Linden, N.J., October 30, 1978.

Evaporative and Refueling Loss Control of Light Duty Trucks; Ref. No.: 78PR 853.

Mr. Charles L. Gray, *Division Director, Emission Control Technology Division, United States Environmental Protection Agency, Ann Arbor, Mich.*

Dear Mr. Gray: This letter is written in response to your letter of October 18. We have not equipped a light duty truck (6000–8500 lbs. GVWR) with an on-board refueling loss control system. In the absence of data on such a system, I can only extrapolate our experience with regard to evaporative and refueling controls.

In modifying three 1978 California vehicles to control refueling losses, we saw improved control of evaporative emissions in each case.

Summary of Evaporative Control

	Hydrocarbons, grams [1]		
	Diurnal	Hot Soak	Total
Caprice			
Base [2]	0.8	2.1	3.4
Modified	0.3	1.0	1.3
Pinto			
Base [2]	1.0	2.5	3.5
Modified	0.3	1.2	1.5
Chevette			
Base	0.8	2.6	3.4
Modified	0.3	1.2	1.5

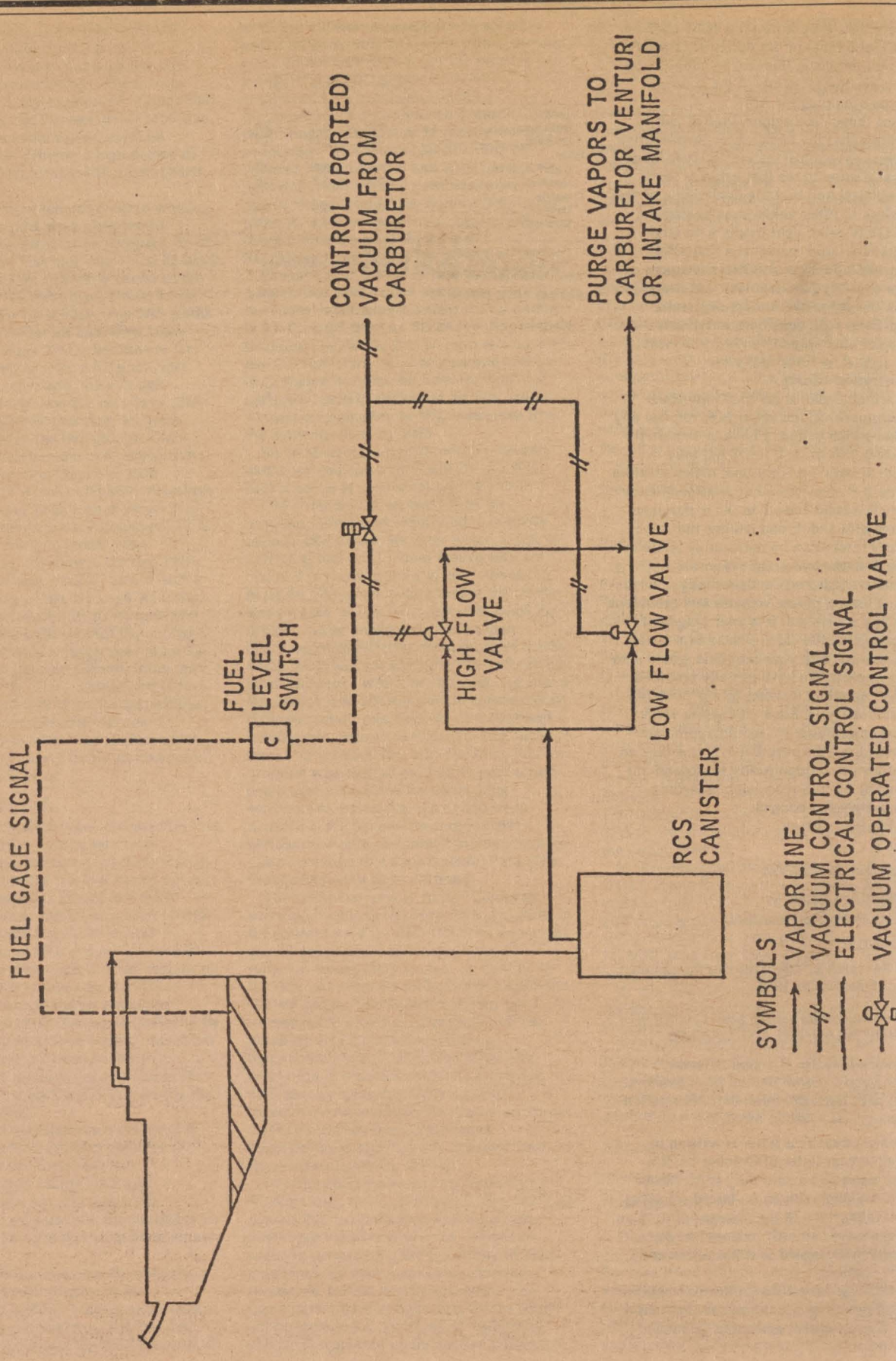
[1] Average of 3 or more runs for *all* data.

[2] High levels due in some part to background which was corrected for the later runs.

BILLING CODE 6560-01-M

FIGURE 1

TWO-STAGE PURGE CONTROL SYSTEM



BILLING CODE 6560-01-C

Attachment III

Mobil Research and Development Corp., October 30, 1978.

Vapor Control Technology for Light-Duty Trucks

Mr. **Charles L. Gray**, *Division Director, Emission Control Technology Division, United States Environmental Protection Agency, Ann Arbor, Mich.*

Dear Mr. Gray: Your letter of October 18 requested information we might have developed on the scale-up of on-board refueling vapor control technology from light-duty vehicles to higher GVW rated light trucks with large or multiple fuel tanks.

We have been unable to include in our on-board refueling control program any vehicle other than the passenger car already reported in our October 2, 1978 report to the American Petroleum Institute (That report was forwarded to EPA by API on October 6). We are therefore unable to provide you with test data concerning other vehicles. we believe, however, that several relevant conclusions can be drawn from the results presented in our October 2, 1978 contractor report to the API and in the reports of API's other contractors. The pertinent areas are discussed below.

Refueling Emissions

Control of refueling emissions involves two main functions—collecting the vapors efficiently, and purging the stored vapor into the engine to be burned.

Hydrocarbon vapor collection over activated carbon is a well-established technology. The Exxon and Mobil demonstration vehicles clearly show that neither the amount of hydrocarbon vapor released from the tank during refueling nor the rate of its release pose any serious technological problem. Larger amounts of hydrocarbon vapor, such as from a vehicle with multiple tanks, can be handled with larger carbon beds. although the design of these carbon beds may vary, the technology is the same.

The Mobil demonstration vehicle, a 1978 Pontiac Sunbird, has a fuel tank capacity of 18.5 gallons. Table 4, Tests 21 and 22, of our October 2, 1978 report to the API, show a double refueling using 11 RVP fuel. The vehicle was refueled (90%) during Test 21, then the tank was drained and the vehicle was refueled again without purging the canister. The combined control efficiency for the two refuelings was 96.7%. The fuel added during both refuelings was 34.5 gallons, which is equivalent to a 90% refueling of a 38 gallon tank. This excellent control efficiency under conditions for which the system was not designed demonstrates that canister scale-up problems would not be serious.

The relative ease of purging the collected hydrocarbons without adversely affecting exhaust emissions should be primarily a function of the ratio between fuel tank size and engine displacement for engines using similar exhaust emission controls. For the Sunbird, this ratio is 0.123 gal./cu. in. A truck with a 350 cm engine having the same ratio of tank size to engine displacement would have a 43 gallon fuel tank. Thus, the 18.5 gallon Sunbird tank and the 43 gallon truck tank are equivalent with respect to purging refueling canisters.

Because the 18.5 gallon Sunbird tank and the 43 gallon truck tank represent equivalent cases, the double refueling of the Sunbird tank corresponds to a single refueling of an 87 gallon truck tank. Purging the vapor from an 86 gallon tank would be done over twice the mileage required for the smaller tank, but the purge rate would not have to be increased over that used in our demonstration car.

Although these limited data do not prove feasibility, they indicate that large or multiple tanks on trucks should not pose fundamentally different problems than single passenger car tanks.

Evaporative Emissions

Evaporative emissions from our test car were 2 grams per test both before and after installation of the on-board refueling system. In their October 2, 1978 report, Exxon presented evaporative emissions test results on three 1978 cars—a Chevrolet Caprice, a Ford Pinto, and a Chevrolet Chevette. All three cars gave less than 2 grams in evaporative emissions tests with the on-board refueling system installed. The Chevette showed a substantial decrease in evaporative emissions—from an average of 3.4 grams per test to an average of 1.5 grams per test—with the on-board refueling control system.

These data clearly show that a properly designed on-board refueling control system does not increase, and can significantly lower, evaporative emissions. These data were obtained under severe test conditions with the refueling canisters at or near saturation before vehicle preconditioning. In the field, a saturated canister could occur only immediately after a very severe refueling. At all other times, the canister would contain less than the maximum amount of hydrocarbon, and control of evaporative emissions should be better than indicated in the contractor reports.

I hope these comments will be helpful to you. If I can be of further assistance, please let me know.

Very truly yours,

W. J. Koehl,

Project Leader.

cc: E. P. Crockett—API,

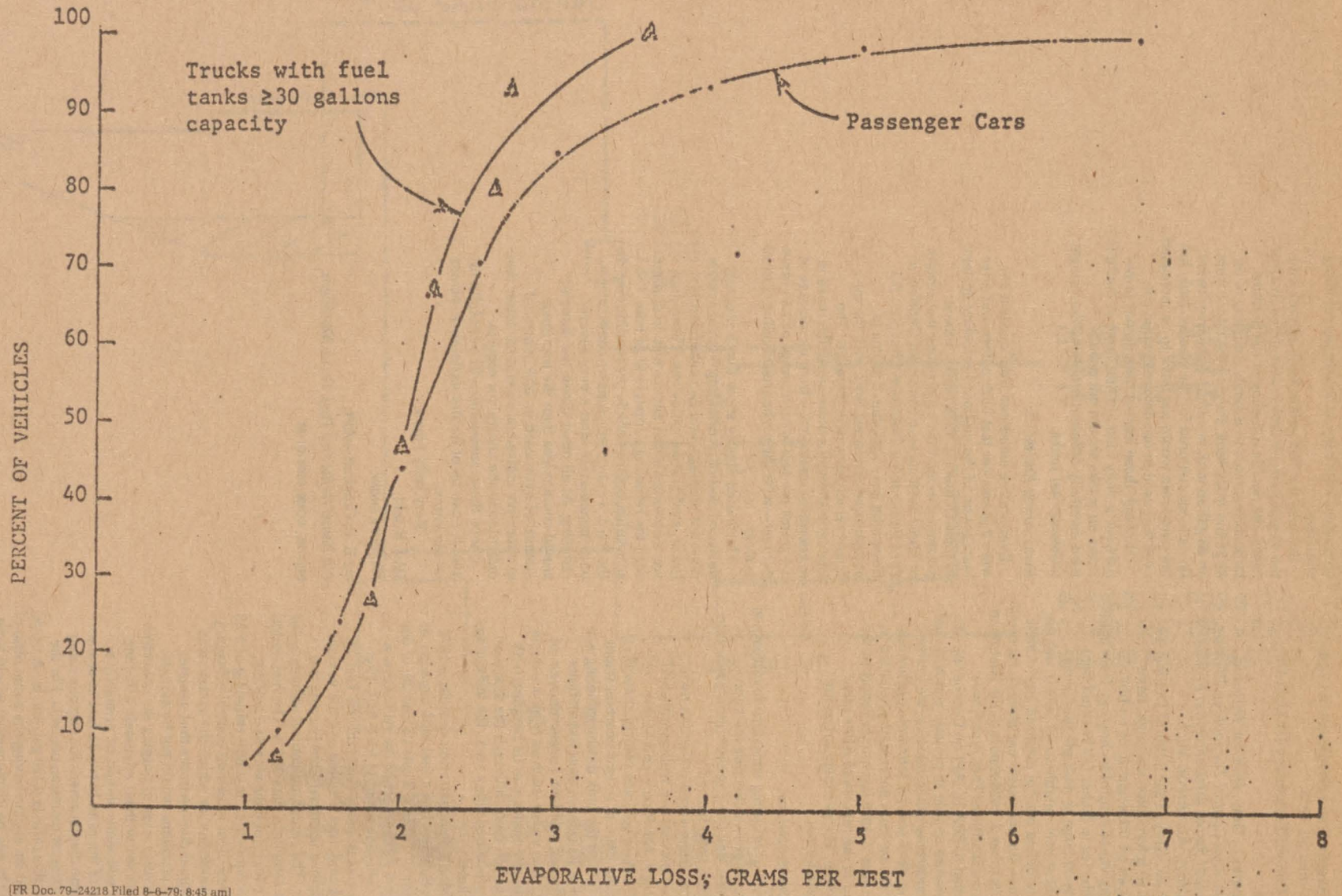
On-board Refueling Task Force Members.

BILLING CODE 6560-01-M

Attachment IV

CUMULATIVE FREQUENCY DISTRIBUTION OF EPA 1979

CERTIFICATION EVAPORATIVE SHED TEST DATA



[FR Doc. 79-24218 Filed 8-6-79; 8:45 am]
BILLING CODE 6560-01-C

[40 CFR Part 162]

[FRL-1265-; OPP-30029]

Pesticide Use Restrictions

Correction

In FR Doc. 79-23614 appearing at page 45218 in the issue for August 1, 1979, an omission was made in the table given in § 162.31 which begins on page 45222. The following entries should be inserted at the end of the table on page 45224:

BILLING CODE 1505-01-M

ACTIVE INGREDIENT	FORMULATION	USE PATTERN	CLASSIFICATION[2]	CRITERIA INFLUENCING RESTRICTION
TERBUFOS	Granular formulations 15% and greater	All non-domestic	Restricted	Acute oral toxicity Acute dermal toxicity Residue effects on avian species
ZINC PHOSPHIDE	All formulations 2% and less	All domestic uses and non-domestic uses in and around buildings	Unclassified	
	All dry formulations 60% and greater	All uses	Restricted	Acute inhalation toxicity
	All bait formulations	Non-domestic outdoor uses (other than around buildings)	Restricted	Hazard to non-target organisms
	All dry formulations 10% and greater	Domestic use	Restricted	Acute oral toxicity
*	*	*	*	*

2/ "Under evaluation" means no classification decision has been made and the use/formulation in question is still under active review within EPA.

BILLING CODE 1505-01-C

GENERAL SERVICES ADMINISTRATION

Automated Data and Telecommunications Service

[41 CFR Part 101-36]

ADP Management; Annual Validation of COBOL Compilers

AGENCY: Automated Data and Telecommunications Service, General Services Administration.

ACTION: Proposed rule.

SUMMARY: The Federal Compiler Testing Center (FCTC), operated by GSA, performs validations, using a set of test routines called the COBOL Compiler Validation System (CCVS) to determine the degree to which COBOL compilers conform to Federal Information Processing Standards Publication (FIPS PUB) 21-1, Federal Standard COBOL. Previously, validations were performed upon request, usually in conjunction with specific procurements. The General Services Administration proposes to revise the validation requirement to specify that vendors shall submit annual requests to the FCTC for testing COBOL compilers. This proposed change is intended to provide a disciplined, predictable, and efficient framework for testing and validating these compilers.

DATE: Comments must be received on or before October 9, 1979.

ADDRESS: Written comments should be sent to the General Services Administration (CPEP), Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: L. Perlman, Procurement Policy and Regulations Branch, Policy and Evaluation Division (202-566-0834).

SUPPLEMENTARY INFORMATION: The previous procedure of performing compiler validations in connection with specific procurements needs to be changed for the following reasons: To preclude the possibility of jeopardizing the integrity of procurements by revealing information that could indicate potential bidders; to better determine on a Government-wide basis which compilers, if any, are in default of the provisions of the FPMR requiring that deviations be corrected within 12 months of contract award; and to ensure that the most recent release of a compiler is tested. On September 1, 1978, the former Federal COBOL Compiler Testing Service (FCCTS), now the Federal Compiler Testing Center (FCTC), sent new compiler validation procedures to industry representatives for review. These procedures specified that annual validations would be performed and that requests for validations outside the annual process or in conjunction with specific procurements would only be performed on a lower priority, time-available basis. On the basis of subsequent evaluation of industry comments, the FCCTS issued revised procedures and began an annual validation system in January 1979. These procedures are reflected in this proposed regulation.

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

Therefore, GSA proposes to amend Part 101-36 as follows:

Subpart 101-36.13—Implementation of Federal Information Processing and Federal Telecommunications Standards Into Solicitation Documents

Section 101-36.1305-1 is amended by adding a new paragraph (c)(3), by revising and renumbering current paragraphs (c)(3) through (c)(7), and by revising paragraph (i) of the clause prescribed in paragraph (d) as follows:

§ 101-36.1305-1 FIPS PUB 21-1, Federal Standard COBOL.

* * * * *

(c) * * *

(3) Validations will be conducted annually for each requesting vendor as specified in the official Compiler Validation Procedures prepared by the Federal Compiler Testing Center (FCTC). (Recertification of a previous annual validation may be substituted if no errors were identified during that previous annual validation and if no changes have been made to the compiler, its supporting system software, of the CCVS in the interim). This annual validation process is intended to reduce or eliminate the need for separate validations associated with individual agency procurements.

(4) Requests for validations and questions pertaining thereto should be sent to: General Services Administration (CFT), Washington, DC 20405.

(5) When a request for validation service requires that compiler testing be performed, the requester is responsible for providing the necessary test facilites.

(6) In response to a request for validation service, the FCTC will conduct a validation test using the CCVS and will provide a Validation Summary Report (VSR) summarizing the test results.

(7) Validation is performed on a cost-reimbursable basis. The FCTC will send the requester an estimate of validation costs for approval before beginning the validation process.

(8) Unresolved questions and/or any ambiguities that arise during compiler testing and are identified by the FCTC or by the requester shall be referred to the National Bureau of Standards in accordance with FIPS PUB 29.

(d) * * *

Validation of COBOL Compilers

* * * * *

(i) Certify in the proposal that all COBOL compilers offered in response to this solicitation have been submitted for validation as set forth in FPMR 101-36.1305-1(c) or have been previously validated and are listed in the latest FCTC Certified Compiler List. Proof of submission for validation must be provided in the form of a letter from the FCTC containing identification of the compiler and scheduled date of validation. Proof of current validation must be provided upon agency request in the form of a Certificate of Validation from the FCTC.

* * * * *

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

Dated: August 1, 1979.

Frank J. Carr,

Commissioner, Automated Data and Telecommunications Service.

[FR Doc. 79-24268 Filed 8-6-79; 8:45 am]

BILLING CODE 6820-25-M

Notices

Federal Register
Vol. 44, No. 153
Tuesday, August 7, 1979

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

Horse Protection Act; Disqualification of Certain Individuals

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice of Disqualification.

PURPOSE: This notice is to advise the general public and the horse industry of the disqualification of the following individuals, under section 6(c) of the Horse Protection Act, from showing or exhibiting any horse, judging or managing any horse show, horse exhibition, or horse sale or auction for the periods indicated:

Howard Roberts, Howard Roberts Stables, Lewisburg, TN 37091.

1. Effective September 2, 1979, Howard Roberts is disqualified, as provided in section 6(c) of the Act, as amended (15 U.S.C. 1825(c)), for a period of 18 months as follows:

(a) For a period of 12 months, from September 2, 1979, through September 1, 1980, Howard Roberts is disqualified from (i) showing, exhibiting, or entering for the purpose of showing or exhibiting any horse at any horse show or exhibition, and (ii) taking part or otherwise participating in the judging or managing of any horse show, horse exhibition, or horse sale or auction.

(b) For a period of 6 months thereafter, from September 2, 1980, through March 1, 1981, Howard Roberts is disqualified specifically and only from showing, exhibiting, or entering for the purpose of showing or exhibiting any horse.

David Polk, 4924 Hampton Road, Clemmons, NC 27012.

David Polk is disqualified as provided for in section 6(c) of the Act, as amended (15 U.S.C. 1825(c)), for the period of 1 year from June 1, 1979, through May 31, 1980, from (a) showing, exhibiting, or entering for the purpose of showing or exhibiting any horse at any horse show or exhibition, and (b) taking part or otherwise participating in the judging or managing of any horse show, horse exhibition or horse sale or auction.

SUPPLEMENTARY INFORMATION: Section 6(c) of the Act states in relevant part that, ". . . any person . . . may be disqualified by order of the Secretary, after notice and an opportunity for a hearing before the Secretary, from showing or exhibiting any horse, judging or managing any horse show, horse exhibition, or horse sale or auction for a period of not less than one year for the first violation and not less than five years for any subsequent violation. Any person who knowingly fails to obey an order of disqualification shall be subject to a civil penalty of not more than $3,000 for each violation. Any horse show, horse exhibition, or horse sale or auction, or the management thereof, collectively and severally, which knowingly allows any person who is under an order of disqualification to show or exhibit any horse, to enter for the purpose of showing or exhibiting any horse, to take part in managing or judging, or otherwise to participate in any horse show, horse exhibition, or horse sale or auction in violation of an order shall be subject to a civil penalty of not more than $3,000 for each violation. . . ."

This will serve as notification to the general public and the horse industry that the above individuals have been disqualified, as indicated, and that allowing any disqualified person to participate in any prohibited activity during the period of disqualification, is a violation of section 6(c) of the Act and is subject to the penalties indicated therein.

Done at Washington, D.C. this 1st day of August, 1979.

E. A. Schilf,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 79-24204 Filed 8-6-79; 8:45 am]

BILLING CODE 3410-34-M

Office of the Secretary

Soil and Water Resources; National Public Briefings

Pursuant to the Soil and Water Resources Conservation Act (RCA), Pub. L. 95-192, the U.S. Department of Agriculture (USDA) is appraising the Nation's soil, water, and related resources, developing a national soil and water conservation program, and preparing a statement of national policy concerning these resources.

Two national public briefings will be held in Washington, D.C., to involve the public in the development of soil and water conservation objectives, alternative strategies, and decision criteria before draft RCA documents are completed. Interested individuals and representatives of organizations are invited to attend, ask questions, and comment on the objectives and strategies being considered.

The briefings will be held at 1:30 p.m. on Wednesday, August 22, 1979, and Friday, September 14, 1979 in Room 218-A, Administration Building, U.S. Department of Agriculture, 14th and Independence Avenue, SW., Washington, D.C. 20250. M. Rupert Cutler, Assistant Secretary for Natural Resources and Environment, will conduct the briefings.

For further information about these briefings, contact Ernest V. Todd, RCA Manager, U.S. Department of Agriculture, Washington, D.C. 20013, phone 202-447-2771.

(Pub. L. 95-192, 91 Stat. 1407, 16 U.S.C. 2001 et seq. (November 18, 1977).)

Dated: August 2, 1979.

M. Rupert Cutler,

Assistant Secretary.

[FR Doc. 79-24274 Filed 8-6-79; 8:45 am]

BILLING CODE 3410-01-M

Rural Electrification Administration

Dairyland Power Cooperative; Final Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration has prepared a Final Environmental Impact Statement in accordance with Section 102(2)(c) of the National Environmental Policy Act of 1969, in connection with the proposed release of loan funds by the Rural Electrification Administration to Dairyland Power Cooperative of La

Crosse, Wisconsin, to finance the construction of approximately 28 miles of 161 kV transmission line from Genoa, Wisconsin, to Lansing, Iowa.

Additional information may be secured on request, submitted to Mr. Joseph S. Zoller, Assistant Administrator—Electric, Rural Elecrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. The Final Environmental Impact Statement may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue, S.W., Washington, D.C., or at the borrower address indicated above.

Final REA action with respect to this matter may be taken after thirty (30) days, but only after REA has reached satisfactory conclusions with respect to its environmental effects and after requirements set forth in the National Policy Act of 1969 have been met.

Dated at Washington, D.C. this 25th day of July 1979.

Robert W. Feragen,

Administrator, Rural Electrification Administration.

[FR Doc. 79-24311 Filed 8-6-79; 8:45 am]

BILLING CODE 3410-15-M

Science and Education Administration

Executive Committee of the Joint Council on Food and Agricultural Sciences; Amended Meeting

AGENCY: Science and Education Administration.

SUMMARY: The Executive Committee of the Joint Council on Food and Agricultural Sciences, which was established by Section 1407 of the Food and Agriculture Act of 1977 (Public Law 95-113), has changed the date of its meeting from August 13 to August 17, 1979.

All other items regarding this meeting remain the same as announced in the Federal Register on July 27, 1979 (44 FR 44202).

FOR FURTHER INFORMATION CONTACT: Dr. J. C. Torio, Executive Secretary, Joint Council on Food and Agricultural Sciences, Science and Education Administration, U.S. Department of Agriculture, Room 351-A, Administration Building, Washington, D.C. 20250, telephone (202) 447-6651.

Done at Washington, D.C. this 2nd day of August 1979.

James Nielson,

Executive Director, Joint Council on Food and Agricultural Sciences.

[FR Doc. 79-24312 Filed 8-6-79; 8:45 am]

BILLING CODE 3410-03-M

Arms Control and Disarmament Agency General Advisory Committee; Cancellation of Meeting

Notice is hereby given that the meeting of the General Advisory Committee scheduled to be held on August 9, 1979 and August 10, 1979 at 2201 C Street, NW, Washington, D.C., as published in the Federal Register on July 26, 1979 (44 FR 43757), has been cancelled.

Dated: August 1, 1979.

Charles R. Oleszycki,

Advisory Committee Management Officer

[FR Doc. 79-24261 Filed 8-6-79; 8:45 am]

BILLING CODE 6820-32-M

CIVIL AERONAUTICS BOARD

[Order 79-8-4; Docket 35225]

Allarco Developments Ltd., Order To Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order To Show Cause: Order 79-8-4.

SUMMARY: The Board proposes to approve the following application:

Applicant: Allarco Developments Ltd., (Docket: 35225).

Application Date: April 4, 1979.

Authority Sought: Transfer of a foreign air carrier permit from International Jet Air Ltd. to Allarco Developments Ltd.

OBJECTIONS: All interested persons having objections to the Board's tentative findings and conclusions that this authority should be granted, as described in the order cited above, shall, no later than August 24, 1979, file a statement of such objections with the Civil Aeronautics Board (20 copies) and mail copies to the applicant, The Department of Transportation, the Department of State, and the Ambassador of Canada. A statement of objections must cite the docket number and must include a summary of testimony, statistical data, or other supporting evidence.

If no objections are filed, the Secretary of the Board will enter an order which will, subject to disapproval by the President, make final the Board's tentative findings and conclusions and issue the proposed permit or certificate.

ADDRESSES FOR OBJECTIONS:

Docket 35225, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

Allarco Development Ltd., c/o Galland, Kharasch, Calkins and Short, Attention: Arthur D. Bernstein, Dale C. Andrews, 1054 31st Street, NW., Washington, D.C. 20007.

To get a copy of the complete order, request it from the C.A.B. Distribution Section, Room 516, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the Washington metropolitan area may send a postcard request.

FOR FURTHER INFORMATION CONTACT: Mike McCann, Legal Division, Bureau of International Aviation, Civil Aeronautics Board; (202) 673-5035.

By the Civil Aeronautics Board: August 1, 1979.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79-24281 Filed 8-6-79; 8:45 am]

BILLING CODE 6320-01-M

[Order 79-8-5]

Dallas/Ft. Worth-Tulsa Nonstop Air Route Authority

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order 79-8-5.

SUMMARY: The Board is proposing to grant Dallas/Ft. Worth-Tulsa nonstop air route authority under Section 401 of the Federal Aviation Act of 1958, as amended, to Texas International Airlines, Continental Air Lines and any other fit, willing and able applicant whose fitness can be established by officially noticeable data. The complete text of this order is available as noted below.

DATES: Objections: All interested persons having objections to the Board issuing the proposed authority shall file, and serve upon all persons listed below, no later than September 5, 1979, a statement of objections together with a summary of the testimony, statistical data, and other material expected to be relied upon to support the stated objections.

Additional Data: All existing and would-be applicants who have not filed (a) illustrative service proposals, (b) environmental evaluations, and (c) an estimate of fuel to be consumed in the first year are directed to do so no later than August 21, 1979.

ADDRESSES: Objections or Additional Data should be filed in Docket 36275, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

FOR FURTHER INFORMATION CONTACT:
Raymond Cooper, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428, (202) 673–5328.

SUPPLEMENTARY INFORMATION:
Objections should be served upon the following persons: American Airlines, Texas International Airlines and Continental Air Lines.

The complete text of Order 79–8–5 is available from our Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 79–8–5 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: August 1, 1979.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79-24283 Filed 8-6-79; 8:45 am]

BILLING CODE 6320-01-M

[Order 79–8–6; Docket 36276]

Gravenhurst Aviation Limited; Order To Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause: Order 79–8–6.

SUMMARY: Docket 36276. The Board proposes to cancel the foreign air carrier permit issued to Gravenhurst Aviation Limited pursuant to Order 75–2–25. The permit authorizes Gravenhurst to operate small aircraft charters between the United States and Canada. The Government of Canada has withdrawn the carrier's designation to the United States and has revoked its Canadian operating authority.

OBJECTIONS: All interested persons having objections to the Board's tentative findings and conclusions that this authority should be canceled as described in the order cited above, shall, NO LATER THAN August 27, 1979, file a statement of such objections with the Civil Aeronautics Board (20 copies) and mail copies to Gravenhurst, the Department of Transportation, the Department of State, and the Ambassador of Canada in Washington, D.C. A statement of objections must cite the docket number and must include a summary of testimony, statistical data, or other such supporting evidence.

If no objections are filed, the Secretary of the Board will enter an order which will, subject to disapproval by the President, make final the Board's tentative findings and conclusions and cancel the foreign air carrier permit issued to Gravenhurst Aviation Limited.

ADDRESSES FOR OBJECTIONS:

Docket: 36276, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

Gravenhurst Aviation Limited, P.O. Box 639, Gravenhurst, Ontario, Canada.

To get a copy of the complete order, request it from the C.A.B. Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the Washington metropolitan area may send a postcard request.

FOR FURTHER INFORMATION CONTACT:
Nancy L. Pitzer, Regulatory Affairs Division, Bureau of International Aviation, Civil Aeronautics Board—(202) 673–5104.

By the Civil Aeronautics Board: August 1, 1979.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79-24282 Filed 8-6-79 8:45 am]

BILLING CODE 6320-01-M

DEPARTMENT OF COMMERCE

Industry and Trade Administration

Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee; Closed Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, as amended, 5 U.S.C. App. 10(a)(2) (1976), notice is hereby given that a meeting of the Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee will be held on Tuesday, August 14, 1979, at 9:30 a.m. in Room 15461, the Federal Building, 450 Golden Gate Avenue, San Francisco, California.

The Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, January 13, 1977, and August 28, 1978, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to Section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to computer peripherals, components and related test equipment, including technical data or other information related thereto, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates, including proposed revisions of any such multilateral controls.

The Committee will meet only in Executive Session to discuss matters properly classified under Executive Order 11652 or 12065, dealing with U.S. and COCOM control program and strategic criteria related thereto.

Written statements may be submitted at any time before or after the meeting.

The Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 6, 1977, pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended by Section 5(c) of the Government in the Sunshine Act, P.L. 94–409, that the matters to be discussed during the meeting should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the meeting will be concerned with matters listed in 5 U.S.C. 552b(c)(1). Such matters are specifically authorized under criteria established by an Executive Order to be kept secret in the interests of the national defense or foreign policy. All materials to be reviewed and discussed by the Committee during the meeting have been properly classified under Executive Order 11652 or 12065. All Committee members have appropriate security clearances. This meeting is called on short notice because of the need to obtain and consider the Committee's advice on proposals to revise the multilateral COCOM control list prior to the anticipated beginning of negotiations on October 1979.

The complete Notice of Determination to close meetings or portions thereof of the series of meetings of the Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee and of any subcommittees thereof, was published in the **Federal Register** on September 14, 1978 (43 FR 41071).

For further information, contact Ms. Margaret Cornejo, Policy Planning Division, Office of Export Administration, Industry and Trade Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone: A/C 202–377–2583.

Dated: August 2, 1979.

Kent N. Knowles,

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

[FR Doc. 79-24361 Filed 8-6-79; 8:45 am]

BILLING CODE 3510-25-M

Hardware Subcommittee of the Computer Systems Technical Advisory Committee; Change in Meeting

The meeting of the Hardware Subcommittee of the Computer Systems Technical Advisory Committee scheduled for Tuesday, August 14, 1979 at 1:00 p.m. has been rescheduled for August 14, 1979 at 9:00 a.m. in Room 15022, the Federal Building, 450 Golden Gate Avenue, San Francisco, California. The agenda and other information relating to the Committee meeting, as published in the **Federal Register** (44 FR 44590) on Monday, July 30, 1979, remain unchanged.

Dated: August 3, 1979.

Kent Knowles,

Director, Office of Export Administration, Bureau of Trade Regulation.

[FR Doc. 79-24356 Filed 8-6-79; 8:45 am]

BILLING CODE 3510-25-M

Licensing Procedures Subcommittee of the Computer Systems Technical Advisory Committee; Meeting Cancellation

Pursuant to the provisions of Section 10(a)(2) of the Federal Advisory Committee Act, as amended, 5 U.S.C. App. (1976) notice was published in 44 FR 44591 on July 30, 1979, that a meeting of the Licensing Procedures Subcommittee of the Computer Systems Technical Advisory Committee would be held on August 14, 1979. This is a notice that the meeting has been cancelled.

Date: August 3, 1979.

Kent Knowles,

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

[FR Doc. 79-24355 Filed 8-6-79; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

North Pacific Fishery Management Council, Scientific and Statistical Committee, and Advisory Panel; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The North Pacific Fishery Management Council was established by Section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), and the Council has established a Scientific and Statistical Committee (SSC) and an Advisory Panel (AP). Joint and separate meetings will be held on August 22-24, 1979.

DATES: The Council meeting will convene on Thursday, August 23, 1979, at 8:30 a.m. and will adjourn on Friday, August 24, 1979, at 5 p.m. in Kensi/Aleutian Rooms of the Anchorage/Westward/Hilton Hotel, 3rd and E Streets, Anchorage, Alaska. The SSC meeting will convene on Wednesday, August 22, 1979, at 9 a.m. and will adjourn at 5 p.m. in the Council Conference Room, 333 West Fourth Avenue, Post Office Mall Building, Anchorage, Alaska. The AP meeting will convene on Wednesday, August 22, 1979, at 9:30 a.m. and will adjourn at 5 p.m. in the Kenai Room of the Anchorage/Westward/Hilton Hotel, 3rd and E Streets, Anchorage, Alaska. The meetings may be lengthened or shortened depending on the progress of the agenda. The meetings are open to the public.

FOR FURTHER INFORMATION CONTACT: North Pacific Fishery Management Council, Post Office Box 3136DT, Anchorage, Alaska 99510, Telephone: (907) 274-4563.

Proposed Agendas follow:

Council

A new format for conducting the Council meeting will be used. On Thursday, August 23, 1979, from 8:30 a.m. to 11 a.m., regular Council business and reports will be heard: the Executive Director's Report, Alaska Department of Fish & Game reports (ADF&G), National Marine Fisheries Service (NMFS), and U.S. Coast Guard reports (USCG). A public comment period will be held from 11 a.m. to 12 noon and 1:30 p.m. to 5 p.m. On Friday, August 24, 1979, from 8:30 to 5 p.m. the remaining agenda items will be discussed by the Council; each item prefaced by reports from the SSC and AP, with comments allowed by the public. These agenda items are: (1) A Report on the Socioeconomic Data needs of the Fishery Management Plans (FMP's); (2) Incidental Species; (3) A reciprocal U.S./U.S.S.R. Fishing Agreement; (4) Business related to Council contracts; (5) Council FY-80 Budget and NMFS FY-82 Budget; (6) Bering Sea and Aleutian Islands Groundfish FMP; approval of a salmon-savings, time/area closure amendment, and Domestic Annual Harvest (DAH)/Reserve amendment; (7) Tanner Crab FMP; approval of an amendment to extend the plan into 1980, a discussion of the early indicators of Optimum Yield (OY), DAH, and Total Allowable Level of Foreign Fishing TALFF) in the Bering Sea, and a progress report of the 1979 fishery; (8) Gulf of Alaska Groundfish FMP; approval of an amendment to extend the plan into 1980; approval of an amendment package covering various OY's, the DAH concepts, provisional joint venture-related time/area concepts, and others; (9) Bering Sea Herring Draft FMP; first Council review of this plan; and (10) Other Council-related business.

Scientific and Statistical Committee

(1) Tanner Crab FMP revisions; (2) Bering Sea Herring Draft FMP review; (3) Gulf of Alaska Groundfish FMP with particular reference to changes in the OY's; (4) King Crab Draft FMP; (5) SSC Membership; (6) Proposal entitled "Biometrical Analysis of Southeastern Alaska Troll Fishery Data." (7) Socioeconomic Data needs; and (8) Other Council-related business.

Advisory Panel

(1) Tanner Crab FMP amendments plus a report from the AP subcommittee on methods of fine-tuning the DAH, and extension of the Tanner Crab FMP through 1980; (2) Amendments to the Gulf of Alaska Groundfish Fishery FMP for 1980; (3) Bering Sea and Aleutian Islands Groundfish FMP preliminary approval of an amendment on salmon savings time/area closures, and DAH/Reserve issues; (4) Incidental Species Report; (5) Business related to Council contracts; (6) A reciprocal U.S./U.S.S.R. Fishing Agreement; (7) Review of the Bering Sea Herring Draft FMP; and (8) Other Council-related business.

Dated: August 1, 1979.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 79-24228 Filed 8-6-79; 8:45 am]

BILLING CODE 3510-22-M

National Technical Information Service

Government-Owned Inventions; Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and possibly foreign licensing in accordance with the licensing polices of the agency-sponsors.

Copies of the patents cited are available from the Commissioner of

Patents & Trademarks, Washington, DC 20231, for $.50 each. Requests for copies of patents must include the patent number.

Copies of the patent applications can be purchased from the National Technical Information Service (NTIS), Springfield, Virginia 22161 for $4.00 ($8.00 outside North American Continent). Requests for copies of patent applications must include the PAT-APPL number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent and Trademark Office. Claims and others technical data will usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

Douglas J. Campion,

Patent Program Coordinator, National Technical Information Service.

U.S. Department of the Air Force, AF/JACP, 1900 Half Street, SW., Washington, D.C. 20324

Patent application 6,000,240: Instantaneous Frequency Measurement (IFM) Receiver with Capability to Separate CW and Pulsed Signals; filed December 22, 1978.

Patent application 6,002,280: Foolproof Timing Mechanism; filed Janaury 10, 1979.

Patent application 6,005,885: Radar Sensitivity Time Control Using Range Gated Feedback; filed January 23, 1979.

Patent application 6,008,144: Doubly Adaptive CFAR Apparatus; filed January 31, 1979.

Patent application 4,140,225: Sheet Material Storage Rack; filed July 29, 1977, patented February 20, 1979. Not available NTIS.

Patent application 4,140,592: Gas Bearing Surface Coating; filed March 30, 1978, patented February 20, 1979. Not available NTIS.

U.S. Department of Energy, Assistant General Counsel for Patents, Washington, D.C. 20545

Patent application 841,088: Solar Collector Cover Plate; filed October 11, 1977.

Patent application 880,247: Composition and Method for Collecting Radioiodine; filed February 22, 1978.

Patent application 901,048: Method and Apparatus for Improved Optoacoustic Spectroscopy; filed April 28, 1978.

Patent application 4,072,501: Method of Producing Homogeneous Mixed Metal Oxides and Metal—Metal Oxide Mixtures; filed April 13, 1977, patented February 7, 1978. Not available NTIS.

Patent application 4,096,912: Methods for Minimizing Plastic Flow of Oil Shale During In situ Retorting; filed June 6, 1977, patented June 27, 1978. Not available NTIS.

Patent application 4,099,515: Fabrication of Trough-Shaped Solar Collectors; filed June 29, 1977, patented July 11, 1978. Not available NTIS.

Patent application 4,114,592: Cylindrical Radiant Energy Direction Device with Refractive Medium; filed August 16, 1976, patented September 19, 1978. Not available NTIS.

Patent application 4,115,632: Method of Preparing Electolyte for Use in Fuel Cells; filed May 5, 1977, patented September 19, 1978. Not available NTIS.

U.S. Department of the Navy, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, Va. 22217

Patent application 6,008,997: Protected Calcium Anode In Molten Nitrates; filed February 5, 1979.

Patent application 6,008,998: Non-Flashing Electrolyte for Use with Calcium Anode; filed February 5, 1979.

Patent application 6,009,038: High Energy Density Thermal Cell; filed February 5, 1979.

Patent application 6,016,236: High Electrical Frequency Infrared Detector; filed February 28, 1979.

Patent application 6,017,217: High Electrical Frequency Infrared Detector; filed March 5, 1979.

Patent application 4,104,883: Mass Transport Heat Exchanger Method and Apparatus for Use in Ocean Thermal Energy Exchange Power Plants; filed May 27, 1977, patented August 8, 1978. Not available NTIS.

Patent application 4,132,226: Biopotential Movement Artifact Inhibiting System; filed July 13, 1977, patented January 2, 1979. Not available NTIS.

Patent application 4,136,281: Energy Fluence Meter for X-Rays; filed October 12, 1977, patented January 23, 1979. Not available NTIS.

Patent application 4,137,509: Tunable Laser Based upon S2,Te2 and other Selected Dimers; filed May 2, 1977, patented January 30, 1979. Not available NTIS.

National Aeronautics and Space Administration, Assistant General Counsel for Patent Matters, NASA Code GP-2, Washington, D.C. 20546

Patent application 6,009,886: Apparatus for Supplying Conditioned Air at a Substantially Constant Temperature and Humidity; filed February 6, 1979.

Patent application 6,017,885: Multibeam Single Frequency Synthetic Aperture Radar Processor for Imaging Separate Range Swaths; filed March 6, 1979.

[FR Doc. 79-24284 Filed 8-6-79; 8:45 am]

BILLING CODE 3510-04-M

Government-Owned Inventions; Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and possibly foreign licensing in accordance with the licensing policies of the agency-sponsors.

Copies of the patents cited are available from the Commissioner of Patents & Trademarks, Washington, DC 20231, for $.50 each. Requests for copies of patents must include the patent number.

Copies of the patent applications can be purchased from the National Technical Information Service (NTIS), Springfield, Virginia 22161 for $4.00 ($8.00 outside North American Continent). Requests for copies of patent applications must include the PAT-APPL number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent and Trademark Office. Claims and other technical data will usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

Douglas J. Campion,

Patent Program Coordinator, National Technical Information Service.

U.S. Department of the Air Force, AF/JACP, 1900 Half Street, SW., Washington, D.C. 20324

Patent application 6,001,329: Double Acting Delay Mechanism; filed January 5, 1979.

Patent application 6,001,330: Incident Radiation Absorber/Reflector Assembly; filed January 5, 1979.

Patent application 6,001,334: Incident Radiation Absorber/Reflector Assembly; filed January 5, 1979.

Patent application 6,002,163: Aircraft Ejection System Collision Avoidance System; filed January 9, 1979.

Patent application 6,002,281: Stress Buffer/Amortisseur for a Permanent Magnet Rotor; filed January 10, 1979.

Patent application 6,004,244: Spherical Heat Pipe Metal-Hydrogen Cell; filed January 17, 1979.

U.S. Department of the Navy, Assistant Chief for Patents, Ofice of Naval Research, Code 302, arlington, Va. 22217.

Patent application 6,001,516: Charge-Coupled Device (CCD) Analog and Digital Correlators; filed January 8, 1979.

Patent application 6,004,428: Turbomachine Balance Correction System; filed January 12, 1979.

Patent application 6,009,206: Commutating Narrowband Filter; filed February 15, 1979.

Patent application 6,011,821: A Method for Determining the Compensation Density in n-Type Narrow-Gap Semiconductors; filed February 13, 1979.

Patent application 6,012,614: Rotating Raster Generator; filed February 16, 1979.

Patent application 6,014,798: Three dB Single Mode Optical Fiber Interferometer Beamsplitter/Coupler; filed February 26, 1979.

Patent application 6,017,749: Wideband VHF Antenna; filed March 5, 1979.

Patent application 814,946: Solventless Amire Epoxy Resin System; filed July 22, 1977.
Patent application 961,580: Frequency Stabilization Technique for Microstrip Oscillators; filed November 17, 1978.
Patent 4,125,788; Voltage Level Shifting Device; filed May 31, 1977, patented November 14, 1978; not available NTIS.
Patent 4,125,809: Digital C/kT Meter; filed November 9, 1977, patented November 14, 1978, not available NTIS.
Patent 4,125,862: Aspect Ratio and Scan Converter System; filed March 31, 1977, patented November 14, 1978, not available NTIS.
Patent 4,136,317: 14 and 16 Microp, Optically Pumped Gas Dynamic CO2 Laser; filed April 13, 1977, patented January 23, 1979, not available NTIS.
Patent 4,137,461: Photographic Image Enhancement by Photofission; filed November 16, 1977, patented January 30, 1979, not available NTIS.
Patent 4,140,936: Square and Rectangular Electroacoustic Bender Bar Transducer; filed September 1, 1977, patented February 20, 1979; not available NTIS.
Patent 4,143,946: Impingement Cooled Deformable Laser Mirror; filed December 5, 1977; patented March 13, 1979; not available NTIS.

U.S. Department of Commerce, National Technical Information Service, Office of Government Inventions & Patents, Springfield, Va. 22161

Patent application 915,068: Universal Jig Fixture for Castings; filed June 12, 1978.

National Aeronautics and Space Administration, Assistant General Counsel for Patent Matters, NASA Code GP-2, Washington, D.C. 20546

Patent application 6,009,888: A Coupling Device for Moving Vehicles; filed February 6, 1979.
Patent application 807,597: Apparatus for Endoscopic Examination; filed June 17, 1977.

[FR Doc. 79-24285 Filed 8-6-79; 8:45 am]
BILLING CODE 3510-04-M

Government-Owned Inventions; Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and possibly foreign licensing in accordance with the licensing policies of the agency-sponsors.

Copies of the patents cited are available from the Commissioner of Patents & Trademarks, Washington, DC 20231, for $.50 each. Requests for copies of patents must include the patent number.

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Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

Douglas J. Campion,

Patent Program Coordinator, National Technical Information Service.

Department of the Army, Chief, Intellectual Prop. Division, OTJAG, Room 2D 444, Pentagon, Washington, D.C. 20310

Patent 4,116,477: Connector, Reducer/Adapter, Flare to Flareless; filed January 14, 1977, patented September 26, 1978; not available NTIS.

Department of the Army, Chief, Intellectual Prop. Division, OTJAG, Room 2D 444, Pentagon, Washington, D.C. 20310

Patent 4,063,454: Field Test Assembly for Measuring Compressive Loads; filed November 5, 1976, patented December 20, 1977; not available NTIS.
Patent 4,072,425: Method of Indicating the relative Roughness of a Surface; filed August 9, 1976, patented February 7, 1978; not available NTIS.
Patent 4,085,440: Inertial Navigation System; filed May 5, 1977, patented April 18, 1978; not available NTIS.
Patent 4,087,749: Method and Apparatus for Normalizing the Outputs of Sequentially Scanned Magnetic Flaw Detectors; filed January 25, 1977, patented May 2, 1978; not available NTIS.
Patent 4,089,212: Brinell Sandwich Transducer; filed March 14, 1977, patented May 16, 1978; not available NTIS.
Patent 4,093,040: Silencer and Cooler for Pump Unit; filed December 21, 1976, patented June 6, 1978; not available NTIS.
Patent 4,093,566: Phosphate-Free Spray Cleaner for Metals; filed December 27, 1976, patented June 6, 1978; not available NTIS.
Patent 4,094,520: Self Centering Flange Gasket Assembly; filed October 11, 1977, patented June 13, 1978; not available NTIS.
Patent 4,097,800: Laser Screen; filed June 12, 1977, patented June 27, 1978; not available NTIS.
Patent 4,098,988: Anionically Polymerized Copolymers of Methyl alpha-N-Alkylacrylate and Methyl Methacrylate and Method of Making Same; filed January 19, 1977, patented July 4, 1978; not available NTIS.
Patent 4,100,015: Chromate-Free Etching Process and Composition for Preparing Aluminum for Adhesive Bonding; filed July 21, 1977, patented July 11, 1978; not available NTIS.
Patent 4,100,546: Airborne Antenna System Employing the Airframe as an Antenna; filed January 28, 1977, patented July 11, 1978; not available NTIS.
Patent 4,100,789: Fluidic Partial Pressure Sensor; filed July 28, 1977, patented July 18, 1978; not available NTIS.
Patent 4,101,000: Easy Access Oil Filter Drain System; filed July 15, 1977, patented July 18, 1978; not available NTIS.
Patent 4,101,895: Multifrequency Antenna System Integrated Into a Radome; filed February 14, 1977, patented July 18, 1978; not available NTIS.
Patent 4,101,899: Compact Low-Profile Electrically Small VHF Antenna; filed December 8, 1976, patented July 18, 1978; not available NTIS.
Patent 4,101,964: Digital Filter for Pulse Code Modulation Signals; filed January 8, 1976, patented July 18, 1978; not available NTIS.
Patent 4,101,975: Optical Memory with Storage in Three Dimensions; filed August 15, 1977, patented July 18, 1978; not available NTIS.
Patent 4,102,074: Counting Device Impulse Activator with Torque Limiter; filed February 7, 1977, patented July 25, 1978; not available NTIS.
Patent 4,102,180: Slide Fastener Endurance Tester; filed June 30, 1977, patented July 25, 1978; not available NTIS.
Patent 4,103,199: Electronic Device for Processing Signals In Three Dimensions; filed June 14, 1976, patented July 25, 1978; not available NTIS.
Patent 4,103,303: Frequency Scanned Corner Reflector Antenna; filed October 21, 1976, patented July 25, 1978; not available NTIS.
Patent 4,103,341: Ferroelectric Photovoltaic Method and Apparatus for Transferring Information; filed August 15, 1977, patented July 25, 1978; not available NTIS.
Patent 4,104,364: Method for Hydrolyzing Phosgene; filed July 5, 1977, patented August 1, 1978; not available NTIS.
Patent 4,104,587: Bandwidth Substitution Method and System for Absolute Measurement of Power at All Radio Frequencies; filed June 3, 1976, patented August 1, 1978; not available NTIS.
Patent 4,105,836: High Energy Density Lithium Cell; filed June 8, 1977, patented August 8, 1978; not available NTIS.
Patent 4,106,014: Radar Set Sensitive to Target Shape; filed June 26, 1967, patented August 8, 1978; not available NTIS.
Patent 4,106,343: Solid State Barometric Altimeter-Encoder; filed May 31, 1977, patented August 15, 1978; not available NTIS.
Patent 4,106,822: Track Guide Mechanism; filed March 14, 1977, patented August 15, 1978; not available NTIS.
Patent 4,107,349: Method of Adjusting the Frequency of Piezoelectric Resonators; filed August 12, 1977, patented August 15, 1978; not available NTIS.
Patent 4,107,404: Stabilization of LiAsF6/Dimethyl Sulfite Electrolyte Solution; filed September 15, 1977, patented August 15, 1978; not available NTIS.
Patent 4,107,566: Rugged Quick-Heating Electron Tubes; filed February 7, 1955,

patented August 15, 1978; not available NTIS.

Patent 4,107,573: Printed Circuit Traveling Wave Tube; filed February 2, 1977, patented August 15, 1978; not available NTIS.

Patent 4,107,666: Variable Pulse Distribution Electro-Optical System; filed January 10, 1977, patented August 15, 1978; not available NTIS.

Patent 4,107,691: Antenna for Phase Front Homing; filed January 18, 1977, patented August 15, 1978; not available NTIS.

Patent 4,108,075: Means for Suppressing Oscillator—Generated Noise in Doppler Proximity Fuzes; filed April 9, 1959, patented August 22, 1978; not available NTIS.

Patent 4,109,455: Spiral Orifice Dashpot Timer; filed May 26, 1977, patented August 29, 1978; not available NTIS.

Patent 4,110,016: Acousto-Optic Real Time Correlator; filed June 7, 1977, patented August 29, 1978; not available NTIS.

Patent 4,110,730: Rate Sensitive System for a Seismic Sensing Range Containment Apparatus; filed June 23, 1977, patented August 29, 1978; not available NTIS.

Patent 4,110,751: Very Thin (Wrap-Around) Conformal Antenna; filed March 10, 1977, patented August 29, 1978; not available NTIS.

Patent 4,110,812: Non-Recurrent Pulse Generator; filed September 16, 1976, patented August 29, 1978; not available NTIS.

Patent 4,111,074: Hydraulic Control for Hydromechanical Transmission; filed November 1, 1976, patented September 5, 1978; not available NTIS.

Patent 4,111,513: Cable-Connector Backshell Adapter Device; filed September 22, 1977, patented September 5, 1978; not available NTIS.

Patent 4,112,317: Pulse Amplitude and Width Detection System; filed May 5, 1977, patented September 5, 1978; not available NTIS.

Patent 4,114,110: Frequency Synthesizer; filed December 1, 1977, patented September 12, 1978; not available NTIS.

Patent 4,114,163: L-Band Radar Antenna Array; filed December 6, 1976, patented September 12, 1978; not available NTIS.

Patent 4,115,783: Broadband Hybrid Monopole Antenna; filed June 14, 1977, patented September 19, 1978; not available NTIS.

Patent 4,116,634: Void, Flaw, and Crack Indicator for Epoxy Bonds; filed September 26, 1977, patented September 26, 1978; not available NTIS.

U.S. Department of the Air Force, AF/JACP, 1900 Half Street, SW., Washington, D.C. 20324

Patent application 6,006,839: Apparatus and Method for Integrated Circuit Test Analysis; filed January 26, 1979.

U.S. Department of Energy, Assistant General Counsel for Patents, Washington, D.C. 20545

Patent 4,073,719: Process for Preparing Lubricating Oil from Used Waste Lubricating Oil; filed April 26, 1977, patented February 14, 1978; not available NTIS.

Patent 4,086,506: Contra-Rotating Homopolar Motor-Generator for Energy Storage and Return; filed August 5, 1976, patented April 25, 1978; not available NTIS.

Patent 4,087,322: Air Core Poloical Magnetic Field System for a Toroidal Plasma Producing Device; filed September 7, 1976, patented May 2, 1978; not available NTIS.

Patent 4,092,534: Charge Exchange System; filed November 19, 1976, patented May 30, 1978; not available NTIS.

Patent 4,094,809: Process for Solidifying High-Level Nuclear Waste; filed February 23, 1977, patented June 13, 1978; not available NTIS.

Patent 4,097,247: Isotope Separation Process; filed October 10, 1972, patented June 27, 1978; not available NTIS.

Patent 4,111,833: Activated Carbon Material; filed September 5, 1974, patented September 5, 1978; not available NTIS.

U.S. Department of Health, Education, and Welfare, National Institutes of Health, Chief, Patent Branch, Westwood Building, Bethesda, Md. 20205

Patent application 962,107: Improved Procedure for the Preparation of 9-beta-D-Arabinofuranosyl-2-Fluoroadenine; filed November 20, 1978.

National Aeronautics and Space Administration, Assistant General Counsel for Patent Matters, NASA Code GP-2, Washington, D.C. 20546

N79-20908-6: NASA Patent Abstracts Bibliography. A Continuing Bibliography. Section 1: Abstracts. January 1979.

N79-20909-4: NASA Patent Abstracts Bibliography. A Continuing Bibliography. Section 2: Indexes. January 1979.

[FR Doc. 79-24286 Filed 8-6-79; 8:45 am]

BILLING CODE 3510-04-M

Government-Owned Inventions; Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and possibly foreign licensing in accordance with the licensing policies of the agency-sponsors.

Copies of the patents cited are available from the Commissioner of Patents & Trademarks, Washington, D.C. 20231, for $.50 each. Requests for copies of patents must include the patent number.

Copies of the patent applications can be purchased from the National Technical Information Service (NTIS), Springfield, Virginia 22161 for $4.00 ($8.00 outside North American Continent). Requests for copies of patent applications must include the PAT-APPL number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent and Trademark Office. Claims and other technical data will usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

Douglas J. Campion,

Patent Program Coordinator, National Technical Information Service.

U.S. Department of the Air Force, AF/Jacp, 1900 Half Street, SW., Washington, D.C. 20324.

Pat Appl 6,005,111: A Method and Apparatus for Trimming IR/CCD Mosaic Sensors; filed Jan. 22, 1979.

Pat Appl 6,006,839: Apparatus and Method for Integrated Circuit Test Analysis; filed Jan. 26, 1979.

Pat Appl 6,006,840: Laser Gas Temperature Control and Spacial Equalizer; filed Jan. 26, 1979.

U.S. Department of Agriculture, Research Agreements and Pat. Branch, General Service Division, Federal Building, Agricultural Research Service, Hyattsville, Md. 20782.

Pat Appl 970,941: Apparatus for Tying Cauliflower; filed Dec. 19, 1978.

U.S. Department of Transportation, Patent Counsel, 400 7th Street, SW., Washington, D.C. 20590.

Pat Appl 013,514: Automated Gain Control in Rail Flaw Detection; filed Feb. 21, 1979.

U.S. Department of Health, Education, and Welfare, National Institutes of Health, Chief, Patent Branch, Westwood Building, Bethesda, Md. 20205.

Pat Appl 966,329: Horizontal Flow-Through Coil Planet Centrifuge; filed Dec. 4, 1978.

Pat Appl 971,550: Hydrogel Adhesives and Sandwiches or Laminates; filed Dec. 20, 1978.

Patent 4,137,248: Compound, 4-Carboxyphthalato(1,2-Diaminocyclohexene)-Platinum(II) and Alkali Metal Salts Thereof; filed Aug. 29, 1977; patented Jan. 30, 1979; not available NTIS.

Patent 4,139,713: Steroidal Intermediates from the Condensation Product of Dimethyl-3-Ketoglutarate and Glyoxal; filed July 19, 1977; patented Feb. 13, 1979; not available NTIS.

Patent 4,144,237: Synthetic Vinblastine and Vincristine Derivatives; filed June 13, 1977; patented March 13, 1979; not available NTIS.

U.S. Department of the Navy, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, Va. 22217.

Pat appl 965,121: Method and Article of Manufacturing an Optical Fiber Connector; filed Nov. 30, 1978.

Patent 4,125,316: Integrated Optical Matrix Multiplier; filed 23, May 1977; patented Nov. 14, 1978; not available NTIS.

Patent 4,136,107: Bisorthodinitriles; filed Oct. 20, 1977; patented Jan. 23, 1979; not available NTIS.

Patent 4,137,098: Solar Energy Window; filed Oct. 20, 1977; patented Jan. 30, 1979; not available NTIS.

Patent 4,138,082: Remotely Operated, X–Y Translation Slide with Stationary Motors; filed May 27, 1977; patented Feb. 6, 1979; not available NTIS.

National Aeronautics and Space Administration, Assistant General Council for Patent Matters, NASA Code GP–2, Washington, D.C. 20546.

Pat appl 6,007,083: High Toughness-High Strength Iron Alloy; filed Jan. 25, 1979.

Pat appl 6,011,737: Mixed Diamines for Lower Melting Addition Polyimide Preparation and Utilization; filled Feb. 13, 1979.

Pat appl 903,019: Borehole Geological Assessment; filed May 4, 1978.

Pat appl 953,313: Coaxial Phased Array Antenna; filed Oct. 17, 1978.

Pat appl 956,168: Method for Applying Photographic Resists to Otherwise Incompatible Substrates; filled Oct. 31, 1978.

Pat appl 965,368: Interferometer; filed Nov. 30, 1978.

Patent 3,173,801: Electromagnetic Radiation Energy Arrangement; filed May 26, 1961; patented Mar. 16, 1965; not available NTIS.

Patent 3,262,694: Solar Cell Module Assembly Jig; filed June 10, 1963; patented July 26, 1966; not available NTIS.

Patent 4,110,703: Volumetric Direct Nuclear Pumped Laser; filed Apr. 19, 1977; patented Aug. 29, 1978; not available NTIS.

[FR Doc. 79–24287 Filed 8–6–79; 8:45 am]

BILLING CODE 3510–04–M

DEPARTMENT OF DEFENSE

Department of the Army

Privacy Act of 1974; Addition of Proposed New System of Records

AGENCY: Department of the Army.

ACTION: Notice of a new system of records.

SUMMARY: The Department of the Army proposes to add a new system of records to its inventory, subject to the Privacy Act of 1974.

DATES: This system shall be effective as proposed without further notice on September 6, 1979, unless comments are received on or before September 6, 1979 which would result in a contrary determination and require republication for further comments.

ADDRESS: Any comments, including written data, views or arguments concerning the action proposed should be addressed to the System Managers identified in the system notice.

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, DC 20314; Telephone 202/693–0973.

SUPPLEMENTARY INFORMATION: The Department of the Army systems of records notices as prescribed by the Privacy Act of 1974, Title 5 U.S.C., Section 552a, Pub. L. 93–597, have been published in the **Federal Register** as follows:

FR Doc. 77–28225 (42 FR 50396) September 28, 1977.

FR Doc. 78–23953 (43 FR 38070) August 25, 1978.

FR Doc. 78–22562 (43 FR 40272) September 11, 1978.

FR Doc. 78–26732 (43 FR 42026) September 19, 1978.

FR Doc. 78–25819 (43 FR 42374) September 20, 1978.

FR Doc. 78–26699 (43 FR 43059) September 22, 1978.

FR Doc. 78–26996 (43 FR 43539) September 26, 1978.

FR Doc. 78–29130 (43 FR 47604) October 16, 1978.

FR Doc. 78–29211 (43 FR 48894) October 19, 1978.

FR Doc. 78–29982 (43 FR 49557) October 24, 1978.

FR Doc. 78–31795 (43 FR 52512) November 13, 1978.

FR Doc. 78–34586 (43 FR 58111) December 12, 1978.

FR Doc. 78–35523 (43 FR 49869) December 22, 1978.

FR Doc. 79–5788 (44 FR 11105) February 27, 1979.

FR Doc. 79–6621 (44 FR 12231) March 6, 1979.

FR Doc. 79–8787 (44 FR 17767) March 23, 1979.

FR Doc. 79–11350 (44 FR 22140) April 13, 1979.

FR Doc. 79–13252 (44 FR 24904) April 27, 1979.

FR Doc. 79–15909 (44 FR 29700) May 22, 1979.

FR Doc. 79–19958 (44 FR 37654) June 28, 1979.

FR Doc. 79–21771 (44 FR 41277) July 16, 1979.

FR Doc. 79–22112 (44 FR 41905) July 18, 1979.

August 2, 1979.

E. Lofdahl,

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

A1403.30a DAAG

SYSTEM NAME:

1403.30 Commercial Entertainment Transaction Records.

SYSTEM LOCATION:

Installation and area clubs; other membership associations, nonappropriated fund (NAF) activities and instrumentalities; Armed Forces recreation centers throughout the Army; United States Army Europe and Korea commercial/entertainment offices; and the Club and Community Activities Management Directorate, The Adjutant General Center, Headquarters, Department of the Army. Addresses are listed in the Directory of the Department of the Army Offices, Commands, and Installations appearing in the Annual Compilation of System Notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individual performers, members of entertainment groups or their agents who may be members of the United States (US) Forces and/or their dependents, civilian components of US Forces and/or their dependents, and other US citizens or foreign nationals.

CATEGORIES OF RECORDS IN THE SYSTEM:

File may contain name of individual or group, social security number (SSN), type of entertainment, passport number, nationality, location of performances, agent code, performance/band information, fees charged, payment records, individual contract number, performance date, and the code of the NAF activity.

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:

To register individual/group entertainers appearing at NAF activities or instrumentalities, clubs, associations or recreation centers; to issue pay and supporting documents incident to contract for such entertainers; to account for monies of open messes and clubs for entertainment purposes. Used by Internal Revenue Service for income tax purposes.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; punch cards, magnetic tapes and disks, and computer printouts.

RETRIEVABILITY:

By SSN, agent code or band code.

SAFEGUARDS:

Buildings employ security guards. Paper files, computer cards, and printouts are stored in areas accessible only to authorized personnel; offices and buildings are locked during non-duty hours. Access to computer is limited to individuals who are properly cleared and trained in accordance with Army regulations.

RETENTION AND DISPOSAL:

Records are maintained in current files for 3 years, then transferred to inactive files for 3 years before being destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

a. Europe: Chief, Program and Budget Division, Office of the Deputy Chief of Staff for Personnel, United States Army Europe and Seventh Army, APO New York 09403.

b. Korea: Commander, Eighth United States Army, ATTN: J-1, APO San Francisco 96301.

c. All others: Director, Club and Community Activities Management Directorate, The Adjutant General Center, Headquarters, Department of the Army, Washington, DC 20314.

NOTIFICATION PROCEDURE:

Information may be obtained from the SYSMANAGER.

RECORD ACCESS PROCEDURE:

Requests from individuals should be addressed to the SYSMANAGER.

Written requests for information should contain the full name of the individual, agent code (if applicable), SSN and/or passport number, and the time period and performance date involved.

For personal visits, the individual must provide acceptable identification such as military identification, driver's license, or passport.

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 (32 CFR Part 505).

RECORD SOURCE CATEGORIES:

Information is obtained from individual entertainers and agents.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 79-24309 filed 8-6-79 8:45 am]

BILLING CODE 3710-08-M

Department of the Navy

Chief of Naval Operations Executive Panel Advisory Committee; Closed Meeting; Correction

In FR Doc. 70–22589 appearing at page 43040 in the **Federal Register** of July 23, 1979, the date of the closed meeting of the Chief of Naval Operations Executive Panel Advisory Committee is corrected to September 12–13, 1979, vice August 8–9, 1979. Accordingly, in the sixth line of the notice the date is corrected to September 12–13.

Dated: August 3, 1979.

P.B. Walker,

Captain, JAGC, U.S. Navy, Deputy Assistant Judge Advocate General (Administrative Law).

[FR Doc. 79-24460 Filed 8-7-79; 8:45 am]

BILLING CODE 8310-70-M

DEPARTMENT OF ENERGY

National Petroleum Council; Coordinating Subcommittee of the Committee on Refinery Flexibility; Meetings

Notice is hereby given that the Coordinating Subcommittee of the National Petroleum Council's Committee on Refinery Flexibility will meet on Wednesday, September 5, 1979, in Conference Room 317 of the Standard Oil Company of California Building, 225 Bush Street, San Francisco, California, beginning at 10:00 a.m.

The National Petroleum Council provides technical advice and information to the Secretary of Energy on matters relating to oil and gas or the oil and gas industries. Accordingly, the Committee on Refinery Flexibility has been requested by the Secretary to undertake an analysis of the factors affecting crude oil quality and availability and the ability of the refining industry to process such crudes into marketable products. This analysis will be based on information and data to be gathered by the Oil Supply, Demand, and Logistics Task Group and the Refinery Capability Task Group, whose efforts will be coordinated by the Coordinating Subcommittee. The tentative agenda of the Subcommittee session is as follows:

1. Introductory remarks by Warren B. Davis, Chairman.

2. Review progress of the Refinery Capability Task Group.

3. Review progress of the Oil Supply, Demand and Logistics Task Group.

4. Review and discuss schedule and assigments for completion of Subcommittee assignments.

5. Discuss any other matters pertinent to the overall assignment of the Coordinating Subcommittee.

All meetings are open to the public. The Chairmen of the Subcommittee are empowered to conduct the meetings in a fashion that will, in their judgement, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Subcommittee will be permitted to do so, either before or after the meeting. Because of security procedures at the Standard Oil Building, members of the public who wish to attend the meeting or to make oral statements should inform Mr. Marshall Nichols, National Petroleum Council, (202) 393–6100, prior to the meeting, and provision will be made for the attendance and appearance on the agenda. Transcripts of the Coordinating Subcommittee meeting will be available for public review at the Freedom of Information Public Reading Room, Room GA–152, Department of Energy, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, D.C., on August 1, 1979.

Alvin L. Alm,

Assistant Secretary, Policy and Evaluation.

[FR Doc. 79-24288 Filed 8-6-79; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1291-8]

Policy for Enforcing Pollution Control Requirements for Limited Life Facilities; Availability

The Environmental Protection Agency has issued a policy statement concerning enforcement of pollution control requirements for facilities which have a limited remaining useful life. The Agency issued this enforcement policy statement as guidance to the Environmental Protection Agency Regions to provide for consistent treatment of limited life facilities in all industries and Regions.

The enforcement policy is closely related to and clarifies EPA's present policy. While recognizing community adjustment needs, in most cases the policy provides for the expeditious closure of facilities that are violating statutory treatment deadlines and have no intention of achieving compliance. Facilities which will be replaced may postpone closure during the expeditious installation of replacement facilities. The policy includes safeguards to insure that the policy is not abused. These safeguards include penalties and a closure bond.

Copies of the enforcement policy statement may be obtained from Julia Parzen, Economic Analysis Division, Office of Planning and Evaluation—PM-220, Environmental Protection Agency, Washington, D.C. 20460, #202–755–2877.

Dated: July 18, 1979.

William Drayton,

Assistant Administrator, Office of Planning and Management, Environmental Protection Agency.

[FR Doc. 79-24323 Filed 8-6-79; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL MARITIME COMMISSION

[Agreement No. 10138-4]

Charles F. Warren; Agreements Filed

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10423 or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, Louisiana; San Francisco, California; Chicago, Illinois; and San Juan, Puerto Rico. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before August 27, 1979. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No. 150-68.

Filing Party: Charles F. Warren, Esq., Warren & Associates, P.C., 1100 Connecticut Avenue, N.W., Washington, D.C. 20036.

Summary: Agreement No. 150-68, among the member lines of the Trans-pacific Freight Conference of Japan/Korea, modifies the conference voting procedures, including the size of the majority necessary for action on tariff matters.

Agreement No. 150-69.

Filing Party: Charles F. Warren, Esq., Warren & Associates, P.C., 1100 Connecticut Avenue, N.W., Washington, D.C. 20036.

Summary: Agreement No. 150-69, among the member lines of the Trans-Pacific Freight Conference of Japan/Korea, allows reimbursement to agents for properly vouchered equipment expenses and for ship's planning and compensation for losses resulting from fluctuation of exchange rates not covered by the currency surcharge.

Agreement No. 3101-69

Filing party: Charles F. Warren, Esq., Warren & Associates, P.C., 1100 Connecticut Avenue., N.W., Washington, D.C. 20036.

Summary: Agreement No. 3103-69, among the member lines of the Japan/Korea-Atlantic and Gulf Freight Conference, modifies the conference voting procedures, including the size of the majority needed for action on tariff matters.

Agreement No: 3103-70.

Filing Party: Charles F. Warren, Esq., Warrent & Associates, P. C., 1100 Connecticut Avenue, N.W., Washington, D.C. 20036.

Summary: Agreement No. 3103-70, among the member lines of the Japan/Korea-Atlantic and Gulf Freight Conference, allows reimbursement to agents for properly vouchered equipment expenses and for ship's planning and compensation for losses resulting from fluctuation of exchange rates not covered by the currency surcharge.

Agreement No: 9859-3.

Filing Party: Louis E. Fambrini, Treasurer, Royal Viking Line, One Embarcadero Center, San Francisco, California 94111.

Summary: Agreement No. 9859-3 is a joint service agreement among Kommanditselskapet Det Bergenske Dampskibsselskab Star Cruises, Partnership Sea Cruises, Kommanditselskapet Royal Viking Sea A/S, and Royal Viking Line A/S. Royal Viking Line A/S manages the cruise operations conducted under the name of Royal Viking Line, which presently operates the passenger vessels *Royal Viking Sea, Royal Viking Star,* and *Royal Viking Sky.* Agreement 9859-3 modifies and supersedes the basic agreement and its previous amendments. The purpose of the modification is to delete reference to Sonor Shipping Company Ltd., which is no longer a member of Partnership Sea Cruises, and no longer co-owner of the *Royal Viking Sky.* Partnership Sea Cruises consists at present of only one partner, Sea Cruises A/S, of Trondheim, Norway.

Agreement No: 10138-4.

Filing Party: Howard A. Levy, Esq., Suite 727, 17 Battery Place, New York, New York 10007.

Summary: Agreement No. 10138-4 would modify the Self-policing Rules of the North Atlantic Government Cargo Discussion and Self-Policing Agreement to conform to the requirements of General Order 7.

Agreement No: 10376.

Filing Party: J. Alton Boyer, Esquire, Kominers, Fort, Schlefer, & Boyer, 1776 F Street, N.W., Washington, D.C. 20006.

Summary: Agreement No. 10376, between Lykes Bros. Steamship Co., Inc., and China Ocean Shipping Company, is a sailing agreement whereby the parties agree to cooperate in arranging their advertising and sailing schedules so as to avoid conflicting sailing dates in the United States/China trade. It is further agreed that the parties will maintain a minimum of three (3) sailings each per year. There shall be no pooling or sharing of revenues, expenses, profits, or losses under the agreement, and each party shall manage and operate its own vessels at its own risk and expenses. Also, the parties may advertise their respective services separately but in the event that such services are advertised in a single advertisment, the full corporate or trade name of each party shall be shown in a manner to reflect their separate interests. The agreement is to have a term of one year which may be renewed upon the consent of the parties and the approval of the respective governmental authorities having jurisdiction.

By the Order of the Federal Maritime Commission.

Dated: August 1, 1979.

Francis C. Hurney,

Secretary.

[FR Doc. 79-24238 Filed 8-06-79; 8:45 am]

BILLING CODE 6730-01-M

[Docket No. 79-81]

Marine Express Line, S.A. v. Seatrain International S.A.; Filing of Complaint

Notice is given that a complaint filed by Marine Express Line, S.A. against Seatrain International S.A. was served July 31, 1979. Complainant alleges that respondent has transported property in the trade between U.S. ports on the Gulf of Mexico and ports in Honduras for less than the rates or charges specified in its effective tariffs on file with the Commission and has allowed shippers

and receivers to obtain transportation at less than such rates or charges by unjust and unfair devices or means, all in violation of sections 16 and 18(b)(3) of the Shipping Act, 1916.

Hearing in this matter, if any is held, shall commence on or before January 31, 1980. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

Francis C. Hurney,

Secretary.

[FR Doc. 79-24239 Filed 8-06-79; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL TRADE COMMISSION

Transmittal Rules; Early Termination of Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the 30-day waiting period of the premerger notification rules.

SUMMARY: MAPCO, Inc. is granted early termination of the 30-day waiting period provided by law and the premerger notification rules with respect to its proposed acquisition of Filon Exploration Corporation. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to requests for early termination submitted by both parties to the transaction. neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: July 27, 1979

FOR FURTHER INFORMATION CONTACT: Malcolm R. Pfunder, Assistant Director for Evaluation, Bureau of Competition, Room 394, Federal Trade Commission, Washington, D.C. 20580,(202-523-3404).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. § 18a, as added by sections 201 and 202 of the Hart-Scoot-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b) (2) of the Act and § 803.11 of the rules implementing the Act permit the agencies, in individual cases, to terminate this waiting period prior to its expiration and require that notice of this action be published in the **Federal Register.**

By direction of the Commission.

Carol M. Thomas

Secretary.

[FR Doc. 79-24231 Filed 8-6-79; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control

Preliminary Planning for American Group Providers of Occupational Safety and Health Services and Self-Contained Breathing Apparatus (SCBA) Course Curriculum; Open Meetings

Preliminary Planning for American Group Providers of Occupational Safety and Health Services

DATE: August 17, 1979.

TIME: 9:30 a.m. to 4:30 p.m.

PLACE: Room 117, Robert A. Taft Laboratories, 4676 Columbia Parkway, Cincinnati, Ohio 45226.

PURPOSE: To discuss preliminary plans for an education meeting, which will be held in the greater Washington, D.C., area concerning the provision of occupational safety and health services.

ADDITIONAL INFORMATION MAY BE OBTAINED FROM: Loren L. Hatch, D.O., Ph.D., Division of Technical Services, National Institute for Occupational Safety and Health, Center for Disease Control, 4676 Columbia Parkway, Cincinnati, Ohio 45226, Telephone: 513/684-8311.

Self-Contained Breathing Apparatus (SCBA) Course Curriculum

DATE: August 22, 1979.

TIME: 9 a.m. to 4 p.m.

PLACE: Auditorium, Robert A. Taft Laboratories, 4676 Columbia Parkway, Cincinnati, Ohio 45226.

PURPOSE: To discuss the development of a training course for trainers in the proper use and maintenance of SCBA.

ADDITIONAL INFORMATION MAY BE OBTAINED FROM: N. J. Berberich, Jr., Ph.D., Division of Training and Manpower Development, National Institute for Occupational Safety, and Health, Center for Disease Control, 4676 Columbia Parkway, Cincinnati, Ohio 45226, Telephone: 513/684-8231.

Dated: August 2, 1979.

William H. Foege, M.D.,

Director, Center for Disease Control.

[FR Doc. 79-24444 Filed 8-7-79; 8:45 am]

BILLING CODE 4110-87-M

Food and Drug Administration

Immunology Devices Section of the Immunology and Microbiology Devices Panel; Meeting Cancellation

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The meeting of the Immunology Devices Section of the Immunology and Microbiology Devices Panel, which was scheduled for August 16 and 17, 1979, and announced by notice in the **Federal Register** of July 17, 1979 (44 FR 41546), has been cancelled.

FOR FURTHER INFORMATION CONTACT: Srikrishna Vadlamudi, Bureau of Medical Devices (HFK-440), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Ave., Silver Spring, Md., 301-427-7234.

Dated: July 31, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-29114 Filed 8-6-79; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 78N-0279; DESI 12374]

Sparteine Sulfate Intramuscular Injection and Oxytocin Citrate Buccal Tablets; Withdrawal of Approval of New Drug Applications

AGENCY: Food and Drug Administration.

ACTION: Withdrawal of approval.

SUMMARY: This notice withdraws approval of the new drug applications for Tocosamine Sterile Solution and Spartocin Injection containing sparteine sulfate. The basis for the withdrawal is that the drug products have not been shown to be safe for use in inducing labor and treatment of hypotonic uterine contractions.

EFFECTIVE DATE: August 17, 1979.

ADDRESS: Requests for opinion of the applicability of this notice to a specific product should be identified with the number DESI 12374 and directed to the Division of Drug Labeling Compliance (HFD-310) Bureau of Drugs, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Suzanne O'Shea, Bureau of Drugs (HFD-32), Food and Drug Administration,

Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, MD 20857, 301–443–3650.

SUPPLEMENTARY INFORMATION: In the notice for opportunity for hearing, published in the **Federal Register** of December 15, 1978 (43 FR 58634), the Director of the Bureau of Drugs proposed to issue an order withdrawing approval of the following drug products because they are not shown to be safe when used for their labeled indications and because oxytocin intravenous injection, having less potential for risk, is readily available.

NDA 12–374; Tocosamine Sterile Solution containing sparteine sulfate; Trent Pharmaceuticals, Inc., 8 Winchester Plaza, Elmsford, NY 10523.

NDA 13–211; Spartocin Injection containing sparteine sulfate; Ayerst Laboratories, Division American Home Products Corp., 685 Third Ave., New York, NY 10017.

NDA 13–508; Pitocin Citrate Buccal Tablets containing oxytocin citrate; Parke-Davis, Division of Warner-Lambert Co., Morris Plains, NJ 07950.

In response to the notice, Parke-Davis requested a hearing for its product. That request is under review, and will be the subject of a future notice. This notice, therefore, does not apply to NDA 13–508, and marketing of the Parke-Davis product may continue pending a ruling on the hearing request.

No person other than Parke-Davis filed a written notice of appearance and request for hearing as provided by the December 15, 1978 notice. The failure to file a notice of appearance and request for a hearing constitutes an election by such persons not to avail themselves of an opportunity for a hearing.

Any drug product that is identical, related, or similar to the drug products named above and that is not the subject of an approved new drug application is covered by the new drug applications reviewed and is subject to this notice (21 CFR 310.6). Any person who wishes to determine whether a specific product is covered by this notice should write to the Division of Drug Labeling Compliance at the address given above.

The Director of the Bureau of Drugs, under the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052–1053, as amended (21 U.S.C. 355)), and under authority delegated to him (21 CFR 5.82) finds that on the basis of new evidence of clinical experience, not contained in the applications or not available until after the applications were approved, evaluated together with the evidence available to him when the applications were approved, the drugs are not shown to be safe for use in the induction of labor and treatment of hypotonic uterine contractions.

Therefore, pursuant to the foregoing finding, approval of new drug applications 12–374 and 13–211 and all amendments and supplements applying thereto is withdrawn effective August 17, 1979.

Shipment in interstate commerce of the above products or of any identical, related, or similar product that is not the subject of an approved new drug application will then be unlawful. Parke-Davis' Pitocin Citrate Buccal Tablets, which is the subject of a pending hearing request, may continue to be marketed.

Dated: July 26, 1979.

Jerome A. Halperin,

Acting Director, Bureau of Drugs.

[FR Doc. 79-24113 Filed 8-6-79; 8:45 am]

BILLING CODE 4110-03-M

[Docket No. 79N–0207]

Plascon, Inc.; revocation of U.S. License No. 572

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) revokes the establishment and product license (U.S. License No. 572) issued to Plascon, Inc., for the manufacture of Source Plasma (Human) because of significant deviations from the biologics regulations.

EFFECTIVE DATE: May 24, 1979.

FOR FURTHER INFORMATION CONTACT: Richared E. Fisher, Bureau of Biologics (HFB–620), Food and Drug Administration, Department of Health, Education, and Welfare, 8800 Rockville Pike, Bethesda, MD 20205, 301–443–1306.

SUPPLEMENTARY INFORMATION: The Food and Drug Administration has revoked the establishment and product licenses (U.S. License No. 572) issued to Plascon, Inc., T/A Indy Plasma Center, 3764 N. Illinois St., Indianapolis, IN 46208, for the manufacture of Source Plasma (Human).

An inspection of this location on February 21, 22, 23, and 26, 1979, by investigators of the Food and Drug Administration (FDA) revealed numerous deviations from the requirements of Parts 600, 606, and 640) including, but not limited to, the collection of more than the maximum permissible amount of whole blood from donors at one time (21 CFR 640.65(b)(6)). This significant deviation was one of many items cited in a previous FDA inspection of this location in November 1978, which resulted in the suspension of the firm's operations under license on November 8, 1978. The firm's operations had been previously suspended from May 8, 1978 through June 5, 1978 for failure to report a change in responsible personnel (21 CFR 601.12(a)).

As a result of the February 1979 inspection, FDA advised the responsible head by letter dated March 16, 1979, that after being given a reasonable time to demonstrate compliance following the second license suspension, he had failed to exercise necessary control and supervision in all matters relating to compliance with applicable rules and regulations; the letter also stated FDA's intention to revoke U.S. License No. 572 and issue a notice of opportunity for hearing under 21 CFR 601.5(b).

Following receipt of the March 16, 1978 letter and before initiation of further regulatory action, the firm requested that its establishment and product license be revoked and waived the opportunity for a hearing under § 601.5(a) (21 CFR 601.5(a)). The agency has granted the request. Accordingly, under § 12.38 (21 CFR 12.38), and section 351 of the Public Health Service Act (42 U.S.C. 262), and the authority delegated to the Commissioner (21 CFR 5.1) and redelegated to the Director, Bureau of Biologics (21 CFR 5.68), U.S. License No. 572 issued to Plascon, Inc., and the Product License for the manufacture of Source Plasma (Human) were revoked by letter dated May 24, 1979. This notice of revocation is published under § 601.8 (21 CFR 601.8).

Dated: August 1, 1979.

William F. Randolph,

Acting Associate Commissioner for Regulatory Affairs.

[FR Doc. 79-24243 Filed 8-6-79 8:45 am]

BILLING CODE 4110-03-M

HEALTH, EDUCATION, AND WELFARE

Office of Education

National Advisory Council on the Education of Disadvantaged Children; Meetings

Notice is hereby given, pursuant to Pub. L. 92–463, that the National Advisory Council on the Education of Disadvantaged Children will hold meetings in Los Angeles, California from Thursday, August 23 through Friday, August 25, 1979. On August 23, the Council's Committee on Regulations will meet from 1 p.m. to 6 p.m. The Council will host its regular meeting on August 24 from 9 a.m. to 5 p.m., and on August

25 from 9 a.m. to 12 noon. All meetings will be held in the Coronado Room of the Marina City Club, 4333 Admiralty Way, Los Angeles, California, (213) 822–0611.

The National Advisory Council on the Education of Disadvantaged Children is established under Section 148 of the Elementary and Secondary Education Act (20 U.S.C. 2411) to advise the President and the Congress on the effectiveness of compensatory education to improve the educational attainment of disadvantaged children.

August 23, 1979 has been set aside for the Committee on Regulations to review and edit its first draft comments on the Title I Notice of Proposed Rulemaking; and, the Council will conduct its regular meeting for the purpose of reviewing and finalizing the committee's draft, take action on specific recommendations, hear reports from individual Council members on Council-related activities, and discuss various administrative matters.

All meetings will be open to the public. Because of limited space, all persons wishing to attend should call for reservations by August 17, 1979, area code 202/724–0114 and speak with Mrs. Haywood.

Records shall be kept of all Council proceedings and shall be available for public inspection at the office of the National Advisory Council on the Education of Disadvantaged Children, located at 425–13th St., N.W., S–1012, Washington, DC.

Signed at Washington, DC on August 1, 1979.

Gloria B. Strickland,

Acting Executive Director.

[FR Doc. 79–24227 Filed 8–6–79; 8:45 am]

BILLING CODE 4110–02–M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Statement of Organization, Functions, and Delegations of Authority

Part EE.10 of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare is hereby amended to reflect the addition of an Office of Non-Public Education in the Office of Education. This action is required under Section 403(d) of the General Education Provisions Act as added by the Education Amendments of 1978.

Immediately after the title and statement for the Division of Media Services, Bureau of Education for the Handicapped, add the following:

Office of Non-Public Education (EEN)

Insures the maximum potential participation of non-public school students in all Federal educational programs for which they are eligible. Formulates and develops OE policy relating to serving private school students. Continuously reviews Office of Education programs and procedures to insure that effective services required by law are provided to the nation's private school students and advises the Commissioner of possible changes in the law, regulations, or policies which would increase the availability of these services.

Dated: July 26th, 1979.

Frederick M. Bohen,

Assistant Secretary for Management and Budget.

[FR Doc. 79–24319 Filed 8–6–79; 8:45 am]

BILLING CODE 4110–02–M

Public Health Service

National Research Institutes; Delegation of Authority

Notice is hereby given that effective July 20, 1979 the Secretary of Health, Education, and Welfare delegated to the Assistant Secretary for Health the authorities vested in the Secretary under Title IV, National Research Institutes, of the Public Health Service Act (42 USC 281 *et seq.*), as amended. The delegation excluded the authority to promulgate regulations, submit reports to the President or the Congress, approve organizational changes at the division level and above, establish national advisory councils and boards, and select members of national advisory councils and boards. The delegation specified that the delegated authorities shall be redelegated as required by the pertinent provisions of Title IV of the Public Health Service Act or, in the absence of such provisions, may be redelegated as the Assistant Secretary for Health deems appropriate.

Previous delegations made by the Secretary of authorities under Title IV of the Public Health Service Act have been superseded. Redelegations made pursuant to the Secretary's previous delegations have been continued in effect pending further redelegation.

Frederick M. Bohen,

Assistant Secretary for Management and Budget.

July 26, 1979.

[FR Doc. 79–24246 Filed 8–6–79; 8:45 am]

BILLING CODE 4110–08–M

Statement of Organization, Functions, and Delegations of Authority

Part H, Chapter HS (Health Services Administration) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare, (39 FR 10463, March 20, 1974, as amended in pertinent part at 42 FR 6640, February 3, 1977) is amended to reflect the transfer of the civil rights functions from the Office of Equal Employment Opportunity and Civil Rights to the Office of Management within the Office of the Administrator; and the consolidation of equal employment opportunity functions in an Office of Equal Employment Opportunity.

Section HS–B, Organization and Functions, amended as follows: Under the Immediate Office of the Administrator (HSA1) make the following changes:

(1) Delete the title and functional statement for the Office of Equal Employment Opportunity and Civil Rights (HSA12) and substitute the following:

Office of Equal Employment Opportunity (HSA12). To fulfill Health Services Administration (HSA) responsibilities for assuring equal employment opportunity (EEO), the Office: (1) advises the Administrator and other key HSA officials in the execution of these HSA responsibilities; (2) provides policy, program direction and leadership to HSA EEO programs and personnel; (3) plans, develops and evaluates programs and procedures designed to eliminate discriminatory employment, promotion, and training practices throughout HSA; (4) receives, provides for the investigations of, and prepares for the Administrator proposed dispositions of complaints filed throughout HSA alleging discrimination based on race, color, religion, national origin, sex or age; (5) maintains liaison with various non-Federal organizations concerned with EEO as well as with the Department's Equal Employment Opportunity Staff, the Office of the Assistant Secretary for Health's Equal Employment Opportunity Office and the Office of Management, and the Office of Personnel Management regarding EEO program development and administration, and the resolution of discrimination complaints.

(2) Delete item (5) from the functional statement for the Office of Management (HSA4) and renumber item (6) as item (5).

(3) Add to the functional statement for the Office of Management (HSA4) "and

(6) provides policy, program direction and leadership to HSA Civil Rights programs."

Dated: July 26, 1979.

Frederick M. Bohen,

Assistant Secretary for Management and Budget.

[FR Doc. 79-24318 Filed 8-6-79; 8:45 am]

BILLING CODE 4110-84-M

Social Security Administration

Statement of Organization, Functions and Delegations of Authority

Part S of the Statement of Organization, Functions and Delegations of Authority for the Department of Health, Education and Welfare contains the Statement of Organization, functions and Delegations of Authority for the Social Security Administration (SSA). On March 21, 1979, an amendment to Part S was published in the **Federal Register** (44 FR 17218–17233) to reflect a reorganization of SSA. Sections SE.00, SE.10 and SE.20 of the SSA Statement, as contained on pages 17222 and 17223 of the amended material published on March 21, 1979, describe the mission, organization and functions for SSA's Office of Intergovernmental and Community Affairs. Sections SE.00, SE.10 and SE.20 are revised to change the name of this component to the Office of Governmental Affairs, to clarify the functions of that Office and the Office of Public Concerns, and to reflect the establishment of additional components and subcomponents to the division level. This revised material reads as follows:

Sec. SE.00 *The Office of Governmental Affairs*—(Mission): The Office of Governmental Affairs (OGA) plans, directs and implements a program designed to develop and preserve working relationships with a wide variety of national organizations, special interest and advocacy groups, the Congress, other Federal agencies and State and local governments to secure understanding, cooperation and acceptance of SSA programs, policies and procedures; to provide avenues of public participation in the decisionmaking processes of SSA; and to establish SSA's role as a major employer and an integral part of communities throughout the country. It assures that SSA has a principal role in the broad spectrum of organized planning or related public and private social services initiatives. The Office also establishes, promulgates and assesses SSA policy for answering public, congressional and other sensitive inquiries. It controls, analyzes and responds to inquiries, and conducts a quality appraisal of written responses prepared throughout SSA. Its activities with the Congress are carried out in close consultation and coordination with the Office of the Assistant Secretary for Legislation.

Sec. SE.10 *The Office of Governmental Affairs*—(Organization): The Office of Governmental Affairs, under the leadership of the Associate Commissioner for Governmental Affairs, includes:

A. The Associate Commissioner for Governmental Affairs (SE),

B. The Deputy Associate Commissioner for Governmental Affairs (SE),

C. The Immediate Office of the Associate Commissioner for Governmental Affairs (SE), which includes: 1. The Management Support Staff (SE1),

2. The Special Projects Staff (SE2).

D. The Office of Public Concerns (SEC), which includes: 1. The Field Coordination and General Policy Staff (SEC1),

2. The Headquarters Coordination and Liaison Staff (SEC2),

3. The Intergovernmental Affairs Staff (SEC3).

E. The Congressional Relations Staff (SER).

F. The Office of Public Inquiries (SEP), which includes: 1. The Division of Special Inquiries (SEP1),

2. The Division of Inquiries (SEP2),

3. The Division of Correspondence Appraisal and Policy (SEP3),

4. The Division of Services (SEP4).

G. The External Liaison Staff (SEL).

Sec. SE.20 *The Office of Governmental Affairs*—(Functions): A. *The Associate Commissioner for Governmental Affairs* (SE) is directly responsible to the Commissioner for carrying out OGA's mission and provides managerial direction to the major components of OGA.

B. *The Deputy Associate Commissioner for Governmental Affairs* (SE) assists the Associate Commissioner in carrying out his/her responsibilities and performs other duties as the Associate Commissioner may prescribe.

C. *The Immediate Office of the Associate Commissioner for Governmental Affairs* (SE) provides the Associate Commissioner and Deputy Associate Commissioner with staff assistance on the full range of their responsibilities. It includes:

1. *Management Support Staff* (SE1): Plans, coordinates and provides overall OGA management support, including financial management activities and internal management studies.

2. *The Special Projects Staff* (SE2): Analyzes significant issues or problems concerning SSA operations or services surfaced by OGA components or other sources. Assembles teams of analytical and technical personnel from within SSA and other agencies to analyze policies, procedures or operational practices which may not be serving the program purposes for which they are designed or which may have undesirable side effects on some segment of the public. Develops recommendations for policy, legislative or procedural changes to correct deficiencies. Leads interagency study projects to determine the level of social services being provided governmentwide, the validity of interest groups' claims that additional services are needed or that existing programs are inefficient, discriminatory, etc.

D. *The Office of Public Concerns* (SEC): Assures that the goals and objectives of the Associate Commissioner for Governmental Affairs and the Commissioner are reflected in the operational interactions between SSA components and governmental or private organizations. Represents OGA at various HEW/SSA meetings or strategy sessions when intergovernmental and public concerns are discussed. Monitors the plans and policy proposals of SSA to assess their impact on institutions, public and private organizations and special interest groups. Develops, together with other components, standards, guides and instructions for SSA's external dealings, including SSA regional and field office interactions with public and private organizations. As appropriate, represents SSA/OGA at forums, on task forces, etc. In conjunction with the Office of Public Affairs, develops mechanisms to measure the reaction of individuals or organizations to SSA activities or proposals. Plans and develops guidelines and objectives for information and referral activities, social service linkages and outreach activities. The Office of Public Concerns (OPC) includes the following components and functions:

1. *The Field Coordination and General Policy Staff* (SEC1): a. Establishes SSA policy for periodic forums to be held by district and branch offices. Works in conjunction with regional offices which implement these policies and furnish feedback.

b. Serves as the focal point for the development of uniform standards for external liaison activity. Coordinates implementation of these standards with

other components within OGA and throughout SSA.

c. Develops guidelines and objectives for SSA's activities in the areas of information and referral, social services linkages and outreach. Assures that communications and coordination with other agencies are developed. Monitors the total external liaison system through regional contacts and periodic onsite reviews.

d. Represents SSA on national task forces, commissions, etc.

e. Reviews issues and concerns raised by a variety of external sources to determine if they are valid concerns and related to SSA operations. Develops recommendations for changes to alleviate the concerns or refers the matters to others such as the Special Projects Staff for further study.

2. *The Headquarters Coordination and Liaison Staff* (SEC2): a. Plans and implements a program of community liaison for the Baltimore and Washington, D.C. metropolitan areas dealing primarily with SSA as a large employer and local institution.

b. Identifies problems or issues which affect SSA's relationships with the communities.

c. Provides advisory and consultative services to community groups and other governmental agencies interested in developing community affairs programs related to social security programs.

d. Coordinates with the Office of Management, Budget, and Personnel, Office of Materiel Resources, on the SSA headquarters tour programs, modifying the standard tours for special audiences, as necessary.

3. *The Intergovernmental Affairs Staff* (SEC3): a. Develops guidelines and suggested approaches which set the tone for all SSA relationships with State and local agencies.

b. Facilitates negotiations for and the implementation of all agreements.

e. Provides general oversight to all Federal, State, and local relationships, identifying and analyzing problems and referring them to the appropriate SSA component for further action.

d. Reviews all SSA proposals changing or establishing policies, regulations and operating procedures to determine what effect they might have on intergovernmental relations, the public or external affairs initiatives.

e. Represents SSA on national task forces, commissions, conferences, etc.

f. In concert with other headquarters components, regional offices, and district offices, develops and conducts programs to educate and secure the opinions of the public concerning SSA programs and initiatives.

E. *The Congressional Relations Staff* (SER): 1. Provides support services to individual members of Congress and their staffs. With help from other SSA components, provides timely solutions to special problems and issues called to SSA's attention by individual members of Congress.

2. Assures that Congress is kept well informed about SSA operations and activities, except for those activities dealing with legislation Congress is considering. Makes special presentations and briefings to Congress on SSA activities and programs.

3. Anticipates Congressional concerns and problems and alerts SSA management to assure that effective and expeditious action is taken about these concerns.

F. *The Office of Public Inquiries* (SEP): Establishes and assesses SSA policy for answering public, Congressional and other inquiries. Receives, analyzes and controls high priority written and telephone inquiries, prepares responses, when appropriate, and refers those inquiries requiring specialized knowledge to the appropriate component for handling. Studies correspondence practices in use throughout SSA and continually appraises the quality of written responses prepared throughout SSA. Develops recommendations to improve the effectiveness of SSA's correspondence program. Reviews and clears all computer-generated notices and form letters. With OMBP approval and support, participates in training programs in SSA headquarters and the field components to improve correspondence with the public. Provides advice and assistance to SSA officials and liaison with HEW on public correspondence matters. The Office of Public Inquiries (OPI) includes the following components and functions:

1. *The Division of Special Inquiries* (SEP1): a. Prepares or coordinates the preparation of written replies to particularly sensitive, high level or complex inquiries concerning all aspects of SSA program administration.

b. Receives and responds to sensitive, complex telephone calls from members of Congress and their staffs and the public on general and technical matters concerning all SSA programs.

c. Serves as liaison between executive-level officials and the Office of the Commissioner in solving technical problems arising in the area of sensitive correspondence.

d. Prepares or coordinates preparation of SSA replies to inquiries controlled by the Office of the Secretary, HEW.

2. *The Division of Inquiries* (SEP2): a. Receives, controls and replies to incoming correspondence.

b. Performs necessary technical and general research on inquiries dealing with all areas of Social Security. Prepares written responses to the majority of these inquiries and the necessary acknowledgement, referral and transfer letters for those requiring the specialized knowledge of other SSA components.

c. Determines, from correspondence received, significant trends which may point up programmatic or procedural difficulties and possible public relations problems and brings these developments to the attention of the appropriate SSA components.

3. *The Division of Correspondence Appraisal and Policy* (SEP3): a. Develops SSA correspondence program objectives and SSA-wide policy and procedures necessary to implement these objectives.

b. Reviews correspondence practices in use throughout SSA, assessing adequacy of and adherence to established policy and procedures.

c. Conducts ongoing appraisal and special studies to evaluate the quality of correspondence produced SSA-wide, identifies problem areas and makes recommendations for corrective action to the appropriate official.

d. With OMBP approval and support, participates in training programs in SSA field and headquarters components to improve the quality of SSA correspondence.

e. Plans for effective and coordinated use of the SSA automated correspondence system to control, track, file and retrieve inquiries and replies throughout SSA.

4. *The Division of Services* (SEP4): a. Provides the clerical support needed to receive, file, track, follow up and furnish information on the status of high priority inquiries and responses processed in SSA.

b. Files and retrieves SSA correspondence and replies controlled in the SSA automated correspondence system and operates the terminals for this system.

c. Provides typing services for responses prepared in OPI.

G. *The External Liaison Staff* (SEL) is responsible for SSA's interaction and liaison with the leadership of key organizations, including the White House, Congressional committees and caucuses and national based special interest or lobbying organizations. This includes responsibility for presenting, explaining, advocating and defending SSA programs and initiatives. Through

influence gained with the leadership of these organizations, facilitates operational dealings between these organizations and other SSA components.

Dated: July 27, 1979.

Joseph A. Califano, Jr.,

Secretary.

[FR Doc. 79-24247 Filed 8-6-79; 8:45 am]

BILLING CODE 4110-07-M

Statement of Organization, Functions, and Delegations of Authority

Part S of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare contains the Statement of Organization, Functions, and Delegations of Authority for the Social Security Administration (SSA). Sections SP.00, SP.10 and SP.20 of the SAA Statement published at 44 FR 17231 dated March 21, 1979, describe the mission, organization, and functions for SSA's Office of Central Operations (OCO). Sections SP.00, SP.10 and SP.20 of the OCO Statement are restated and expanded to reflect the establishment of division-level components in OCO's Office of Operations Analysis and Support, Office of Central Records Operations, Office of SSA Program Service Centers and Office of Disability Operations. The functional statement for the Office of Disability Operations has been revised to delete the development of technical medical policies function since the Medical Consultant Staff has been organizationally placed in the Office of Operational Policy and Procedures. This revised material reads as follows:

Sec. SP.00 *The Office of Central Operations*—(Mission): The Office of Central Operations (OCO) directs and coordinates SSA's central office operating components and geographically dispersed operations installations not under the line authority of the Regional Commissioners. These components certify benefits, authorize and review selected claims, and maintain beneficiary records for the retirement, survivors and disability insurance programs and the black lung benefits program, including foreign operations; maintain and certify earnings records; issue social security numbers and respond to critical correspondence. The Office directs headquarters components responsible for central records operations; the six SSA program service centers; three data operations centers; the Division of International Operations; and central disability operations. It plans and carries out comprehensive analyses and studies and directs the implementation of actions to improve operational effectiveness and efficiency.

Sec. SP.10 *The Office of Central Operations*—(Organization): The Office of Central Operations, under the leadership of the Associate Commissioner for Central Operations, includes: A. The Associate Commissioner for Central Operations (SP),

B. The Deputy Associate Commissioner for Central Operations (SP),

C. The Immediate Office of the Associate Commissioner for Central Operations (SP),

D. The Office of Operations Analysis and Support (SPN): 1. The Financial Management Staff (SPN1),

2. The Management Analysis and Services Staff (SPN2),

3. The Operations Planning Staff (SPN3),

4. The Operations Analysis Staff (SPN4),

5. The Micrographics and Special Equipment Staff (SPN5).

E. The Office of Central Records Operations (SPP): 1. The Immediate Office of the Director (SPP),

2. The Division of Adjustment Operations (SPPA),

3. The Division of Claims Operations (SPPB),

4. The Division of Earnings Operations (SPPC),

5. The Division of Registration Operations (SPPE),

6. The Data Operations Centers (SPPF6, 8, 9) (located at three selected geographical locations throughout the United States).

F. The Office of SSA Program Service Centers (SPR): 1. The Immediate Office of the Director (SPR),

2. The Division of International Opeations (SPR5),

3. The SSA Program Service Centers (SPRF2, 3, 4, 5, 7, 9) (located at six geographical locations throughout the United States).

G. The Office of Disability Operations (SPT): 1. The Immediate Office of the Director (SPT),

2. The Process Divisions (SPTG, H, J, K, L),

3. The Division of Operations Services (SPTM).

Sec. SP.20 *The Office of Central Operations*—(Functions): A. *The Associate Commissioner for Central Operations* (SP) is directly responsible to the Commissioner for carrying out OCO's mission and provides general supervision to the major components of OCO.

B. *The Deputy Associate Commissioner for Central Operations* (SP) assists the Associate Commissioner in carrying out his/her responsibilities and performs other duties the Associate Commissioner may prescribe.

C. *The Immediate Office of the Associate Commissioner for Central Operations* (SP) provides the Associate Commissioner and Deputy Associate Commissioner with staff assistance on the full range of their responsibilities.

D. *The Office of Operations Analysis and Support* (SPN) the Office of Operations Analysis and Support (OOAS) Directs operational analysis and internal administrative activities in support of OCO. It designs and conducts studies to measure the effectiveness and efficiency of overall OCO processes and interactions. The Office directs and coordinates the implementation of process changes together with other OCO components and identifies and directs the timely resolution of major problems and issues. It establishes management objectives and monitors progress to assure their timely implementation. The Office prepares responses to Congressional and sensitive correspondence requiring the Associate Commissioner's personal attention.

The Office includes the following components and functions:

1. *The Financial Management Staff* (SPN1): a. Directs the financial management activities of OCO, consistent with overall SSA and Office of Management and Budget policy, including budget development, analysis, planning, coordination, and execution.

b. Analyzes workload trends, staffing, productivity, overtime, equipment purchases and other management decisions affecting the budget.

c. Interprets financial policy and instructions for OCO managers.

2. *The Management Analysis and Services Staff* (SPN2): a. Analyzes OCO needs for management resources in such areas as manpower, training and office space.

b. Documents and develops plans for providing OCO management services and presents OCO requirements to SSA's Office of Management, Budget, and Personnel (OMBP) to assure that specialized management support is provided.

c. Presents OCO management information needs to OMBP and evaluates management information to recommend improvements in OCO management and operations.

3. *The Operations Planning Staff* (SPN3): a. Develops OCO long- and short-range operational planning objectives and goals.

b. Analyzes policies and procedures proposed by SSA and non-SSA components to determine the operational impact on OCO.

c. Coordinates with the Treasury Department and other agencies on new operational processes and initiatives affecting OCO.

4. *The Operations Analysis Staff* (SPN4): a. Plans and directs a continuing program of operations analysis activities in support of OCO.

b. Conducts workflow analyses and studies to measure the effectiveness and efficiency of OCO operational processes. Identifies and directs the timely resolution of major operational problems and issues.

c. In liaison with other OCO components, directs and coordinates the implementation of modularization and other major process or procedural changes.

5. *The Micrographics and Special Equipment Staff* (SPN5): a. Develops and ensures implementation of micrographic processes and procedures.

b. Conducts micrographics research, develops specifications and initiates acquisition proposals for micrographic equipment and services and other special purpose equipment.

c. Develops installation plans and maintains inventory control systems for a variety of specialized equipment.

E. *The Office of Central Records Operations* (SPP): The Office of Central Records Operations (OCRO) provides executive direction and leadership for the nationwide establishment and maintenance of basic records supporting social security programs. It manages centralized records operations and three geographically dispersed data operations centers. The Office establishes and maintains applications for social security numbers; applications for employer identification numbers; and applications for hospital insurance identification cards. It receives and processes social security earnings reports from private and governmental employers and adjustments or corrections to posted earnings items. The Office conducts centralized supplemental security income eligibility redetermination operations; maintains records of SSA enumeration and earnings records in hardcopy, microfilm, magnetic tape and disc form; and maintains an ongoing data exchange activity with the Treasury Department on the compilation and verification of individual earnings data. The Office includes the following components and functions:

1. *The Immediate Office of the Director* (SPP): Provides internal operations analysis staff support and assistance to the Director and all OCRO components.

2. *The Division of Adjustment Operations* (SPPA): a. Makes determinations as to coverage under the Social Security Act, as amended, of services performed by employees or self-employed individuals in earnings discrepancy cases if a claim for benefits has not been filed.

b. Answers inquiries about earnings records, including earnings discrepancies; investigates and adjusts incorrectly reported earnings items; and resolves discrepancies where SSA's records disagree with individual allegations of services rendered or remuneration received.

c. Maintains files of microfilmed employer wage reports, self-employed income reports, detailed earnings listings, and a file of earnings reported incorrectly or incompletely by employers or by self-employed individuals.

3. *The Division of Claims Operations* (SPPB): a. Reviews determinations on correctness of earnings data: coverage; increment years; total earnings; closing dates; primary insurance amounts; and, in disability cases, determinations as to whether work requirements are met. Makes these determinations when needed.

b. Certifies earnings record data to district offices and program service centers for use in the adjudication of retirement and survivors insurance and disability insurance cases.

c. Combines and certifies earnings data from Railroad Retirement Board (RRB) and SSA records.

d. Certifies earnings data from SSA to RRB, indicating eligibility under both systems, and makes preliminary findings of jurisdiction on handling claims.

e. Directs the centralized supplemental security income redetermination operations to ascertain accuracy of SSI payments. Refers possible overpayments and underpayments to district offices for resolution.

4. *The Division of Earnings Operations* (SPPC): a. Receives, examines and microfilms reports of earnings; transfers earnings data from reports to data entry systems; and performs all required sorting, testing, blocking and auditing operations.

b. Corresponds with employers and the Internal Revenue Service about the correction and processing of employer wage reports and self-employment income reports.

c. Performs clerical operations necessary for the audit and control of the annual and (where necessary) quarterly updating of employer earnings accounts and for correcting improperly reported earnings items.

5. *The Division of Registration Operations* (SPPE): a. Issues social security numbers on an expeditious basis as required; establishes and maintains the files of employee applications for social security numbers, the files of employer applications for identification numbers, and OCRO's correspondence files on individual and employer numbers.

b. Maintains a national index of social security number holders and a register of employers; searches for and furnishes to individuals and employers their correct identification numbers, when such numbers have been lost by them; and issues duplicate social security cards.

c. Answers correspondence concerning individual and employer identification numbers; initiates clerical processing of claims, disability and medicare actions; establishes records and maintains control of agreements with State and interstate entities and modifications of these agreements; and reviews wage statements submitted for State and interstate entity employees.

d. Performs microphotographic services for SSA. Maintains master copies of basic records to assure continuous operations, should records be destroyed; reproduces on film records for current use and for preservation of a variety of employee and employer records.

6. *The Data Operations Centers* (SPPF6, 8, 9) (located at appropriate geographical locations throughout the United States.): a. Receive, examine, and microfilm annual and (where necessary) quarterly wage reports filed by employers.

b. Process source data through computer controlled data entry and telecommunications systems, for input to the central computer complex at SSA headquarters. Source data processed includes applications for social secuity numbers, employers' annual earnings reports, health insurance utilization records, and other pertinent documents.

c. Perform electronic editing, validating, and balancing functions related to the processing of source data; and transmit products to SSA headquarters computer complex, for processing in a timely manner.

d. Operate a large complex of data entry terminals, computers, and communications equipment.

F. *The Office of SSA Program Service Centers* (SPR): The Office of SSA Program Service Centers (OPSC) directs a network of six geographically dispersed SSA program service centers (PSC's) which process selected claims; maintain beneficiary records; reconsider claims and eligibility determinations; and certify benefit payments for the retirement and survivors insurance program; determine entitlement to health insurance benefits, and collect premiums for the supplementary medical insurance program. The Office directs similar operations for administration of the U.S. Social Security program in foreign countries. It makes recommendations to PSC's and other SSA components to improve operational performance and initiates and monitors plans and actions to achieve operational objectives. The Office includes the following components and functions:

1. *The Immediate Office of the Director* (SPR): Provides overall staff support and assistance to the Director and OPSC components.

2. *The Division of International Operations* (SPR5): a. Develops, adjudicates and authorizes payment or disallows claims for retirement, survivors insurance/disability insurance benefits filed by persons in foreign countries; determines eligibility for health insurance (HI) and supplementary medical insurance (SMI) on related claims; and maintains foreign claims records and files.

b. Determines whether and when eligibility or payments should be terminated, suspended, continued, increased, or reduced in amount and reconsiders determinations on initial claims and continuing eligibility; makes representative payee determinations and processes related accountability reports; recovers or waives recovery of amounts incorrectly paid to beneficiaries.

c. Answers inquires about individual foreign claims and claims determinations.

d. Provides centralized translation services for SSA.

e. Serves as SSA liaison on operational issues which affect the administration of the U.S. Social Security Program abroad, with the Department of State, other Federal agencies, agencies of foreign governments, and private organizations.

3. *SSA Program Service Centers* (SPRF2, 3, 4, 5, 7, 9) (located at appropriate geographical locations throughout the United States): a. Review and authorize payment or disallow claims for RSI benefits and HI entitlement; certify RSI benefit amounts to the Treasury Department for payment; and maintain RSI benefit and HI records.

b. Determine whether and when eligibility or payments should be terminated, suspended, continued, increased, or reduced in amount and reconsider determinations on initial claims and continuing eligibility.

c. Maintains RSI payment rolls; recover or waive recovery of amounts incorrectly paid to RSI beneficiaries; receive, record, and deposit SMI premium and overpayment refunds; make representative payee determinations and process related accountability reports.

d. Answer inquiries about individual RSI cases and claims determinations and ensure expeditious processing of actions where inquiries indicate claimant hardship.

e. receive and coordinate computer programs and exceptions on case processing; maintain accounting controls and assure by sample audit that magnetic tape records reflect actual authorized payment actions.

f. Coordinate PSC operations with the other components within the Office of Central Operations, other SSA components, the Railroad Retirement Board, the Veterans Administration, the U.S. Postal Service, and other Federal agencies as required.

G. *The Office of Disability Operations* (SPT): The Office of Disability Operations (ODO) provides executive direction and leadership to centralized disability operations that process claims under disability and black lung benefits programs and maintain beneficiary rolls. It directs the review of initial and reconsidered determinations of disability excluded from State agency jurisdiction and directs the authorization of disability claims not authorized by district offices at the initial, reconsideration and other appeal levels. It responds to public and Congressional correspondence on disability operations issues. The Office includes the following components and functions:

1. *The Immediate Office of the Director* (SPT): Provides internal operations analysis staff support and assistance to the Director and all ODO components.

2. *The Process Divisions* (SPTG, H, J, K, L): a. Make initial determinations of disability and reconsider disability determinations of claims excluded from State agency jurisdiction. Make determinations of continuing disability entitlement.

b. Make determinations of entitlement or eligibility to primary or auxiliary benefits and authorize allowance or disallowance of disability claims not authorized by district offices and reconsider those cases appealed for issues other than the existence of disability. Make representative payee determinations and process representative payee accountability reports.

c. Adjust, suspend, and terminate benefits and prepare benefit payment data for introduction into the computer system; process all actions to maintain beneficiary payment rolls; recover or waive recovery of amounts incorrectly paid to beneficiaries, prepare and release award certificates, denial letters, and other claims related notices and maintain ODO's files of claims folders.

d. Answer inquiries regarding individual cases and ensure expeditious processing of actions where claimant hardship is indicated.

e. Contact outside Federal/State components such as the Department of Labor, Railroad Retirement Board, Workmen's Compensation Commissions, and other SSA components as necessary to resolve disability claims actions.

3. *The Division of Operations Services* (SPTM): a. Coordinates ADP activities for ODO with SSA's Office of Operational Policy and Procedures and as necessary with SSA's Office of Systems; receives and analyzes computer programs and exceptions which relate to disability payment systems.

b. Provides internal mail services and maintains disability operations dormant files. Oversees the operation of the case control system for disability operations; identifies case control problems; and coordinates folder location activities with central office components, State agencies, and district offices regarding overdue cases.

c. Coordinates the Division's operations with other SSA components, the Treasury Department, State agencies, and the U.S. Postal Service, as necessary.

Dated: July 27, 1979.

Joseph A. Califano, Jr.,

Secretary.

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Statement of Organization, Functions and Delegations of Authority

Part S of the Statement of Organization, Functions and Delegations of Authority for the Department of Health, Education, and Welfare contains the Statement of Organization, Functions and Delegations of Authority for the Social Security Administration (SSA). On March 21, 1979, an amendment to Part S was published in the Federal Register (44 FR 17218–17233) to reflect a reorganization of SSA. Sections SL.00, SL.10 and SL.20 of the SSA Statement, as contained on pages 17229–17230 of the amended material published on March 21, 1979, describe the mission, organization, and functions for SSA's Office of Assessment (OA). These sections are restated and expanded to reflect the additional office level functions and the establishment of division-level components in OA. This revised material reads as follows:

Sec. SL.00 *The Office of Assessment*—(Mission):

The Office of Assessment (OA) assures the integrity and quality of the administration of social security programs. It evaluates the quality of SSA operations, with emphasis on the prevention of program and systems abuse, the elimination of waste and the increase of efficiency. It manages SSA's quality assurance programs, the handling of cases that may involve fraud and SSA's systems audit and systems security programs. The Office assesses the effectiveness of SSA program administration and operations. It also monitors and assesses SSA's compliance with statutes governing access to information and confidentiality of records. The Office represents SSA with external auditors and assessors.

Sec. SL.10 *The Office of Assessment*—(Organization):

The Office of Assessment, under the leadership of the Associate Commissioner for Assessment, includes:

A. The Associate Commissioner for Assessment (SL)

B. The Deputy Associate Commissioner for Assessment (SL)

C. The Immediate Office of the Associate Commissioner for Assessment (SL)

D. The Office of Payment and Elilgibility Quality (SLQ), which includes:

1. The Division of Quality Review Policy and Sample Control (SLQ1)

2. The Division of Quality Review Instructions (SLQ2)

3. The Division of Review Validation and Systems Support (SLQ3)

4. The Division of Reports and Analysis (SLQ4)

5. The Division of Program Measurement and Evaluation (SLQ5)

6. The Division of Aid to Families with Dependent Children Quality Control (SLQ6)

E. The Office of Adjudication Process Quality (SLC), which includes:

1. The Division of Insurance Program Quality (SLC1)

2. The Division of Disability Program Quality (SLC2)

3. The Division of Assistance and Records Operations Quality (SLC3)

4. The Division of Disability Quality Operations (SLC4)

F. The Office of Security and Program Integrity (SLB), which includes:

1. The Division of Program Integrity (SLB1)

2. The Division of Systems Security (SLB2)

3. The Division of Administrative Integrity (SLB3)

G. The Field Assessment Offices (SLF1–SLFX), which include:

1. The Division of Payment and Eligibility Quality (SLF11–SLFX1)

2. The Division of Adjudication Process Quality (SLF12–SLFX2)

3. The Evaluation Staff (SLF13–SLFX3)

4. The Program Integrity Staff (SLF14–SLFX4)

H. The Office of Evaluation (SLE), which includes:

1. The Division of Audit Management and Liaison (SLE1)

2. The Division of Surveys (SLE2)

3. The Division of Special Studies (SLE3)

Sec. SL.20 *The Office of Assessment*—(Functions):

A. *The Associate Commissioner for Assessment* (SL) is directly responsible to the Commissioner for carrying out OA's mission and provides general supervision to the major components of OA.

B. *The Deputy Associate Commissioner for Assessment* (SL) assists the Associate Commissioner in carrying out his/her responsiblities and performs other duties as the Associate Commissioner may prescribe.

C. *The Immediate Office of the Associate Commissioner for Assessment* (SL) provides the Associate Commissioner and Deputy Associate Commissioner with staff assistance on the full range of their responsibilities.

D. *The Office of Payment and Eligibility Quality* (SLQ) develops and maintains programs to assure quality of payments and of continuing eligibility in all social security programs. These programs determine payment and continuing eligibility accuracy, and determine Federal fiscal liability to the States for Federally-administered State supplementary payments. The Office identifies error rates, trends and sources and recommends corrective actions. It administers a program to evaluate policies in social security benefit programs, identifying policy and policy application deficiencies and recommending corrective actions or changes in policies. It provides technical direction to Field Assessment Offices in the management of their payment and eligibility quality activities. It includes the following components and functions:

1. *The Division of Quality Review Policy and Sample Control* (SLQ1):

a. Designs and develops sampling methods and techniques, statistical measures and methods of statistical evaluation for the nationwide Supplemental Security Income (SSI) and Retirement, Survivors and Disability Insurance (RSDI) payment accuracy/quality review programs.

b. Develops and recommends policies for payment and eligibility quality review activities. Designs and conducts special studies and research projects and analyzes data to validate Office of Payment and Eligibility Quality (OPEQ) policy positions.

c. Designs, develops, and conducts tests of current and alternative quality review methodology. Prepares data analysis plans and analyzes test results to determine more effective, efficient, and cost beneficial methods of conducting payment accuracy/quality reviews. Monitors field review productivity.

d. Compiles data on Federal fiscal liability under the SSI program and determines the amount of SSA's Federal fiscal liability. Develops policies, regulations, and instructions regarding Federal fiscal liability and disallowance determinations.

e. Serves as the liaison with external groups, such as the Office of Management and Budget (OMB), State agencies and other government agencies, using payment eligibility measuring systems.

f. Provides staff support to State committees involved with quality control activities to foster continuing and extensive dialogue.

2. *The Division of Quality Review Instructions* (SLQ2):

a. Designs, develops, and sets forth technical and operational procedures necessary to implement and maintain a nationwide program for the continuing review of payment accuracy and quality of SSI and RSDI payments and denials to ascertain the effectiveness of program

administration and compliance with the law.

b. Maintains current SSI and RSDI quality review procedures and related instructions to be used in the case review processes and reviews supplemental SSI and RSDI quality review procedures developed by Field Assessment Offices (FAO's) for consistency with national policies.

c. Coordinates with SSA's Office of Operational Policy and Procedures (OOPP) to clarify issues related to individual cases and provides field offices with correct interpretations of applicable laws, regulations, and program policies in determining the payment accuracy of individual cases. Responds to requests for information and changes in the SSI/RSDI quality review processes.

d. Determines OA needs for SSI and RSDI quality review processes training and technical assistance and develops national level SSI/RSDI quality review technical training policies, materials, and resources. Reviews training materials developed by FAO's for consistency and possible national implementation. Provides support and technical assistance to field offices.

3. *The Division of Review Validation and Systems Support* (SLQ3):

a. Evaluates the quality and performance of field offices in adhering to OPEQ policies and procedures through redevelopment of a statistical sample of all payment accuracy/quality review cases. Conducts onsite reviews to appraise field office adherence to OPEQ review procedures.

b. Identifies sources of errors in the payment accuracy review process and application of review procedures and develops and recommends corrective actions where necessary. Provides feedback to field offices concerning individual cases and overall quality of their quality reviews and adherence to procedures and policies.

c. Develops and maintains processing systems for the collection and reporting of OPEQ data. Provides field offices with computer generated reports and services necessary for completion and control of sample workloads. Monitors schedules and completion of sample workloads assigned to field offices to insure timely reporting of payment accuracy results.

d. Serves as liaison to SSA's Office of Systems (OS) in their implementation and operation of OPEQ systems requirements. Develops payment accuracy profile concepts in support of quality review studies from which corrective actions may be initiated.

4. *The Division of Reports and Analysis* (SLQ4):

a. Serves as the focal point for designing, developing, coordinating, and issuing SSA-wide reports related to the quality of SSA payment and eligibility processes.

b. Analyzes data to identify errors, their cause, and significance and to identify areas needing additional study to determine appropriate corrective action.

c. Determines the need for, designs, implements and analyzes special studies to supplement regular reports to enable specific identification of program deficiencies and ascertains what corrective actions are needed. Coordinates, reviews and evaluates these studies and assists field offices in the development of field initiated studies.

d. Through analysis of data, special studies, and consultation with other components, identifies the need for and recommends changes in legislation, regulation, policies, procedures, and systems affecting SSA payment programs. Reviews proposed changes in legislation, regulation, policies, procedures, and systems affecting SSA payment programs to determine the effect on payment and eligibility accuracy.

e. Serves as liaison between FAO/OPEQ staff and OOPP or SSA's Office of Policy (OP) for corrective action recommendations such as clarification and suggested revisions of program or operational policy.

f. Works with program components in the development of user requirements for various types of profiles and the implementation and evaluation of profiles.

5. *The Division of Program Measurement and Evaluation* (SLQ5):

a. Plans, directs, and coordinates the development and operation of a nationwide system involving the intensive redevelopment of selected cases with regard to specific program policies and also provides a measurement system of the quality of SSA's service to the public. Operates measurement, coding, calculation and reporting aspects of the overall system.

b. Analyzes the data from redeveloped cases to evaluate the validity of specific program policies and how they are implemented.

c. Conducts indepth program policy studies and prepares reports for top SSA officials to evaluate claims policies and assumptions, to test the validity of claims policy decisions, and to appraise how program policies are administered. Provides reports, analyses, and recommendations for improvement of services.

d. Consults with SSA policy components and prepares indepth recommendations for regulatory and legislative intiatives with regard to specific program policies.

6. *The Division of Aid to Families with Dependent Children Quality Control* (SLQ6):

a. Develops policies, standards and guidelines for the Aid to Families with Dependent Children (AFDC) Federal/State Quality Control System. Coordinates quality control procedures and systems development with other quality control/assurance program activities and SSA's Office of Family Assistance (OFA) to assure consistency of Federal quality control review procedures with quality assurance program policy and overall national AFDC policy.

b. Establishes, maintains, and evaluates the effectiveness of the Federal monitoring system of State AFDC quality control operations, including technical and operating policies necessary to conduct Federal rereviews of State AFDC–Quality Control (AFDC–QC) findings.

c. Develops Federal/State quality control procedures and systems and provides technical guidance and assistance to States and field offices.

d. Conducts onsite reviews to appraise field office and State agency adherence to AFDC–QC review procedures.

e. Analyzes AFDC quality control findings and consolidates State and Federal findings. Prepares national reports from data derived from quality control reviews.

f. Assists OFA in corrective action planning and implementation by providing data analysis and recommendations for corrective action.

E. *The Office of Adjudication Process Quality* (SLC) develops and maintains programs to assure quality in the adjudication processes of social security programs. It identifies error rates, trends, and sources, recommends corrective actions, and determines review levels necessary to improve process quality within available resources. The Office manages central review operations and provides technical direction to Field Assessment Offices in the management of their adjudication process quality activities. It includes the following components and functions:

1. *The Division of Insurance Program Quality* (SLCI):

a. Plans, designs and maintains SSA-wide measurements of quality for

insurance programs encompassing all phases (except the disability determination) of the adjudicative processes common to SSA insurance programs, foreign claims, international agreements and reconsideration of title II decisions.

b. Designs quality assurance systems to meet insurance program needs. Establishes quality assurance policy, standards and operational instructions and continuously monitors systems performance and insurance program analyses.

c. Plans, designs, coordinates, and monitors the operation of an insurance program data collection network. Provides analyses and recommendations to insurance program managers on the effectiveness of policy systems and operational performance through a nationwide reporting network for corrective management actions, plans, and initiatives.

d. Provides consultative and technical assistance to other components on the interpretation and utilization of insurance program quality control data. Monitors and evaluates the effectiveness of corrective action implementation by operating components and recommends the development and implementation of training, and a variety of program changes, particularly systems and procedural improvements designed to alleviate quality problems.

2. *The Division of disability Program Quality* (SLC2):

a. Plans, designs, and maintains a program of quality assurance covering adjudication activities of district offices (DO's), State agencies, regional offices (RO's) and central office to the extent that they are involved in making disability determinations.

b. Designs quality assurance processes and systems to evaluate a variety of disability determination functions, establishes operating policies and standards for the quality assurance process, prepares quality assurance operating instructions, establishes definitions of error, designs mechanisms for correcting errors and continuously monitors the entire process.

c. Plans designs, and coordinates a program of: disability determination quality assurance data collection, review and analysis; report preparation and dissemination; special study activities; and corrective action plans and initiatives.

d. Provides consultative services and technical assistance to other components on the utilization and interpretation of quality control data; formulates quality assurance policy and procedures and responds to quality assurance policy and procedural questions raised by (RO's) and other components; and participates in the development and implementation of training materials and programs.

3. *The Division of Assistance and Records Operations Quality* (SLC3):

a. Plans, designs, and maintains an SSA-wide program of quality assurance encompassing all phases (excluding the disability determination) of the adjudication process relating to SSA-administered assistance programs and of SSA's major records processes.

b. Designs and manages quality assurance systems to meet assistance programs and records operations needs, establishes operating policies and standards, prepares operating instructions and continually monitors systems performance.

c. Plans, designs and coordinates a program of: Assistance program and records operations quality assurance data collection, review and analysis; report preparation and dissemination; and corrective action plans and initiatives.

d. Provides consultative services and technical assistance to other components regarding the utilization and interpretation of quality control data; responds to quality assurance policy questions raised by other components; and participates in the development of training materials and programs.

4. *The Division of Disability Quality Operations* (SLC4):

a. Conducts an ongoing comprehensive review program of both the substantive and technical aspects of selected title II disability claims adjudicated by State agencies, DO's and SSA's Office of Disability Operations (ODO) to assure that consistent and accurate quality of work is maintained in ODO and on an individual State agency and nationwide basis.

b. Conducts an ongoing comprehensive review program to insure the quality and acuracy of the development, adjudication, and review of title XVI disabled and blind cases.

c. Identifies those policies and guidelines most frequently subject to inconsistent interpretation or application. With this identification as the basis, compiles feedback reports to the State agencies, DO's, RO's and FAO's on the status of their operations and quality assurance efforts.

d. Identifies the need for policy revision and the improvement of guides (both medical and nonmedical) and instructions.

e. Identifies specific and general training needs of DO's, RO's, State agencies and ODO.

F. *The Office of Security and Program Intergrity* (SLB) develops plans, policies, and procedures for maintaining the integrity of SSA's program and administrative processes and security of its systems. It manages risk analyses to identify program and systems weaknesses and designs and recommends measures to prevent fraud and abuse, develops procedures and action plans and assesses the effectiveness of implementation of preventive measures. The office directs the handling of cases which may involve fraud, including investigations not handled by the HEW Inspector General and recommends to U.S. Attorneys, through the Office of the Inspector General, whether to prosecute fraud cases. It monitors and assesses SSA's compliance with the Privacy Act and directs personnel security activities. It provides technical direction to Field Assessment Offices in the management ot their security, program integrity, and administrative integrity activities. It includes the following components and functions:

1. *The Division of Program Integrity* (SLB1):

a. Establishes SSA-level policies and objectives on program integrity. Develops and issues procedures and instructions for maintaining the integrity of SSA programs and processes and for the handling of cases of fraud and abuse. Evaluates the integrity of SSA programs and processes. Identifies the need for management actions to correct fraud and abuse in SSA programs and processes; monitors and reports on these actions.

b. Designs and maintains the SSA Program Integrity Control System. Analyzes data from the system, establishes SSA's program integrity reporting requirements, and develops reporting mechanisms to provide SSA officials with information concerning agencywide program integrity operations. Prepares agency reports on program integrity workloads, trends, and progress.

c. Conducts studies and special projects related to the integrity of SSA programs and processes. Conducts special investigations as necessary, including indepth reviews of personnel irregularities. Where violations on the part of SSA employees are suspected, prepares and refers cases from SSA to HEW's Office of the Inspector General and acts as a control point for those referrals.

d. Advises the Commissioner and the Associate Commissioner for Assessment on matters involving the integrity of SSA programs and processes. Represents SSA in these matters in dealings with HEW, other agencies and organizations, and the States.

e. Provides technical direction to FAO's in the management of their program integrity activities. Evaluates the way cases are handled in the FAO's to assure compliance with operating instructions and uniformity of handling.

2. *The Division of Systems Security* (SLB2):

a. Develops, manages, and coordinates the SSA-wide systems security program. Develops, applies and interprets policies, standards, techniques, guidelines, and procedures for assuring adherence to all statutory and regulatory requirements for the security of personal and program data which are gathered, processed, maintained, and disposed of by SSA. Monitors and assesses SSA's compliance with the Privacy Act.

b. Develops and conducts studies, analyses, and audits to determine the security status of SSA systems, as well as the appropriateness and effectiveness of limitations on access to systems data. Evaluates ADP equipment and software acquisition proposals and systems developments for adequacy of security controls.

c. Develops procedures for recording security violations; records and assesses such violations; recommends corrections of violations and remedies for systems vulnerabilities, through modifications of systems, programs, procedures, or controls; and recommends solutions to security problems.

d. Advises the Commissioner and the Associate Commissioner for Assessment on systems security matters and represents SSA on systems security matters in dealings with groups outside SSA and other government entities, through service on committees, panels, etc.

e. Provides technical direction to FAO's in the management of their systems security activities.

3. *The Division of Administrative Integrity* (SLB3):

a. Conducts special audits of SSA fiscal, property, and accountability controls and processes dealing with the management or handling of funds or property.

b. Recommends corrective actions when weaknesses in procedures or controls are found. Monitors and reports on the implementation of corrective actions. Refers cases of suspected violations by SSA employees to the Division of Program Integrity for preliminary development and possible referral to the Office of the Inspector General.

c. Advises the Commissioner and Associate Commissioner for Assessment on the fiscal integrity of SSA administrative and operational processes.

d. Provides technical advice to the Division of Systems Security on audit requirements in the design of systems and to the Office of Evaluation in the inclusion of audit approaches and requirements in broader surveys and assessments.

G. *The Field Assessment Offices* (SLF1–SLFX) manage OA operations in the field, including quality assurance, program integrity, and evaluation activities. They conduct independent reviews to determine payment and eligibility error rates in all social security programs, including errors in Federally administered State supplementary payments and State administered programs directed by SSA. These reviews provide the basis for determing the Federal fiscal liability amounts reimbursable to States for which SSA administers State payments and for determining State fiscal sanctions and incentives in the AFDC program. The FAO's provide reports, data, analyses, and corrective action recommendations to improve payment accuracy. They conduct independent reviews to determine the quality of adjudication processes of social security programs and State administered programs directed by SSA. The FAO's assist in identifying error trends and sources and recommend corrective actions. They process cases which may involve fraud and recommend prosecution in appropriate cases. They monitor the implementation of program integrity and systems security plans and preventive measures, and perform special assessment surveys and analyses. They include the following components and functions:

1. *The Division of Payment and Eligibility Quality* (SLF11–SLFX1):

a. Conducts independent review programs operated through satellite offices in a region to determine the accuracy of payments made in the RSDI and SSI programs. Identifies payment and nonpayment error rates, trends, and sources of errors, and recommends corrective action. Conducts studies and provides reports and analyses to improve payment accuracy. Evaluates the effect of program policies and procedures on regional payment accuracy; recommends changes and improvements to regional operating components and, as appropriate, to central office components of the Office of Assessment responsible for policy and procedure analysis and coordination. Furnishes the data to OPEQ for determining Federal fiscal liability to the States for Federally administered State supplementary payments.

b. Monitors, through independent reviews, the operation of State quality control systems in the AFDC program. Determines the disallowances or payment of incentive to States under the AFDC program.

2. *The Division of Adjudication Process Quality* (SLF12–SLFX2):

a. Carries out programs to assure quality in the adjudication of claims under the RSDI and SSI programs. Identifies error trends and sources of errors in the adjudication process from sample and special reviews; recommends corrective actions necessary to improve process quality. Prepares reports based upon findings providing advice and guidance for operating components.

b. Conducts studies to evaluate the effect of established procedures on the quality of the regional adjudication process; recommends changes and improvements to regional operating components and, as appropriate, to central office components of the Office of Assessment responsible for procedures analysis and coordination.

3. *The Evaluation Staff* (SLF13–SLFX3):

a. Assesses operational and administrative effectiveness and efficiency of SSA programs. Follows central office evaluation guides in reviewing operations and components. Participates in the development and planning of the SSA evaluation program. Plans and conducts special regional evaluations, securing input from and coordinating and consulting with the Regional Commissioner and appropriate regional officials.

b. Monitors implementation of systems security measures, and evaluates adherence to and effectiveness of those measures.

4. *The Program Integrity Staff* (SLF14–SLFX4):

a. Carries out a program to identify and prevent fraud, abuse, and waste in SSA programs and administrative processes, and refers individual cases to the United States Attorney where appropriate. Where employee fraud is involved, referral is through the Office of the Inspector General. Provides technical direction to operating components in the development of the fraud aspects of cases and performs

investigations requiring skilled investigative competence.

b. Establishes and maintains liaison with the HEW Office of the General Counsel, the U.S. Attorneys, and various Federal, State, and local law enforcement and welfare agencies. Cooperates with operating components to develop training programs and material concerning integrity operations and to publicize convictions.

H. *The Office of Evaluation* (SLE) assesses the administration of social security programs. It designs broad evaluation programs, incorporating and coordinating various evaluation methods, techniques and efforts. The Office serves as SSA's liaison with the HEW Audit Agency and external auditors and evaluators; manages the internal handling of audit reports; and assures proper attention to audit and evaulation findings and recommendations. It maintains a continuing management survey program and performs continuing and special analyses of trends and critical problem areas. It provides technical direction to Field Assessment Offices in the management of their evaluation activities. It includes the following components and functions:

1. *The Division of Audit Management and Liaison* (SLE1):

a. Plans and coordinates SSA involvement with audits planned and conducted by the General Accounting Office (GAO) or the HEW Audit Agency; recommends areas for audit and facilitates the access of audit teams to SSA.

b. Reviews and evaluates audit reports and develops the SSA response to specific audit recommendations. Evaluates and recommends SSA commitments to audit recommendations; monitors and evaluates implementation of commitments; prepares progress reports and recommends corrective actions.

c. Monitors and evaluates implementation of internal and external survey recommendations, prepares progress reports and recommends corrective actions.

d. Maintains liaison with operating management in the field; identifies problems; and monitors corrective actions.

e. Maintains liaison with GAO, the HEW Audit Agency and other external auditors and evaluators, represents SSA's interests and discusses SSA positions.

2. *The Division of Surveys* (SLE2):

a. Directs SSA's survey program, which is designed to provide onsite evaluations of selected areas of program administration.

b. Evaluates mission, policy application, procedures and methods, organization, management priorities, and resources utilization of selected organizational components.

c. Examines significant functional areas and major work systems and processes to discover and recommend improvements and better resource utilization.

d. Periodically evaluates SSA regional operations, including management priorities, policies, and delivery of program services.

e. Maintains liaison with SSA components and assures that actions are taken to monitor progress on implementation of recommendations.

f. Conducts special surveys in critical areas, defining problems and barriers to problem solution, and developing and recommending alternative solutions.

3. *The Division of Special Studies* (SLE3):

a. Formulates and directs a program of evaluation studies and projects to determine how well SSA programs are achieving their stated goals and objectives. Using and analyzing information from a wide variety of sources including quality assurance and management information data, information from surveys, audits and studies, and program, statistical and research data, recommends legislative, regulatory, policy and procedural changes.

b. Conducts studies of SSA program, administrative, and operating policies, processes and regulations. Determines efficiency, effectiveness and consistency with legislative intent, administrative initiatives and priorities, SSA and HEW goals and objectives. Determines the overall impact on the general public and other SSA clients.

c. Formulates and conducts studies to evaluate service to the public in the various SSA programs.

d. Initiates and monitors broad-scale studies and experiments to evaluate alternative management, administrative, and operational processes which could improve SSA's effectiveness in carrying out its missions.

Date: July 27, 1979.

Joseph A. Califano, Jr.,

Secretary.

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Statement of Organization, Functions and Delegations of Authority

Part S of the Statement of Organization, Functions and Delegations of Authority for the Department of Health, Education, and Welfare contains the Statement of Organization, Functions and Delegations of Authority for the Social Security Administration (SSA). On March 21, 1979, an amendment to Part S was published in **Federal Register** (44 FR 17218–17233) to reflect a reorganization of SSA. Sections SM.00, SM.10, and SM.20 of the SSA Statement, as contained in pages 17230 and 17231 of the amended material published on March 21, 1979, describe the mission, organization and functions for SSA's Office of Management, Budget, and Personnel (OMBP).

Sections SM.00, SM.10, and SM.20 of the OMBP Statement are restated and expanded to reflect the establishment of division-level components in OMBP's Office of Management Planning and Analysis, Office of Financial Resources, Office of human Resources and Office of materiel Resources. This restatement also deletes reference to the Office of Technical Resources since the functions of that former OMBP component have been transferred to SSA's Office of Systems. The revised OMBP material reads as follows:

Sec. SM.00 *The Office of Management, Budget, and Personnel*—(Mission): The Office of Management, Budget, and Personnel (OMBP) provides overall management of SSA resources. The Office develops policy and guidelines for the exercise of SSA-wide management responsibilities, and evaluates and appraises the manner in which those responsibilities are carried out. It administers the following SSA-wide management programs:

1. Budget and financial management, including policy guidance for, and general oversight of, financial arrangements with State agencies;

2. The full range of SSA's human resources programs, including personnel, labor-management relations and training;

3. Organization and management analysis, delegations of authority, administrative appraisal and planning, management information, manpower utilization and work measurement;

4. Generaal management support services, including contracting and procurement, property management, realty and space, communications and records, publication management and employee health, safety and physical security. The Office represents SSA in these areas with HEW; other Federal

agencies; Congress and other organizations.

Sec. SM.10 *The Office of Management, Budget, and Personnel*—(Organization): The Office of Management, Budget, and Personnel, under the leadership of the Associate Commissioner for Management, Budget, and Personnel, includes:

A. *The Associate Commissioner for Management, Budget, and Personnel* (SM),

B. *The Deputy Associate Commissioner for Management, Budget, and Personnel* (SM),

C. *The Immediate Office of the Associate Commissioner for Management, Budget, and Personnel* (SM),

D. *The Office of Management Planning and Analysis* (SMP), which includes: 1. The Division of Management Studies and Analysis (SMP1),

2. The Division of Management Planning (SMP2),

3. The Division of Manpower Utilization (SMP3),

4. The Division of Management Information (SMP5),

5. The Division of Management Programs and Coordination (SMP6),

6. The Division of Organization Planning and Analysis (SMP7).

E. *The Office of Financial Resources* (SMF), which includes: 1. The Division of Administrative Budget (SMF1),

2. The Division of Finance (SMF2),

3. The Division of Budget Systems (SMF3),

4. The Division of Program Budget (SMF4),

5. The Division of Program Accounting (SMF5).

F. *The Office of Human Resources* (SMH), which includes: 1. The Division of Classification (SMHA),

2. The Division of Personnel Policy, Data and Research (SMHC),

3. The Evaluation and Field Liaison Staff (SMHK),

4. The Management-Employee Communications Staff (SMHE),

5. The Division of Employee Health and Occupational Safety (SMHH),

6. The Division of Labor Relations (SMHJ),

7. The Division of General Training (SMHD),

8. The Division of Technical Training (SMHL),

9. The Division of Disciplinary and Adverse Actions (SMHM),

10. The Executive Recruitment and Services Staff (SMHN),

11. The Division of Personnel Operations (SMH9).

G. *The Office of Material Resources* (SMM), which includes: 1. The Division of Management Services (SMM1),

2. The Division of Realty and Space Management (SMM2),

3. The Division of Contracts and Grants Management (SMM3)

4. The Division of Publications Management (SMM4)

5. The Division of Property Management (SMM5),

6. The Division of Communications and Records Management (SMM6).

Sec. SM 20. *The Office of Management, Budget, and Personnel*—(Functions): A. *The Associate Commissioner for Management, Budget, and Personnel* (SM) is directly responsible to the Commissioner for carrying out OMBP's mission and provides general supervision to the major components of OMBP.

B. *The Deputy Associate Commissioner for Management, Budget, and Personnel* (SM) assists the Associate Commissioner in carrying out his/her responsibilities and performs other duties as the Associate Commissioner may prescribe.

C. *The Immediate Office of the Associate Commissioner for Management, Budget, and Personnel* (SM) provides the Associate Commissioner and Deputy Associate Commissioner with staff assistance on the full range of their responsibilities.

D. *The Office of Management, Planning and Analysis* (SMP) Directs comprehensive SSA management analysis, appraisal and planning programs. It develops and maintains the SSA management information and work measurement systems; establishes, conducts and coordinates major SSA management planning efforts, including plans for implementation of legislative, technological and process changes; conducts an SSA organization management and analysis program; develops, recommends and publishes all delegations of authority in SSA and manages SSA's delegations of authority program. The Office implements and manages a comprehensive manpower utilization system; manages the SSA initiatives tracking system; develops policies for and administers SSA conference, committee and emergency preparedness plans and programs; and manages the SSA Historical research program. It provides SSA liaison with HEW; other Federal agencies; and outside sources on these matters. The Office of Management Planning and Analysis (OMPA) includes the following components and functions:

1. *The Division of Management, Studies and Analysis* (SMP1): a. Directs, develops and implements a comprehensive program of management studies, research and analysis to evaluate and determine the feasibility of implementing major changes affecting the SSA organization, its administrative practices and its methods of operation. Studies and analyses are agencywide, frequently deal with issues of a sensitive nature and may involve other government agencies.

b. Undertakes feasibility, predictive benefit and cost/risk analyses to identify alternatives and to develop administrative strategies for consideration by the SSA Executive Staff in responding to Agencywide problems and issues.

2. *The Division of Management Planning* (SMP2): a. Directs, develops and implements SSA management planning programs, including oversight and agency-level review of operational plans, program policy proposals, and contingency plans.

b. Develops and implements comprehensive agencywide, management plans and projects, frequently of a critical nature, for implementing major legislative, technological and process changes in SSA. Also plans implementation of major functional or workload shifts within SSA and between SSA and other Federal or State agencies.

c. Prepares operational and administrative directives and SSA management planning policy guidelines to achieve planning objectives and monitors progress during implementation phases. Furnishes staff advice and assistance to other SSA components in management planning endeavors.

3. *The Division of Manpower Utilization* (SMP3): a. Develops and implements comprehensive manpower utilization and planning programs to improve productivity and the use of SSA manpower; coordinates functions related to manpower utilization which are performed by other SSA components, including the development of manpower budgets by the office of Financial Resources (OFR) and personnel management, training and position management by to office of Human Resources.

b. Conducts studies and analyses of work processes and procedures, workflows and workload processing positions; applies a variety of disciplines and techniques, including industrial engineering, management analysis and model building to assure best manpower utilization; and recommends action to top SSA executives for improving the utilization of SSA manpower.

c. Develops SSA-wide manpower management policies, procedures and guidelines; develops, analyzes and interprets manpower forecasting data; and projects future manpower needs, including the types of skills and positions required.

4. *The Division of Management Information* (SMP5): a. Directs, develops and implements SSA-wide management information, work measurement, and workload control programs, including data analysis, which reflect the condition of SSA programs and operations. Works with Office of Financial Resources in compiling and interpreting data required for SSA budget purposes.

b. Formulates agencywide management information policies and procedures; determines management information needs; designs, implements and evaluates management information systems and data bases coordinating electronic data processing systems needs with SSA's Office of Systems; designs and maintains other data collection, retrieval and reporting systems; analyzes data, identifies statistically significant trends, problems and issues, and projects workload conditions and resource needs.

c. Works closely with other SSA components in developing work measurement, management information and workload control data; provides staff support by way of management information reports, analyses and services to the Office of the Commissioner and other SSA components; and coordinates the gathering and evaluation of management information for a variety of Agencywide reports which are provided to Congress, other government agencies, and the private sector.

5. *The Division of Management Programs and Coordination* (SMP6): a. Develops and directs agencywide management programs, including the SSA conference, committee, work group, task force, reports, and directives management programs, and other general management improvement programs; coordinates, develops and implements the SSA-wide emergency preparedness program; represents SSA in dealings with HEW and other government and private agencies in these areas; implements policies and guidelines in these areas and assesses their effectiveness; and provides staff support services in these areas.

b. Manages the SSA Administrative Directives System (ADS) and supplemental systems required to implement administrative policies; researches new concepts, techniques and methods in the field of directives management and implements ADS improvements; maintains contact with other government and private agencies concerning the management of agencywide directives and reports.

c. Directs agency wide Management by Objectives (MBO) and other planning and control systems, including SSA participation in the HEW-Major Initiatives Tracking System (MITS) and agencywide management of MITS as required by HEW and SSA needs; develops and controls objectives and initiatives for governmentwide, HEW, SSA and component MBO and MITS systems; monitors MBO and MITS objectives and initiatives for the Commissioner and Associate Commissioners; evaluates progress in achieving MBO and MITS objectives; identifies problems in these areas and recommends corrective action, as necessary.

d. On befalf of the Commissioner and the Associate Commissioner for Management, Budget, and Personnel, coordinates, consolidates and prepares a variety of reports of an intergovernmental or agencywide nature that require contributions from a number of offices, disciplines or viewpoints, insuring that the agency response in consistent with SSA objectives, policies and initiatives; and controls a variety of activities and reports which cut across lines of responsibility in SSA, OMBP and OMPA including, the *SSA Year In Review*, other narrative annual reports, and the *Social Security Office Report of Trends* (SORT).

6. *The Division of Organization Planning and Analysis* (SMP7): a Develops and implements SSA-wide organizational policies, procedures, standards and objectives.

b. Conducts studies of SSA organizational and functional arrangements; assesses alternative organizational arrangements; and approves the establishment of positions and organizational entities required to perform the SSA mission. Evaluates organizational proposals covering the transfer of existing functions within SSA and to SSA from othe agencies, and recommends SSA action on organizational and position changes requiring approval outside the agency. Within its assigned authority, formulates and oversees implementation of organizational policies and directives which assure that the work of the agency is arranged in a cost-effective manner and in a way which provides the best use of positions.

c. Analyzes, develops and recommends delegations of management and program administration authorities to and within SSA and monitors the exercise of delegations in SSA. Documents delegations of authority, organizational structures and functional statements. Provides advice and assistance to all SSA components in organizational analysis, design and implementation.

E. *The Office of Financial Resources* (SMF): Develops SSA financial management objectives, policies, standards and procedures, and plans, prepares, justifies, presents and executes the SSA budget. It designs and operates SSA's automated cost analysis, accounting and budget systems; audits and certifies expenditures; certifies program benefit payments to the Department of the Treasury for disbursement; compiles required financial reports; and provides the work measurement requirements for the budget and cost analysis systems. The Office furnishes financial management advice to the Commissioner and other top level SSA executives and provides SSA liaison on agency fiscal matters with the Office of Management and Budget (OMB), the Department of the Treasury, the General Accounting Office, HEW, other Federal agencies, and various private and public organizations. The Office of Financial Resources (OFR) includes the following components and functions:

1. *The Division of Administrative Budget* (SMF1): a. Interprets administrative budgetary policies and limitations and develops and issues guidelines and instructions to SSA components for budget formulation and execution.

b. Formulates the total SSA administrative budget.

c. Executes the total administrative and program budgets for SSA through issuance of man-year and dollar controls, budgetary allotments/allowances for administrative and program expenditures, and employment ceilings to SSA components, coordinating with OFR's Division of Program Budget, as appropriate.

2. *The Division of Finance* (SMF2): a. Develops and implements SSA policies, procedures and instructions for: Accounting, cash management, travel and other reimbursements, processing and maintenance to time and leave data, payroll services and check and bond delivery, and interagency agreements involving financial reimbursements.

b. Plans and directs ongoing analysis, development, and evaluation of SSA's systems for financial accounting, cashier and administrative payments, and time and leave; develops general objectives

and performance standards for the SSA automated accounting system and detailed specifications for development or modification of computer programs used in that system; and proposes changes in the system to meet SSA's accounting needs. Coordinates the accounting system with budget, cost analysis and other financial systems. Coordinates the planning, development, modification and evaluation of the automated accounting system with SSA's Office of Systems.

c. Controls cash flow for the trust funds and other Federal funds to meet SSA cash requirements and obtain maximum interest income; monitors availability of funds to prevent antideficiency violations and reports violations to appropriate HEW officials; accounts for program income and for benefit, assistance and grant awards, and related administrative expenses; and prepares financial reports for SSA, HEW and other Federal agencies with fiscal regulatory responsibilities, including OMB, the Department of the Treasury and the Department of Commerce.

3. *The Division of Budget Systems* (SMF3): a. Plans and directs ongoing analysis, development, and evaluation of SSA's budget and cost analysis systems; develops general objectives and performance standards for these automated systems and detailed user specifications for development or modification of computer programs used in the automated systems; and proposes changes in the systems to meet SSA's financial management needs. Coordinates the planning, development, modification and evaluation of these automated systems with SSA's Office of Systems. Plans and directs the coordination of budget and cost analysis systems with accounting systems; coordinates budget and cost analysis systems with the work measurement system; and develops operational policies and procedures for nonautomated elements of budget and cost analysis systems.

b. Directs SSA's cost analysis program; develops policies and procedures for cost analysis; defines SSA's workloads, principal work products and work measurement requirements as related to budget and cost analysis; and develops reports and prepares analyses of agency costs, workloads and productivity.

4. *The Division of Program Budget* (SMF4): a. Reviews and consolidates present statutory program cost estimates for trust fund and other Federal fund programs administered by SSA (Old Age, Survivors and Disability Insurance, Black Lung Benefits, Supplemental Security Income, Aid to Families with Dependent Children, other income maintenance and assistance programs, and Refugee Assistance programs). Formulate a unified agency budget through consolidation of program and administrative budgets, coordinating with OFR's Division of Administrative Budget, as necessary.

b. Coordinates presentation of the SSA budget in total and by account; presents the proposed budget to the Commissioner; develops budget documents and briefing material for the Commissioner's budget presentations to HEW, OMB, and the Congress.

c. Reviews, coordinates and presents program cost estimates for proposed legislative, operational policy and regulatory changes. Formulates or directs the formulation of administrative cost estimates for proposed legislative, operational policy and regulatory changes, coordinating with OFR's Division of Administrative Budget and other SSA components, as necessary. Provides financial management advice to the Commissioner and other SSA officials in the policy development process.

d. Serves as the SSA focal point for budget information provided to HEW, OMB, Congressional appropriations and budget staff and, as requested by SSA's Office of Public Affairs, the press.

5. *The Division of Program Accounting* (SMF5): a. Certifies, deposits and accounts for all benefit disbursements in headquarters, collections, overpayments and underpayments under the Old Age, Survivors and Disability Insurance (OASDI) programs, Supplemental Security Income (SSI) program, and the SSA-administered portion of the Black Lung Benefits program, and serves as liaison with the Department of the Treasury on these matters.

b. Certifies wages and self-employment income on the basis of records maintained by SSA to the Department of the Treasury, as required by Sections 201(a) and 1817(a) of the Social Security Act, as amended.

c. Develops requirements and specifications for program systems and internal processes to ensure effective accounting, control, recovery and audit of OASDI, SSI and Black Lung benefits and wage records.

d. Conducts reviews of, and tests, program operations and systems to ensure compliance with established requirements.

F. *The Office of Human Resources* (SMH): Develops, implements and maintains a totally integrated and coordinated human resources program responsive to the needs of SSA. It represents SSA in dealing with HEW, other Federal agencies and sources outside the Federal government about personnel, training and human resources management programs. The Office of Human Resources (OHR) consists of components functioning in personnel operations, personnel policy and research, training and career development, classification, labor-management relations, employee health and occupational safety, management-employee communications and employee relations, as follows:

1. *The Division of Classification* (SMHA): a. Develops and implements a comprehensive position classification program within SSA headquarters; and directs position classification activities having SSA-wide significance.

b. Provides leadership and coordination in the formulation of SSA policies, directives and programs relating to the Fair Labor Standards Act and to salary and wage surveys. In conformance with classification principles, formulates and oversees implementation of position management policies and directives which assure that work is organized in a cost-effective manner and in a manner which provides the best use of employee skills.

c. Serves as the central SSA referral point for inquiries, guidance and interpretations on classification matters; and acts as SSA liaison with the Office of Personnel Management (OPM), HEW and other non-SSA entities and organizations with respect to classification aspects of SSA position management.

d. Conducts a continuing review of the applicability of classification standards and, as appropriate, negotiates with OPM for the revision of such standards or the development of single agency standards.

2. *The Division of Personnel Policy, Data and Research* (SMHC): a. Directs the formulation and issuance of SSA personnel management policies and directives. Reviews all proposals submitted by other OHR or SSA components pertaining to such areas as staffing, compensation, appraisals and performance standards, personnel information disclosure, position classification, employee relations, labor-management relations, employee health and safety, and employee communications and ensures that such proposals are consistent with the total OHR program and pertinent laws, regulations and policies. Oversees the dissemination and implementation of SSA-wide policies and directives

pertaining to personnel management areas. Directs the development and maintenance of the SSA personnel manual system, reviewing all issuances under this system.

b. Conducts a continuing review of the applicability of OPM qualification standards for positions in the General Schedule and Federal Wage System, and, as appropriate, negotiates with OPM for the revision of such standards. Participates with other OHR and SSA components in the development of proposed training agreements between OPM and SSA. Prepares or approves the final contract document for proposed OPM training agreements.

c. Provides overall coordination and direction to work environment improvement efforts within SSA. Coordinates a variety of studies throughout SSA designed to improve the work environment.

d. Designs, analyzes and implements a variety of research projects in the area of personnel management.

e. Plans and directs ongoing development, analysis and evaluation of SSA's personnel recordkeeping systems; develops general objectives and performance standards for automated systems and detailed specifications for development or modification of computer programs used in automated systems; and proposes changes in these systems to meet SSA's human resources data, statistics and information needs. Coordinates, with SSA's Office of Systems, the planning, development, modification and evaluation of automated systems. Reviews and processes all personnel and payroll actions in conformance with OPM and HEW regulations.

f. Develops and implements a program for the projection of long-range planning to staff SSA career lines and identifies areas of special emphasis needed to meet projected recruitment and staffing requirments.

3. *The Evaluation and Field Liaison Staff* (SMHD): a. Direct an SSA-wide program for inspection and evaluation of SSA's personnel management program, including training and career development, employment and staffing, position management and classification, employee relations, equal employment opportunity, labor relations, and occupational health and safety. Conducts administrative surveys and special studies to assure conformance with OPM regulations and HEW/SSA policies and directives.

b. Provides direction and guidance to SSA's Data Operations Centers (DOC's) and SSA Program Service Centers (PSC's) in areas for which the Staff is responsible. Maintains a close working relationship with HEW Regional Personnel Offices and provides human resources staff assistance to SSA's Offices of the Regional Commissioners.

c. Prepares evaluation reports for use by management officials and periodic reports to the Commissioner, HEW, and OPM on the state of SSA personnel management programs.

4. *The Management-Employee Communications Staff* (SMHE): a. Directs the management-employee communications program in SSA. Publishes a variety of informational materials, including a monthly employee magazine, a semimonthly management newsletter and a central office bulletin. Prepares and edits administrative reports and presentations.

b. Provides assistance to and appraises management-employee communication activities in the SSA field organization; identifies weaknesses in management-employee communications SSA-wide; and recommends improvements.

5. *The Division of Employee Health and Occupational Safety* (SMHH): a. Develops, implements and evaluates SSA's employee health services programs and occupational health and safety program in conformance with appropriate laws, policies and regulations. Ensures that these programs are responsive to the needs of the agency. Serves as a central SSA reference point for inquiries, guidance and interpretation, and as liaison with HEW and other non-SSA entities and organizations on health and safety matters.

b. Responsible for the adequacy and quality of professional medical services provided to SSA employees. Directs the formulation and oversees the implementation of training programs for the professional medical staff and support staff necessary to maintain the proper level of medical services.

c. Develops, interprets and implements SSA medical policy in employee health and safety matters. Directs the establishment and maintenance of SSA employee health records and ensures that the privileged and confidential nature of such records is not compromised.

d. Directs a program of systematic evaluation to determine the costs and judge the effectiveness of SSA employee health services and occupational health and safety programs. Reports to SSA management on a regularly scheduled basis.

e. Directs administration of the agency's program to comply with the Occupational Safety and Health Act (OSHA) and to implement executive orders and regulations concerning OSHA.

6. *The Division of Labor Relations* (SMHJ): a. Plans and directs the development, implementation and evaluation of the SSA labor-management relations program; formulates SSA-wide labor-management relations policy; serves as the SSA reference point for inquiries, guidance and interpretations on labor-management relations matters; and provides SSA liaison with OPM, HEW and other non-SSA entities and organizations concerning labor-management relations in SSA.

b. Implements labor-management relations programs and policies throughout SSA's headquarters and field organizations; participates in negotiation and implementation of negotiated procedures with labor organizations; resolves or recommends resolutions in labor relations disputes; and advises management during bargaining sessions.

c. Represents SSA management in all labor-management relations matters and proceedings which are adjudicated outside the agency.

d. Provides the full range of labor-management relations advisory services to all SSA components to ensure proper application of negotiated provisions; and directs monitoring of union-management consultations as required by negotiated agreements or Executive Orders.

7. *The Division of General Training* (SMHK): a. Plans, formulates and implements policies, procedures and standards for SSA training and career development activities, other than executive development. Reviews and approves training and career development proposals submitted by SSA components to ensure consistency with overall SSA training policies and programs and compliance with pertinent laws and regulations; develops the annual SSA-wide training plan in coordination with appropriate SSA components; prepares SSA comments on proposed OPM or HEW training policy issuances and developmental programs; and complies with HEW/OPM regulatory and administrative reporting requirements. Provides general support and coordination for SSA's training activities.

b. Evaluates and measures the delivery of all of SSA's training in terms of quality, value to the agency and scope. Conducts ongoing research into training methods and instructional technology.

c. Directs the design, implementation and evaluation of management and basic skills training courses for SSA headquarters and specific field personnel. Formulates internal guidelines and procedures for the determination and evaluation of management and basic skills training needs and monitors and reviews the conduct of management and basic skills training courses. Delivers and, as appropriate, administers briefings, orientations and seminars for SSA personnel.

8. *The Division of Technical Training* (SMHL): a. Directs the design and development of all SSA program/technical training, including entry level and advanced program training plus systems and computer technology training for SSA employees nationwide. Formulates internal guidelines and procedures for the determination and evaluation of technical training needs and monitors and reviews the conduct of technical training courses and programs. Administers and, as appropriate, delivers program/technical training, orientation and briefings for SSA personnel.

9. *The Division of Disciplinary and Adverse Actions* (SMHM): a. Directs and implements an SSA program for adverse actions and appeals and disciplinary procedures, in accordance with applicable regulations and procedures. Provides technical assistance and guidance in the area of adverse actions and grievances and disciplinary actions to management and employees in SSA headquarters components. Also provides these services to the field organization in complex cases.

b. In coordination with HEW's Office of the General Counsel, researches law, executive orders, court and Comptroller General decisions, regulations, policies and procedures on disciplinary and adverse actions, employee appeals and grievances. Serves as the SSA reference point for inquiries, guidance and interpretations on these matters. Acts as liaison with HEW, OPM and other non-SSA entities and organizations on these matters.

10. *The Executive Recruitment and Services Staff* (SMHN): a. Develops and implements all SSA policies and activities relating to the Agency's executive personnel management program.

b. Develops an implements policies and guidelines for SSA administration of the Senior Executive Service (SES).

11. *The Division of Personnel Operations* (SMH9): a. Implements policies and regulations pertaining to SSA recrutiment and placement. Initiates and processes personnel actions for SSA headquarters employees and participates with office managers and staffs in assessing placement actions; directs the administration of all Merit Promotion Plans applicable within Baltimore/Washington headquarters components. Processess necessary administrative actions required for SSA employees entering on duty.

b. Provides professional conseling and referral services for emotionally disturbed employees and for employees with alcohol or drug problems. Provides technical advice and guidance to SSA management officials on matters related to these functions.

c. Implements policies, regulations and affirmative action programs pertaining to special recruitment and staffing activities for SSA headquarters and field organizations; develops and implements special needs placement programs, including handicapped and veterans readjustment programs.

d. Directs the development and operation of SSA employee services and awards programs. Daily services provided include: Consumer education, health benefits information, preretirement counseling and housing referral. Develops and implements SSA employee suggestion, incentive and honor awards, energy and environment programs. Develops policies governing SSA employee welfare and recreation associations.

e. Designs, implements and evaluates a comprehensive agencywide upward mobility and self-development program.

G. *The Office of Materiel Resources* (SMM): Directs the materiel managment and management support programs of SSA and develops objectives, policies, standards and procedures for these programs. It directs SSA's activities in contracting and procurement, grants management, real and personal property management, and supply operations. The Office provides services related to space acquisition, utilization and management, telephone systems, mail and distribution operations, records, publications, forms printing, and reprographics. It directs facilities planning and maintenance, protective security, civil defense, library services, audiovisual services, and graphics services. The Office manages visitor reception and tours and services to SSA headquarters personnel, including transportation, parking commuter information, food services, and other concessions. It provides SSA liaison with the General Services Administration (GSA), HEW, other Federal agencies, and various public and private organizations on matters relating to its mission. The Office of Materiel Resources (OMR) includes the following components and functions:

1. *The Division of Management Services* (SMM1): a. Develops SSA policy and procedures, and directs programs, in the areas of protective security, investigations of alleged criminal activities not related to SSA program fraud or abuse, and library, audiovisual and graphics services.

b. Directs SSA headquarters programs for buildings management, employees services, including transportation, commuter information, food services and other concessions, and visitor reception and tours.

c. Provides SSA liaison on matters relating to its function with GSA, commercial contractors, cafeteria management, concessionaires, and local, county, State, union and public transportation officials.

2. *The Division of Realty and Space Managment* (SMM2): a. Directs the SSA real property program, including short- and long-range facilities planning, design, construction, leasing, acquisition, project management, utilization, alteration and repairs.

b. Acquires, utilizes and manages space at SSA headquarters and directs a comprehensive space inventory and utilization system.

c. Provides technical guidance, consultation, coordination and advice on architectural and engineering design for SSA; manages a technical drafting service and design support function; and provides an engineering resource to plan and review alterations, repairs and improvements to SSA facilities.

d. Responsible for SSA field facility planning and space management; reviews and prepares for approval by the Commissioner proposals submitted by Regional Commissioners for establishment of new facilities.

e. Develops and implements SSA-wide policies, objectives, standards and procedures in the areas of real property and space management.

3. *The Division of Contracts and Grants Management* (SMM3): a. Directs the business management aspects of SSA's procurement program, including negotiation, award, administration and termination of contracts for research, demonstration projects, experimentation, management consulting, specialized services and equipment supporting SSA program activities, automatic data processing equipment acquisition, and procurement of major supply items and administrative supplies, materials and services.

b. Performs a continuous surveillance, review and evaluation of SSA procurement actions to ensure adherence to legal requirements, including small business and minority business programs requirements.

c. Develops and implements policies, procedures and directives for SSA procurement activities.

d. Performs cost/price analysis and evaluation required to award and administer SSA contracts; evaluates procurement actions on a post-award basis; and compiles data and prepares reports for management on SSA contracting and procurement actions.

e. Develops and administers procurement programs for small business concerns, labor surplus area concerns and minority business enterprises.

f. Directs the business management aspects of SSA's discretionary grants management program, including evaluation, negotiation, award, administration and termination of discretionary grants; develops and implements SSA grants policies, procedures and directives; performs post-award evaluations; prepares grants-related reports required by HEW; and coordinates with appropriate program officials, as necessary.

4. *The Division of Publications Management* (SMM4): a. Directs a comprehensive SSA printing and publications management program, including forms and publications management, phototype-setting, conventional printing and binding production, reprographics, micro-form publishing, distribution and acquisition.

b. Obtains printing, binding and distribution services from private vendors under contracts negotiated and entered into by the Government Printing Office (GPO).

c. Manages SSA's acquisition, leasing and utilization of reprographic/duplicating equipment and automatic copy-processing and copy-duplicating machines.

d. Develops policies, standards and procedures for SSA's forms and publications management, printing, reprographics and distribution programs. Provides SSA-wide services for these programs.

e. Provides SSA liaison on all matters concerning printing policy and acquisition of printing supplies, services and equipment with HEW, GPO and the Congressional Joint Committee on Printing.

5. *The Division of Property Management* (SMM5): a. Administers the SSA property management program, including the formulation of SSA-wide policies, procedures, and directives governing the program.

b. Directs the SSA equipment management program, including management of SSA's word processing equipment, and provides equipment maintenance and repair services to SSA headquarters components.

c. Manages the operation of SSA warehousing facilities, including receipt, storage and issuance of forms, publications, supplies and equipment for SSA-wide use; controls the maintenance of stock; and provides general labor services for SSA headquarters.

6. *The Division of Communications and Records Management* (SMM6): a. Directs the planning, analysis, design and operation of SSA's telecommunications system for the transmission of messages other than numerical and digital data. Develops and implements SSA-wide policies, objectives, standards and procedures for this system.

b. Directs the SSA mail management program and plans, develops and implements SSA-wide policies objectives and standards governing mail and messenger operations. Conducts studies and analyses to improve mail service and to reduce SSA's mail costs; determines the most economical mailing methods for SSA components, beneficiaries and members of the general public; represents SSA in negotiations with the U.S. Postal Service; and provides mail processing and messenger services for SSA headquarters.

c. Directs the SSA records management program, including the SSA vital records program, and develops and implements SSA-wide policies, objective.s standards and procedures governing record retention and disposal, files and filing equipment, and correspondence.

d. In coordination with SSA's Office of Assessment, implements the records management aspects of the Privacy Act, including development of necessary records safeguards; review of the accuracy of SSA notices of new and changed records systems; and provision of advice and assistance to SSA components on Privacy Act requirements for records management.

Dated: July 27, 1979.

Joseph A. Califano, Jr.,

Secretary.

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Statement of Organization, Functions, and Delegations of Authority

Part S of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare contains the Statement of Organization, Functions, and Delegations of Authority for the Social Security Administration (SSA). On March 21, 1979, an amendment to Part S was published in the **Federal Register** (44 FR 17218–17233) to reflect a reorganization of SSA. Sections SJ.00, SJ.10, and SJ.20 of the SSA Statement, as contained on pages 17226–17229 of the amended material published in March 21, 1979, describes the mission, organization, and functions for SSA's Office of Operational Policy and Procedures (OOPP)).

Sections SJ.00, SJ.10, and SJ.20 of the OOPP Statement are restated and expanded to reflect the establishment of division-level components in OOPP's Office of Insurance Programs, Office of Assistance Programs, Office of Enumeration and Earnings Records, Office of Disability Programs, Office of Regulations, Office of Program Directives, and Office of User Requirements and Validation. This statement also deletes reference to the Work Standards and Methods Staff. It has been determined that the functions of this staff would be better located in OMBP's Office of Management Planning and Analysis. Additionally, a number of changes have been made to reconcile organizational statements published on March 21, 1979, with changes in, and clarifications of, functional alignments reached since March 21 to date: To delete reference in the Office of Insurance Programs to responsibility for foreign claims policy; to transfer responsibility for developing operational systems for the enumeration and earnings record processes from the Office of User Requirements and Validation, OOPP, to the Office of Enumeration and Earnings Records, OOPP; and to effect a number of editorial changes of a non-substantive nature meant to clarify and consolidate the material published on March 21, 1979. The revised OOPP material reads as follows:

Sec. SJ.00 The Office of Operational Policy and Procedures—(Mission)

The Office of Operational Policy and Procedures (OOPP) provides SSA-wide leadership and direction to the development, coordination and promulgation of operational policy and procedures in the following areas:

retirement, survivors and disability insurance, supplemental security income, and black lung benefits program policy; establishment, correction and maintenance of social security earnings records; issuance of new and duplicate social security cards; social security coverage of State and local government employees; operations affecting post-entitlement actions and adjusting related master benefit records to reflect changes; and establishment of work standards, methods and processing guidelines for central, regional and field operating components. It develops and promulgates program regulations, and participates in legislative planning by identifying legislative needs and developing legislative proposals for consideration by SSA's Office of Policy. The Office insures that interrelated policy areas are coordinated; represents SSA in overall operational policy matters; and serves as SSA's overall point of operational policy expertise. It ensures that policies are coordinated internally and that all instructional materials developed are compatible with overall operating policies and practices.

Sec. SJ.10 The Office of Operational Policy and Procedures—(Organization)

The Office of Operational Policy and Procedures, under the leadership of the Associate Commissioner for Operational Policy and Procedures, includes:

A. The Associate Commissioner for Operational Policy and procedures (SJ)
B. The Deputy Associate Commissioner for Operational Policy and Procedures (SJ)
C. The Immediate Office of the Associate Commissioner for Operational Policy and Procedures (SJ)
D. The Office of Insurance Programs (SJN)
1. The Division of Coverage (SJN1)
2. The Division of Entitlement (SJN2)
3. The Division of Payment and Adjudicative Policy (SJN3)
4. The Division of Benefit Continuity (SJN4)
E. The Office of Assistance Programs (SJB)
1. The Division of Income and Resources (SJB1)
2. The Division of Eligibility (SJB2)
3. The Division of State Programs (SJB3)
F. The Office of Enumeration and Earnings Records (SJC)
1. The Division of Enumeration and Employer Identification (SJC1)
2. The Division of Earnings Reporting and Maintenance (SJC2)
3. The Division of Records Use and State Reporting (SJC3)
G. The Office of Disability Programs (SJH)
1. The Professional Relations Staff (SJH1)
2. The Medical Consultant Staff (SJH2)
3. The Division of Federal/State Programs (SJH3)
4. The Division of Pre-Adjudicative Policy (SJH4)
5. The Division of Post-Adjudicative and Technical Policy (SJH5)
6. The Division of Rehabilitation Programs (SJH6)
H. The Office of Regulations (SJJ)
1. The Litigation Staff (SJJ1)
2. The Division of Regulations (SJJ2)
3. The Division of Technical Documents and Privacy (SJJ3)
I. The Office of Program Directives (SJG)
1. The Division of Analysis and Review (SJG1)
2. The Division of Publications Management (SJG2)
J. The Office of User Requirements and Validation (SJR)
1. The User Planning and Standards Staff (SJR1)
2. The Division of Payment Processes (SJR2)
3. The Division of Claims and Control (SJR3)
4. The Division of RSDI Postentitlement Systems (SJR4)
5. The Division of SSI Systems (SJR5)
6. The Division of User Support and Interfaces (SJR6)

Sec. SJ.20 The Office of Operational Policy and Procedures—Functions

A. *The Associate Commissioner for Operational Policy and Procedures* (SJ) is directly responsible to the Commissioner for carrying out OOPP's mission and provides general supervision to the major components of OOPP.

B. *The Deputy Associate Commissioner for Operational Policy and Procedures.* (SJ) assists the Associate Commissioner in carrying out his/her responsibilities and performs other duties as the Associate Commissioner may prescribe.

C. *The Immediate Office of the Associate Commissioner for Operational Policy and Procedures* (SJ) provides the Associate Commissioner and Deputy Associate Commissioner with staff assistance on the full range of their responsibilities.

D. *The Office of Insurance Programs* (SJN): Plans, develops and evaluates operational policies, standards, and instructions for the Retirement and Survivors Insurance (RSI) program and those common to two or more SSA benefit programs. Develops and issues the guidelines, directives and operational procedures to be used by operating components in implementing RSI program policies and common SSA program policies, and establishes evidence and verification requirements. Plans, develops, evaluates, and articulates operational policies and instructions governing social security coverage for State and local employees. Coordinates the development, evaluation, and dissemination of operational policies with other SSA components and undertakes similar coordination with a number of Federal and State agencies and other organizations. Evaluates the effects of proposed legislation and policies initiated by SSA's Office of Policy, or of legislation pending before Congress, to determine the impact upon RSI, and common SSA program policies and instructions. Assesses effectiveness of operating policies and initiates actions designed to correct identified deficiencies. Provides advice to SSA officials, the Congress, State governments and to the public on matters concerning RSI, and common SSA operational policies and instructions. Evaluates policies to determine whether training is needed to assure their effective implementation and participates in the development of training materials. Plans and issues the RSI and common policy implementation standards and objectives with which systems development must comply. The Office includes the following components and functions:

1. *The Division of Coverage* (SJN1): a. Plans, develops, and evaluates the operational policies, standards, and instructions of the Retirement and Survivors Insurance (RSI) program and those common to the RSI and one or more of the other SSA benefit programs in the areas of coverage and employment.

b. Develops and issues guidelines, directives, instructions, and operating procedures on such coverage and employment subject areas as wages, coverage and exceptions, anti-poverty programs, earnings discrepancies, coverage aspects of international agreements, self-employment status and income, religious exemptions, State and local coverage and statutes of limitations.

2. *The Division of Entitlement (SJN2):* a. Plans, develops, and evaluates the operational policies, standards, and instructions of the Retirement and Survivors Insurance (RSI) program and

those common to the RSI and one or more of the other SSA benefit programs in the broad area of entitlement.

b. Develops and issues guidelines, directives, instructions, and operating procedures on such entitlement subject areas as applications, insured status, veterans' benefits, railroad employment, family relationships, dependency and support, proofs, school attendance, decoupling and indexing of earnings, reduction of benefits for age, family maximums, saving clauses, recomputations and recalculations of benefits, period of disability computations, awards, disallowances and abatements of claims, earnings records, and claims application forms.

3. *The Division of Payment and Adjudicative Policy* (SJN3): a. Plans, develops, and evaluates the operational policies, standards and instructions of the Retirement and Survivors Insurance (RSI) program and those common to the RSI and one or more of the other SSA benefit programs in the broad areas of payment and adjudicative processes.

b. Develops and issues guidelines, directives, instructions, and operating procedures on such subject areas as administrative appeals process, representation and attorney fees, and administrative finality, adjudicative standards, district office final adjudication, evidence, representative payment including selection of payee, accounting and onsite review, check delivery including direct deposit, cycling, garnishment, assignment, and waiver of benefits. Plans and conducts RSI program reviews and recommends and implements corrective actions based on findings.

4. *The Division of Benefit Continuity* (SJN4): a. Plans, develops, and evaluates the operational policies, standards, and instructions of the Retirement and Survivors Insurance (RSI) program and those common to the RSI and one or more of the other SSA benefit programs in the broad area of benefit continuity.

b. Develops and issues guidelines, directives, instructions, and operating procedures on such continuing benefit subject areas as work notices, annual and monthly earnings tests, suspensions and terminations, government pension offset and enforcement, and beneficiary compliance, overpayments, underpayments, recovery, and waiver.

E. *The Office of Assistance Programs* (SJB): Plans, develops and evaluates operational policies, standards, and instructions for the supplemental security income (SSI) program. Develops and writes the guidelines, directives, and operational procedures to be used by operating components in implementing SSI program policies and establishes evidence and verification requirements. Plans and develops the policies and strategies for negotiating Federal-State agreements that govern SSA's administration of SSI Optional and Mandatory State Supplementation Programs, determinations for States of SSI recipients' eligibility for Medicaid, and State data exchange activities; plans and develops these agreements; and revises them when changes in the programs require it. Plans and implements policies and procedures governing SSI fiscal relationship between SSA and State governments. Provides advice and technical support to regional offices working with officials and agencies on State assistance programs. Coordinates the development, evaluation, and writing of operational policies with other SSA components and undertakes similar coordination with other Federal and State agencies. Evaluates the effects of proposed legislation and policies being initiated by SSA's Office of Policy, or of legislation pending before Congress, to determine SSI operational policy or program administration impact; assesses effectiveness of operating policy standards; develops instructions to correct identified deficiencies; and serves as principal advisor to SSA officials on SSI program operating policies. Evaluates policies to determine whether training is needed to assure their effective implementation and participates in the development of training materials. The Office includes the following major components and functions:

1. *Division of Income and Resources* (SJB1): a. Plans, develops and writes the operating policies, standards, and instructions for implementing eligibility requirements involving income, resources, and in-kind support and maintenance relating to the supplemental security income program.

b. Integrates the SSI program with other assistance and services programs, determining whether the benefits from these programs are includable or excludable as income and resources.

2. *Division of Eligibility* (SJB2): a. Plans, develops and writes the operating policies, standards, and instructions for implementing the eligibility requirements of the supplemental security income program other than income, resources and in-kind support requirements.

b. Develops policies and procedures with respect to such posteligibility actions as suspensions, terminations, settlement of overpayments and underpayments and levying penalties. Ensures that operating policies provide claimants with due process by providing an adequate system of notices to alert them to their rights and develops policies and procedures on pursuing these rights.

c. Gives policy direction to SSA's efforts to exchange benefit information between the SSI program and other Federal/State programs of assistance through the establishment of electronic system interfaces.

3. *Division of State Programs* (SJB3): a. Plans and develops the operating policies, standards, and instructions for all phases, with the exception of the actual computation of SSI State supplementary payments, the optional and mandatory State supplementation programs, as well as the policies governing social security activities with regard to Medicaid determinations, interim assistance reimbursement, food stamps, and institutionalization.

b. Provides the focus for SSA leadership in administering the federally administered optional and mandatory State supplementation programs, as well as such related programs as State Data Exchange (SDX). This includes providing advice and assistance to regions in their administration of individual State programs, maintaining the appropriate model agreements governing SSI fiscal relationships between SSA and State governments, and acting as an expert authority in the resolution of Federal/State fiscal disputes.

F. *The Office of Enumeration and Earnings Records* (SJC): Plans, develops, and evaluates operating policies, procedures and instructions for establishment, correction and maintenance of social security number records, issuance of new and duplicate social security cards, and the processing and maintenance of earnings record data. Develops the policies, procedures and instructions for the reporting of earnings and collection of social security contributions for State and local government employees, a vested pension rights identification and notification system for purposes of the Employee Retirement Income Security Act (ERISA), and for a number of enumeration and earnings record service areas. Coordinates development, evaluation and writing of operational policies with other SSA components. Serves as the SSA focal point for coordination and policy negotiation with other Federal and State agencies on matters involving enumeration and earnings reporting processes. Evaluates the effects of proposed legislation and

policies proposed by SSA's Office of Policy, and of legislation introduced before Congress, on enumeration and earnings record operations processes and program policy instructions. Develops or directs the development of legislative proposals as necessary. Assesses overall effectiveness of operating policies and initiates actions designed to correct deficiencies. Evaluates policies to determine whether training is needed to assure their effective implementation and participates in the development of training materials. The Office includes the following major components and functions.

1. *The Division of Enumeration and Employer Identification* (SJC1): a. Plans, develops, issues and evaluates operating policies, procedures and instructions for the establishment, correction and maintenance of social security number records.

b. Plans, develops, issues and evaluates operating policies procedures, and instructions for the issuance of new and duplicate social security cards.

c. Serves as focal point for coordination of all mass enumeration and validation programs with other agencies; provides responses to questions raised by State, local, and other Federal agencies and private organizations about the issuance of social security numbers and cards.

d. Develops operational procedures and instructions designed to prevent fraud and facilitate fraud detection in social security number (SSN) applications or utilization within the SSA-wide fraud policy established by the Office of Assessment.

e. Plans, develops, issues and evaluates, in conjunction with the Internal Revenue Service, operating policies, procedures and instructions for issuing and maintaining employer identification numbers (EIN's).

f. Plans, develops, issues and evaluates, in conjunction with the Office of Research and Statistics, operating policies, procedures, and instructions for employer classification and Establishment Reporting Plan maintenance.

g. Evaluates legislative proposals, regulations, and statements affecting the enumeration process.

h. Based on established policies and procedures, plans, develops, and evaluates the implementation of manual and automated systems for enumeration and employer identification and classification processes; develops the functional requirements and specifications for such systems; evaluates systems, operational and technological changes for their effect on operational systems; plans and conducts analyses to validate new and modified systems before and after implementation and certifies the acceptability of systems performance.

2. *The Division of Earnings Reporting and Maintenance* (SJC2): a. Plans, develops, issues and evaluates operating policies, procedures, and instructions for reporting earnings (in conjunction with IRS); for processing all earnings data and adjustments to update summary earnings records; for reconciling disagreements regarding earnings statements; and for resolving earnings discrepancies.

b. Provides instructions and procedures for clerical operations concerning handling of improperly reported earnings items and correspond with employers, employees and self-employed individuals on improperly reported items.

c. Develops operating policies and procedures for the establishment, correction and maintenance of a vested pension rights identification and notification system.

d. Serves as the SSA focal point to promote earnings reporting by magnetic media; provides technical input to Office of Public Affairs in planning, developing, and executing public information activities related to earnings reporting.

e. Evaluates legislative proposals, regulations, and statements of policy affecting earnings report processing.

f. Based on established policies and procedures, plans, develops, and evaluates the implementation of manual and automated systems for earnings report processing; develops the functional requirements and specifications for such systems; evaluates systems, operational and technological changes for their effect on operational systems; plans and conducts analyses to validate new and modified systems before and after implementation; and certifies the acceptability of systems performance.

3. *The Division of Records Use and State Reporting* (SJC3): a. Plans, develops, issues, and evaluates operating policy, procedures, and instructions on social security earnings reporting of State and local government employees, including assignment of identification numbers, establishment of records; collection of, and accounting for, all related payments; furnishing Trust Fund (Tax Accountability) information to the Treasury Department; State magnetic media reporting; and handling erroneous reporting to IRS.

b. Plans, develops, issues, and evaluates operating policy, procedures, and instructions on State requested 218(s) reviews of SSA assessments, and allowances and disallowances of credits and refunds; statutory and regulatory time limits on State reporting and payments; determining good cause when State reports or payments are late; onsite administrative reviews of State and local entities (and participates in such reviews); educational and compliance activities; and advises all SSA components and the States on State and local reporting matters.

c. Evaluates legislative proposals, regulations, and statements of policy affecting State earnings report processing.

d. Plans, develops, issues, and evaluates operating policies and procedures for the issuance of earnings statements and the utilization of the earnings record including services for health and sociological research; and for the provision on an individual or on a volume basis, of summary and detailed earnings statements and Master Beneficiary Record data for a variety of nonprogram purposes, including pension plan purposes and volume death verification requests.

e. Negotiates and concludes agreements with individuals or agencies in the public and private sectors to reimburse SSA for the cost of meeting large volume requests for record information.

f. Based on established policies and procedures, plans, develops, and evaluates the implementation of manual and automated systems for records utilization activities and State earnings report processing; develops the functional requirements and specifications for such systems; evaluates systems operational and technological changes for their effect on operational systems; plans and conducts analyses to validate new and modified systems before and after implementation; and certifies the acceptability of systems performance.

G. *The Office of Disability Programs* (SJH): Plans, develops, and evaluates the operational policies, standards and instructions for the disability insurance (DI) program, the disability and blindness provisions of the SSI program, the beneficiary and recipient vocational rehabilitation program, and the black lung benefits program; develops and writes guidelines, directives and operational procedures to be used by operating components in implementing DI program policies; and establishes evidence and verification requirements. Direct planning, development and evaluation of policies and standards governing administration of disability

determination functions conducted under Federal-State disability determination agreements. Jointly with HEW's Rehabilitation Services Administration, formulates regulations, policies and procedures governing payment for vocational rehabilitation services provided to the disabled. Participates in the development and execution of State Disability Determination Services and State Rehabilitation Services budgets. Establishes guidelines governing negotiation of agreements with States under provisions of the Social Security Act; provides operational policy advice and technical support to regional offices and central office components in the administration of disability programs. Develops a nationwide professional relations program with the medical community responsive to the needs and objectives of disability programs; reviews and analyzes pending legislation and proposed policy and procedural issuances to identify factors which may pose professional relations problems with the medical community; evaluates the degree of cooperation and support provided disability programs by the medical community; and identifies weaknesses and strengths in professional relations programs. Coordinates development, evaluation and writing of operational disability policies with other SSA components and undertakes similar coordination with other Federal and State agencies. Evaluates the effects of proposed legislation and policies being initiated by SSA's Office of Policy, and of legislation pending before Congress, to determine disability operational policy or program administration impact; assesses effectiveness of operating policy standards; develops instructions to correct identified procedural deficiencies and serves as principal advisor to SSA officials concerning disability program operating policies. Evaluates policies to determine whether training is needed to assure their effective implementation and participates in the development of training materials. The Office includes the following components and functions:

1. *Professional Relations Staff* (SJH1): a. Carries out professional relations with national medical and allied professional organizations and special interest organizations concerned with disability programs.

b. Plans, directs, and coordinates the development of national instructions and material for engaging the participation of professional medical and health services resources in the disability evaluation process.

c. Coordinates the developing of regional professional relations programs for DI and cooperates with the regional offices in directing, training, providing materials for, and assisting, State Disability Determination Services in their professional relations programs at State and local levels.

d. Assists in the preparation and clearance of all informational material relating to SSA disability programs for the general public. Prepares, clears, and distributes a wide variety of informational materials concerning SSA administered disability programs for medical, paramedical and related audiences at the national, State and local levels. Reviews and analyzes pending legislation, regulations and proposed policy and procedural issuances to identify potential impact on these same groups.

2. *Medical Consultant Staff* (SJH2): a. Provides advice and consultation to the Director of the Office of Disability Programs, the Associate Commissioners for Operational Policy and Procedures, Assessment, and Central Operations, the Commissioner and other officials of SSA and the Department on all medical aspects in the planning, direction, and coordination of the title II disability program and the title XVI (SSI) program for the blind and disabled.

b. Develops broad medical concepts and policies for the administration of the title II and title XVI (SSI) programs and provides consultation for research studies to develop improved medical techniques for evaluating impairment severity and disability.

Provides leadership and professional direction to the Regional Medical Officers and consultants and to State Disability Determination Services medical personnel engaged in title II and title XVI (SSI) related activities.

c. Provides medical consultation required in the formulation of medical evaluation and development policies and guides and develops orientation and training programs for medical personnel in the Office of Disability Programs, regional offices, and State Disability Determination Services.

3. *Division of Federal/State Programs* (SJH3): a. Provides national direction for those portions of the disability programs administered through the State Disability Determination Services (DDS) under the Federal/State agreements and the SSA regional offices; establishes guidelines and standards governing the negotiation of agreements with States under provisions of the Social Security Act dealing with the disability programs.

b. Develops and maintains a comprehensive national system of policies, standards, and procedures for the administrative and fiscal management of the DDS: utilizing the processing information made available through OMBP's management information system, sets processing goals and otherwise oversees DDS operations activities; assesses overall operations activities and changes as they relate to day-to-day operations of the DDS.

4. *Division of Pre Adjudicative Policy* (SJH4): a. Plans, develops, and evaluates the operational policies and standards and formulates, issues, and maintains instructions, guides, and technical materials required to carry out the nationwide disability programs under titles II and XVI (SSI) of the Social Security Act and the black lung benefits program concerning medical, vocational, and work documentation and evaluation; develops, in cooperation with the Medical Consultant Staff, medical standards for determining disability, and the development of evidence.

b. Coordinates the Division's areas of responsibility with the Medical Consulatant Staff and with other components within SSA and agencies outside SSA to ensure compatability with SSA objectives.

c. Contributes to the development of, reviews and provides policy concurrence for, guides, procedures, and instructions developed for personnel in the Office of Central Operations, district and branch offices, SSA regional offices, other SSA components and State agencies involved in adjudicating disability and blindness claims.

5. *Division of Post adjudicative and Technical Policy* (SJH5): a. Plans, develops, and evaluates operational policies, standards, instructions, guides, and technical materials required to carry out the nationwide disability programs under titles II and XVI (SSI) of the Social Security Act and the black lung benefits program concerning disability claims adjudication and the continuing eligibility or entitlement to benefits for disabled beneficiaries. The policies and standards include medical and work-related aspects of continuing disability, drug addiction and alcoholism as they relate to the SSI disability program, chronic renal disease, totalization, railroad disability claims, and black lung claims adjudication and determinations.

b. Plans, develops, and evaluates the diability aspects of operational policies and standards in the following areas: appeals, due process, administrative

finality, attorney representation and fees, medical privacy, Freedom of Information, fraud and program integrity issues unique to the disability programs.

6. *Division of Rehabilitation Programs* (SJH6): a. Develops and carries out programs to increase vocational rehabilitation of the disabled, and reviews disability program policies and operations for consistency with rehabilitation goals.

b. Jointly with HEW's Rehabilitation Services Administration (RSA) formulates regulations, policies, procedures, and guides governing payment for vocational rehabilitation services provided to the disabled from trust funds and general revenues; and appraises rehabilitation program operations.

c. Represents SSA in its relationships with the Council of State Administrators of Vocational Rehabilitation and its Vocational Rehabilitation Subcommittee on Social Security Relationships; coordinates with RSA in overall rehabilitation program matters; and works with other public and private agencies to develop, organize, and coordinate rehabilitation services programs.

H. *The Office of Regulations* (SJJ): Plans, develops, and writes SSA regulations and provides for the publication of regulations. Performs an ongoing assessment of the regulations process in SSA. Serves as the SSA focal point on matters concerning litigation; formulates SSA appeal recommendations to HEW's Office of General Counsel on adverse decisions and provides trend analyses of SSA's litigation activities. Plans and develops rulings to provide interpretations and application of the Social Security Act and regulations governing social security programs; develops and publishes general and special compilations of social security laws, various technical issuances and program handbooks. Coordinates within OOPP the review and clearance of regulations for the claims and payment processes developed for the retirement, survivors, and disability insurance programs, the supplemental security income program, and the black lung benefits program; assures that SSA's Office of Policy has input into the regulations development process. Provides technical, consultative, and advisory services within OOPP and to SSA in the development of regulations. Formulates policy concerning Privacy Act provisions and serves as liaison between SSA and the Office of the Secretary on related activities. Coordinates activities with HEW's Office of General Counsel on the issuance of regulations and rulings. Negotiates with HEW and the Office of the **Federal Register** on regulations matters and other areas of concern to this Office and, in coordination with SSA's Office of Governmental Affairs, negotiates with other Federal and non-Federal agencies, organizations and institutions on matters within the Office's mission. Evaluates policies to determine whether training is needed to assure their effective implementation and participates in the development of training materials. The Office includes the following components and functions.

1. *The Litigation Staff* (SJJ1): a. Formulates and coordinates an SSA recommendation to HEW's Office of General Counsel on appeal of adverse court decisions under the RSI, DI, SSI, BLB, and AFDC programs, and those CSE decisions with implications for AFDC programs, as well as an SSA position with respect to new complaints and settlement of court cases; serves as the focal point within SSA for civil litigation activities.

b. Responds to interrogatories and ensures implementation of court orders, settlements, etc., resulting from litigation; participates in settlement negotiations with OGC. Prepares statistical, trend analysis, and other reports on SSA litigation activity.

2. *The Division of Regulations* (SJJ2): a. Plans, develops, writes, manages the processing of, and recommends for promulgation, SSA regulations under the RSI, DI, SSI, and BLB programs. Reviews for technical and style requirements SSA regulations under the AFDC program; participates in the drafting as required and manages AFDC regulations through the regulation process to publication.

b. Prepares for publication in the **Federal Register** informational notices on various subjects.

3. *The Division of Technical Documents and Privacy* (SJJ3): a. Plans, develops, and updates social security rulings, policy statements, and other issuances such as general and special compilation of the social security laws, compilation of the legislation affecting social security programs introduced into each Congressional session, the Law and Regulations, and the Social Security Handbook.

b. Maintains a professional and technical reference service for OOPP components and directs a nationwide precedent system for SSA operating personnel; serves as the focal point for OOPP reference and research activities.

c. Plans, develops, and promulgates Privacy Act operational policies, procedural rules and requirements, and instructions; develops and analyzes confidentiality and disclosure policies. Serves as liaison with IRS on disclosures under the Tax Reform Act, and with HEW on privacy matters.

I. *The Office of Program directives* (SJG): Directs the review, coordination, publication, and distribution of program instructions and other materials to insure uniformity, lack of duplication, and compatibility of all SSA operational instructional, and informational material; participates in determining the instructional needs of SSA operating personnel. Directs a technical review of program operating instructions to insure proper integration, organization, clearance, and audience for materials prepared by various SSA components for the program operations manual system (POMS). Coordinates publication, distribution, and warehousing of all program instructional and related materials' directs a quality review of new issuances to insure proper reproduction of printed materials. Indexes all program instructional material and determines user needs in this area. Participates with SSA's Office of Systems in the design, development, and ongoing administration of a computerized system for storing, updating, publishing, and distributing operational instructions and materials; coordinates with SSA's Office of Management, Budget, and Personnel, as appropriate. Establishes policies and guidelines for the distribution, required by the Freedom of Information Act, of SSA program publications for the public. The Office includes the following major components and functions:

1. *The Division of Analysis and Review* (SJGL): a. Plans, reviews, and coordinates the development and issuance of SSA program instructional and informational material prepared by various components.

b. Establishes standards and guidelines for the development and issuance of instructional material and assesses the effectiveness of the SSA instruction system.

2. *The Division of Publications management* (SJG2): a. Plans, directs, and coordinates the proper publication, distribution, and warehousing of all SSA program instructional materials. Develops guidelines, standards, and procedures for computerization of the POMS.

b. Assesses the effectiveness of instructional publications delivery operations. Develops and produces indexes for program instructional materials and determines user needs in this area.

k. *The Office of user Requirements and Validation* (SJR): The Office of User Requirements and Validation (OURV) plans, develops, implements and evaluates operational systems for the adjudication and payment of retirement, survivors, and disability insurance (RSDI) claims; supplemental security income (SSI) claims; postadjudicative actions; payment and case control operations; health insurance (HI) entitlement; and supplementary medical insurance (SMI) premium collection. Ensures the efficiency and operational effectiveness of manual and automated systems from a program perspective and that operational policies and automated processes interact. Develops operational procedures for the various manual, automated, and semi-automated processes conducted throughout the Office of Central Operations (OCO) and SSA field offices (e.g., DO's BO's TSC's, etc.). Plans and conducts reviews in headquarters and field offices to evaluate the effectiveness of operational systems. Assures that systems development and operations reflect OOPP decisions and provides interpretation, technical advice and guidance to OOPP components on matters relating to operational systems. Evaluates legislative proposals, systems and operational changes, and changing technology for impact on SSA operational systems and procedures. Develops systems performance specifications for new systems and modifications to existing systems to meet the requirements of SSA programs and plans for the development and implementation of these systems. Plans and conducts analyses to evaluate and validate new or modified systems and certifies the acceptance of systems performance. Coordinates among SSA's Office of Systems (OS), OCO, and the SSA Regional Offices (RO's) to ensure effective user participation; works closely with OS in the planning of major process redesigns; and translates program requirements into operational systems specifications. Evaluates systems-related operational procedures to determine the need for training and participates in the development of training materials. The Office includes the following components and functions:

1. *The User Planning and Standards Staff (SJR1):* a. Develops and maintains guidelines and coordinates validation activities to assure consistency in the validation processes conducted throughout OURV.

b. Develops OURV standards to ensure effective and uniform user systems requrements. Develops major systems objectives for inclusion in the SSA-wide Systems Plan developed by OS. Performs cost/benefit analyses to evaluate the impact of systems objectives on the program and user community.

d. Serves as the focal point and user advocate for contacts by OCO and field offices concerning user problems; analyzes problems and issues raised by users concerning the development of specifications requirements; identifies recurring problem situations and resolves the problems; insures that the field has appropriate input into changes and priorities.

e. Analyzes legislation and measures impact of legislation on priorities and schedules.

f. Approves general process level and systems requirements prepared by Office of Advanced Systems (OAS), OS for the redesign of major SSA processes.

g. Plans and directs special projects, operational reviews, or post-implementation reviews requiring intercomponent participation by OS and user components.

h. Coordinates the development within OURV of justifications for additional ADP or telecommunications resources to support SSA's operational systems and submits these to OS.

i. Coordinates the development of user system priorities and plans. Serves as the focal point in communicating these plans and priorities to OS. Serves as contact with OS concerning OS initiated system changes and acts as project manager for major system changes such as RSDHI Redesign.

2. *The Division of Payment Processes* (SJR2): a. Plans, develops, validates and implements operational systems, methods and procedures for dealing with RSDI and SSI checks, RSDI Computations and recomputations, payment adjustments, underpayments, overpayments, and other payment-related functions.

b. Plans, develops, validates and implements operational systems, methods and procedures involved in the maintenance and modification of the RSDI Master Beneficiary Record.

c. Provides technical advice and assistance to other components concerning automation of payment processes and other payment-related issues.

d. Serves as primary point of contact with the Treasury Department on payment and check-related operations.

3. *The Division of Claims and Control* (SJR3): a. Plans, develops, validates, and implements operational systems and related methods and procedurses for RSDI claims operations.

b. Plans, develops, validates, and implements operational systems methods and procedures relating to the processing of all types of awards and disallowances in district and branch offices, Disability Determination Services (DDS's), program service centers (PSC's), the Division of international Operations, and the Office of Disability Operations (ODO).

c. Plans, develops, validates, and implements operational systems, methods, and procedures relating to workflows, to the receipt and handling of material and to control of RSDI and SSI claims, post-adjudicative actions and folders.

4. *The Division of RSDI Postentitlement Systems* (SJR4): a. Plans, develops, validates, and implements systems performance specifications and procedures to handle HI entitlement and SMI enrollment and premium billing collection activities.

b. Plans, develops, validates, and implements systems specifications and procedures for automated and manual processing of various correspondence and critical case processes.

c. Develops, validates, and implements various RSDI systems and methods requiring the processing of postadjudicative reports and notices.

d. Develops, validates, and implements systems and related methods and procedures for the DDS's, and for other (OCO and field) components involved in the disability and Black Lung processes. Serves as focal point for disability related system issues, for example: continuing disability investigations and vocational rehabilitation systems.

5. *The Division of SSI systems* (SJR5): a. Plans, develops, validates, and implements new operational systems, methods and procedures concerning the manual, automated and semi-automated processing of SSI claims and post-eligibility reports and notices.

b. Plans develops, validates, and implements SSI systems and methods involving the processing of redeterminations, underpayments, overpayments, computations, due process, income reports, living arrangements, and other eligibility requirements.

c. Evaluates the need for new or modified systems to implement new legislation or improve the present SSI system. Prepares performance specifications based on program requirements.

d. Provides direction and assistance to OCO, and district and branch offices concerning the processing of SSI claims.

6. *The Division of User Support and Interfaces* (SJR6): a. Plans, develops, validates, and implements operational systems, methods and procedures relating to the exchange of data between SSA systems; with other federal systems such as OPM, VA, RRB, etc.; and with States (State Data Exchange System, BENDEX, etc.); and establishes detailed mechanisms for measuring the adequacy of SSI data exchange processes.

b. Evaluates the need for new or modified systems to implement changes to optional and mandatory State supplementation programs, food stamps, Medicaid, and other State programs such as social services.

c. Provides technical guidance for data exchange systems to OCO, Regional Offices, and other components.

d. Plans and develops performance specifications concerning various technical support areas such as SSADARS improvements, SSADARS formats, telecommunication requirements, and data bases. Participates in validation and implementation of new systems technology, and provides technical support procedures.

e. Works with users to determine equipment requirements and provides user input to OS concerning these requirements; develops data concerning acquisition and utilization of various types of equipment and provides user with technical procedures regarding equipment use.

f. Develops users requirements concerning the utilization of data bases, telecommunications, ADP equipment and related data processing services.

Dated: July 27, 1979.

Joseph A. Califano, Jr.,

Secretary.

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Statement of Organization, Functions, and Delegations of Authority

Part S of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare contains the Statement of Organization, Functions and Delegations of Authority for the Social Security Administration (SSA). Sections SB.00, SB.10 and SB.20 of the SSA Statement, published at 44 FR 17220 and 17221 dated March 21, 1979, describe the mission, organization and functions for SSA's Office of Systems (OS). These sections are restated and expanded to reflect: establishment of division-level components in OS; assignment to OS of responsibility for external liaison on automatic data processing (ADP) and telecommunications procurements, previously assigned to SSA's Office of Management, Budget and Personnel; modifications in the responsibilities of OS' Office of Advanced Systems (OAS) for long-range planning and new responsibilities for OAS in the preparation of ADP procurement proposals; assignment of responsibility for user services and external liaison for ADP procurements to OS' Office of Systems Planning and Control (OSPC); and transfer of responsibility for applied technology and research from OSPC to OAS. The revised material for OS reads as follows:

Sec. SB.00 The Office of Systems—(Mission)

The Office of Systems (OS) directs and coordinates the planning, development, implementation, operation, and maintenance of SSA's automatic data processing (ADP) and data communications systems. It defines, designs and develops current and future ADP and data communications-based systems which directly support SSA's program activities, including: enumeration and earnings recordkeeping; insurance programs and income maintenance programs; operation and support of the computer and data communications complex; and the control, planning and evaluation of existing and future ADP and data communications systems software and hardware. The Office develops and maintains automated systems that produce statistical, administrative and management information. It advises the Commissioner and the SSA Executive Staff on ADP and data communications issues and concerns and represents SSA in dealings with Federal and non-Federal agencies and organizations on the full range of OS functions, including systems plans and ADP/telecommunications acquisition and utilization.

Sec. SB.10 The Office of Systems—(Organization)

The Office of Systems, under the leadership of the Associate Commissioner for Systems, includes:

A. The Associate Commissioner for Systems (SB)

B. The Deputy Associate Commissioner for Systems (SB)

C. The Immediate Office of the Associate Commissioner for Systems (SB), which includes:

The Management Support Staff (SB)

D. The Office of Advanced Systems (SBV), which includes:

1. The Division of ADP Specifications (SBV1)

2. The Division of Applied Technology (SBV2)

3. The Division of Process Redesign SBV3)

E. The Office of Systems Development (SBE), which includes:

1. The Division of Earnings Systems (SBE1)

2. The Division of RSDI Data Systems (SBE2)

3. The Division of RSDI Transaction Systems (SBE3)

4. The Division of SSI Claims and Postentitlement Systems (SBE4)

5. The Division of SSI Contact, Control and Accounting Systems (SBE5)

6. The Division of Systems Management and Technical Support (SBE6)

F. The Office of Systems Operations (SBP), which includes:

1. The Division of Data Processing Operations (SBP1)

2. The Division of Data Processing Production Control (SBP2)

3. The Division of Data Processing Systems Software (SBP3)

G. The Office of Systems Planning and Control (SBC), which includes:

1. The Division of ADP and Telecommunications Capacity Management (SBC1)

2. The Division of Resource Acquisiton Management (SBC2)

3. The Division of Standards and Control (SBC3)

4. The Division of Strategic Planning and Integration (SBC4)

5. The Division of User Services (SBC5)

H. The Office of Data Services (SBS), which includes:

1. The Technical Support Staff (SBS6)

2. The Test Center Planning Staff (SBS5)

3. The Division of Administrative Systems (SBS1)

4. The Division of Program Statistics (SBS2)

5. The Division of Scheduling and Operations (SBS3)

6. The Division of Specialized Software Systems (SBS4)

I. The Office of Data Communications (SBG), which includes:

1. The Division of Data Communications Operations (SBG1)

2. The Division of Data Communications Technology (SBG2)

Sec. SB.20 The Office of Systems—(Functions)

A. *The Associate Commissioner for Systems* (SB) is directly responsible to

the Commissioner for carrying out the OS mission and provides general supervision to the major components of OS.

B. *The Deputy Associate Commissioner for Systems* (SB) assists the Associate Commissioner in carrying out his/her responsibilities and performs other duties as the Associate Commissioner may prescribe.

C. *The Immediate Office of the Associate Commissioner for Systems* (SB) provides the Associate Commissioner and Deputy Associate Commissioner with staff assistance on the full range of their responsibilities. It includes:

The Management Support Staff (SB):

1. Plans, develops and coordinates the preparation of the OS budget and assures that it is carried out. Compiles required financial reports and negotiates with SSA's Office of Management, Budget and Personnel (OMBP) on OS budget matters.

2. Determines OS training requirements. Advises OMBP on what training is needed and when it is best to schedule the training. Assures that technical training plans comply with OS training requirements.

3. Identifies and presents OS management information needs to OMBP, requesting the preparation of new reports as necessary. Interprets and evaluates management information to recommend improvements and changes in the management of OS resources.

4. Coordinates the recruitment and placement of OS personnel, assists with employee relations and assesses OS organizational and manpower needs.

D. *The Office of Advanced Systems* (SBV): The Office of Advanced Systems (OAS) conducts comprehensive process and systems planning efforts for SSA. Working with major users of OS services and OS' Office of Systems Planning and Control (OSPC), it reviews major SSA processes and recommends to SSA management ways to improve service, reduce cost and achieve other improvements through the redesign of these processes. It develops and maintains a Redesign Plan which summarizes planned changes, activities and the sequence of activities. The Office prepares proposals for process changes and automatic data processing (ADP) and telecommunications systems requirements for major redesign projects and monitors redesign projects through completion. It evaluates the general application and use of current technology in major process redesign efforts and in ongoing OS systems support activities. The Office designs and directs the implementation of pilot tests to assess the cost-effectiveness of the use of technology improvements in SSA. It prepares technical specifications and acceptance criteria for the acquisition of all major ADP resources in OS. The Office includes the following components and functions:

1. *The Division of ADP Specifications* (SBV1): a. Prepares technical specifications for the acquisition of major ADP resources in OS, for example, major increases in capacities or the acquisition of new ADP resources.

b. With the assistance of users and other OS components, determines workload requirements and specifies acceptance criteria for the equipment to be acquired.

c. Provides technical support to OS components during major procurement activities. Directs technical work groups which develop requirements for special systems capabilities. Provides support to OSPC in conducting liaison with monitoring agencies, including the General Services Administration (GSA), the Office of Management and Budget (OMB), etc. on major ADP/telecommunications procurement matters.

2. *The Division of Applied Technology* (SBV2): a. Evaluates the general application and use of current ADP technology. Collects, analyzes and disseminates the latest applied technological research information in a variety of technical areas associated with the needs of SSA, ADP and telecommunications resources. Makes recommendations to users and OS systems designers for the use of more effective and efficient techniques.

b. Designs and directs the implementation of pilot tests to assess the cost-effectiveness of the use of technology improvements in OS systems support activities.

c. Supports OAS' Division of Process Redesign by identifying trends in current ADP technology and anticipated developments which may affect SSA's long-range ADP and telecommunications plans.

d. Assists in the ADP procurement process by taking part in the preparation of technical specifications for new technology areas and assisting with the technical evaluation of vendor proposals.

3. *The Division of Process Redesign* (SBV3): a. Reviews major SSA processes and recommends ways to improve service, reduce cost and achieve other improvements through the redesign of these processes and the use of automation. Identifies the sequence of activities needed to implement these changes and maintains a Redesign Plan summarizing changes and planned activities.

b. Documents current SSA operations. Reviews and evaluates proposals to change current operations for consistency with redesign plans and updates current process documentation to include approved changes.

c. Continually reviews the Redesign Plan and recommends modifications to correct for schedule slippages and changes in requirements.

d. Performs cost-benefit analyses and develops evaluation criteria to assist in determining trade-offs between major manual process functions and automated systems functions.

e. Prepares, and submits for OS and user approval, proposals for process changes and ADP and telecommunication system requirements for major redesign projects. Monitors redesign projects through completion and monitors procurement activities associated with major redesign projects.

E. *The Office of Systems Development* (SBE): The Office of systems Development (OSD) plans, directs and coordinates the development of operational ADP systems which directly support SSA's insurance and income maintenance programs. It develops new and modified systems, including systems analysis and design, programing, testing, implementation and maintenance. The Office coordinates systems development activities with OSPC to assure full integration with SSA plans. It assures implementation of systems operating policies by developing detailed standards, methods and procedures consistent with OSPC directives and standards. The Office serves as liaison with other SSA components, other governmental agencies, and private organizations on the systems development and maintenance functions of OSD. The Office includes the following components and functions:

1. *The Division of Earnings Systems* (SBE1): a. Performs the systems analysis, design, programing and testing necessary to develop and maintain current, new and redesigned systems in response to approved user systems requirements for preentitlement earnings and enumeration applications. These systems establish, correct and maintain social security number records; update and maintain records of new and duplicate social security cards; establish and maintain summary earnings records; process earnings adjustments; post incorrectly reported earnings items by investigation and identification of the proper account; provide earnings record information to employers, employees, and self-employed individuals; and

establish, correct and maintain vested pension rights identification and notification records.

b. Translates user requirements, as approved by appropriate OS components, into detailed design, development and testing activities and documentation of current, new or redesigned systems.

c. As directed, conducts continuing liaison with other SSA offices and other Federal, State and local agencies to determine the feasibility and to plan the development of preentitlement earnings and enumeration system applications.

d. Provides SSA's Office of User Requirements and Validation (OURV), Office of Operational Policy and Procedures (OOPP), and OSPC with a technical assessment of the effect of legislative and administrative proposals on existing preentitlement earnings and enumeration system applications.

2. *The Division of RSDI Data Systems* (SBE2): a. Performs the systems analysis, design, programing and testing necessary to develop and maintain current, new and redesigned systems in reponse to approved user system requirements for RSDI data base establishment and maintenance applications. These systems provide: edit of incoming new records and transactions; control of in-process and stored transactions; ability to retrieve and display transaction data; exchange of data with non-SSA systems; production of monthly benefit payment information for the Department of the Treasury; and statistical and actuarial study data for OS' Office of Data Services (ODS).

b. Translates user requirements, as approved by appropriate OS components, into detailed design, development and testing activities and system documentation for current, new or redesigned systems.

c. As directed, conducts continuing liaison with other SSA components and other Federal and State agencies to determine the feasibility and to plan the development of RSDI data base establishment and maintenance system applications.

d. Provides OURV, OOPP, and OSPC with a technical assessment of the effect of legislative and administrative proposals on existing RSDI data base establishment and maintenance system applications.

3. *The Division of RSDI Transaction Systems* (SBE3): a. Performs the systems analysis, design, programing and testing necessary to develop and maintain current, new and redesigned systems in response to approved user system requirements for RSDI transaction processing. These systems: calculate insured status, primary insurance and benefit estimates, and benefit payment rates; record and modify entitlement and eligibility factors; identify overpayments and control their disposition; provide beneficiary notices; update and maintain a variety of records and materials which record the results of automatic processing; produce or extract management information data for use by ODS; and provide data exchange information for other SSA and non-SSA systems.

b. Translates user requirements, as approved by appropriate OS components, into detailed design, development and testing activities and system documentation for current, new or redesigned systems.

c. As directed, conducts continuing liaison with other SSA components and other Federal and State agencies to determine the feasibility and to plan the development of RSDI transaction system applications.

d. Provide OURV, OOPP, and OSPC with a technical assessment of the effect of legislative and administrative proposals on existing RSDI transaction system applications.

4. *The Division of SSI Claims and Postentitlement Systems* (SBE4): a. Performs the systems analysis, design, programing and testing necessary to develop and maintain current, new and redesigned systems in response to appoved user system requirements for supplemental security income (SSI) claims and postentitlement transaction applications. These systems: edit incoming new records and transactions; maintain and revise the SSI master file to reflect changes in recipient status; cross-refer related records; compute both Federal SSI benefit payments and State supplementary payments; identify overpayments and control their disposition; select, control and follow up on cases requiring periodic redetermination; establish diaries to record and control needed claims actions; provide generalized data access software; provide full and partial record selection and display formats; and prepare transaction history records.

b. Translates user requirements, as approved by appropriate OS components, into detailed design, development and testing activities and system documentation for current, new or redesigned systems.

c. As directed, conducts continuing liaison with other SSA components and other Federal and State agencies to determine the feasibility and to plan the development of SSI transaction systems.

d. Provides OURV, OOPP, and OSPC with a technical assessment of the effect of legislative and administrative proposals on existing SSI claims and postentitlement transaction system applications.

5. *The Division of SSI Contact, Control and Accounting Systems* (SBE5): a. Performs the systems analysis, design, programing and testing necessary to develop and maintain current, new and redesigned systems in response to approved user system requirements for SSI contact, control and accounting applications. These systems: provide recipient notices about claims decisions, changes of status an changes in payment amount; control the location and movement of SSI claims folders; control transactions which involve exception conditions and notices requesting corrections; provide validation testing of systems changes before and after they are implemented; account for disbursemet of Federal and State funds, including data for establishing State fiscal liability; produce payment information for the Department of the Treasury; produce statistical information, management information and actuarial data for use by ODS; accumulate data for States to use in determining State supplementation and Medicaid eligibility; and produce data for exchange with both SSA and other government records systems to verify recipient income information.

b. Translates user requirements, as approved by appropriate OS components, into detailed design, development and testing activities and system documentation for current, new or redesigned systems.

c. As directed, conducts continuing liaison with other SSA components and other Federal and State agencies to determine the feasiblity and to plan the development of SSI contact, control and accounting systems.

d. Provides OURV, OOPP, and OSPC with a technical assessment of the effect of legislative and administrative proposals on existing SSI contact, control and accounting system applications.

6. *The Division of Systems Management and Technical Support* (SBE6): a. Provides project management direction for designated systems developed by OSD; for these systems, the Division: administers formal controls for system changes including the review, establishment and maintenance of official documentation for completed software systems; reviews and approves system change proposals; and directs implementation by controlled release of

approved system changes coordinating the content and schedule of these releases with users, the Office of Systems Operations (OSO) and OSPC; prepares new system development or changes in project plans by identification and approval of task assignments, manpower and machine estimates and implementation schedules; assigns responsibility for project design and development to other OSD Divisions; conducts review of system design at appropriate intervals; directs revisions to technical design or development, as required; reviews project results for compliance with OS standards; and certifies system development project completion.

b. Provides technical support to other OSD Divisions in resolving unusual problems concerning design, development and maintenance activities.

c. Examines existing application software for efficiency of programing. Where required, recommends changes to the appropriate OSD component to increase efficiency and assists programers in improving programs and systems.

d. Reviews standards developed by OSPC as they relate to OSD system development activities and recommends to OSD management ways to apply those standards in OSD.

F. *The Office of Systems Operations* (SBP): The Office of Systems Operations plans and directs data processing operations in support of social insurance and income maintenance programs. It assures that systems operations plans are consistent with overall OS plans. The Office manages a complex data processing facility of computers and related equipment which process and maintain basic program data. It designs, develops, implements and provides operating control systems software and operational standards for SSA ADP equipment. The Office conducts technical evaluation of operations in the data processing facility and advises the Associate Commissioner for Systems, and other SSA officials on all technical matters concerning data processing operations. It serves as liaison with other SSA officials on all technical matters concerning data processing operations. The Office serves as liaison with other SSA components, Federal and non-federal agencies, and other organizations on operational data processing matters. It develops plans and specifications for the acquisition of data processing equipment, software and related technical resources, within guidelines established by OSPC. The Office includes the following components and functions:

1. *The Division of Data Processing Operations* (SBP1): a. Operates the centralized OS computer facility, which includes computer systems hardware and associated peripheral equipment.

b. Schedules day-to-day workflow for the ADP facility within plans and priorities established by OSO's Division of Data Processing Production Control.

c. Operates, maintains and controls the magnetic tape library for all OS computer activities.

d. Analyzes equipment problems, isolates malfunctions, and oversees corrective actions by SSA or vendor personnel.

e. Schedules and assures preventive maintenance of all equipment under the operational control of OSO.

f. Provides for the physical security of all OS resources in the centralized OS computer facility and manages the facility within boundaries established by OMBP.

2. *The Division of Data Processing Production Control* (SBP2): a. Directs the development of broad operational plans and production schedules for computer operations.

b. Manages the production workload of OSO and monitors the performance and utilization of resources in the computer complex. Initiates actions to improve the efficiency of data processing operations.

c. Designs, develops and implements automated data processing systems for production control. Operates these systems to utilize the SSA tape library and to automate the scheduling and allocation of production work for OSO's Division of Data Processing Operations.

d. Reviews and approves proposed application systems to assure that operational standards, support and control aspects are fully considered.

e. Controls the flow of materials into ADP production jobs. Reviews production results for accuracy and completeness.

f. Provides liaison with users on the status of production jobs or associated problems.

3. *The Division of Data Processing Systems Software* (SBP3): a. Directs the analysis, design, development and maintenance of computer control systems and utility software for SSA's central data processing center and SSA field components.

b. Conducts analysis, simulation modeling, feasibility and cost-benefit studies related to new software developments, vendor software and major revisions of existing software, under guidelines established by OSPC.

c. Evaluates the quality of operating systems being implemented.

d. Supports the user liaison and systems development activities of other OS components in the resolution of technical and operational problems.

e. Plans for the electronic linkage of ADP resources under OSO control.

f. Prepares and distributes technical operating and maintenance manuals for ADP resource users.

g. Supports special technical projects in OS.

G. *The Office of Systems Planning and Control* (SBC): The Office of Systems Planning and Control directs SSA-wide systems planning and control. It directs the development of broad OS systems plans, determines planning requirements at various levels within OS, and assigns responsibility for carrying out these requirements at various levels in OS. The Office reviews and approves technical and operational systems proposals and assures that all plans are fully integrated with the planning objectives of OS. It determines systems priorities among program areas to ensure maximum use of OS resources. The Office determines and proposes to the Associate Commissioner for Systems resource requirements for systems activities in OS. It plans and develops policies, standards and procedures for overall management of OS. The Office performs a comprehensive data base administration function, including control and authority over critical SSA operational data bases. It serves as the central point of contact and coordination for the resolution of problems identified by the users of OS systems. The Office directs and coordinates OS activities associated with the planning, utilization measurement, and procurement of ADP equipment and software resources. It serves as liaison with other SSA components, HEW, and external monitoring authorities, including GSA, OMB, the General Accounting Office (GAO), and Congress on SSA systems plans and ADP/telecommunications acquisition and utilization. The Office includes the following components and functions:

1. *The Division of ADP and Telecommunications Capacity Management* (SBC1): a. Evaluates computer performance, monitors resource utilization, and manages the technical aspects of SSA's ADP/telecommunications systems to ensure that these systems are used effectively and efficiently. Analyzes SSA's present and future ADP/telecommunications capacity requirements and prepares

recommendations to top OS management.

b. Ensures that ADP/telecommunications system performance objectives are being met and that data bases are efficiently implemented.

c. Designs and implements an ADP resource and cost accounting system for OS and provides a variety of resource cost data for OS accounting purposes.

d. Provides advice and services to other OS components in the use of computer performance evaluation tools and techniques and the interpretation of reports and data resulting from evaluation and utilization studies.

2. *The Division of Resource Acquisition Management* (SBC2): a. Develops SSA policies and procedures for the acquisition of ADP and telecommunications equipment, software and services, in compliance with SSA, HEW, OMB, and GSA policies and regulations.

b. Reviews and evaluates plans and individual requests from SSA components for the acquisition of ADP equipment, telecommunications equipment and technical services, in terms of available resources. Reviews individual procurement requests for adequacy of documentation, competitiveness and conformance to applicable regulations and policies.

c. Directs OS participation in the ADP procurement process, from OS review and approval of the purchase requisition through the acceptance of equipment. Coordinates the development of materials which justify the need for procurement and prepares documentation required by HEW, GSA, and OMB to support the acquisition of equipment and services.

d. Initiates equipment renewal and maintenance requisitions in support of ongoing operations and certifies and authorizes invoice payment for ADP equipment and services.

e. Acts as liaison between SSA and authorities such as HEW, GSA, and OMB, which monitor SSA's acquisition and use of ADP and telecommunications equipment. Acts as technical liaison between SSA user components and contract and budget officers in OMBP on all requests for ADP and telecommunications equipment and technical services.

f. Develops and provides management controls for ADP procurement activities and for the inventory of ADP and telecommunications equipment and facilities.

3. *The Division of Standards and Control* (SBC3): a. Establish standards and mandatory systems procedures for OS activities including systems design, programing, testing and documentation. Develops controls and enforcement mechanisms to ensure adherence to standards. Recommends development of operational standards to other OS components and reviews and approves them. Administers the Federal and HEW ADP standards programs within OS.

b. Directs the planning, implementation and evaluation of the systems security program in OS, under HEW and SSA privacy and security policies. Specifies safeguards to be included in the design, development and operation of SSA automated systems to protect the confidentiality of all personal and sensitive information.

c. Serves as OS liaison with oversight components in matters of ADP and data communications privacy and security.

4. *The Division of Strategic Planning and Integration* (SBC4): a. Formulates an SSA-wide Systems Plan and assigns responsibility among major OS components for various parts of the Plan.

b. Works with SSA user organizations to evaluate their proposed systems objectives in terms of technical feasibility, availability of OS resources and systems costs. Identifies the major OS activities and resources needed to support these objectives.

c. Coordinates and directs the development of the total OS technical manpower, equipment and other special costs for the SSA budget process and justifies these on the basis of the SSA Systems Plan.

d. Allocates resources and monitors projects for all OS activities, directs the preparation of detailed plans on the project or operational activity level and authorizes the use of resources by OS components in support of these plans. Monitors progress and use of manpower and equipment resources by OS components against their approved plans.

e. Develops standard methods for project management and assists OS components in their use.

5. *The Division of User Services* (SBC5): a. Serves as the initial contact and central coordination point in OS for users of OS services. Analyzes specific problems and general issues raised by users and assures that problems are resolved by appropriate OS components. Identifies trends in OS services, evaluates the quality of service provided to users and recommends improvements to OS management.

b. Conducts reviews of major OS operational systems to evaluate their effectiveness, reports the results and recommends to OS management improvements in systems which are not operating effectively.

c. Coordinates with users and OSPC's Division of ADP and Telecommunications Capacity Management in establishing priorities and schedules for critical user workloads.

d. Provides for the overall management of critical SSA data bases. Develops standards and procedures for data base content, access and security.

e. Provides information to users on available OS services and assures that they are informed of changes and improvements.

H. *The Office of Data Services* (SBS): The Office of Data Services plans and coordinates the development, inplementation, maintenance and operation of ADP administrative, management information and statistical systems in support of SSA research and statistical activities, financial management, personnel administration, and administrative control programs that provide the basis for executive planning and decisionmaking. It analyzes, designs, programs and maintains administrative management and statistical ADP systems and provides support to these systems. The Office plans, manages and controls the operation of a large-scale computer complex in support of these systems and provides technical support to systems software development and time-sharing services. It plans, develops and manages the operation of a centralized test facility in support of all SSA computer applications program development activities. The Office provides technical advice and consultation to other SSA components on their needs for new or revised systems and recommends to them the most cost-effective method of development. It advises SSA management on technical and cost factors for reimbursable work for other Federal and non-Federal agencies and organizations. The Office includes the following components and functions:

1. *The Technical Support Staff* (SBS6): a. Provides a variety of consultative and technical advisory services to ODS components in resolving unusual problems on applications design, development and maintenance activities.

b. Examines existing and proposed computer systems for efficiency of programing. Where required to increase efficiency, recommends changes to the appropriate ODS component and assists programers in improving programs and systems.

c. Reviews standards developed by OSPC as they relate to ODS system

development activities and recommends ways to apply these standards in ODS.

2. *The Test Center Planning Staff* (SBS5): a. Develops plans for the establishment of an SSA center for use by computer programers in developing and testing computer programs, plans for the organization, staffing and operation of the center, and develops schedules for the phased implementation of these plans.

b. Initiates proposals for the procurement of computer hardware and software for the testing center.

c. Develops initial proposals for the types of standards, programing aids and computer software capabilities required in the testing facility.

3. *The Division of Administrative Systems* (SBS1): a. Performs the systems analysis, design, programing and testing necessary to develop and maintain current, new and redesigned systems in response to approved user system requirements for administrative applications. These applications include financial management, personnel management, work management and measurement, procurement and facilities management.

b. Translates OSPC-approved user requirements into detailed design and development activities and system documentation for current, new or redesigned systems.

c. As directed, conducts continuing liaison with other SSA components and other Federal and State agencies to determine the feasibility and to plan the development of systems for administrative applications.

d. With the Division of Scheduling and Operations (DSO) and the requesting component, conducts testing based on OS standards to assure that systems developed will perform successfully.

4. *The Division of Program Statistics* (SBS2): a. Performs the systems analysis, design, programing and testing necessary to develop and maintain current, new and redesigned systems in response to approved user system requirements for SSA program statistics. These applications include actuarial analysis and projection; characteristics of income and population movement; and data on births, marriages and deaths.

b. Translates OSPC-approved user requirements into detailed design and development activities and system documentation for current, new or redesigned systems.

c. As directed, conducts continuing liaison with other SSA components and other Federal and State agencies to determine the feasibility and to plan the development of program statistical applications.

d. With DSO and the requesting component, conducts testing based on OS standards to assure that systems developed will perform successfully.

5. *The Division of Scheduling and Operations* (SBS3): a. Manages and operates a large-scale computer facility in support of management, administrative and statistical systems.

b. Develops or supports the operation of systems control software including utilities, security systems, data base management systems and time-sharing systems.

c. Performs the technical functions required to maintain operational quality and reliability and manages the scheduling of production workloads.

d. Provides support to OSPC in developing planning projections for new or replacement hardware, facilities and control software. Prepares technical specifications for ADP procurements within guidelines established by OSPC.

e. Within OSPC guidelines, establishes and enforces procedures for use of ODS computer facilities and services.

f. With other ODS components and users, conducts testing based on OS standards to assure that systems developed will perform successfully.

6. *The Division of Specialized Software Systems* (SBS4): a. Performs the systems analysis, design, programing and testing necessary to develop and maintain current, new and redesigned systems in response to approved user system requirements for specialized software applications requiring a high level of technology. These applications include applied mathematics, simulation, mathematical modeling, general statistics, process control and tracking, and other user-oriented computer tools.

b. Translates OSPC-approved user requirements into detailed design and development activities and system documentation for current, new or redesigned systems.

c. As directed, conducts continuing liaison with other SSA components and other Federal and State agencies to determine the feasibility and to plan the development of specialized application systems.

d. With DSO and the requesting component, conducts testing based on OS standards to assure that systems developed will perform successfully.

I. *The Office of Data Communications* (SBG): The Office of Data Communications (ODC) plans and directs SSA nationwide data communications systems in support of all SSA activities, including social insurance and income maintenance programs. It assures that data communications technical plans are consistent with overall OS plans. The Office manages a complex nationwide facility which provides data communications for all SSA components. It analyzes, designs and implements specialized software and operational standards for data communication services. The Office develops technical plans and specifications for the acquisition of data communications equipment, software and related technical resources, within the guidelines established by OSPC. It conducts technical evaluation of data communications facilities and provides advice to the Associate Commissioner for Systems and other SSA officials on all matters concerning data communications. The Office serves as liaison with other SSA components, other Federal and non-Federal agencies and other organizations on operational data communications matters. The Office includes the following components and functions:

1. *The Division of Data Communications Operations* (SBG1): a. Controls the operation of all SSA data communication transmission systems.

b. Establishes and enforces standards for controlling workflow and for assuring the integrity of data processed through the various data communication operations.

c. Evaluates the performance of data communications systems and takes actions necessary to improve operations.

d. Identifies network operational problems and determines methods and resources needed for resolution.

e. Develops procedures, techniques and tools for testing and validating selected specialized data communications hardware and software.

f. Provides for the maintenance of SSA-owned data communications equipment. Evaluates existing hardware, recommends the replacement of equipment to OS management and oversees the installation of new equipment.

2. *The Division of Data Communications Technology* (SBG2): a. Develops short- and long-range operational and contingency plans for data communications under guidelines established by OSPC.

b. Produces technical specifications for the procurement of data communications equipment and services. Provides assistance in developing cost factors and preparing

requests for proposals for the acquisition of data communications computer hardware, software and technical services.

c. Assures that systems security measures for data communications equipment are developed and implemented.

d. Designs, implements and maintains systems control software and directs efforts to improve data communications applications software.

e. Monitors network performance to determine technical changes and improvements needed to meet future requirements.

f. Represents ODC in discussions and negotiations with other organizations on operational data communications matters.

Dated: July 27, 1979.

Joseph A. Califano, Jr.,

Secretary.

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Statement of Organization, Functions, and Delegations of Authority

Part S of the Statement of Organization, Functions and Delegations of Authority for the Department of Health, Education, and Welfare contains the Statement of Organization, Functions and Delegations of Authority for the Social Security Administration (SSA). On March 21, 1979, an amendment to Part S was published in the **Federal Register** (44 FR 17218–17233) to reflect a reorganization of SSA. Sections SR.00, SR.10 and SR.20 of the SSA Statement, as contained on pages 17231 through 17233 of the amended material published on March 21, 1979, describe the mission, organization and functions for SSA's Office of Policy (OP).

These sections are restated for OP's Office of the Actuary and Office of Policy Analysis and are restated and expanded to reflect the establishment of division-level components in OP's Office of Legislative and Regulatory Policy, Office of Research and Statistics and Office of International Policy. All nonoperational overseas SSA program activities, excluding refugee programs, have been placed in OP's Office of International Policy. The revised OP material reads as follows:

Sec. SR.00 The Office of Policy—(Mission)

The Office of Policy (OP) directs the planning and analysis of programs directly administered by SSA; the retirement, survivors and disability insurance programs, and the supplemental security income program. Together with SSA's Office of Family Assistance, it directs the planning and analysis of income maintenance programs administered by State agencies. The Office broadly formulates, promulgates and interprets programs objectives and policy. It directs studies and makes recommendations about the problems of income maintenance, poverty and the contributions that social insurance, public assistance and related programs may provide for solving these problems. It directs legislative planning, analysis, and formulation in SSA, and conducts the broad research and statistical programs of the agency. The Office reviews all regulations for consistency among programs and regulations for directly administered programs for consistency with statutory and Congressional intent and with SSA policy decisions and requirements. It directs and coordinates the formulation of future program policies. The Office evaluates the effectiveness of national policies in meeting program goals and recommends program modifications. It serves as the focal point for international policy matters, other than those relating to refugee programs. The Office provides overall administrative direction to the Office of the Actuary and coordinates the activities of the Offices included in OP, in carrying out the OP mission. It carries out activities in relation to public assistance programs together with SSA's Office of Family Assistance. Its activities with the Congress are carried out in close consultation and coordination with the Office of the Assistant Secretary for Legislation.

Sec. SR.10 The Office of Policy—(Organization)

The Office of Policy, under the leadership of the Associate Commissioner for Policy, includes:

A. The Associate Commissioner for Policy (SR)

B. The Deputy Associate Commissioner for Policy (SR)

C. The Immediate Office of the Associate Commissioner for Policy (SR)

D. The Office of the Actuary (SRG)

E. The Office of Legislative and Regulatory Policy (SRP), which includes:

1. The Legislative Reference Staff (SRP1)

2. The Division of Disability, Coverage and Interprogram Relationships (SRP3)

3. The Division of Retirement and Survivors Benefits (SRP5)

4. The Division of Assistance Payments (SRP7)

F. The Office of Research and Statistics (SRV), which includes:

1. The Division of Family Assistance Studies (SRVC)

2. The Publications Staff (SRV2)

3. The Research Grants and Contracts Staff (SRV3)

4. The Division of Disability Studies (SRV4)

5. The Division of Economic Research (SRV5)

6. The Division of OASDI Statistics (SRV7)

7. The Division of Retirement and Survivors Studies (SRV8)

8. The Division of Supplemental Security Studies (SRV9)

G. The Office of Policy Analysis (SRC)

H. The Office of International Policy (SRT), which includes:

1. The International Agreements Staff (SRT1)

2. The International Program Policy Staff (SRT2)

3. The International Activities Staff (SRT3)

4. The Comparative Studies Staff (SRT3)

Sec. SR.20 The Office of Policy—(Functions)

A. The Associate Commissioner for Policy (SR) is directly responsible to the Commissioner for carrying out OP's mission and provides general supervision to the major components of OP.

B. The Deputy Associate Commissioner for Policy (SR) assists the Associate Commissioner in carrying out his/her responsibilities and performs other duties as the Associate Commissioner may prescribe.

C. The Immediate Office of the Associate Commissioner for Policy (SR) provides the Associate Commissioner and Deputy Associate Commissioner with staff assistance on the full range of their responsibilities and helps coordinate the activities of OP components.

D. The Office of the Actuary (SRG): Directs and conducts the actuarial program of SSA. It performs actuarial and demographic research into social insurance and related programs and makes actuarial appraisals of existing and proposed programs. The Office studies, for both the immediate and long-range future, problems of financing program costs; estimates future workloads; and evaluates operations of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund. It develops and analyzes actuarial data for benefit estimates and valuations in social insurance programs. The Office

provides technical and consultative services to the Commissioner and HEW officials, and appears before Congressional committees considering legislative changes in SSA-administrated programs. It provides technical and consultative services to the Board of Trustees of the Social Security Trust Funds.

E. The Office of Legislative and Regulatory Policy (SRP): Develops and condusts the legislative planning program of SSA and serves as the focal point for all legislative activity in SSA; analyzes legislative and regulatory initiatives; and develops specific legislative proposals. It reviews all proposed regulations for consistency among programs and regulations for directly-administered programs for consistency with policy requirements and decisions. The Office evaluates the effectiveness of programs administered by SSA in terms of legislative needs and analyzes and develops recommendations on related income maintenance, social service and rehabilitation program proposals, particularly those which may involve coordination with SSA-administered programs, and on other methods of providing economic security. It provides advisory service to SSA and HEW officials on legislation of interest to SSA pending in Congress, and working with SSA's Office of Governmental Affairs, also provides legislative specification drafting service to officials within the Executive Branch, Congressional committees, individual congressmen and private organizations interested in social security legislation. The Office of Legislative and Regulatory Policy (OLRP) includes the following components and functions:

1. *The Legislative Reference Staff* (SRP1): a. Tracks legislative bills, highlights items of interest from the *Congressional Record*, and other publications for OLRP and SSA's Executive Staff and provides support for OLRP and other SSA staff at Congressional hearings.

b. Assists individual members of Congress and their staffs and congressional committee staffs by responding to requests for information on pending and proposed social security legislation, related legislative proposals and the legislative history of the social security program.

2. *The Division of Disability, Coverage and interprogram Relationships* (SRP3): a. Studies and makes recommendations on proposals for providing economic security for the disabled and their dependents through the social security system.

b. Develops and evaluates legislative proposals for extending social security protection to groups not yet covered.

c. Evaluates proposals for program changes in light of their effect on special coverage groups.

d. Recommends methods for coordinating the protection afforded under social security with that afforded under other public retirement or disability programs.

e. Reviews proposed regulation dealing with the disability insurance (DI) program, social security coverage, interprogram relationships and various other issues, including the social security retirement test, insured status and the definitions of employment and wages, to assure cross-program consistency and consistency with policy requirements and decisions.

f. Provides technical and advisory services to other agencies within the Executive Branch, Congressional committees and individual Congressmen, State officials and private organizations having an interest in the disability program, social security coverage or interprogram relationships.

3. *The Division of Retirement and Survivors Benefits* (SRP5): a. Develops and explains program principles and philosophy.

b. Prepares and evaluates proposals for social security program legislative changes in the area of retirement and survivors benefits.

c. Conducts studies of broad programmatic issues, including the development of basic program philosophy, tax rates, alternative methods of financing trust fund operations and management and eligibility requirements for dependents and survivors' benefits, the level of social security benefits, value of benefits in relation to contributions, benefit computation methods, which dependents should receive benefits and the establishment of priority among these dependents.

d. Reviews proposed regulations for the retirement and survivors insurance (RSI) program to assure cross-program consistency and consistency with policy requirements and decisions.

e. Provides technical and advisory services to other agencies within the Executive Branch, Congressional committees, individual Congressmen, State officials and private organizations having an interest in retirement and survivors benefits.

4. *The Division of Assistance Payments* (SRP7): a. Develops and evaluates legislative proposals for changes in the program of supplemental security income for the aged, blind and disabled (SSI program).

b. Working with SSA's Office of Family Assistance, develops and evaluates legislative proposals to change and improve income maintenance programs administered by State agencies, the Cuban, Indochinese and Russian Refugee programs, the U.S. Repatriation Program, and related assistance programs.

c. Reviews proposed income maintenance program regulations to assure cross-program consistency and SSI program regulations for consistency with policy requirements and decisions.

d. Studies SSI program and income maintenance program interrelationships with social security, child support enforcement, food stamps, employment and other Federal, State and local programs and recommends methods for coordinating these programs.

e. Provides technical and advisory services to other agencies within the Executive Branch, Congressional committees, individual Congressmen, State officials and private organizations having an interest in the SSI program and the income maintenance programs.

F. *The Office of Research and Statistics* (SRV): Develops and conducts SSA's research and statistical program. It conducts research on income security, redistributive effects on the economy of social security benefits and financing, adequacy of cash benefits, relation of SSA to public and private income maintenance programs, problems of the low-income population and trends in social security and social welfare expenditures. The Office studies the problems of poverty and income maintenance and how social insurance and related programs may provide solutions and conducts national surveys of the aged, the disabled, the low-income aged and disabled, and families with dependent children. It establishes linkages of SSA data with data from other statistical and record systems and develops and simulates economic models to analyze the impact of present and projected program alternatives under various conditions. The Office publishes research findings, compiles and publishes statistical data, and provides SSA-wide statistical leadership and methodology about statistics. It represents SSA on matters of research and statistics within HEW, within the academic community and, in coordination with SSA's Office of Public Affairs, with other public and private agencies and organizations. The Office of Research and Statistics (ORS) includes the following components and functions:

1. *The Division of Family Assistance Studies* (SRVC): a. Publishes program statistics related to the Aid to Families with Dependent Children (AFDC) program.

b. Designs and conducts surveys of AFDC population groups. Analyzes recipient characteristics, provides caseload and cost estimates for operating budgets and legislative requests and oversees income maintenance and demonstration projects funded under sections 1110 and 1115 of the Social Security Act, as amended (The Act).

2. *The Publications Staff* (SRV2): a. Advises ORS components on the development, organization and presentation of research and statistics studies to be published.

b. Directs a continuous review of the research publications program, analyzes material submitted for publication and surveys the effectiveness of ongoing publication series.

c. Assesses informational needs of the SSA staff, other government agencies, social scientists and the public for data and findings available from the ORS research program.

3. *The Research Grants and Contracts Staff* (SRV3): a. Develops, coordinates and implements SSA extramural research grant and contract activities in the Cooperative Research or Demonstration Projects Program under Sections 110 and 702 of the Act, as they relate to issues under titles II and XVI (grants to the States for aid to the aged, blind, or disabled, or for such aid and medical assistance for the aged) of the Act.

b. Stimulates interest in the Cooperative Research or Demonstration Projects Program and identifies new or existing areas of knowledge or problems which may be usefully studied under extramural programs.

c. Provides guidance to research applicants.

d. Reviews applications and preliminary proposals for research grants.

e. Monitors progress and reports findings of projects funded.

4. *The Division of Disability Studies* (SRV4): a. Plans and directs a continuing, basic, economic and social research effort to measure the size, nature and effects of the private and social costs of disability and ill health on the population in general and to evaluate the effectiveness of the Social Security Disability Insurance program and related service programs, including: trust-funded rehabilitation services and Medicare coverage for the disabled.

b. Designs and conducts national surveys of disabled and nondisabled adults, newly disabled, Social Security disability insurance beneficiaries, persons denied disability insurance benefits and the institutionalized.

c. Plans and directs studies of significant disability policy and program issues.

5. *The Division of Economic Research* (SRV5): a. Plans and directs long-range program-oriented research, projecting and interpreting changing demographic, economic and social trends as they relate to the broad field of economic security and to overall economic and social policy.

b. Studies the following major areas: social security financing, economic impacts of social security income maintenance alternatives; effects of social security on lifetime income redistribution; the relationship of social security to other public and private income maintenance programs; economic projections, and labor market studies.

6. *The Division of OASDI Statistics* (SRV7): a. Plans and directs the development and maintenance of a broad statistical program concerning basic retirement, survivors and disability insurance program statistics.

b. Provides statistical services throughout SSA and technical consultation to users of these statistics both within and outside SSA.

7. *The Division of Retirement and Survivors Studies* (SRV8): a. Plans and directs a continuing national economic and social survey program to collect and study data on the aged population and survivors of deceased workers.

b. Conducts interrelated surveys of the aged, new retirees, young survivors and related family groups.

c. Plans and directs studies of significant program issues requiring research, including retirement patterns, problems of "early" retirement, the needs of widows without children before they become eligible for retirement benefits, the treatment of women under social security, the relation of benefit levels to standards of adequacy, effects of the retirement test, and the situation of individuals receiving minimum benefits.

d. Plans and carries out the analysis of social security and related programs, including private pensions, State and local retirement systems, social welfare expenditures, employee benefit plans, workers compensation, sick leave benefits and health insurance.

8. *The Division of Supplemental Security Studies* (SRV9): a. Plans and directs a continuing national economic and social survey program to study the impact of the SSI program.

b. Plans and directs studies regarding significant program matters, including variations in systems for measuring income adequacy, SSI worloads and cost projections, program trends and effects of the SSI program and State supplementation payments on the lives of recipients.

c. Obtains and presents program data for use by SSA, HEW, other Federal agencies and interested groups in assessing the SSI program.

G. *The Office of Policy Analysis* (SRC): Develops policy and strategies on current and anticipated program issues in social insurance, income maintenance, public assistance and related programs. It provides policy guidance in social insurance and income maintenance programs, carries out a continuing assessment of future policy requirements and formulates policy plans to meet future needs. The Office uses actuarial data and research products to analyze social security and related programs and recommends program modifications for adaptation to changing social, demographic and economic conditions. It provides guidance to the study of policy initiatives and proposals which originate in other SSA components or outside the agency. The Office develops broad program policy planning projects, experiments and studies associated with major program goals and changes. It organizes and conducts special high priority analytical efforts and evaluates the effectiveness of present and alternative income maintenance strategies.

H. *The Office of International Policy* (SRT): Serves as liaison to international agencies and associations which deal with social security matters and serves as SSA's point of contact with the State Department and other agencies involved in international affairs, excluding those affairs relating to refuge programs. It provides legislative and regulatory planning and analysis on all program matters relating to nonoperational international policy. The Office provides leadership and coordination of all activities within SSA involving negotiations with foreign governments on international social security agreements (totalization) and develops and analyzes policies for implementing provisions of totalization agreements. It serves as the SSA focal point for the formulation of U.S. policy on international social security matters and provides training, orientation and technical assistance on social security and related fields to foreign

governments, international organizations and foreign visitors. The Office of International Policy (OIP), includes the following components and functions:

1. *The International Agreements Staff* (SRT1): a. Initiates and responds to contacts with governments interested in international social security agreements (totalization agreements). Drafts these agreements, working with other SSA components, HEW, and other Federal agencies, including the Treasury Department and the State Department.

b. Provides leadership and coordination for all activities in SSA involving negotiations with foreign governments on totalization agreements. Maintains further contacts with the foreign governments involved to assure total cooperation of the two countries during implementation of the agreements.

c. Identifies problem areas which may require modification of a totalization agreement and attempts to resolve differences. Initiates and negotiates amendments or revisions of agreements, as appropriate. Coordinates SSA activities on those differences which must be resolved through consultation by the Secretary of Health, Education, and Welfare and the Minister of the particular foreign country of through arbitration by an independent arbitral body.

d. Directs and monitors the movement and clearance of completed agreements through the U.S. Executive Branch.

2. *The International Program Policy Staff* (SRT2): a. Conducts legislative and regulatory planning and analysis on all program matters relating to international policy.

b. Develops the policy and related procedures affecting the administration of social security programs in foreign countries. Evaluates and modifies policies and procedures, to ensure proper interpretation and implementation.

c. Participates in development of totalization agreements. Monitors and supports movement of completed agreements through the legislative process.

d. Performs ongoing analysis of administration of existing totalization agreements to ensure compliance with their intent.

e. Advises other SSA components, HEW, and other Federal agencies on the formulation of U.S. policy positions on international social issues. Prepares policy papers on the international aspects of social security.

f. Provides consultative and advisory services on foreign social security program policy matters to SSA, HEW, and other Government agencies.

g. Reviews plans for program surveys and studies abroad and advises appropriate SSA components on the propriety of contacts with foreign governments for these studies.

3. *The International Activities Staff* (SRT3): a. Negotiates, designs and provides orientation, training and work study programs for foreign government administrators and technicians, representatives of international organizations and other foreign visitors.

b. Furnishes technical information and advice on U.S. or internaional social security legislation, policy or program administration to foreign governments, international organizations, Federal agencies, and other organizations and businesses.

c. On behalf of SSA, plans, directs and negotiates, through the Department of State, special international projects and technical assistance missions with foreign governments or foreign aid agencies.

d. Serves as SSA liaison with international organizations concerned with social insurance, income maintenance and related programs.

e. Works with SSA's Office of Management, Budget, and Personnel in reviewing SSA's Foreign Travel Plan. As necessary, negotiates revisions and reviews amendments to the Plan.

4. *The Comparative Studies Staff* (SRT4): a. Plans and conducts research comparing social security on a worldwide basis and confers, as appropriate, with OP's Office of Research and Statistics. This research covers analysis of foreign systems and developments in all major types of social security programs: old-age, invalidity and survivors insurance, medical care insurance, cash sickness and maternity benefits, workers compensation (for employment injuries and occupational diseases), unemployment insurance benefits and family allowances.

b. Provides information on foreign program practices and new developments in the social and health fields to components of SSA and HEW, other Government agencies, advisory groups, Members of Congress, the U.S. Chamber of Commerce, and other representatives of U.S. business groups.

c. Prepares for publication a variety of research documents on international topics, including *Social Security Programs Throughout the World.* Collaborates with OP's Office of Research and Statistics on articles and publications concerning social security and HCFA matters of joint interest.

Dated: July 27, 1979.

Joseph A. Califano, Jr.,

Secretary.

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Statement of Organization, Functions, and Delegations of Authority

Part S of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare contains the Statement of Organization, Functions and Delegations of Authority for the Social Security Administration (SSA). On March 21, 1979, an amendment to Part S was published in the **Federal Register** (44 FR 17218–17233) to reflect a reorganization of SSA. At that time, Section SA.10 listed the major organizational components of the Office of the Commissioner (OC). Section SA.10D indicated that the Office of Equal Opportunity (OEO)(SAE) was a part of the immediate Office of the Commissioner. As the SSA reorganization effort has progressed, several responsibilities have been more clearly defined and officially assigned. One of these is the civil rights compliance function as it applies to recipients of SSA grant monies. Hence, the OEO is being retitled the Office of Civil Rights and Equal Opportunity (OCREO) to make clear the significant role this office plays in the civil rights compliance function. The OCREO is also being designated a free-standing component at the Associate Commissioner level reporting to the Commissioner. Therefore, Section SA.10D is deleted.

Section SA.20 of 44 FR 17218–17233 delineates the functions of the various Office of the Commissioner components. Section SA.20F lists OEO's functions. This section is also deleted.

Section S.10 lists the major components of SSA under the 1979 Reorganization. Section S.10 is hereby revised to include the Office of Civil Rights and Equal Opportunity (SC) as a component at the Associate Commissioner level. We are publishing the Office of Civil Rights and Equal Opportunity's organizational substructure through the division level as well as the functions assigned to these components. Part S is amended as follows:

Sec. S.10 The Social Security Administration—(Organization)

The Social Security Administration, under the supervision and direction of

the Commissioner of Social Security (the Commissioner), includes:

A. The Office of the Commissioner (SA)

B. The Office of Systems (SB)

C. The Office of Civil Rights and Equal Opportunity (SC)

D. The Office of the Regional Commissioners (SDI–SDX)

E. The Office of Governmental Affairs (SE)

F. The Office of Family Assistance (SF)

G. The Office of Hearings and Appeals (SG)

H. The Office of Operational Policy and Procedures (SJ)

I. The Office of Assessment (SL)

J. The Office of Management, Budget, and Personnel (SM)

K. The Office of Central Operations (SP)

L. The Office of Policy (SR)

M. The Office of Public Affairs (SX)

Sec. SC.00 The Office of Civil Rights and Equal Opportunity—(Mission)

The Office of Civil Rights and Equal Opportunity (OCREO) directs, coordinates, develops, appraises and administers the SAA-wide programs of civil rights (CR) and equal opportunity (EO). It provides counsel, advice and recommendations to the Commissioner and the SSA executive staff on CR/EO concerns and responsibilities and represents SSA in dealings with Federal and non-Federal agencies and organizations on a wide range of CR/EO functions. OCREO's programs include affirmative action planning; preparation and implementation of programs designed to ensure equality of opportunity in employment and applying HEW standards for delivery of SSA services for groups, including the aged, minorities, women and the handicapped; management of the EO complaints processing system for adjudication, and resolution of complaints of employment discrimination, including preparation of final agency decisions; and developing and directing implementation of the requirements of Section 504 of the Rehabilitation Act of 1973, Title VI of the Civil Rights Act of 1964 and the Age Discrimination Act of 1975, as they apply to recipients of SSA grant monies. OCREO develops standards consistent with HEW standards for delivery of services to all SSA beneficiaries under applicable titles of the Social Security Act, as amended. In carrying out its mission, OCREO interacts with outside groups and organizations, where appropriate.

Sec. SC.10 The Office of Civil Rights and Equal Opportunity—(Organization)

The Office of Civil Rights and Equal Opportunity, under the leadership of the Director of Civil Rights and Equal Opportunity, includes:

A. The Director of Civil Rights and Equal Opportunity (SC)

B. The Deputy Director of Civil Rights and Equal Opportunity (SC)

C. The Immediate Office of the Director of Civil Rights and Equal Opportunity (SC)

D. The Office of Pre-Adjudication and Disposition (SCA)

E. The Office of Final Adjudication and Review (SCB)

F. The Office of Civil Rights Programs (SCC)

G. The Office of EO Planning and Evaluation (SCD)

Sec. SC.20 The Office of Civil Rights and Equal Opportunity—(Functions)

A. *The Director of Civil Rights and Equal Opportunity* (SC) is directly responsible to the Commissioner for carrying out OCREO's mission and provides general supervision to the major components of OCREO.

B. *The Deputy Director of Civil Rights and Equal Opportunity* (SC) assists the Director in carrying out his/her responsibilities and performs other duties as the Director may prescribe.

C. *The Immediate Office of the Director of Civil Rights and Equal Opportunity* (SC) provides the Director and Deputy Director with staff assistance on the full range of their responsibilities.

D. *The Office of Pre-Adjudication and Disposition* (SCA): 1. Directs the implementation and evaluation of the SSA EO discrimination complaint processing program for both headquarters and the field; assists SSA officials in the discrimination complaint area and related management matters.

2. Implements SSA policies, regulations and procedures pertaining to the timely, accurate and fair processing of discrimination complaints through the proposed disposition stage, throughout the headquarters and field organizations.

3. Provides overall direction regarding all aspects of SAA's complaint system through the proposed disposition stage in order to ensure uniformity in complaint handling, resolution and disposition. Directs the preparation of guidelines on all complaint processing matters through the proposed disposition stage. Interprets technical matters relating to the complaint process, through the proposed disposition stage.

4. Directs special projects and studies of the various aspects of SSA's nationwide discrimination complaint process through the proposed disposition stage to evaluate the overall effectiveness of the EO program. Directs the analysis of trends observed during projects and studies and implements new processes and procedures as required. It includes the following components and functions:

a. *Analysis Division A* (SCA1): (1) Reviews and analyzes investigative material developed on sensitive and complex individual and consolidated complaints of discrimination filed against SSA nationwide on the basis of race, religion, national origin, sex, color, age or physical or mental handicap.

(2) Weighs all evidence and determines overall fairness in the complaint.

(3) Prepares written analysis of complaints, with recommendations for decision and any corrective action that may be required, consistent with law, judicial and administrative decisions, and with SSA, HEW and OPM regulations, policies and procedures.

b. *Analysis Division B* (SCA2): Same functions as Analysis Division A.

E. *The Office of Final Adjudication and Review* (SCB): 1. Conducts the SSA-wide program for the final agency review, analysis and adjudication of discrimination complaints. Provides overall direction regarding the final adjudication of discrimination complaints to ensure uniformity in complaint hearings and final disposition.

2. Directs the implementation and evaluation of final agency decisions in complaints of discrimination for headquarters and field; assists SSA officials in the discrimination complaint area and related management matters.

3. Provides leadership, guidance and direction in formulating and implementing SSA policies, regulations, and procedures on the timely, accurate and fair final resolution of SSA's discrimination complaints.

4. Develops litigation information and documentation in all employment, race and sex discrimination court suits filed against SSA. Analyzes new and recent court decisions, public laws, and Federal regulations for their impact on SSA complaint processing.

5. Interprets, in coordination with the Office of the General Counsel, all legal, regulatory and technical matters which relate to the complaint process and the final disposition of EO complaints.

F. *The Office of Civil Rights Programs(SCC): 1. Directs the SSA-wide*

program of civil rights which involves applying standards under the civil rights statutes; develops SSA standards, consistent with HEW guidance and standards, for delivering services to individuals and meeting other SSA commitments under civil rights statutes.

2. Manages SSA's compliance program under civil rights statutes.

3. Coordinates with and reports to HEW's Office of Civil Rights on SSA's civil rights compliance function.

4. Plans, directs and implements special programs for minority, female, hispanic and handicapped employees of SSA. It includes the following component and functions:

a. *The Division of Program Review and Assistance* (SCC1): (1) Designs and implements a program for compliance with Title VI of the Civil Rights Act and with Section 504 of the Rehabilitation Act of 1973 among recipients of SSA grant monies.

(2) Develops standards, after appropriate coordination with the Office of Civil Rights, for providing services to individuals and meeting other SSA commitments under civil rights statutes.

(3) Oversees SSA's civil rights compliance; develops, manages and directs a nationwide program to provide technical assistance on the requirements of civil rights laws as they apply to recipients of SSA grant monies.

G. *The Office of EO Planning and Evaluation* (SCD): 1. Directs the development of an SSA-wide EO action program and the monitoring of SSA's EO program.

2. Provides staff support and guidance to headquarters and field components in the development of sound EO action programs. Approves, on behalf of the Commissioner of SSA, EO action plans prepared by components and regions; develops the overall SSA EO action plan.

3. Develops guidelines and procedures for effective EO planning and monitoring throughout SSA; makes recommendations on EO policy and operations to the Director of OCREO.

4. Develops and tracks SSA's major initiatives that related to CR/EO and oversees their implementation.

5. Directs the EO monitoring and review of personnel policies, and recruitment and staffing activities. Evaluates the EO impact of special employment programs.

6. Directs maintenance of a minority employment information system for SSA employes. This Office includes the following components and functions:

a. *The division of Component and Regional Liaison* (SCD1): (1) Plans, directs and coordinates EO activities of SSA components and regions.

(2) Develops guidelines for and assists headquarters and regional components in developing and executing their EO action plans and major initiatives tracking system (MITS) objectives.

(3) Reviews and approves regional and component EO action plans and MITS objectives; works with management officials to identify EO problems and to revise goals and objectives when necessary.

(4) Monitors EO progress in the components and regions; analyzes Minority Employment Information data to determine employment trends and to develop remedies for specific problem areas.

(5) Prepares periodic analytical and statistical reports relating to SSA's EO posture.

(6) Provides direct liaison and staff support services to SSA managers in identifying EO concerns, making plans for correction and implementing the solutions.

b. *The Division of Agency Level Operations* (SCD2): (1) Plans directs and coordinates SSA-wide EO activities; develops SSA's Affirmative Action Plan for submission to the Secretary.

(2) Monitors overall SSA EO progress in achieving Affirmative Action Plan goals; works with responsible management officials in assuring implementation of major activities.

(3) Develops informational material to promote understanding of SSA's EO program and objectives.

(4) Develops SSA-wide MITS items for tracking by the Secretary; tracks the progress of MITS items and leads the implementation of items concerning EO functions.

(5) Directs SSA's Minority Employment Information System by developing systems specifications; making major revisions to the data system; and providing minority data to SSA managers, as needed.

Dated: July 27, 1979.

Joseph A. Califano, Jr.,

Secretary

[FR Doc. 79-24254 filed 8-6-79; 8:45 am]

BILLING CODE 4110-07-M

Statement of Organization, Functions, and Delegations of Authority

Part S of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare contains the Statement of Organization, Functions, and Delegations of Authority for the Social Security Administration (SSA). Section SX.00, SX.10, and SX.20 of the SSA Statement published at 44 FR 17218-17233, dated March 21, 1979, describes the mission, organization, and functions for SSA's Office of Public Affairs (OPA). Sections SX.00, SX.10, and SX.20 of the OPA Statement are restated and expanded to reflect the establishment of staff-level components in OPA's Office of Information. The OPA Statement of Mission has been expanded to clarify OPA's responsibility for administration of SSA activities under the Freedom of Information Act. The organization statement has been revised to add the staff components of the Office of Information. The Statement of Functions has also been revised to include the functions to be carried out by the staff offices within the Office of Information. This revised material reads as follows:

Sec. SX.00 The Office of Public Affairs—(Mission)

The Office of Public Affairs (OPA) plans, coordinates, implements, and evaluates SSA's nationwide public affairs program, which includes State-administered programs and services, for effective information exchange with the public, the press, other Federal and State agencies, and other organizations concerned with public affairs programs and activities. The Office develops programs and materials to assure public knowledge and understanding of protections, rights, and responsibilities under programs administered by SSA. It is responsible for the administration of SSA activities under the Freedom of Information Act of 1974, including policy decisions to release or withhold information in response to information requests and SSA adherence to the Act in all SSA public information activity. The Office provides technical direction to SSA field offices in the management of their public affairs activities.

Sec. SX.10 The Office of Public Affairs—(Organization)

The Office of Public Affairs, under the leadership of the Associate Commissioner for Public Affairs, includes:

A. The Associate Commissioner for Public Affairs (SX)

B. The Deputy Associate Commissioner for Public Affairs (SX)

C. The Immediate Office of the Associate Commissioner for Public Affairs (SX)

D. The Press Office (SXP)

E. *The Office of Information* (SXN): 1. The Editorial Staff (SXN1) 2. The Audio-Visual Staff (SXN2) 3. The Support Services Staff (SXN3)

Sec. SX.20 The Office of Public Affairs—(Functions)

A. *The Associate Commissioner for Public Affairs* (SX) is directly responsible to the Commissioner for carrying out OPA's mission and provides general supervision to the major components of OPA in coordination with the Office of the Assistant Secretary for Public Affairs.

B. *The Deputy Associate Commissioner for Public Affairs* (SX) assists the Associate Commissioner in carrying out his/her responsibilities and performs other duties as the Associate Commissioner may prescribe.

C. *The Immediate Office of the Associate Commissioner for Public Affairs* (SX) provides the Associate Commissioner and Deputy Associate Commissioner with staff assistance on the full range of their responsibilities.

D. *The Press Office* (SXP) guides and coordinates all SSA press activities and prepares and issues news items for national release and for release through district offices. The Office initiates and maintains contacts with members of the working press and responds to requests for information and assistance from newspapers, radio and TV news departments, news and general magazines, and the specialized press. The Office prepares news and feature stories for the area press on SSA headquarters events, programs of community interest, and the accomplishments and activities of SSA employees. The Office analyzes press coverage of social security programs, prepares responses to press articles, when appropriate, assesses public reaction to social security programs and prepares the Daily Press Service for the SSA Executive Staff.

E. *The Office of Information* (SXN) directs SSA's information activities to assure public knowledge and understanding of programs administered by SSA. The Office develops and evaluates goals, objectives, policies, standards, and guidelines for SSA public information needs and carries out programs to inform the public of the purposes and provisions of SSA-administered programs, program changes, and people's rights and responsibilities under these programs. The Office prepares and determines distribution of a wide variety of public information materials on all phases of SSA-administered programs, evaluates the quality of informational materials to assure a high quality product, and helps in public affairs training in SSA.

1. *The Editorial Staff* (SXN1): a. Provides direction and quality control of information materials for the administration of the public affairs and public relations program of SSA.

b. Writes, edits, produces, and coordinates a variety of public information materials. Provides advice and consultation to other components on editorial policy and methods of initiating and developing informational programs.

c. Conducts editorial reviews and approves content, format, and style of social security informational materials for use in all media.

2. *The Audio-Visual Staff* (SXN2): a. Plans, writes, and designs public information audio-visual materials. Provides advice and consultation to other components concerning the design of audio-visual materials.

b. Directs the preparation of specifications for media materials produced by professional specialists under contract.

c. Directs the writing and management of materials for use by all audio-visual media for the observance of special public relations events.

3. *The Support Services Staff* (SXN3): a. Directs the review of all proposed policies, procedures, practices, and related materials for their impact on public knowledge of and attitudes toward social security.

b. Directs the planning of communication approaches with the media, general public, public and private organizations, and other special audiences.

c. Coordinates field public affairs activities with the Regional Offices.

Dated: July 27, 1979.

Joseph A. Califano, Jr.,

Secretary.

[FR Doc. 79-24255 Filed 8-6-79; 8:45 am]

BILLING CODE 4110-07-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. D-79-578]

Under Secretary of Housing and Urban Development; Delegation of Authority

The Under Secretary of Housing and Urban Development, Jay Janis, is hereby authorized to exercise all the powers and authority vested in or delegated or assigned to the Secretary of Housing and Urban Development. (Sections 4(a), 7(d), Department of HUD Act, 42 U.S.C. 3532(a), 3535(d)).

Effective date: This delegation shall be effective July 30, 1979.

Patricia Roberts Harris,

Secretary of Housing and Urban Development.

[FR Doc. 79-24275 Filed 8-6-79; 8:45 am]

BILLING CODE 4210-01-M

Office of Assistant Secretary for Community Planning and Development

[Docket No. N-79-940]

Special Allocations Based Upon Approved Areawide Housing Opportunity Plans

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

ACTION: Notice.

SUMMARY: In accordance with 24 CFR Part 891, Subpart F, requests are being accepted by HUD from Areawide Planning Organizations (APO's) for special allocations to be awarded to APO's and jurisdictions within their plan areas on the basis of approved Areawide Housing Opportunity Plans (AHOP's) (24 CFR Part 891, Subpart E).

FOR FURTHER INFORMATION CONTACT: Assistant Secretary for Community Planning and Development, Attention: Trudy P. McFall, Acting Director, Office of Community Planning and Program Coordination, 451 7th Street SW., Washington, D.C. (202) 755-6290. (This is not a toll-free number).

Notice is being given that in accordance with 24 CFR Part 891, Subpart F, requests are being accepted from Areawide Planning Organizations (APOs) for special allocations of Section 8 housing assistance. APOs selected to receive special Section 8 allocations will also be eligible to receive Community Development Block Grant (CDBG) funds and Comprehensive Planning Assistance (701) funds to be awarded to APOs and jurisdictions within their plan areas. Subparts E and F of Part 891 were published in the **Federal Register** on January 16, 1978. (43 FR 2358 et seq.).

Special CDBG allocations will be made pursuant to 24 CFR § 579.404 to units of general local government which are included within the jurisdiction of an approved AHOP. HUD expects to be able to announce in August 1979 the specific amounts of CDBG, 701, and the amount and types of housing funds which will be made available in conjunction with the AHOP program. HUD recognizes that applicants need to know funding availability in order to finalize their applications and shall make that information available through a Notice in the **Federal Register** as soon

as possible after Congress completes the 1980 budget process. This later Notice will constitute the Notice referred to in 24 CFR 891.603.

The total amount of the special allocation of CDBG funds shall not be less than $10,000,000 and not more than $20,000,000 and will be available only for eligible Community Development Block Grant activities which facilitate the provision of housing for low and moderate income families and persons outside areas of concentration of low income and minority families and persons; and/or to conduct outreach programs designed to facilitate the movement of low and moderate income and minority persons and families outside areas of such concentrations.

For those APOs whose AHOPs are selected as a basis for special allocations under 24 CFR Part 891, Subpart F, a total of not more than $800,000 in Comprehensive Planning Assistance will be available for those planning activities described in 24 CFR 600.210.

Regulations relating to special allocations of CDBG and 701 funds awarded in conjunction with an approved AHOP were published in the **Federal Register** on August 2, 1978. The CDBG regulation (24 CFR § 570.404) and the 701 regulations (24 CFR Subpart F) appear at 43 FR 34056 and 43 FR 34058 respectively. These regulations apply to the CDBG and 701 special allocations being announced in this Notice.

Requests for special housing allocations shall be submitted in accordance with the procedures set forth in 24 CFR 891.604. HUD will review and select approved AHOP for special allocations in accordance with 24 CFR 891, Subpart F.

APOs which currently have a HUD-approved AHOP plan pursuant to Subpart E need submit only a request covering Subpart F requirements. APOs with HUD-approved AHOPs pursuant to Subpart E as of the date of this Notice are listed at the conclusion of this Notice.

APOs which do not presently have a HUD-approved AHOP are strongly encouraged to submit their Subpart E requests as soon as possible so as to give HUD a maximum time for review. The Subpart F request may be submitted after the Subpart E request; however, both must be submitted either separately or simultaneously, on or before the closing date established below.

To receive consideration, an original of each Subpart E and F request and one copy of each shall be submitted to: Assistant Secretary for Community Planning and Development, Department of Housing and Urban Development, 451 7th Street SW., Room 7100, Attention: AHOP Coordinator, Washington, D.C. 20410.

In addition, one copy of the request shall be addressed to the HUD Area Office serving the APO's jurisdiction. If the APO is served by more than one Area Office, the request shall be submitted to the Office which serves the largest geographic portion of the APO's planning area. All requests shall be postmarked no later than October 31, 1979.

APO's With Approved AHOP's Pursuant to Subpart E as of the Date of Publication of This Notice

Baltimore Regional Planning Commission, Baltimore, Md.
Capitol Regional Council of Governments, Hartford, Conn.
Centralina Council of Governments, Charlotte, N.C.
Central New York Regional Planning and Development Board, Syracuse, N.Y.
Denver Regional Council of Governments, Denver, Colo.
Franklin County Planning Department, Greenfield, Mass.
Lane Council of Governments, Eugene, Ore.
Lower Pioneer Valley Regional Planning Commission, Springfield, Mass.
Merrimac Valley Planning Commission, Haverhill, Mass.
Metropolitan Council, St. Paul, Minn.
Metropolitan Washington Council of Governments, Washington, D.C.
Miami Valley Regional Planning Commission, Dayton, Ohio
Mid-Missouri Council of Governments, Columbia, Mo.
Northeastern Ohio Four County Regional Planning and Development Organization, Akron, Ohio
Puget Sound Council of Governments, Seattle, Wash.
South Central Alabama Development Commission, Montgomery, Ala.
Southeast Regional Planning and Economic Development District, Marion, Mass.
Southeastern Virginia Planning and Development Commission, Norfolk, Va.
Southern California Association of Governments, Los Angeles, Calif.
Western Piedmont Council of Governments, Hickory, N.C.
White River Planning and Development District, Batesville, Ark.
Wilmington Metro Area Planning Coordinating Council, Newark, Del.

Issued at Washington, D.C., July 26, 1979.

Robert C. Embry,

Assistant Secretary for Community Planning and Development.

[FR Doc. 79-24276 filed 8-6-79; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Areas of Critical Environmental Concern; Intent To Prepare Policy and Procedures Guidelines

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Extension of comment period on proposed guidelines.

SUMMARY: The comment period in the **Federal Register** notice of June 6, 1979 (44 FR 32590) on the notice of intent to prepare policy and procedures guidance for Areas of Critical Environmental concern is being extended from August 6, 1979, to September 5, 1979, as a result of request for such an extension.

DATE: Comments by September 5, 1979.

ADDRESS: Comments should be sent to: Director (430), Bureau of Land Management, 1800 C Street, N.W., Washington, D.C. 20240. Comments will be available for public review in room 5615 of the above address from 7:45 a.m. to 4:15 p.m. on regular working days.

FOR FURTHER INFORMATION CONTACT: Terry Sopher, (202) 343-6064.

Ed Hastey,
Associate Director.

August 2, 1979.

[FR Doc. 79-24241 Filed 8-6-79; 8:45 am]

BILLING CODE 4310-84-M

Snake River Birds of Prey National Conservation Area, Boise, Idaho; Availability of Draft Environmental Statement (DES)

AGENCY: Bureau of Land Management, Interior

ACTION: Extension of comment period.

SUMMARY: The comment period in the **Federal Register** Notice, dated July 5, 1979, (FR 44, Vol. 132, Pages 40127-40129) has been extended from August 20, 1979, to September 14, 1979.

DATE: Comments by September 14, 1979.

ADDRESS: Send comments to Bureau of Land Management, District Manager, Boise District, 230 Collins Road, Boise, Idaho 83702.

FOR FURTHER INFORMATION: Dean Bibles, (208) 384-1582.

Arnold E. Petty,

Acting Associate Director, Bureau of Land Management.

[FR Doc. 79-24240 Filed 8-6-79; 8:45 am]

BILLING CODE 4310-84-M

Fish and Wildlife Service

Endangered Species Permit; Receipt of Application

Applicant: San Diego Zoological Garden, P.O. Box 551, San Diego, California 92112.

The applicant request a permit to export in the course of foreign commerce two black and white ruffed lemurs *(Lemur variegatus)* to the Royal Melbourne Zoological Gardens, Victoria, Australia, for enhancement of propagation.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-4301. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before September 6, 1979. Please refer to the file number when submitting comments.

Dated: July 26, 1979.

Donald G. Donahoo,

Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 79-24235 Filed 8-6-79; 8:45 am]

BILLING CODE 4310-55-M

Endangered Species Permit; Receipt of Permit Amendment

Applicant: Audubon Park and Zoological Garden, P.O. Box 4327, New Orleans, Louisiana 70178.

The permittee requests an amendment to their permit PRT 2-4085 to purchase in interstate commerce three clouded leopards (*Neofelis nebulosa*) from the Rare Feline Breeding Compound, Center Hill, Florida, instead of two as originally requested.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-4085. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before September 6, 1979. Please refer to the file number when submitting comments.

Dated: August 1, 1979.

Donald G. Donahoo,

Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 79-24232 Filed 8-6-79; 8:45 am]

BILLING CODE 4310-55-M

Endangered Species Permit; Receipt of Application

The applicants below wish to be authorized to conduct the specified activity with the indicated Endangered Species:

Applicant: Minnesota Zoological Garden (PRT 2-4387), 12101 Johnny Cake Ridge Rd., Apple Valley, Minnesota 55124.

The applicant requests a permit to purchase in interstate commerce two leopard cats (*Felis bengalensis bengalensis*) from the San Antonio Zoological Garden, San Antonio, Texas for enhancement of propagation.

Applicant: F. M. Driscoll (PRT 2-4420), Lexington Pheasantry, 219 Cowlitz Dr., Kelso, Washington 98626.

The applicant requests a permit to import and purchase in foreign commerce three Cabot's tragopan pheasants (*Tragopan caboti*) from Jack Schuiteman, Devlin, Ontario, Canada for enhancement of propagation.

Applicant: New York Zoological Society (PRT 2-4522), 185th St. & Southern Blvd., Bronx, New York 10460.

The applicant requests a permit to import as a gift three white-naped cranes *(Grus vipio)* from the Hong Kong Agricultural and Fisheries Department for enhancement of propagation.

Applicant: Camp Cooley Ranch (PRT 2-4404), Rt. 3, Franklin, Texas 77856.

The applicant requests a permit to purchase in interstate commerce one male banteng (*Bos banteng*) from the Brookfield Zoo, Brookfield, Illinois for enhancement of propagation.

Applicant: Stanley A. Temple (PRT 2-4426), Dept. of Wildlife Ecology, University of Wisconsin, Madison, Wisconsin 53706.

The applicant requests a permit to export Andean condors (*Vultur gryphus*) that were captive-born at the Patuxent Wildlife Research Center and New York Zoological Society to Peru to be released into the wild for enhancement of survival and scientific research.

Humane care and treatment during transport, if applicable, has been indicated by the applicant.

Documents and other information submitted with these applications are available to the public during normal business hours in Room 601, 1000 N. Glebe Road, Arlington, Virginia or by writing to the Director, U.S. Fish and Wildlife Service, WPO, Washington, D.C. 20240.

Interested persons may comment on these applications on or before September 6, 1979, by submitting written data, views, or arguments to the Director at the above address.

Dated: July 30, 1979.

Donald G. Donahoo,

Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 79-24234 Filed 8-06-79; 8:45 am]

BILLING CODE 4310-55-M

Threatened Species Permit; Receipt of Permit Renewal Request

Applicant: Miguel A. Feliciano-Ortiz, P.O. Box 644, Anasco, Puerto Rico 00610.

The permittee wishes to renew his Captive-Self Sustaining Population permit authorizing the purchase and sale in interstate commerce, for the purpose of propagation, those species of pheasants listed in 50 CFR Section 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 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This permit has been assigned file number PRT 2-440. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before September 6, 1979. Please refer to the file number when submitting comments.

Dated: August 1, 1979.

Donald G. Donahoo,

Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 79-24233 Filed 8-6-79; 8:45 am]

BILLING CODE 4310-55-M

Threatened Species Permit; Receipt of Applications

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, the indicated species 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 601, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, USFWS, WPO, Washington, D.C. 20240. Interested persons may comment on these applications within 30 days of the date of this publication by submitting written data, views, or arguments to the Director at the above address.

Applicant: Marine World Africa USA (PRT 2–4303; Species: all T(C/P) cats), Marine World Parkway, Redwood City, California 94065.

Applicant: Yvonne A. Boris (PRT 2–4461; Species: all T(C/P) pheasants), 1120 W. Pioneer Rd., Duluth, Minnesota 55803.

Applicant: Charles W. Siddle (PRT 2–4501; Species: all T(C/P) pheasants), 910 Morrow Rd., Morrow, Georgia 30260.

Please refer to the individual applicant and the appropriately assigned PRT 2– number when submitting comments.

Dated: July 26, 1979.

Donald G. Donahoo,

Chief, Permit Branch, Federal Wildlife Permit Office.

[FR Doc. 79-24236 Filed 8-6-79; 8:45 am]

BILLING CODE 4310-55-M

Heritage Conservation and Recreation Service

National Register of Historic Places; Additions, Deletions, and Corrections

By notice in the **Federal Register** of February 6, 1979, Part II, there was published a list of the properties included in the National Register of Historic Places. Further notice is hereby given that certain amendments or revisions in the nature of additions, deletions, or corrections to the previously published list are adopted as set out below.

It is the responsibility of all Federal agencies to take cognizance of the properties included in the National Register as herein amended and revised in accordance with section 106 of the National Historic Preservation Act of 1966, 80 Stat. 16 U.S.C. 470 et seq. (1970 ed.), and the procedures of the Advisory Council on Historic Preservation, 36 CFR Part 800.

Charles A. Herrington,

Acting Keeper of the National Register.

ALASKA

Wrangell-Petersburg Division

Petersburg, *Sons of Norway Hall,* Indian St. (7–10–79).

ARIZONA

Greenlee County

Clifton, *Clifton Casa Grande Building,* 8 Park Ave. (6–26–79).

Yuma County

Tacna Vicinity, *Antelope Hill Highway Bridge,* NW of Tacna spanning Gila River (6–28–79).

ARKANSAS

Arkansas County

Stuttgart, *Standard Ice Company Building,* 517 S. Main St. (7–2–79).

Garland County

Bear vicinity, *Green, Harley E., House,* N of Bear (7–19–79).

Pulaski County

Little Rock, *Bragg, Richard, House,* 305 E. 16th St. (7–22–79).

Little Rock, *Little Rock Y.M.C.A.,* 524 Broadway St. (7–22–79).

CALIFORNIA

Alameda County

Livermore vicinity, *Ravenswood,* S of Livermore on Arroyo Rd. (6–26–79).

Mendocino County

Manchester, *Manchester Schoolhouse,* 19750 CA 1 (6–26–79).

San Joaquin County

Stockton, *Fox California Theater,* 242 E. Main St. (6–27–79).

Santa Clara County

Campbell, *Campbell Union Grammar School,* 11 E. Campbell Ave. (7–20–79).

Tehama County

Red Bluff, *Cone and Kimball Building,* 747 Main St. (6–26–79).

COLORADO

Denver County

Denver, *Campbell, Richard Crawford, House,* 909 York St. (7–3–79).

Denver, *Country Club Historic District,* roughly bounded by 1st and 4th Aves., Race and Downing Sts. (7–10–79).

Denver, *Denver City Cable Railway Building,* 1801 Lawrence St. (7–2–79).

Denver, *Old Highland Business District,* 15th and Boulder Sts. (7–17–79).

El Paso County

Colorado Springs, *Midland Terminal Railroad Roundhouse,* 600 S. 21st St. (7–10–79).

Montrose County

Montrose vicinity, *Gunnison Tunnel,* E of Montrose (7–22–79).

CONNECTICUT

Hartford County

Windsor, *Allyn, Capt. Benjamin, II, House,* 119 Deerfield Rd. (6–26–79).

Litchfield County

Kent vicinity, *Beardsley, Capt. Philo, House,* SE of Kent on Beardsley Rd. (7–3–79).

Sharon, *Gay, Ebenezer, House,* Main St. (7–9–79).

New London County

Lisbon, *Clark, Andrew, House,* Ross Hill Rd. (6–28–79).

DELAWARE

Kent County

Dover, *Victorian Dover Historic District,* roughly bounded by Silver Lake, St. Jones River, North and Queen Sts. (7–16–79).

New Castle County

Newark vicinity, *Ferguson, Robert, House,* E of Neward at 636 Chestnut Hill Rd. (7–22–79).

Newark vicinity, *Walnut Lane,* E of Newark at 4133 Ogletown Rd. (7–22–79).

FLORIDA

Alachua County

Gainesville, *Anderson Hall,* W. University Ave. (6–27–79).

Gainesville, *Bryan Hall,* W. University Ave. and 13th St. (6–27–79).

Gainesville, *Flint Hall,* W. University Ave. (6–27–79).

Gainesville, *Floyd Hall,* University of Florida campus (6–27–79).

Gainesville, *Library East,* Murphree Way (6–27–79).

Gainesville, *Newell Hall,* Stadium Rd. (6–27–79).

Gainesville, *Peabody Hall,* University of Florida campus (6–27–79).

Gainesville, *U.S. Post Office,* 25 SE. 2nd Pl. (7–10–79).

Gainesville, *Women's Gymnasium,* East-West Rd. (6–27–79).

Duval County

Jacksonville, *Sammis, John S., House,* 207 Noble Circle West (7–10–79).

Escambia County

Pensacola, *St. Joseph's Church Buildings,* 140 W. Government St. (7–10–79).

Jefferson County

Lamont vicinity, *Turnbull-Ritter House,* NW of Lamont off U.S. 19 (7–18–79).

Monticello, *Palmer-Perkins House,* 625 W. Palmer Mill Rd. (7–10–79).

Leon County

Tallahassee, *Johnson-Caldwell House,* Old Bainbridge Rd. (7–20–79) HABS.

Orange County

Orlando, *Phillips, Dr. P., House,* 135 Lucerne Circle, NE. (7–10–79).

Pinellas County

Clearwater, *Ducros, Louis, House*, 1324 S. Fort Harrison St. (7–2–79).

Sarasota County

North Port Charlotte vicinity, *Little Salt Springs*, off U.S. 41 (7–10–79).

GEORGIA

Cobb County

Marietta vicinity, *Cheney, Andrew J., House*, SW of Marietta at Powder Springs and Bankstone Rds. (7–22–79).

Fulton County

Atlanta, *Grant Park Historic District*, roughly bounded by Glenwood and Atlanta Aves., Kelly and Eliose Sts. (7–20–79).
Atlanta, *Pitts, Thomas H., House and Dairy (Casa Loma)* 3105 Cascade Rd., SW.

Oglethorpe County

Philomath, *Philomath Historic District*, GA 22 (7–6–79).

Richmond County

Augusta, *Gould-Weed House*, 828 Milledge Rd. (7–16–79).

IDAHO

Bannock County

McCammon, *McCammon State Bank Building*, Center and 3rd Sts. (7–9–79).

Bonneville County

Idaho Falls, *Bonneville County Courthouse*, Capital Ave. and C St. (7–10–79).

Jerome County

Hunt, *Minidoka Relocation Center*, Hunt Rd. (7–10–79).

ILLINOIS

Cook County

Chicago, *Chapin and Gore Building*, 63 E. Adams St. (6–27–79).

INDIANA

Harrison County

Corydon vicinity, *Corydon Battle Site*, S of Corydon on IN 135 (7–9–79).

IOWA

Butler County

Greene, *Coldwater Church of the Brethren*, N. High St. (7–13–79).

Chickasaw County

Chickasaw, *Chickasaw Octagon House*, Court St. (7–17–79).

Franklin County

Hampton vicinity, *Reeve, Leander, House*, SE of Hampton on IA 134 (7–17–79).

Lucas County

Chariton, *Payne, O. E., House*, 702 Auburn Ave. (7–17–79).

Madison County

Winterset, *Guiberson House*, 302 S. 4th Ave. (7–10–79).

Polk County

Des Moines, *Fire Station No. 4*, 1041 8th St. (6–27–79).
Des Moines, *Iowa-Des Moines National Bank Building*, 520 Walnut St. (7–10–79).

Pottawattamie County

Council Bluffs, *Y.M.C.A. Building*, 628 1st Ave. (6–27–79).
Shelby vicinity, *Carstens Farmstead*, S of Shelby on IA 168 (7–10–79).

Scott County

Davenport, *Northwest Davenport Turner Society Hall*, 1602 Washington St. (7–10–79).

Washington County

Riverside, *St. Mary's Parish Church Buildings*, St. Mary's and Washburn Sts. (7–9–79).

Winneshiek County

Decorah, *Luther College Farm*, Luther College campus (7–17–79).

KENTUCKY

Anderson County

Lawrenceburg, *Dowling House*, 321 S. Main St. (7–10–79).

Boyd County

Ashland, ASHLAND MULTIPLE RESOURCE AREA. This area includes: *Bath Avenue Historic District*, Bath Ave.; *Ashland Coal and Iron Railroad Company Store*, 900 Front St.; *Ashland Coal and Iron Railroad Office*, 1100 Front St.; *Bagby, Alexander, House*, 1520 Lexington Ave.; *Crump and Field Grocery*, 1401–1405 Greenup Ave.; *Culbertson House*, 1520 Chestnut Dr.; *Felty's, Nando, Saloon*, 1500 Front St.; *Fields, Timothy, House*, 1600 Central Ave.; *Hilton, Martin, House, Poage House*, 1016 Winchester Ave.; *Rogers, Lon, House*, 2008 Lexington Ave.; *St. James A.M.E. Church*, Carter Ave. and 12th St.; *Savageot House and Shop*, 1512 Front St.; *Valdenar-Wheeler House*, 2417 Winchester Ave. (7–3–79).

Fayette County

Lexington, *Clark Hardware Company Building*, 367–369 W. Short St. and 142 N. Broadway (7–16–79).
Lexington vicinity, *Todd, William Lytle, House*, W of Lexington at 3725 Bowman Mill's Rd. (7–17–79).

Franklin County

Frankfort vicinity, *Allen, Col. R. T. P., House*, S of Frankfort on Johnson Rd. (7–10–79).

Fulton County

Fulton, *Carr, Ben F., Jr., House*, 203 2nd St. (7–16–79).

Jefferson County

Louisville, *Chestnut Street Methodist Church*, 809 W. Chestnut St. (7–16–79).
Louisville, *Doerhoefer-Hampton House*, 2422 W. Chestnut St. (7–16–79).
Louisville, *Elks Athletic Club*, 604 S. 3rd St. (7–16–79).
Lousiville, *First Christian Church*, 850 S. 4th St. (7–16–79).
Louisville, *Fourth Avenue Methodist Episcopal Church*, 318 W. St. Catherine St. (7–16–79).
Louisville, *Heyburn Building*, 332 W. Broadway (7–16–79).
Louisville, *Jefferson Branch Louisville Free Public Library*, 1718 W. Jefferson St. (7–18–79).
Louisville, *Kentucky National Bank*, 300 W. Main St. (7–16–79).

Henry County

Smithfield vicinity, *Highlands*, SW of Smithfield on KY 22 (7–9–79).

Laurel County

London vicinity, *Wildcat Battlefield Site*, 13.4 mi. N of London off U.S. 25 (6–28–79).

Madison County

Richmond, *Miller, William M., House*, S of Richmond (7–16–79).

McCracken County

Paducah, *Nashville, Chattanooga and St. Louis Railway Office and Freight House*, 300 S. 3rd St. (7–17–79).

Montgomery County

Mount Sterling, *Church of the Ascension*, High and Broadway Sts. (7–10–79).

Nelson County

Bardstown, *Johnson, Ben, House*, 1003 N. 3rd St. (7–16–79).

Oldham County

Brownsboro vicinity, *Kellar, Abraham, House*, W of Brownsboro off KY 329 (7–9–79).

Wolfe County

Hazel Green, *Hazel Green Academy Historic Buildings*, KY 191 (7–18–79).

MAINE

Androscoggin County

Lewiston, *Continental Mill Housing*, 66–82 Oxford St. (7–10–79).
Turner, *Turner Town House*, ME 117 (7–9–79).

Cumberland County

Gorham, *Baxter House*, South St. (6–27–79)
Harpswell, *Kellogg, Elijah, Church*, ME 123 (6–27–79)
Naples, *Perley, Sam, Farm*, Perley, Rd. (7–10–79)
Portland, *Minott, William, House*, 45 Park St. (7–10–79)
Scarborough vicinity, *Atlantic House*, S of Scarborough on Kirkwood Rd. (7–10–79)
Yarmouth, *Grand Trunk Railroad Station*, ME 115 (7–10–79)

Knox County

Rockland, *Rockland Public Library*, Union St. (7–10–79)

Lincoln County

Edgecomb vicinity, *Moore, John, House*, SW of Edgecomb on Cross Point Rd. (7–10–79)

Oxford County

Rumford vincinity, *Deacon Hutchins House*, NW of Rumford on ME 5 (7–10–79)

Sagadahoc County

Bath, *Crooker, W. D., House*, 71 South St. (7–10–79)

Washington County

Whitneyville, *Whitneyville Congregational Church*, Main St. (6–26–79)

MARYLAND

Frederick County

Middletown vicinity, *Bennies Hill Road Bridge*, SW of Middletown on Bennies Hill Rd. (6–27–79) HAER.

New London vicinity, *Maynard, Thomas, House*, 1.5 mi. NW of New London on Gas House Pike (7–18–79)

Unionville vicinity, *Pearre-Metcalfe House*, NE of Unionville off MD 31 (7–2–79)

Kent County

Chesterville, *Chesterville Brick House*, jct. of MD 290 and MD 447 (7–17–79)

Prince Georges County

Laurel, *Laurel High School*, Montgomery St. (6–27–79)

MASSACHUSETTS

Hampden County

Holyoke, *Caledonia Building*, 185–193 High St. (7–3–79)

MINNESOTA

Pope County

Terrace, *Terrace Mill Historic District*, Skarpness Rd. and SR 21 (7–17–79)

Silbey County

Henderson, *Old Sibley County Courthouse*, 6th and Main Sts. (7–2–79)

MISSISSIPPI

Adams County

Natchez, *Burn, The*, 307 Oak St. (7–3–79)

Natchez, *Cottage Gardens*, 816 Myrtle Ave. (7–5–79)

Natchez, *Glen Mary Plantation and Tenant House*, Foster Mound Rd. (7–6–79)

Natchez, *Hawthorne Place*, Lower Woodville Rd. (7–3–79)

Natchez, *Ravennaside*, 601 S. Union St. (7–5–79)

Hinds County

Jackson, *Williams, Alex, House*, 937 N. Lamar St (7–3–79)

Jefferson County

Union Church, *Union Church Presbyterian Church*, MS 550 (7–18–79)

MISSOURI

Adair County

Kirksville, *Grim Building*, 113–115 E. Washington St. (6–27–79)

Novinger vicinity, *Cabins Historic District*, S of Novinger off MO 6 (7–17–79)

Boone County

Centralia, *Chance, Albert Bishop, House and Gardens*, 319 E. Sneed St. (7–3–79)

Buchanan County

St. Joseph, *Hall Street Historic District*, roughly bounded by Isadore, Corby, 6th and 9th Sts. (7–17–79)

Cass County

Garden City vicinity, *O'Bannon Homestead (Schuyler Stock Farm)*, NE of Garden City off MO NN (7–3–79)

Clay County

Kansas City, *Compton, Dr. James, House*, 5410 NE. Oak Ridge Rd. (7–10–79)

Cooper County

New Lebanon, *New Lebanon Cumberland Presbyterian Church and School*, MO A (7–9–79)

Greene County

Springfield, *U.S. Customhouse and Post Office*, 830 Boonville Ave. (6–27–79).

Grundy County

Trenton, *St. Philip's Episcopal Church*, 141 E. 9th St. (7–17–79).

Holt County

Forest City, *City Hall*, MO 111 (6–27–79).

Iron County

Ironton, *Iron County Courthouse Buildings*, Courthouse Sq. and 220 S. Shepherd St. (6–27–79).

Jackson County

Kansas City, *Professional Building*, 1101–1107 Grand Ave. (7–17–79).

Kansas City, *Uptown Building and Theatre*, 3700–3712 Broadway (6–27–79).

Jasper County

Joplin, *Joplin Carnegie Library*, 9th and Wall Sts. (7–10–79).

Marion County

Hannibal, *Hannibal Old Police Station and Jail*, 4th and Church Sts. (7–17–79).

Pettis County

Sedalia, *Harris House*, 705 W. 6th St. (7–10–79).

Pulaski County

Waynesville, *Pulaski County Courthouse*, Courthouse Sq. (7–17–79).

Ray County

Richmond, *Ray County Poor Farm*, W. Royale St. (7–10–79).

St. Louis City (independent city).

St. Stanislaus Kostka Church, 1413 N. 20th St. (7–10–79).

Saline County

Marshall, *Chicago and Alton Depot*, Sebree St. (6–27–79).

Scotland County

Memphis, *Downing House*, 311 S. Main St. (6–27–79).

MONTANA

Custer County

Miles City, *Miles City Steam Laundry*, 800 Bridge St. (7–5–79).

Fergus County

Lewistown, *Masonic Temple*, 322 W. Broadway St. (7–3–79).

NEW JERSEY

Bergen County

Oradell, *Van Buskirk-Oakley House*, 467 Kinderamack Rd. (7–3–79).

Essex County

Montclair, *Shultz, Charles S., House*, 30 N. Mountain Ave. (7–22–79).

Hudson County

Hoboken, *Hoboken Land and Improvement Company Building*, 1 Newark St. (7–3–79).

Hunterdon County

Prallsville, *Prallsville District*, NJ 29 (6–27–79).

Middlesex County

Monmouth Junction vicinity, *Gulick House*, W of Monmouth Junction on Raymond Rd. (7–3–79).

Warren County

Washington, *Washington Railroad Station*, Railroad Ave. (7–3–79).

NEW MEXICO

Bernalillo County

Albuquerque, *Lewis, Charles W., Building*, 1405–1407 2nd St., SW. (7–3–79).

McKinley County

Gallup, *Cotton, C. N., House*, 406 W. Aztec Ave. (7–10–79).

NEW YORK

Columbia County

Linlithgo vicinity, *Oak Hill*, N of Linlithgo on Oak Hill Rd. (6–26–79).

Greene County

Leeds vicinity, *Newkirk Homestead*, NW of Leeds on Sandy Plains Rd. (7–22–79).

Nassau County

Mill Neck, *Dodge, Lillian Sefton, Estate*, Frost Mill Rd. (7–22–79).

New York County

New York, *Norwood, Andrew S., House*, 241 W. 14th St. (7–9–79).

New York, *Ottendorfer Public Library and Stuyvesant Polyclinic Hospital*, 135 and 137 2nd Ave. (7–22–79).

Suffolk County

Commack, *Carll, Marion, Farm*, 475 Commack Rd. (6–26–79).

Tompkins County

Ithaca, *Ithaca Pottery Site* (7–17–79).

Ulster County

Kingston, *Community Theatre (Broadway Theatre)* 601 Broadway (7–22–79).

NORTH CAROLINA

SLATER INDUSTRIAL ACADEMY HOUSES THEMATIC RESOURCES. Reference—see individual listings under Forsyth County.

Forsyth County

Winston-Salem, *Atkins, S. G., House (Slater Industrial Academy Houses Thematic Resources)* 346 Atkins St. (7–22–79).
Winston-Salem, *Hill, J. S., House (Slater Industrial Academy Houses Thematic Resources)* 914 Stadium Dr. (7–22–79).
Winston-Salem, *Paisley, J. W., House (Slater Industrial Academy Houses Thematic Resources)* 934 Stadium Dr. (7–22–79).

Franklin County

Franklinton, *Person-McGhee Farm*, U.S. 1 (6–26–79).

Mecklenburg County

Charlotte, *Hotel Charlotte*, 327 W. Trade St. (7–2–79).

Moore County

Aberdeen, *Bethesda Presbyterian Church*, NC 5 (7–22–79).

Pender County

Scott's Hill, *Poplar Grove*, U.S. 17 (7–16–79).

Randolph County

Archdale vicinity, *Harper House*, S of Archdale (7–22–79).

Rockingham County

Madison vicinity, *Fewell-Reynolds House* (7–16–79).

Stokes County

Pine Hall, *Pine Hall (Anderson-Hanes House)* SR 1901 and NC 772 (7–16–79).

OHIO

Cuyahoga County

Gates Mills, *Gates Mills Village District*, OH 174 (6–28–79).

Lorain County

Vermilion, *Brownhelm Historic District*, N. Ridge Rd. (6–28–79).

Marion County

Caledonia, *Memorial United Methodist Church*, 243 S. Main St. (7–10–79).

Montgomery County

Centerville vicinity, *Belville-Maxwell House*, W of Centerville off OH 725 (7–10–79).

Richland County

Mansfield, *Mansfield Blockhouse*, South Park (7–10–79).
Mansfield, *Mayflower Memorial Congregational Church*, 168 Buckingham St. (7–10–79).

OKLAHOMA

Garfield County

Enid, *Rock Island Depot*, 200 Owen K. Garriott Blvd. (7–18–79).

Muskogee County

Fort Gibson, *Nash-Swindler House*, Maple and Jackson Sts. (7–13–79).

Oklahoma County

Oklahoma City, *Maney Historic District*, 725 NW. 11th St., 1200 and 1224 N. Shartel Ave. (7–18–79).

Tulsa County

Tulsa, *Tribune Building*, 20 E. Archer St. (7–16–79).

OREGON

Multnomah County

Portland, *Neighborhood House*, 3030 SW. 2nd Ave. (7–10–79).

Washington County

Tigard, *Tigard, John W., House*, 10310 SW. Canterbury Lane (7–20–79).

PENNSYLVANIA

COVERED BRIDGES OF WASHINGTON AND GREENE COUNTIES THEMATIC RESOURCES. Reference—see individual listings under Washington and Greene Counties.

Allegheny County

Pittsburgh, *Allegheny Observatory*, 159 Riverview Ave. (6–22–79).

Bucks County

Spinnerstown, *Spinner House*, Spinnerstown and Sleepy Hollow Rds. (6–22–79).

Chester County

West Chester, *Everhart, William, Building*, 28 W. Market St. (7–17–79).

Dauphin County

Hummelstown, *Matlack, Enoch, House*, 250 E. Main St. (6–22–79).

Greene County

DAVIS, HORN, OVERHOLTZER (COVERED BRIDGES OF WASHINGTON AND GREENE COUNTIES THEMATIC RESOURCES). Reference—see Washington County.
Brave vicinity, *King Covered Bridge (Covered Bridges of Washington and Greene Counties Thematic Resources)* spans Hoover Run (6–22–79).
Carmichaels, *Carmichaels Covered Bridge (Covered Bridges of Washington and Greene Counties Thematic Resources)* spans Muddy Creek (6–22–79).
Garards Fort vicinity, *Red, Neils, Covered Bridge (Covered Bridges of Washington and Greene Counties Thematic Resources)* spans Whiteley Creek (6–22–79).
Garards Fort vicinity, *White Covered Bridge (Covered Bridges of Washington and Greene Counties Thematic Resources)* spans Whitley Creek (6–22–79).
Rogersville vicinity, *Scott Covered Bridge (Covered Bridges of Washington and Greene Counties Thematic Resources)* PA 21 (6–22–79).
Waynesburg vicinity, *Grimes Covered Bridge (Covered Bridges of Washington and Greene Counties Thematic Resources)* PA 221 (6–22–79).
Waynesburg vicinity, *Lippincott Covered Bridge (Covered Bridges of Washington and Greene Counties Thematic Resources)* PA 221 (6–22–79).
Waynesburg vicinity, *Shriver Covered Bridge (Covered Bridges of Washington and Greene Counties Thematic Resources)* spans Harqus Creek (6–22–79).
Waynesburg vicinity, *Woods, Nettie, Covered Bridge (Covered Bridges of Washington and Greene Counties Thematic Resources)* spans Pursley Creek (6–22–79).

Lebanon County

Campbelltown, *Stauffer, Dr. B., House*, 192 W. Main St. (6–22–79).

Monroe County

Bushkill vicinity, *Shoemaker, Capt. Jacob, House*, NW of Bushkill (7–17–79).

Montgomery county

Cheltenham vicinity, *Wall House (The Ivy)* W of Cheltenham on Old York Rd. (6–28–79).

Northumberland County

Watsontown vicinity, *Hopper-Snyder Homestead*, NE of Watsontown off SR 49061 (7–3–79).

Philadelphia County

Philadelphia, *Hamilton Family Estate*, 4039–4041 Baltimore Ave. and 4000–4018 Pine St. (6–22–79).
Philadelphia, *Old Federal Reserve Bank*, 925 Chestnut St. (6–28–79) HABS.
Philadelphia, *Union League of Philadelphia*, 140 S. Broad St. (6–22–79).

Washington County

Avella vicinity, *Pine Bank Covered Bridge (Covered Bridges of Washington and Greene Counties Thematic Resources)* (6–22–79).
Avella vicinity, *Wilson Mill Covered Bridge (Covered Bridges of Washington and Greene Counties Thematic Resources)* spans Cross Creek (6–22–79).
Beallsville vicinity, *Martin's Mill Covered Bridge (Covered Bridges of Washington and Greene Counties Thematic Resources)* spans Ten Mile Creek (6–22–79).
Bentleyville vicinity, *Ebenezer Covered Bridge (Covered Bridges of Washington and Greene Counties Thematic Resources)* off PA 136 (6–22–79).
Bentleyville vicinity, *Wright, Cerl, Covered Bridge (Covered Bridges of Washington and Greene Counties Thematic Resources)* I–70 (6–22–79).
Burgettstown vicinity, *Devil's Den, McClurg Covered Bridge (Covered Bridges of Washington and Greene Counties Thematic Resources)* spans Kings Creek (6–22–79).
Burgettstown vicinity, *Jackson's Mill Covered Bridge (Covered Bridges of Washington and Greene Counties Thematic Resources)* spans Kings Creek (6–22–79).
Burgettstown vicinity, *Lyle Covered Bridges (Covered Bridges of Washington and Greene Counties Thematic Resources)* spans Raccoon Creek (6–22–79).
Burgettstown vicinity, *Ralston Freeman Covered Bridge (Covered Bridges of Washington and Greene Counties Thematic Resources (6–22–79).*

Claysville vicinity, *Mays, Blaney Covered Bridge (Covered Bridges of Washington and Greene Counties Thematic Resources)* spans Middle Wheeling Creek (6–22–79).
Cokesburg vicinity, *Leatherman Covered Bridge (Covered Bridges of Washington and Greene Counties Thematic Resources) (6–22–79).*
Midway vicinity, *Krepps Covered Bridges (Covered Bridges of Washington and Greene Counties Thematic Resources)* (6–22–79).
Monongahela vicinity, *Henry Covered Bridge (Covered Bridges of Washington and Greene Counties Thematic Resources)* spans Mingo Creek (6–22–79).
North Fredericktown vicinity, *Davis, Horn, Overholtzer (Covered Bridges of Washinton and Greene Counties Thematic Resources)* (6–22–79) (also in Greene County).
Prosperity vicinity, *Bailey Covered Bridge (Covered Bridges of Washington and Greene Counties Thematic Resources)* spans Ten Mile Creek (6–22–79).
Prosperity vicinity, *Day Covered Bridge (Covered Bridges of Washington and Greene Counties Thematic Resources)* spans Short Creek (6–22–79).
Prosperity vicinity, *Hughes Covered Bridge (Covered Bridges of Washington and Greene Counties Thematic Resources)* spans Ten Mile Creek (6–22–79).
Taylorstown vicinity, *Sawhill Covered Bridge (Covered Bridges of Washington and Greene Counties Thematic Resources)* PA 221 (6–22–79).
West Alexander vicinity, *Erskine Covered Bridge (Covered Bridges of Washington and Greene Counties Thematic Resources)* spans Middle Wheeling Creek (6–22–79).
West Finley vicinity, *Brownlee, Scott, Covered Bridge (Covered Bridges of Washington and Greene Counties Thematic Resources)* off PA 231 (6–22–79).
West Finley vicinity, *Crawford Covered Bridge (Covered Bridges of Washington and Greene Counties Thematic Resources)* (6–22–79).
West Finley vicinity, *Danley Covered Bridge (Covered Bridges of Washington and Greene Counties Thematic Resources)* (6–22–79).
West Finley vicinity, *Miller, Longdon L., Covered Bridge (Covered Bridges of Washington and Greene Counties Thematic Resources)* (6–22–79).
West Finley vicinity, *Plant's Covered Bridge (Covered Bridges of Washington and Greene Counties Thematic Resources)* (6–22–79)
West Finely vicinity, *Sprowl's Covered Bridge (Covered Bridges of Washington and Greene Counties Thematic Resources)* off PA 231 (6–22–79).
West Finely vicinity, *Wyit Sprowls Covered Bridge (Covered Bridges of Washington and Greene Counties Thematic Resources)* (6–22–79).

York County

East Prospect vicinity, *Burgholtshouse,* S of East Prospect on PA 124 (6–22–79).

RHODE ISLAND

Providence County

East Providence, *Pomham Rocks Light Station,* Riverside Rd. (7–9–79).

SOUTH CAROLINA

Barnwell County

Barnwell, *Bethlehem Baptist Church,* Wall and Gilmore Sts. (7–10–79).

Beaufort County

Beaufort vicinity, *Seaside Plantation,* 10 mi. E of Beaufort on SC 21 (7–16–79).

Clarendon County

Manning, *Manning Library,* 211 N. Brooks St. (7–10–79).

Lexington County

Lexington vicinity, *Meetze, Maj. Henry A., House,* S of Lexington at 723 S. Lake Dr. (7–13–79).

Marlboro County

Clio, *Clio Historic District,* SC 9 and SC 381 (7–16–79).

Sumter County

Mayesville, *Mayesville Historic District,* irregular pattern along Lafayette St. (7–16–79).

TENNESSEE

Cheatham County

Ashland City vicinity, *Sycamore Mills Site,* N of Ashland City on TN 49 (7–9–79).

Hamilton County

Chattanooga, *Chattanooga Car Barns,* 301 Market St. (7–9–79).

Maury County

Columbia, *St. Peter's Episcopal Church,* 311 W. 7th St. (6–27–79).

Shelby County

Memphis, *Greenwood,* 1560 Central Ave. (7–9–79).

TEXAS

Culberson County

Van Horn, *Clark Hotel,* 112 Broadway St. (7–19–79).

El Paso County

El Paso, *Women's Club,* 1400 N. Mesa St. (7–22–79).

Newton County

Newton, *Newton County Courthouse,* off TX 190 (7–19–79).

Terrant County

Fort Worth, *Hotel Texas,* 815 Main St. (7–3–79).
Fort Worth, Waggoner, W. T., Building 810 Houston St. (7–10–79).

UTAH

Cache County

Logan, *Logan L.D.S. Sixth Ward Church,* 395 S. Main St. (7–10–79).

Daggett County

Dutch John vicinity, *Swett Ranch,* NE of Dutch John (7–10–79).

Salt Lake County

Salt Lake City, *Beesley, Ebenezer, House,* 80 W. 200 North (7–16–79).

Sanpete County

Mt. Pleasant, *Staker, Alma, House,* 81 E. 300 South (7–9–79).

VIRGINIA

Brunswick County

Lawrenceville, *St. Paul's College,* St. Paul's College campus (6–27–79).

James City County

Toano vicinity, *Chickahominy Shipyard Archeological Site* (6–28–79).

Rockbridge County

Brownsburg vicinity, *Kennedy-Wade Mill,* 2.3 mi. NE of Brownsburg on VA 606 (7–13–79).

Virginia Beach (independent city)

U.S. Coast Guard Station, Atlantic Ave. and 24th St. (7–11–79).

WASHINGTON

Clallam County

Port Angeles vicinity, *Rosemary Inn,* SW of Port Angeles on Barnes Point (7–17–79).

Clark County

Camas vicinity, *Pittock House (Lakeside)* N of Camas at 114 NE. Leadbetter Rd. (7–3–79).

Pacific County

Klipsan Beach, *Klipsan Beach Life Saving Station,* WA 103 (7–5–79).

WEST VIRGINIA

Wayne County

Fort Gay, *Wildcat Branch Petroglyphs,* N of Fort Gay on SR 1 (7–22–79).

WISCONSIN

Dane County

Middleton, *Stricker Pond I Site (47 Da 424)* (7–16–79).

Door County

Egg Harbor, *Cupola House,* 7836 Egg Harbor Rd. (7–16–79).

Milwaukee County

Milwaukee, *St. James Episcopal Church,* 833 W. Wisconsin Ave. (6–27–79).

Racine County

Racine, *Engine House No. 4,* 1339 Lincoln St. (6–27–79).
Racine, *St. Patrick's Roman Catholic Church,* 1100 Erie St. (7–5–79).

Waukesha County

Muskego, *Philadelphia Toboggan Company Carousel No. 15,* Janesville Rd. (6–27–79).

Winnebago County

Neenah, *Smith, Charles R., House,* 824 E. Forest Ave. (7–16–79).

WYOMING

Converse County

Douglas, *College Inn Bar*, 103 N. 2nd St. (7–10–79).

Laramie County

Cheyenne, *Castle on 19th Street*, 1318 E. 19th St. (7–10–79).
Cheyenne, *Crook House*, 314 E. 21st St. (7–10–79).
Cheyenne, *Lafrentz, Ferdinand, House*, 2015 Warren Ave. (7–17–79).

The following is a list of corrections to properties listed in the "Federal Register," Part II, February 6, 1979. Additional corrections may appear in subsequent updates.

CALIFORNIA

San Francisco County

San Francisco, *Phelps, Abner, House*, 1111 Oak St. (5–23–79) HABS (previously listed at 329 Divisadero St.).

COLORADO

Denver County

Denver, *Raymond, Wilbur S., House*, 1572 Race St. (11–21–74) (previously listed as Marne, The).

HAWAII

Honolulu County

Honolulu, *Hawaii Theatre*, 1130 Bethel St. (11–14–78) (previously listed in incorrect order).
Honolulu, *Lishman Building*, Makiki Park, Keeaumoku St. (9–13–78) (previously listed in incorrect order).

OKLAHOMA

Sequoyah County

Short, *Lee's Creek Ceremonial Center Site*, OK 101 (1–31–76) (previously listed as Parris Mound).

* * * * *

The following properties have been demolished and/or removed from the National Register of Historic Places. This action does not modify the applicability, if any, of provisions of section 2124 of the Tax Reform Act.

NEW JERSEY

Morris County

Florham Park, *Little Red Schoolhouse*, Ridgedale Ave. at Columbia Tpke. (removed)

* * * * *

Determinations of eligibility are made in accordance with the provisions of 36 CFR 63, procedures for requestion determinations of eligibility, under the authorities in section 2(b) and 1(3) of Executive Order 11593 and section 106 of the National Historic Preservation Act of 1966, as amended, as implemented by the Advisory Council on Historic Preservation's precedures, 36 CFR Part 800. Properties determined to be eligible under § 63.3 of the procedures for requestion determinations of eligibility are designated by (63.3).

Properties which are determined to be eligible for inclusion in the National Register of Historic Places are entitled to protection pursuant to section 106 of the National Historic Preservation Act of 1966, as amended, and the procedures of the Advisory Council on Historic Preservation, 36 CFR Part 800. Agencies are advised that in accord with the procedures of the Advisory Council on Historic Preservation, before any agency of the Federal Government may undertake any project which may have an effect on an eligible property, the Advisory Council on Historic Preservation, shall be given an opportunity to comment on the proposal.

The following list of additions, deletions, and corrections to the list of properties determined eligible for inclusion in the National Register is intended to supplement the cumulative version of that list published in February of each year.

CALIFORNIA

Humboldt County

Bayside, *Bayside Presbyterian Church*, Myrtle Ave. (63.3).
Bayside, *Connors-Lawlor-Wilson House*, Myrtle Ave. (63.3).
Bayside, *McAdam-Barwise-Will McFarland House*, Myrtle Ave. (63.3).
Bayside, *Mitchell, George, House*, Myrtle Ave. (63.3).
Bayside, *Monahan, Charles-Dexter House*, Old Arcata Rd. (63.3).
Bayside, *Nellist, Davis Oscar, House*, Old Arcata Rd. (63.3).
Bayside, *Nellist-Zucar-Smith, House*, Old Arcata Rd. (63.3).
Bayside vicinity, *Berry, John, House*, Myrtle Ave. (63.3).
Bayside vicinity, *Campbell-Smith-Monroe House*, S of Bayside on Myrtle Ave. (63.3).
Bayside vicinity, *Clendenin House*, S of Bayside on Myrtle Ave. (63.3).
Bayside vicinity, *Dolbeer and Carson School (Matheson House)* S of Bayside on Myrtle Ave. (63.3).
Bayside vicinity, *Henry, Francis, House*, S of Bayside on Myrtle Ave. (63.3).
Bayside vicinity, *Henry, James, House*, S of Bayside on Myrtle Ave. (63.3).
Bayside vicinity, *Noble, Jim, House*, S of Bayside on Myrtle Ave. (63.3).
Freshwater Corners vicinity, *Graham-Anderson House*, N of Freshwater Corners on Myrtle Ave. (63.3).
Freshwater Corners vicinity, *Graham, George, House*, N of Freshwater Corners on Myrtle Ave. (63.3).
Freshwater Corners vicinity, Long-Graham House, N of Freshwater Corners on Myrtle Ave. (63.3).
Freshwater Corners vicinity, *Pinkerton, John, House*, N of Freshwater Corners on Myrtle Ave. (63.3).
Freshwater Corners vicinity, *Spinney, Gideon, House*, N of Freshwater Corners on Myrtle Ave. (63.3).
Freshwater Corners vicinity, *Spinney, Joseph, House*, N of Freshwater Corners on Myrtle Ave. (63.3).
Freshwater Corners, *Wilson, Clifton, Water Tower*, N of Freshwater on Myrtle Ave. (63.3).
Freshwater Corners vicinity, *Wilson, Second Clifton, House*, N of Freshwater on Myrtle Ave. (63.3).
Freshwater Corners vicinity, *Wilson, Stephen, House*, N of Freshwater Corners on Myrtle Ave. (63.3).
Freshwater Slough vicinity, *Long-Graham Dairy Barn*, Myrtle Ave. (63.3).
Indianola vicinity, *Johnson, Al and Mary, House*, N of Indianola on Myrtle Ave. (63.3).
Indianola vicinity, *Pinkerton, George-McAlister Barn*, N of Indianola on Myrtle Ave. (63.3).
Indianola vicinity, *Viale House*, N of Indianola on Myrtle Ave. (63.3).

Los Angeles County

Los Angeles, *Lake Street Historic District*, Lake St.
Los Angeles, *Royal Lake*, 2202 11th St.

Santa Cruz County

Ben Lomond, *Jones House*, 9655 CA 9 (63.3).
Ben Lomond, *Weatherly Castle*, CA 9.

COLORADO

Delta County

Paonia vicinity, *Archeological Sites 5DT126 and 5DT127, off CO 133* (63.3).
Paonia vicinity, *Bruce, Ray, Property*, W of Paonia on CO 133 (63.3).
Paonia vicinity, *Town of Bowie*, E of Paonia on CO 133 (63.3).

Douglas County

Arcehological Site 5DA259 (63.3).

CONNECTICUT

Hartford County

Bristol, *Rockwell Park*.
Hartford, *Sisson, Albert L., House*, Sisson Ave.

New Haven County

Wallingford, *Toelles Road Bridge*, spans Wyinnipiac River (63.3).

Windham County

Plainfield, *Wauregan Historic District*.

DISTRICT OF COLUMBIA

Washington

Mt. Vernon Square (63.3).
New York Avenue from Ninth to Fifteenth Street (63.3).
U.S. Reservations 173 and 174 (63.3).

HAWAII

Honolulu County

Oahu, *Archeological Site 7*, Kawainui Marsh (63.3).

ILLINOIS

Pike County

BURNT HILL MULTIPLE RESOURCE AREA. This area includes: Aberdeen; *Beagle Bay; Birch; Birch East; Bonz; Boudreau; Brite; Broken Axe; Brush College School; Burnt Hill; Carrion; Church Hollow; Coyote Draw; Cruttendon; Dagley; Defunct Deer; Dessicated Maize; Disparity; Doc; Dorman; Elledge; Fish; Frigid Ridge; Fudge; Gleckler; Glen Estate; Grace; Griggsville;*

Hedge Apple; Hedge Apple East; Hidden Hollow; Homestead; Hyk; Indian Ridge; Keller; Kurkwright; Lightle; Lippincott; Long Shadow; Maple Grove; Middle Bluff; Mills; Mummy; Myron; Nean; Newingham; Occasional Owl's Nest; Picnic Point; Pond; Possible; Prairie Bramble; Revans; Rut; Segregation; Seven Trucks Ravine; Stauffer; Stickman Sink; Sunflower; Tiny; Turnbull; Turnbull Garden; Walnut Bluffs; Washout; White School; Wild Cherry; Winfred; Woodpecker Bluff (63.3).

INDIANA

Floyd County

New Albany, *New Albany Historic District.*

KANSAS

Johnson County

Shawnee, *Caenen, Remi, House,* 120401 Johnson Dr. (63.3).

KENTUCKY

Jefferson County

Louisville, *Atherton Building,* 466 River City Hall.
Louisville, *Republic Building,* 129 W. Walnut St.
Louisville, *Sales, Will, Building,* 405 S. 4th St.
Louisville, *Starks Building,* River City Mall.

LOUISIANA

Rapides Parish

Alexandria, *Missouri Pacific-Texas Pacific Railroad Station,* 10th and Jackson Sts.

MARYLAND

Allegany County

Cumberland vicinity, *Lippold Stone Farmhouse.*
Baltimore (independent city).
Crimes Historic District.
St. Mary's County.
Cedar Point Lighthouse, Patuxent River and Chesapeake Bay.

MASSACHUSETTS

Essex County

Newburyport, *Central Waterfront Archeological District.*

Middlesex County

Ashland, *Ashland House,* 117 Main St. (63.3).

Worcester County

Worcester, *Oxford-Crown District (extension)* (63.3).

MINNESOTA

Ramsey County

St. Paul, *Minnesota Boat Club,* Navy Island.

MISSOURI

Carroll County

Carrollton, *Carroll County Courthouse.*

Worth County

Grant City, *Worth County Courthouse.*

MONTANA

Custer County

Miles City, *Miles City Water Works Building and Pumping Plant Park,* Pumping Plant Rd. (63.3).

Dawson

Glendive vicinity, *Taylor-Siegel Archeological Site (24DW11)* (63.3).

Jefferson County

Basin, *Basin Historic District.*

Missoula County

Lolo Hot Springs vicinity, *Lolo Springs Ranger Station,* Lolo National Forest (63.3).

NEVADA

Eureka County

Pine Valley Archeological District (63.3) Pine Valley.

NEW HAMPSHIRE

Hillsborough County

Manchester, *Monadnock Building,* 1140–1160 Elm St.
Manchester, *Salty Dog Tavern,* 17 Bridge St.

NEW JERSEY

Somerset County

Manville, *Finderne Avenue Bridge.*

NEW MEXICO

San Juan County

Shiprock vicinity, *Archeological Site LA 8970,* off U.S. 550 (63.3).
Squaw Springs vicinity, *Squaw Springs Archeological Sites 1, 3–23, 25–51, 53–61.*

NEW YORK

Erie County

Cheektowaga vicinity, *Creekside Grove Site UB 1503,* Union Rd. (63.3).

Orange County

New Windsor, *Plum Point Site* (63.3).

St. Lawrence County

Potsdam, *Potsdam Depot* (63.3).

Saratoga County

Waterford, *Waterford Archeological District.*

NORTH CAROLINA

Chatham County

Seaforth vicinity, *Newkirk Site 31CH366* (63.3).

Hamilton County

Cincinnati, *Betts Historical District.*
Cincinnati, *Building at 200–204 Fourth Street.*
Cincinnati, *Building at 201–205 Fifth Street.*
Cincinnati, *Building at 213–215 Fifth Street.*
Cincinnati, *Building at 425–435 Elm Street.*
Cincinnati, *Eighth Street Cluster.*

Tuscarawas County

Belnap-Pearch-Van Buskirk Farm Buildings, OH 212.

OKLAHOMA

Latimer County

Archeological Site 34LT32, Clayton Lake Area (63.3).

Pushmataha County

Archeological Sites 34PU74, 102, 105 and 111, Clayton Lake Area (63.3).

OREGON

Clackamas County

Canby, *Canby Railroad Depot,* 1st St. (63.3).

Lake County

Lakeview, *Sycan Marsh Archeological District* (portions within the township 32 South, Range 13 East, and includes all of Sections 9, 16, 21, 30, 29, 31, 32 and portions of Section 4, 28, 33, Willamette Meridian (63.3).

PENNSYLVANIA

Chester County

West Chester, *U.S. Post Office,* E. Gay and Walnut Sts.

Lancaster County

Lancaster, *U.S. Post Office,* W. Chestnut and N. Prince Sts.

TEXAS

Cameron County

Port Isabel Coast Guard Station.

EL Paso County

Archeological Site E.P.C.M. 31: 106: 3: 1717 (63.3).

Live Oak County

Three Rivers vicinity, *Pullen, Ray, Site (41 LK 116)* (63.3).
Three Rivers vicinity, *Schultz Site (41 LK 114)* (63.3).
Three Rivers vicinity, *Webb Site (41 LK 228)* (63.3).

VERMONT

Chittenden County

Winooski, *Porter Screen Wood Finishing Mill.*

WASHINGTON

Pierce County

Paradise Inn, Mt. Rainier National Park (63.3).

WISCONSIN

Racine County

Racine, *Racine County Courthouse,* 730 Wisconsin Ave.
Racine, *Racine Zoo Administration Building,* 2129 N. Main St.

Richland County

Gotham vicinity, *Richland City Site,* S of Gotham.

[FR Doc. 79-24091 Filed 8-6-79; 8:45 am]
BILLING CODE 4310-03-M

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the Heritage Conservation and Recreation Service before July 27, 1979. Pursuant to section 60.13 of 36 CFR Part 60, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, Heritage Conservation and Recreation Service, U.S. Department of the Interior, Washington, DC 20243. Written comments or a request for additional time to prepare comments should be submitted by August 17, 1979.

Charles A. Herrington,

Acting Keeper of the National Register.

ALASKA

Fairbanks Division

North Pole vicinity, *Chugwater Site.*

CALIFORNIA

Alameda County

Alameda, *Masonic Temple,* 1329–1331 Park St.
Oakland, *Oakland Hotel,* 260 13th St.

Los Angeles County

Chatsworth, *Palmer, Minnie Hill, House (Homestead Acre)* Chatsworth Park.
Hollywood, *Guaranty Building,* 6331 Hollywood Blvd.
Los Angeles, *Bernard, Susana Machado, House and Barn,* 845 S. Lake St.

Orange County

San Juan Capistrano, *Harrison House,* 27832 Ortega Hwy.

Placer County

Tahoe City, *Watson Log Cabin,* 560 N. Lake Blvd.

San Diego County

San Diego, *Medico-Dental Building,* 233 A St.

Yolo County

Davis, *Tufts, Joshua B., House,* 434 J St.

COLORADO

Denver County

Denver, *Guerrieri-DeCunto House,* 1650 Pennsylvania St.

GEORGIA

Fulton County

Atlanta, *Van Winkle, E., Gin and Machine Works,* Foster St.

Henry County

Hampton, *Hampton Depot,* E. Main St.

Ware County

Waycross, *U.S. Post Office and Courthouse,* 605 Elizabeth St.

ILLINOIS

Cook County

Chicago, *Municipal Pier,* 200 Street Dr.
Chicago, *Quinn Chapel of the A.M.E. Church,* 2401 S. Wabash Ave.
Chicago, *Sanctuary of the Sacred Heart Mission Church,* 11652 S. Church St.
Chicago, *Unity Building,* 127 N. Dearborn St.

Kane County

Geneva, *Central Geneva Historic District,* roughly bounded by Fox River, South, 6th, and W. State Sts.

Lake County

Libertyville vicinity, *Church of the St. Sava Serbian Orthodox Monastery,* N of Libertyville on N. Milwaukee Ave.

Marion County

Kinmundy, *Rohrbouth, Calendar, House (Grissom House)* 3rd and Madison Sts.

Peoria County

Peoria, *Proctor, John C., Recreation Center,* 309 S. Allen St.

Putnam County

Hennepin, *Pulsifer, Edward, House,* IL 71.

Sangamon County

Springfield, *Lewis, John L., House,* 1132 W. Lawrence Ave.

Winnebago County

Rockford, *Coronado,* 312–324 N. Main St.

INDIANA

Vigo County

North Terre Haute, *Markle House and Mill Site,* 4900 Mill Dam Rd.

KENTUCKY

Scott County

Georgetown vicinity, *Oxford Historic District,* NE of Georgetown at U.S. 62 and KY 922.

MAINE

Kennebec County

Augusta, *Ellis, Dr. J. W., House,* 62 State St.

MICHIGAN

Berrien County

Niles, *Niles Railroad Depot,* 598 Dey St.

Oakland County

Farmington, *Botsford Inn,* 28000 Grand River Ave.

MONTANA

Missoula County

Missoula, *Higgins Block,* 202 N. Higgins Ave.

NEBRASKA

Douglas County

Boys Town, *Father Flanagan's House,* off U.S. 6.

NEW JERSEY

Burlington County

Chatsworth, *Shamong Hotel (Whitehorse Inn)* Main St.

Essex County

Newark, *Newark Female Charitable Society,* 305 Halsey St.

Middlesex County

Jamesburg, *Ensley-Mount-Buckalew House,* Buckalew Ave.
Jamesburg vicinity, *Holmes-Tallman House,* NW of Jamesburg at Cranbury and Brown's Corner Rds.
Sayreville, *Sayre and Fisher Reading Room (Sayreville Hall)* Main St. and River Rd.

Monmouth County

Asbury Park, *Winsor Building,* 400–420 Main St. and 715–731 Bangs Ave.
Long Branch, *House at 364 Cedar Avenue,* 364 Cedar Ave.

Morris County

Dover, *Old Stone Academy,* 25–27 E. Dickerson St.

Sussex County

Walpack Center, *Walpack Center Historic District,* Walpack Center Rd.

Warren County

Alpha vicinity, *Hunt, George, House,* SW of Alpha at 135 Warren Glen Rd.

NEW YORK

Sullivan County

Grahamsville, *Grahamsville Historic District,* NY 55.

OREGON

Benton County

Corvallis, *Caton, Jesse H., House,* 602 NW. 4th St.
Monroe vicinity, *Belknap, Ransom A., House,* W of Monroe.

Lane County

Florence vicinity, *Benedict, Edwin E., House* E of Florence on Cox Island.

Linn County

Shedd vicinity, *Boston Flour Mill (Thompson's Flour Mill)* E of Shedd on Boston Mill Rd.

RHODE ISLAND

Newport County

Tiverton, *Hicks, Joseph, House,* 494 Main Rd.

TENNESSEE

Maury County

Spring Hill vicinity, *Thompson, Absalom, House (Oaklawn)* S of Spring Hill on Denning Rd.

Polk County

Ocoee, *Ocoee Hydroelectric Plant No. 2,* U.S. 64.

Shelby County

Memphis, *Pinch-North Main Commercial District*, roughly bounded by N. Front and N. 2nd Sts., Commerce and Auction Aves.
Memphis, *Second Presbyterian Church (Clayborn Temple)* 280 Hernando St.

UTAH

Emery County

Huntington, *Huntington Roller Mill and Miller's House*, 400 North St.

VERMONT

Washington County

Waterbury vicinity, *Colby Mansion*, N of Waterbury on VT 100.

VIRGINIA

Gloucester County

Wicomico vicinity, *Timberneck*, E of Wicomico off VA 635.

Pittsylvania County

Chatham vicinity, *Mountain View*, 2 mi. S of Chatham on VA 703.

Prince Edward County

Worsham, *Old Prince Edward County Clerk's Office*, U.S. 15.

Shenandoah County

Edinburg, *Edinburg Mill*, U.S. 11.
Winchester (independent city).
Glen Burnie, 801 Amherst St.

WISCONSIN

Dodge County

Watertown vicinity, *Schoenicke Barn*, NE of Watertown on Venus Rd.

La Crosse County

La Crosse, *Spence Park*, Front and State Sts.

The following properties were published as Pending in the July 24, 1979, **Federal Register** listing. In that list, however, state names were omitted. Properties are listed here in order to allow anyone wishing to respond an appropriate commenting period.

VERMONT

Bennington County

Bennington vicinity, *Mathews, David, House*, VT 67.
Stamford, *Tudor House*, VT 8.

Orange County

Barre vicinity, *Whitcomb, Harlie, Farm*, NE of Barre off U.S. 302.

Widham County

Rockingham, *Rockingham Meetinghouse*, off VT 103.

[FR Doc. 79-23935 Filed 8-6-79; 8:45 am]

BILLING CODE 4310-03-M

DEPARTMENT OF LABOR

Employment and Training Administration

Employment Transfer and Business Competition Determinations Under the Rural Development Act; Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 USC 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calcuated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice. Comments received after the two-week period may not be considered. Send comments to: Administrator, Employment and Training Administration, 601 D Street, N.W., Washington, D.C. 20213.

Signed at Washington, D.C. this 2nd day of August 1979.

Ernest G. Green,

Assistant Secretary for Employment and Training.

Applications Received During the Week Ending Aug 4, 1979

Name of applicant and location of enterprise	Principal product or activity
Evans Manufacturing Company, Inc., Varnell, Ga	Yarn manufacturing facility.
Mott's Inc. of Mississippi, Water Valley, Miss	Processing of dressed poultry.
CFW Construction Company, Inc., Fayetteville, Tenn	General building construction and heavy construction.
King's Entertainment Center, Inc., Norfolk, Nebr	Bowling, theater and restaurant.
Ober Gatlinburg, Inc., Gatlinburg, Tenn	Ski resort and theme park.
Adventist Health Center, Purvis, Miss	Health service—nursing home.

[FR Doc. 79-24332 Filed 7-6-79; 8:45 am]

BILLING CODE 4510-30-M

Intent To Reallocate Funds Under Titles II-D and VI of the Comprehensive Employment and Training Act (CETA)

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice.

SUMMARY: Pursuant to 20 CFR 676.47, the Department of Labor announces its intent to reallocate funds in the following amounts from the CETA prime

sponsors indicated below. The purpose of this notice is to provide 30 days notice to all interested parties of the Department's intent to reallocate these funds.

FOR FURTHER INFORMATION CONTACT: Robert Anderson, Administrator, Office of Comprehensive Employment Development, 601 D Street N.W., Room 5010, Washington, D.C. 20213, Telephone: 202–376–6254

SUPPLEMENTAL INFORMATION: A review of the following prime sponsors' actual Titles II–D and VI operations, compared to their Fiscal Year 1979 planned operations as of June 30, 1979, indicates that these prime sponsors are substantially below plan and are not effectively utilizing the funds available to them. Therefore, the Department is notifying these prime sponsors that it intends to reallocate excess funds which have accumulated due to the underperformance.

The estimated amount to be reallocated from each prime sponsor is indicated below. The prime sponsor will be given 30 days to reply to the notice of intent to reallocate and to correct identified deficiencies. The Governor of the appropriate States will also be given 30 days in which to comment on the proposed reallocations.

Robert Anderson,

Administrator, Office of Comprehensive Employment Development.

Attachment

Prime sponsor	Title II–D	Title VI
REGION I		
Springfield Consortium	$175,000	0
REGION II		
Nassau County, N.Y	0	$1,273,000
Bergen County, N.J	0	2,927,000
Gloucester County, N.J	454,000	0
Mercer County, N.J	18,000	0
Morris County, N.J	245,000	655,000
Ocean County, N.J	580,000	497,000
Erie County, N.Y	1,013,000	0
REGION III		
Balance-of-State, Delaware	120,192	0
Balance-of-State, Virginia	452,354	0
Delaware County, Pa	0	149,152
Montgomery County, Pa	0	232,404
Southern Alleghenies Consrt., Pa	0	238,134
Balance-of-State, Pennsylvania	0	251,062
Allegheny County, Pa	0	349,333
City of Philadelphia, Pa	2,001,680	0
REGION IV		
Manatee County, Fla	0	199,218
Marion County, Fla	0	189,351
Volusia County, Fla	119,744	122,288
Clayton County, Ga	48,526	0
Gwinnett County, Ga	0	77,891
Wake County, N.C	295,000	260,000
REGION V		
Macon County, Ill	194,940	0
Rock Island County, Ill	129,691	0
Champaign, Consrt., Ill	48,444	0
Lake County, Ill	0	149,952

Attachment—Continued

Prime sponsor	Title II–D	Title VI
Sanganon Consrt., Ill	0	539,534
Fort Wayne Consrt., Ind	47,589	0
City of Indianapolis, Ind	545,313	0
City of Dearborn, Mich	103,220	165,540
City of Livonia, Mich	0	29,115
Quad Counties Consrt., Minn	92,400	0
City of St. Paul, Minn	0	327,381
Lake County, Ohio	158,950	138,710
City of Dayton, Ohio	226,660	0
Montgomery/Preble Consrt., Ohio	262,836	0
Madison/Dane Consrt., Wis	53,775	82,500
Balance-of-State, Wisconsin	560,142	0
Northwest CEP, Wisconsin	159,750	92,250
Marathon County, Wis	0	107,226
WOW Consortium, Wisconsin	0	69,180
REGION VI		
City of Fort Worth, Tex	500,000	0
Permian Basin Consrt., Tex	300,000	0
South Plains (Lubbock), Tex	325,000	50,000
Texas Panhandle, Tex	400,000	0
West Central Consrt., Tex	300,000	0
Cameron County, Tex	400,000	600,000
Galveston County, Tex	0	250,000
Balance-of-State, Texas	3,000,000	0
City of Fort Worth, Tex	1,866,434	0
North Texas Consrt., Tex	387,640	95,000
Harris County, Tex	1,000,000	0
REGION VII		
Linn County, Iowa	154,000	72,000
Central Iowa Assoc., Iowa	0	136,000
Jefferson County Consrt., Mo	0	271,000
Kansas City Consrt., Mo	70,000	1,300,000
REGION X		
Clackamas County, Oreg	66,044	0
City of Portland, Oreg	533,201	189,552
City of Tacoma, Wash	49,784	226,481
Yakima County, Wash	382,600	154,328

[FR Doc. 79–24194 Filed 8–6–79; 8:45 am]

BILLING CODE 4510–30–M

Office of Pension and Welfare Benefit Programs

[Prohibited Transaction Exemption 79–41]

Class Exemption To Permit Sales of Employee Benefit Funding Contracts by Insurance Companies That are Substantially Affiliated With Employers Maintaining the Plans

AGENCY: Department of Labor.

ACTION: Grant of Class Exemption.

SUMMARY: This document allows insurance companies that have substantial stock or partnership affiliations with employers establishing or maintaining employee benefit plans to sell life insurance, health insurance or annuity contracts which fund such plans under certain circumstances. In the absence of this exemption, such sales transactions might be prohibited by the Employee Retirement Income Security Act of 1974 (the Act) and the Internal Revenue Code of 1954 (the Code). The exemption affects participants and beneficiaries of plans to which such contracts are furnished, employers maintaining these plans, affiliated insurance companies that are covered by the exemption, and other persons participating in the transactions.

EFFECTIVE DATES: January 1, 1975, as to transactions exempted; January 1, 1982, as to the requirement for financial examinations and as to the conditions (a) barring commissions on sales of contracts and (b) limiting the percentage of premium receipts derived from "captive" plans and their employers.

FOR FURTHER INFORMATION CONTACT: Gary H. Lefkowitz, Office of Fiduciary Standards, Room C–4526, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20216, (202) 357–0040. This is not a toll free number.

SUPPLEMENTARY INFORMATION: On May 26, 1978, notice was published in the **Federal Register** (43 FR 22800) of the pendency before the Department of Labor (the Department) and the Internal Revenue Service (the Service) of a proposed class exemption from the restrictions of sections 406(a), 406(b) (1) and (2) and 407(a) of the Act and from the taxes imposed by section 4975 (a) and (b) of the Code by reason of section 4975(c)(1) (A) through (E) of the Code. The class exemption, proposed in response to applications filed jointly by the Alliance of American Insurers (Alliance)[1] and the National Association of Independent Insurers (NAII)[2], and by the American Council of Life Insurance [3], applies to certain sales of insurance contracts or annuities to provide funding for employee benefit plans maintained by affiliates of the insurance company making the sale. A class exemption was requested on behalf of numerous insurance companies who currently do not meet the requirements of a statutory exemption [4] requiring, generally, that the insurer be a wholly-owned subsidiary of the employer maintaining the plan and that no more than 5 percent of the insurer's premium and annuity revenues come from the plan and its employer. The exemption was proposed and comments were received in accordance with the procedures set forth in ERISA Procedure 75–1 (40 FR 18471, April 28, 1975) and Rev. Proc. 75–26, 1975–1, C.B. 722. However, effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) as implemented by Executive Order 12108 (44 FR 1065, January 3, 1979)

[1] Formerly the American Mutual Insurance Alliance.

[2] Exemption Application No. D–461.

[3] Exemption Application No. D–391.

[4] Section 408(b)(5)(B) of the Act and section 4975(d)(5)(B) of the Code.

transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Department of Labor. Thus, the Department of Labor alone is issuing this exemption.

Upon consideration of the comments received, the Department is adopting the proposed exemption with certain modifications.

Discussion of Significant Comments, Modifications of Proposed Exemption and Clarifications

A. *Affiliation Requirement (Condition (a)(1)):* The proposed class exemption applied only if the insurance company making the sale was a disqualified person or party in interest with respect to the plan by reason of a 50 percent or more stock affiliation with the employer establishing or maintaining the plan that is described in section 4975(e)(2) (E) or (G) of the Code and section 3(14) (E) or (G) of the Act. Several commentators pointed out that those sections refer to partnership interests as well as stock interests, and argued that it would be reasonable and proper for the exemption to cover sales to plans maintained by partnerships that are related to the insurer through the ownership of substantial capital or profits interests. It was represented that insurance companies quite commonly enter into or acquire an interest in partnerships. The commentators claimed that it would be contrary to ordinary business practice to require a plan established by the partnership to purchase its funding contracts from an unrelated insurance company where they are available from a 50 percent or greater affiliate of the employer. The Department has determined that these contentions have merit and has expanded the scope of transactions covered by the exemption to include sales of funding contracts to plans maintained by partnerships (including joint ventures) that are affiliated with the insurance company under section 3(14) (E) or (G) of the Act and section 4975(e)(2) (E) or (G) of the Code.

The Department has not expanded the exemption, as requested by one commentator, to cover insurance sales made to plans by an insurance company which is a party in interest by virtue of a stock affiliation described in section 3(14)(H) of the Act and section 4975(e)(2)(H) of the Code (e.g., an insurance company which has a 10 percent or more equity interest in an entity which owns a 50 percent or more interest in the employer maintaining the plan). In the absence of such an expansion, such transactions would be permissible if the conditions of Prohibited Transaction Exemption 77–9 (PTE 77–9) as amended (44 FR 4479, January 5, 1979) were satisfied. One of the conditions of PTE 77–9 is that the transaction be approved by an independent fiduciary. In the above situations, the Department believes that it is feasible to require prior approval of the sales transactions by an independent fiduciary on behalf of the plan.[5] Accordingly, the Department believes that no additional relief is necessary.

One commentator requested assurance that the phrase "employer establishing or maintaining the plan", contained in Condition (a)(1), would not preclude the application of the exemption granted herein to purchases made from an affiliated insurance company by an employer who, rather than establish a separate plan, adopts a plan established by the insurance company. The Department confirms this interpretation.

B. *Scope of Contracts Covered:* A diversity of views was submitted in response to the proposed exemption's specific invitation for comments concerning whether the exemption should include, in addition to life and health insurance and annuities, sales of other types of contracts currently being marketed to employee benefit plans. Some of the commentators requested that the exemption be broadened to permit, as is permitted under Prohibited Transaction Exemption 77–9, sales of all products issued by an insurance company in the ordinary course of its business, including, among other types, fidelity bonds [6] and casualty insurance. Another commentator did not see any need for such expanded coverage noting the ability of a plan to provide protection for its assets with hazard insurance purchased from an unrelated insurer. In view of the clear Congressional intent to provide relief for the acquisition of life and health insurance and annuity contracts (policies which fund benefits due participants), the purpose of this administrative exemption—to ease the restrictive ownership conditions of the statutory exemption, and the failure of the commentators to demonstrate any convincing reason to expand the exemption in light of the continuing potential for abuse in transactions between a plan and an affiliate of the employer, the Department has decided not to broaden the exemption in this manner.

The Department, however, has decided, in light of the comments received and the administrative relief previously provided for transactions involving "in-house" plans of other types of financial institutions,[7] to expand the exemption to cover the acquisition of contracts used to fund the payment of benefits (i.e., fixed annuity contracts as well as contracts described in section 801(g) of the Code). In addition, the Department wishes to note in response to requests for amplification of the term "health insurance," that the term as used in the exemption includes such forms of health coverage as accident, disability, hospital and dental expense policies.

C. *Revision of the Alternative Audit Requirements:* Condition (a)(3) of the proposed class exemption provided alternative requirements that the insurance company making the sale either (i) have undergone a financial examination by the insurance commissioner of its domiciliary state within the five years prior to the transaction, or (ii) have undergone an examination by an independent certified public accountant (CPA) for each of the five years prior to the sales transaction. The effective date of the proposed condition was January 1, 1975. The Department and the Service specifically solicited comments concerning the feasibility of the alternative requirements in a class exemption.

Most of the respondents expressed strong support for the alternative involving CPA examination, but indicated that it would be difficult to coordinate the five consecutive year CPA audit with the insurance commissioner test under proposed condition (a)(3)(i). These comments noted that the timing, type and extent of insurance department examinations are completely discretionary with the commissioners. Although an insurance company generally could expect to be audited periodically, it could not be foreseen that the state audit would necessarily take place within five years of its last completed examination. Questions were raised as to what would constitute a financial examination, for purposes of the exemption. Several commentators noted that insurers who had not heretofore undergone CPA audits for consecutive years but wished to switch to that alternative might be in

[5] PTE 77–9 would be available, for example, if the insurer is not the trustee of the plan purchasing the contracts or its administrator, or an "affiliate" of such trustee or administrator as such term is defined in that exemption.

[6] The Department notes that under section 412(c) of the Act a plan may not acquire fidelity insurance from certain related persons, and that the Department does not have the authority under section 408(a) to provide relief from such restrictions.

[7] See e.g. PTE 77–3, 42 FR 18734 (1977).

technical noncompliance both retroactively and for a number of prospective years.

After considering these comments, the Department has decided to revise the financial examination requirement. In place of the alternative proposed condition requiring five consecutive CPA audits, the final exemption permits, as an alternative, that the insurance company making the sale have undergone a CPA examination for its last completed taxable year prior to the sales transaction. The effective date of the revised requirement has been delayed until January 1, 1982, to facilitate compliance by both new and existing companies. With respect to the insurance commissioner's examination, the exemption also has been revised to make clear that the adequacy of a financial examination is to be determined in light of applicable state law. The Department has made this revision because state regulatory authorities are responsible, under applicable state law, for conducting the financial examination and for determining what is, under the particular circumstances, an appropriate examination.

D. *Sales Commissions:* The application for class exemption filed by The NAII and the Alliance represented that insurance sales between an affiliated insurer and the plan or its employer are in the interests of the plan because such sales are generally arranged directly, without the intervention of an insurance agent whose services would entitle it to a commission. Thus, it was represented, the selling company can furnish the insurance at a lower rate to the plan, or its employer. Economies of cost generally would not be available if the plan were forced to purchase insurance from an unrelated company which included acquisition costs and an allowance for profits in its premium charges. The class applicants also represented that state laws did not require commissions to be paid upon sales of either group or individual policies to plans of affiliates. Based on these representations, the proposed exemption contained a condition that upon the grant of the exemption, no commissions could be paid with respect to transactions covered by the exemption.

Many of the commentators confirmed the views of the NAII and the Alliance. Nevertheless, several comments argued that the condition should be withdrawn or its imposition delayed, particularly with respect to sales of individual contracts. It was argued that commissions represent not only sales inducements to agents (who may be either independent contractors or employees of the insurance company) but also provide remuneration for necessary ongoing services to the plan and its insured participants. One of the commentators noted that under the laws and relevant interpretations of at least one State—Florida—it is currently illegal for an insurer to fail to pay a commission on arrangements for, and deliveries of, insurance or annuity contracts in that state, including those contracts sold for plans by captive insurers.

Upon consideration of the comments, the Department has determined that, for the reasons described in the notice of proposed exemption, the final exemption should not permit, on a class basis, payments of commissions in connection with sales of insurance contracts to plans maintained by affiliates of insurance companies. However, the effective date of this condition has been postponed until January 1, 1982, so as to give insurance companies, agents, and plan fiduciaries time to seek relief from any applicable state laws and to adjust their contractual commitments and practices to comply with the exemption's prohibition.[8] However, where warranted by the circumstances and merits of a particular case, the Department is notifying certain affected applicants that if they so choose, their individual cases will be kept open and considered for possible additional exemptive relief.

The Department wishes to express its intent that for sales made after December 31, 1981, the "no more than adequate consideration" requirement of condition (b) should be applied with due regard to any cost economies produced as a result of the absence of any commissions.

E. *Percentage of Premiums Test:* The 50 percent of premiums receipts condition adopted herein for taxable years of the selling insurance company beginning after December 31, 1981, generally represents a major relaxation of the five percent test imposed by section 408(b)(5)(B) of the Act and section 4975(d)(5)(B) of the Code. This premiums receipts test is designed to ensure that the captive insurance company is in the business of selling insurance to the public and is substantially dependent upon insurance customers that are unrelated to the insurer and its affiliates for premium revenues. To the extent that an insurance company is not established as a separate entity within a controlled group primarily for the purpose of providing insurance to affiliated companies and their plans, it would be contrary to ordinary business practices, and unnecessarily restrictive, to require a plan to secure its funding contracts through purchases from an unrelated insurer. In addition, the Department believes that the presence of significant independent customer business will enhance the financial soundness of the insurer and safeguard the plan against less-than-arm's-length transactions.

In light of the above, the Department has considered and rejected comments that would have removed any percentage of premiums test from the exemption, or that would have permitted the 50 percent test to be applied on an aggregate basis to the total premiums and annuity considerations received by all companies in an affiliated insurance group. The Department recognizes and appreciates the fact, articulated by a number of commentators, that as a result of industry tradition and state regulation, and because of premium tax considerations, small insurance companies are often established as an integral part of a larger controlled group. However, in imposing prospective condition (d), the Department is reducing to an objective test its expectation (and that of Congress, as expressed in section 408(b)(5) of the Act) that the captive insurer will be making sales to plans within the affiliated group and their employers in the ordinary course of its business as an insurance company which makes its products available, and in fact does a substantial amount of business, in the general market. Accordingly, condition (d) requires that, as a percentage of direct premiums and annuity considerations received for all lines of insurance sold by the company, no more than 50 percent be derived from sales of products covered by the exemption.

A minor change has been made to condition (d) to make clear that the premium and annuity considerations which are excluded from the numerator and denominator are only those which arise from sales to a plan which the insurance company alone maintains. Thus, premiums received by an insurance company from sales to a plan which is maintained by both the insurance company and a more than 50 percent owner of the insurance company are included in determining whether the

[8] The Department notes that the term "sale" as used throughout the exemption, includes renewals of existing contracts. Accordingly, the prohibition on the payment of commissions will apply not only to new sales transactions that are entered into with the captive insurer after December 31, 1981, but to payments of renewal commissions after such date, as well.

50 percent of premiums test has been satisfied.

The Department notes that in calculating the percentage of premiums, both the numerator and denominator of the fraction should reflect all premiums and annuity considerations paid to the insurer by the plan and by the employer maintaining the plan. This would include insurance purchased for non-plan risks.

Several commentators indicated that some employee benefit plans are "experience rated". Under this practice, premiums paid by the plan, or its sponsoring employer, for any year may subsequently be refunded based on the actual losses experienced under the plan. In accordance with requests that the prospective premiums test reflect such "return" premiums, the Department has modified condition (d) so that the total receipts in both the numerator and denominator of the fraction are to be reduced by the amount of the refund, but only in the (subsequent) year paid or credited to the plan or its sponsoring employer.

F. *Reinsurance:* In a footnote to the proposed class exemption, the Department and the Service indicated that the proposed relief was not intended to cover reinsurance arrangements to the extent they are prohibited transactions.[9] Nevertheless, several commentators requested that the exemption be broadened to include reinsurance, or that clarification be provided as to when such a transaction is a prohibited transaction.

In Interpretive Bulletin 75–2 [10] the Department took the position that if a plan purchases an insurance contract or policy which funds benefits through the insurer's general account, the assets in such general account are not considered to be plan assets. Therefore, a subsequent transaction involving the general asset account between a party in interest and the insurance company will not, solely because the plan has been issued such a contract or policy of insurance, be a prohibited transaction. In the above Interpretive Bulletin the Department noted, however, that if a plan purchases an insurance policy from an insurance company pursuant to an arrangement or understanding that the insurance company would make a loan to the employer maintaining the plan, that the transaction would involve a prohibited use of plan assets for the benefit of a party in interest under section 406(a)(1)(D) of the Act. Thus, it is the Department's view that if a plan purchases an insurance contract from a company that is unrelated to the employer pursuant to an agreement, arrangement or understanding, written or oral, under which it is expected that the unrelated company will subsequently reinsure all or part of the risk related to such insurance with an insurance company which is a party in interest of the plan, the purchase of the insurance contract would be a prohibited transaction. Section 406(a)(1)(D) of the Act (section 4975(c)(1)(D) of the Code) prohibits the direct or indirect transfer to, or use by or for the benefit of, a party in interest (or disqualified person) of any assets of the plan; section 406(b)(1) of the Act (section 4975(c)(1)(E) of the Code) prohibits a fiduciary from dealing with the assets of the plan in his own interest or for his own account; and section 406(b)(3) of the Act (section 4975(c)(1)(F) of the Code) prohibits a fiduciary from receiving any consideration for his own personal account from any party dealing with such plan in connection with a transaction involving plan assets.

The Department has received several applications for exemption under which a plan or its employer would contract with an unrelated company for insurance, and that unrelated company would, pursuant to an arrangement or understanding, reinsure part or all of the risk with an insurance company affiliated with the employer maintaining the plan. These transactions may involve payments of one or more commissions in connection with the primary sale and placement of reinsurance, and the presence of either the insurer or reinsurer outside the purview of regulation by any of the state insurance departments. The Department continues to believe that it would not be appropriate to cover these various types of reinsurance transactions within the scope of this class exemption. Instead, affected applicants for individual exemptions will be notified that their requests will be kept open and considered based on the merits of the individual case.

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act and section 4975(c)(2) of the Code does not relieve a fiduciary or other disqualified person/party in interest with respect to a plan to which the exemption is applicable from certain other provisions of the Act and the Code including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act which, among other things, require a fiduciary to discharge his/her duties respecting the plan solely in the interest of the plan's participants and beneficiaries and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 406(b)(3) of the Act and section 4975(c)(1)(F) of the Code.

(3) The exemption set forth herein is supplemental to, and not in derogation of, any other provisions of the Act and the Code, including statutory exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(4) The class exemption is applicable to a particular transaction only if the transaction satisfies the conditions specified in the class exemption.

Exemption

In accordance with section 408(a) of the Act and section 4975(c)(2) of the Code, and based upon the entire record including the written comments submitted in response to the notice of May 26, 1978, the Department makes the following determinations:

(a) The class exemption set forth herein is administratively feasible;

(b) It is in the interests of plans and of their participants and beneficiaries; and

(c) It is protective of the rights of participants and beneficiaries of plans.

Accordingly, the following exemption is hereby granted under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75–1.

I. Effective January 1, 1975, the restrictions of sections 406(a), 406(b) (1) and (2), and 407(a) of the Act and the taxes imposed by section 4975 (a) and (b) of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the sale by an insurance company which is a party in interest or disqualified person with

[9] Accordingly, individual applicants seeking coverage for reinsurance transactions were specifically notified that such transactions were not within the scope of the pending class exemption, and that their applications would be considered on an individual basis. A request for a public hearing with respect to the inclusion of reinsurance in the class exemption was denied.

[10] 29 CFR 2509.75–2 (1975).

respect to an employee benefit plan, of life insurance, health insurance, annuities and contracts described in section 801(g) of the Code if the following conditions are met:

(a) The insurance company making the sale—

(1) Is a party in interest or disqualified person with respect to the plan by reason of a stock or partnership (including a joint venture) affiliation with the employer establishing or maintaining the plan that is described in section 3(14) (E) or (G) of the Act and section 4975(e)(2) (E) or (G) of the Code,

(2) Is licensed to sell insurance in at least one of the United States or in the District of Columbia, and

(3) Has obtained a Certificate of Compliance from the insurance commissioner of its domiciliary state within the 18 months prior to the date when the transaction is entered into or when such certificates were last made available by the domiciliary state, if earlier.

(b) The plan pays no more than adequate consideration for the insurance contracts or annuities.

II. Effective January 1, 1982, the restrictions of sections 406(a), 406(b) (1) and (2), and 407(a) of the Act and the taxes imposed by section 4975 (a) and (b) of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the sale, in any taxable year, by an insurance company which is a party in interest or disqualified person with respect to an employee benefit plan, of life insurance, health insurance or annuities and contracts described in section 801(g) of the Code if the following conditions are met:

(a) The insurance company making the sale—

(1) Is a party in interest or disqualified person with respect to the plan by reason of a stock or partnership (including a joint venture) affiliation with the employer establishing or maintaining the plan that is described in section 3(14) (E) or (G) of the Act and section 4975(e)(2) (E) or (G) of the Code,

(2) Is licensed to sell insurance in at least one of the United States or in the District of Columbia,

(3) Has obtained a Certificate of Compliance from the insurance commissioner of its domiciliary state within the 18 months prior to the date when the transaction is entered into or when such certificates were last made available by the domiciliary state, if earlier, and

(4)(i) Has undergone a financial examination (within the meaning of the law of its domiciliary state) by the insurance commissioner of such state within 5 years prior to the end of the year preceding the year in which the sale occurred, or

(ii) Has undergone an examination by an independent certified public accountant for its last completed taxable year.

(b) The plan pays no more than adequate consideration for the insurance contracts or annuities.

(c) No commissions are paid with respect to a sale of such contracts after December 31, 1981.

(d) For taxable years of the insurance company making the sale beginning after December 31, 1981, the gross premiums and annuity considerations received in that taxable year by such insurance company for life and health insurance or annuity contracts for all employee benefit plans (and their employers) with respect to which such insurance company is a party in interest or disqualified person by reason of a relationship to such employers described in section 3(14) (E) or (G) of the Act and section 4975(e)(2) (E) or (G) of the Code do not exceed 50 percent of the gross premiums and annuity considerations received for all lines of insurance in that taxable year by such company. For purposes of this condition (d):

(1) The term "gross premiums and annuity considerations received" means the total of premiums and annuity considerations received, reduced (in both the numerator and denominator of the fraction) by experience refunds paid or credited in that taxable year by the insurer.

(2) All premiums and annuity considerations written by the insurance company that makes the sale for plans which it alone maintains are to be excluded from both the numerator and the denominator of the fraction.

Signed at Washington, D.C., this 31st day of July, 1979.

Ian D. Lanoff,

Administrator for Pension and Welfare Benefit Programs, Labor-Management Services Administration.

[FR Doc. 79-24260 Filed 8-6-79; 8:45 am]

BILLING CODE 4510-29-M

Office of the Secretary

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to Section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 17, 1979.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than August 17, 1979.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210

Signed at Washington, D.C. this 31st day of July 1979.

Harold A. Bratt,

Acting Director, Office of Trade Adjustment Assistance.

Appendix

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Barnes & Tucker Co., Portal #20 (UMWA)	Barnesboro, Pa	7/30/79	7/22/79	TA-W-5,799	Mining of coal.
Barnes & Tucker Co., Portal #25 (UMWA)	Barnesboro, Pa	7/30/79	7/22/79	TA-W-5,800	Mining of coal.
Barnes & Tucker Co., Portal #24-D (UMWA)	Barnesboro, Pa	7/30/79	7/22/79	TA-W-5,801	Mining of coal.
Catoosa Knitting Mills, Inc. (company)	Crossville, Tenn	7/30/79	7/24/79	TA-W-5,802	Men's, boy's, ladies', and girls' sweaters and sweater shirts.
Foster Grant Corp. (Leominster Joint Board)	Leominster, Mass	7/27/79	7/25/79	TA-W-5,803	Sunglasses.
Jeep Corporation (UAW)	Toledo, Ohio (N. Cove Blvd.)	7/27/79	7/3/79	TA-W-5,804	Wagoneer, cherokee, cherokee chief and jeep vehicles, office and engineering.
Jeep Corporation (UAW)	Toledo, Ohio (Stickney Ave.)	7/27/79	7/3/79	TA-W-5,805	Machining and over the road trucking.
Reserve Mining Company, Babbitt Division (USWA).	Babbitt, Minn	7/30/79	7/24/79	TA-W-5,806	Taconite pellets.
A. Soloff & Son (ACTWU)	Fall River, Mass	7/30/79	7/24/79	TA-W-5,807	Men's outerwear.

[FR Doc. 79-24307 Filed 8-6-79; 8:45 am]

BILLING CODE 4510-23-M

[TA-W-4902]

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance; Wear Rough Manufacturing Corp.

The investigation was initiated on March 7, 1979 in response to a worker petition received on March 2, 1979 which was filed on behalf of workers and former workers producing children's play clothes and workers' clothing at Wear Rough Manufacturing Corporation in Bloomingdale, New Jersey. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with aticles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

A Departmental survey was conducted with the manufacturers for which Wear Rough Manufacturing Corporation produced children's play clothes. The survey revealed that none of these manufacturers purchased any imported children's play clothes or used any foreign contractors in 1977 or 1978. The manufacturers are increasing their use of in-house production operations in 1979.

A Departmental survey was also conducted with the manufacturers for which Wear Rough Manufacturing Corporation produced workers' clothing. The survey revealed that the manufacturers experienced increasing sales in 1978 as compared to 1977. These manufacturers are meeting their requirements for work clothing by utilizing other domestic contractors. None of the customers purchased any imported workers' clothing or utilized any foreign contractors in 1977 or 1978.

Conclusion

After careful review, I determine that all workers of Wear Rough Manufacturing Corporation in Bloomingdale, New Jersey are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 4th day of May 1979.

Harry J. Gilman,

Supervisory International Economist, Office of Foreign Economic Research.

[FR Doc. 79-24308 Filed 8-6-79; 8:45 am]

BILLING CODE 4510-23-M

LEGAL SERVICES CORPORATION

Grants and Contracts

August 3, 1979.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355, 88 Stat. 378, 42 U.S.C. 2996-29961, as amended, Pub. L. 95-222 (December 28, 1977). Section 1007(f) provides: "At least 30 days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly . . . such grant, contract or project."

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by: Nevada Indian Legal Services (a delegate agency of California Indian Legal Services) in Carson City, Nevada to serve Humboldt, Elko, Pershing, Louder, Eureka, Churchill, White Pine, Storey, Carson, Douglas, Mineral, Nye, Esmeralda, Lincoln and Lyon Counties.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at:

Legal Services Corporation, San Francisco Regional Office, 177 Post Street, Suite 890, San Francisco, California.

Dan J. Bradley,

President.

[FR Doc. 79-24256 Filed 8-6-79; 8:45 am]

BILLING CODE 6820-35-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards Subcommittee on Combination of Dynamic Loads; Meeting

The ACRS Ad Hoc Subcommittee on Combination of Dynamic Loads will hold an open meeting on August 22, 1979 in room 1324, 630 Sansome St., San Francisco, CA 94111 (U.S. Corps of Engineers' Conference Room) to review the topic of combination of dynamic loads on structures, components, and systems. Notice of this meeting was published July 26, 1979 (44 FR 43822).

In accordance with the procedures outlined in the **Federal Register** on October 4, 1978 (43 FR 45926), 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:

Wednesday, August 22, 1979; 8:30 a.m. until the conclusion of business

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.

At the conclusion of the Executive Session, the Subcommittee will hear presentations by and hold discussions with representatives of the NRC Staff, and their consultants, pertinent to this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the Designated Federal Employee for this meeting, Mr. Elpidio G. Igne, (telephone 202/634–3314) between 8:15 a.m. and 5:00 p.m., EDT.

Date: July 31, 1979.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 79–24167 Filed 8–6–79; 8:45 am]

BILLING CODE 7590–01–M

[Dockets Nos. 50–317 and 50–318]

Baltimore Gas and Electric Co.; Consideration of Proposed Modification to Facilities Spent Fuel Storage Pool

The U.S. Nuclear Regulatory Commission (the Commission) is considering the approval of a modification to the spent fuel storage pool of the Calvert Cliffs Nuclear Power Plant Units Nos. 1 and 2 (the facilities), pressurized water reactors located in Calvert County, Maryland, and currently authorized for operation at power levels up to 2700 MWt per unit.

The two facilities share a common pool that is divided in two sections and connected by a transfer canal. The existing racks in the Unit No. 2 side of the pool were modified in 1977 to have a capacity for storage of 528 fuel assemblies and the racks in the Unit No. 1 side have the original design capacity for storage of 200 fuel assemblies. The proposed modification being considered involves replacement of the existng racks in the Unit No. 1 (North) side of the spent fuel pool of the facilities with high density racks of a design capable of accommodating up to 840 fuel assemblies and interchangeable storage of one facility's fuel in the other facility's side of the two-section pool. The proposed modification and subsequent use of the two-section pool would permit a total of 1,368 fuel assemblies to be stored in lieu of the current 728 assemblies. The modification will require changes to the facilities Technical Specifications and issuance of a license amendment for each facility.

Prior to approval of the proposed modification and license amendments authorizing use of the modified pool, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By September 6, 1979, the licensee may file a request for a hearing with respect to issuance of the amendments to the subject facility operating licenses and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written 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 or the 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 intered 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 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.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene shall be filed with the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, DC 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 the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner or representative for the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at (800) 325–6000 (in Missouri (800) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to Robert W. Reid: (petitioner's name and telephone number); (date petition was mailed); (plant name); and (publication date and page number of this **Federal Register** notice). A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to James A. Biddison, Jr., General Counsel, G and E Building, Charles Center, Baltimore, Maryland 21203, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, 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 late petition and/or request. That determination will be based upon a balancing of the factors specified in 10 CFR 2.714(a)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated July 3, 1979, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, DC,

and at the Calvert County Library, Prince Frederick, Maryland.

Dated at Bethesda, Maryland this 30th day of July 1979.

For the Nuclear Regulatory Commission.

Robert W. Reid,

Chief, Operating Reactors Branch #4, Division of Operating Reactors.

[FR Doc. 79-24168 Filed 8-6-79; 8:45 am]

BILLING CODE 7590-01-M

PRESIDENTIAL COMMISSION ON WORLD HUNGER

Cancellation of Meeting

The meeting of the Presidential Commission on World Hunger scheduled for Friday, August 10, 1979 has been cancelled. It is expected that the meeting will be held in early September.

Donald B. Harper,

Administrative Officer, Presidential Commission on World Hunger.

[FR Doc. 79-24279 Filed 8-6-79; 8:45 am]

BILLING CODE 6820-97-M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 311]

Expedited Procedures for Recovery of Fuel Costs

Decided: July 31, 1979.

In our decision of July 24, 1979, an 8-percent surcharge was authorized on all owner-operator traffic, and on all truckload traffic whether or nor owner-operators were employed. We ordered that all owner-operators were to receive compensation at this level. As indicated in the prior decision, further upward changes were not contemplated until the Commission's weekly fuel index exceeded this 8-percent figure. The weekly figure set forth in the Appendix to this decision for this category of traffic is 8.0 percent. Accordingly, the 8-percent figure authorized on July 24, 1979, remains in effect.

In the July 24 decision, a 2.7 percent surcharge was authorized on less-than-truckload traffic (LTL) performed by carriers not utilizing owner-operators. In previous decisions (June 19, June 26, July 3, July 10, and July 17, 1979), a 2.7 percent surcharge on this traffic was also authorized. However, the original 2.7 percent surcharge was based on a percentage of fuel expense to total revenue of 7.5 percent. After receiving additional information from the major motor carrier rate bureaus,[1] the Commission determined that 6.0 percent more accurately reflected the percentage of fuel expense of total revenue on LTL traffic. It so happended that when multiplying this 6.0 percent figure by the percentage increase is diesel fuel costs since the base date, the same 2.7 percent surcharge was derived.

The weekly figure set forth in the Appendix for this category of traffic, using the 6.0 percentage of fuel expenses to total revenue figure, is 2.9 percent. Because it appears that the original 2.7 percent surcharge authorized on this traffic was too high, the Commission finds that, for the present, no change should be made in the exising authorization of a 2.7 percent surcharge.

We have received many inquiries and complaints on problems of notice regarding our weekly decisions. In addition, a petition was filed on July 16, 1979, by the Midwest Packers Traffic Association requesting more than one day's notice of surcharge increases. We recognize the concerns of the shippers and find that additional notice should be given. Since there are not changes in the authorized surcharges in this week's decision, additional notice is not required. However, in subsequent weeks, while we will continue to issue decisions on Tuesday, they will not become effective until 12:01 a.m. the following Friday. It should be made clear to the carriers, however, that they may publish their increased surcharge tariffs in this interim period, so long as they do not contain an effective date earlier than Friday of each respective week.

Notice of this decision shall be given to the general public by mailing a copy of this decision to the Governor of each state and to the Public Utilities Commissions or Boards of each State having jurisdicition over transportation, by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy to the Director, Office of the Federal Register, for publication therein.

It is ordered: This decision shall become effective 12:01 a.m., August 1, 1979.

By the Commission, Chairman O'Neal, Commissioners Stafford, Gresham, Clapp, Christian, Trantum and Gaskins.

[1] This information was requested based on a petition filed June 25, 1979 by the National Small Shipments Traffic Conference, Inc., and the Drug and Toilet Preparation Traffic Conference, Inc. While this petition was pending, no change was made in the original 2.7 percent surcharge on LTL traffic, even though the Commission's index indicated that upward changes could have been authorized.

Commissioner Gaskins absent and not participating.

Agatha L. Mergenovich,

Secretary.

Appendix—Fuel Surcharge

Base Date and Price Per Gallon (Including Tax): January 1, 1979—63.5¢.

Date of Current Price Measurement and Price Per Gallon (Including Tax): July 30, 1979—93.7¢.

Average Percent: Fuel Expenses (Including Taxes) of Total Revenue:

(1) From transportation performed by owner operators (apply to all truckload traffic)—16.9%. *Percent surcharge:* 8.0%.

(2) Other (including less-truckload traffic)—6.0%.[1] *Percent surcharge:* 2.9%.

[FR Doc. 79-24273 Filed 8-6-79; 8:45 am]

BILLING CODE 7035-01-M

[No. MC-136343 (Sub-No. 151) F]

Milton Transportation, Inc., Extension—Printed Matter; Milton, Pa.

Decided: July 27, 1979.

Applicant seeks a certificate of public convenience and necessity authorizing operations substantially as described in the appendix. The evidence has been considered under the modified procedure. The application is opposed by the Troy News Company, Inc., and jointly by Schneider Transport, Inc., Trans-National Truck, Inc., (TNT), and National Refrigerated Transport, Inc. (NRT), all motor common carriers.

The Independent News Company, Inc., of New York, NY, is a national distributor of magazines and paperback books. It handles distribution for 27 magazine publishers and two paperback book publishers. Independent distributes magazines from facilities at named points in Connecticut, Georgia, Massachusetts, New York, and Pennsylvania, and from the District of Columbia. Deliveries are made to wholesalers and breakup agents at points throughout a 27-State destination territory. Over 1 million pounds of printed matter are shipped each month, and Independent has provided estimates of the percentage of total volume of goods moving to various regions in the destination territory. It also coordinates inbound movements of items such as inks and paper for delivery to the printers, and of unsold magazines to facilities for further distribution. Applicant will be tendered at least five truckloads of printed matter, and three truckloads of materials and supplies each week if this application is granted.

The involved commodities are not transported by motor common carriers.

[1] The change from 7.5% to 6.0% is the result of additional input received in accordance with the Commission's Decision of June 29, 1979.

Scheduled, timed deliveries are necessary so that "dated" materials reach the newstands for timely distribution. Shipper requires the services of a carrier capable of handling consolidated shipments by providing multiple pickups for various publishers at various origin points and multiple deliveries throughout the destination territory. This type of service will be used to replace that portion of its present method of distribution which uses middlemen to break up truckoads and consolidate them into shipments of different magazines and books for delivery to wholesalers. Independent asserts that this is an expensive, time-consuming, and inefficient method of distribution. It seeks to increase its use of consolidated shipments of different magazines and books by using applicant to make pickups at several printers' facilities rather than using break up agents, in order to increase efficiency and reduce costs. Shipper contends that its present motor carriers have not provided sufficient supplies of equipment, have failed to move loads after the trailers are loaded, and have not met delivery schedules. No specific examples of these complaints are cited, but Independent asserts that these shipping failures can result in lost business.

Protestant Troy News holds authority to transport newspapers, magazines, and books, between Albany and Troy, NY, on the one hand, and, on the other, named cities in New York, New Hampshire, Pennsylvania, and Vermont. It maintains terminals at Troy and Buffalo, and specializes in transporting dated printed matter. Protestant handles traffic for publishers which ship directly to newsstands. Because of the wide scope of authority sought, it fears diversion of this traffic. It also fears the service proposed by Independent and applicant will cause publishers to use Independent's distribution service, rather than shipping directly, thus diverting more traffic. Troy News cites as examples 229 loads it handled within the scope of the application during January, February, and March 1979, but does not include the revenues derived from this traffic. It asserts that applicant cannot provide service comparable to the service not available.

Protestants Schneider, TNT, and NRT can transport printed matter from Milwaukee, WI, to Chicago and Mattoon, IL, Glasgow, KY, Crawfordsville and Warsaw, IN, and Willard, OH, and to points in a number of the destination States and the District of Columbia. They also hold authority to transport paper and paper products within the scope of this application. The protestants operate both in single-line and joint-line service, and fear diversion of traffic not transported within the scope of the cited authority and of their overhead traffic. Two traffic studies have been submitted indicating revenues derived from the transportation of a wide range of paper goods and printed matter. One study indicates that during 3 unspecified months, Schneider handled 1,793 truckloads yielding revenues of over $1.3 million. A second traffic study indicates the three protestants jointly handled 1,308 truckloads yielding revenues of over $1.2 million during 1 unspecified month. These studies include shipments of monthly paper products, but also include some printed matter, and encompass a wider territory than that sought by applicant. Protestants assert that a restriction should be imposed to protect their overhead traffic. They contend that two-way radial authority is inappropriate for the service required, and that no need has been shown for the transportation of materials and supplies.

We conclude that authority should be granted to the extent set forth in the appendix. Applicant has presented evidence that the supporting shipper distributes a substantial quantity of printed matter each month to and from points in the area under consideration. Applicant will provide transportation for Independent's consolidation services, and thus enable Independent to obtain a more efficient, less costly method of distributing the involved publications. This service is not now available to the supporting shipper, which must now rely primarily on middlemen to consolidate the shipments to wholesalers.

We recognize that Troy News holds some appropriate authority to serve the supporting shipper, and that no deficiencies in its service have been cited. Because protestant is limited to origin cities in the State of New York, and can serve only four of the destination States, it cannot provide the type of coordinated consolidation since envisioned by the supporting shipper. Protestants Schneider, TNT, and NRT are similarly unable to provide the type of service required by the shipper. These protestants hold substantial authority to transport paper and paper products, along with some authority to haul printed matter. However, the origin points for their authority are located in the destination territory sought by applicant, and therefore they are unable to provide the required service. We do not believe that any of the protestants have demonstrated an ability to perform the services required. In these circumstances, a grant of authority to applicant is warranted to enable the supporting shipper to obtain the transportation services now unavailable to it.

The protestants assert that a grant of authority as sought would divert a substantial volume of traffic now transported by them. Troy News does not indicate the revenues it derives from its participation in such traffic, and we are unable to say that any potential diversion of traffic it handles would impair its ability to serve the public. While it fears publishers will switch to using motor transportation by applicant, and Independent's distribution services, it is not precluded from competing for the involved traffic and offering services comparable to those proposed by applicant. Schneider, TNT, and NRT all fear diversion of overhead traffic, and submitted traffic studies to show substantial amounts of freight subject to diversion. However, very little of the traffic protestants cite could be transported under the authority to be granted here to applicant. Printed matter does not include the wide variety of goods included in the description paper and paper products. The limited commodity description in the application and our grant of authority will not allow applicant to divert much of the traffic cited by protestants. Consequently, their ability to serve the public should not be adversely affected.

Applicant also seeks authority to transport equipment, materials, and supplies used in the manufacture and sale of printed material (except in bulk). The evidence of record reveals that Independent includes items such as inks and paper in this description, and that three truckloads of these commodities will be available each week. The supporting shipper has not identified any specific sources of these shipments, the actual volumes of traffic that have moved in the past, how that traffic now moves, or deficiencies in that service. We recognize that the evidentiary guidelines set forth in *Novak Contract Carrier Application*, 103 M.C.C. 555, 557 (1967) are not procedural hurdles but present a method of assuring that sufficient evidence will be submitted to determine a shipper's basic transportation needs. Nevertheless, the evidence of record in support of this portion of the application does not allow a determination of shipper's transportation needs for materials, equipment, and supplies, and, therefore, we are unable to conclude that authority should be granted for their transportation. In reaching this

conclusion, we note that shipper Independent is a distributor of printed matter, and would not use the materials and supplies itself. Such commodities are used by printers and publishers, and the evidence of record does not indicate that they support this application or require the inbound transportation of these items.

Protestants Schneider, TNT, and NRT seek to have any grant of authority restricted to the transportation of traffic originating at or destined to the named origins and destinations. Such restrictions are imposed where protestants have shown that they will be materially and adversely affected by the failure to impose such a restriction. *Fox-Smythe Transp. Co., Extension—Oklahoma*, 106 M.C.C. 1, 18 (1967). The protestants have not demonstrated that they now handle substantial volumes of traffic that would be subject to diversion if this restriction is not imposed. Consequently, we will not restrict the authority to be granted applicant.

In its original application, applicant sought authority to serve the District of Columbia as a point in the base territory. This location was inadvertently omitted from the **Federal Register** notice. Applicant has evinced a public need for authority to so serve the District of Columbia, and by including it in our grant of authority, we have broadened the scope of authority beyond that which was described in the **Federal Register** notice. It is possible that persons not parties to this proceeding who relied on that notice may have an interest in and would be prejudiced by the lack of proper notice of the grant of authority to so serve the District of Columbia. Therefore, a notice of the authority actually granted will be published in the **Federal Register** and issuance of a certificate will in this proceeding be withheld for a period of 30 days from the date of publication. During that period, any person not a party to this proceeding may file an appropriate petition to intervene in this proceeding, setting forth in detail the precise manner in which it has been prejudiced by our grant of authority to so serve the District of Columbia.

We find: The present and future public convenience and necessity require operation by applicant, performing the service described in the appendix. Applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements of Title 49, Subtitle IV, U.S. Code, and the Commission's regulations. This decision does not significantly affect the quality of the human environment. An appropriate certificate should be granted, subject to publication in the **Federal Register.**

It is ordered: The application is granted to the extent set forth in the appendix. Operations may begin only following the service of a *certificate* which will be issued if applicant complies with the following requirements set forth in the Code of Federal Regulations: insurance (49 CFR 1043), designation of process agent (40 CFR 1044), and tariffs (49 CFR 1310). Compliance with these requirements must be made within 90 days after the date of service of this decision or the grant of authority shall be void.

By the Commission, Review Board Number 1, Members Carleton, Joyce, and Jones.

Agatha L. Mergenovich,

Secretary.

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Permanent Authority Decision; Decision-Notice

The following applications, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR § 1100.247). These rules provide, among other things, that a petition for intervention, either in support of or in opposition to the granting of an application, must be filed with the Commission within 30 days after the date notice of the application is published in the **Federal Register.** Protests (such as were allowed to filings prior to March 1, 1979) *will be rejected.* A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Permanent Authority Decisions

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l) setting forth the specific grounds upon which it is made, including a detailed statement of petitioner's interest, the particular facts, matters, and things relied upon, including the extent, if any, to which petitioner (a) has solicited the traffic or business of those supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace the extent to which petitioner's interest will be represented by other parties, the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record, and the extent to which participation by the petitioner would broaden the issues or delay the proceeding.

Petitions not in reasonable compliance with the requirements of the rules may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Section 247(f) provides, in part, that an applicant which does not intend to timely prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

If an applicant has introduced rates as an issue it is noted. Upon request, an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after August 7, 1979.*

Any authority granted may reflect administrative acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g.s, unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where

specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminary and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. § 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. § 10930(a) (formerly section 210 of the Interstate Commerce Act).

In the absence of legally sufficient petitions for intervention, filed on or before September 6, 1979 (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Volume No. 114

Decided: June 29, 1979.

By the Commission, Review Board Number 2, Members Eaton, Liberman and Boyle. Member Eaton not participating.

MC 2505 (Sub-5F), filed March 19, 1979. Applicant: LOTT MOTOR LINES, INC., P.O. Box 751, West Cayuga St. Moravia, NY 13118. Representative: E. Stephen Heisely, 805 McLachlen Bank Bldg., 666 Eleventh St., N.W., Washington, DC 20001. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *gypsum and building materials*, and (2) *materials, equipment*, and *supplies* used in the manufacture, installation, and distribution of gypsum and building materials, between points in the United States in and east of OH, KY, TN, and AL, restricted to the transportation of traffic originating at or destined to the facilities of Georgia-Pacific Corporation, under continuing contract(s) with Georgia-Pacific Corporation. (Hearing site: Philadelphia, PA, or Washington, DC.)

Note.—Dual operations may be involved.

MC 28905 (Sub-8F), filed March 19, 1979. Applicant: RISBERG'S TRUCK LINE, 2339 S.E. Grand Ave. Portland, OR 97214. Representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Ave., Portland, OR 97210. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over regular routes, transporting *general commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) between Portland and Bend, OR: from Portland over U.S. Hwy 26 to junction U.S. Hwy 97, then over U.S. Hwy 97 to Bend, and return over the same route, serving the intermediate points of Warm Springs, Madras, Terrebonne, Prineville Junction, and Redmond, OR, and the off-route points of Culver, Metrolus, Sisters, and Prineville, OR, and (2) between Portland and Bend, OR, from Portland over Interstate Hwy 5 to junction OR Hwy 22, at or near Salem, OR, then over OR Hwy 22 to junction U.S. Hwy 20, then over U.S. Hwy 20 to Bend, and return over the same route, as an alternate route for operating convenience only, serving no intermediate points, and serving the termini for purposes of joinder only. Condition: Any certificate to be issued in this proceeding, to the extent it authorizes transportation of classes A and B explosives, shall be limited to a term expiring 5 years from its date of issue.

MC 30844 (Sub-640F), filed March 22, 1979. Applicant: KROBLIN REFERIGERATED XPRESS, INC., P.O. Box 5000, Waterloo, IA 50704. Representative: John P. Rhodes (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products and meat byproducts, and articles distributed by meat-packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from the facilities used by Del Pero Mondon Co., at or near Booneville, AR, to those points in the United States and east of MN, IA, NE, CO, OK, and those in TX, on and east of U.S. Hwy 81, restricted to the transportation of traffic originating at the named origin facilities. (Hearing site: Kansas City, KS.)

MC 61825 (Sub-95F), filed March 19, 1979. Applicant: ROY STONE TRANSFER CORPORATION, V. C. Dr., P.O. Box 385, Collinsville, VA 24078. Representative: John D. Stone (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *New furniture and furniture parts*, from Appomattox and Brookneal, VA, to points in DE, PA, NC, NJ (except Newark and points within 15 miles of Newark), NY (except New York, NY), and points in OH on and east of a line beginning at Lake Erie and extending along Interstate Hwy 90 to junction Interstate Hwy 77, then south along Interstate Hwy 77 to the OH–WV State line, and (2) *materials, supplies, and equipment* used in the manufacture and distribution of new furniture and furniture parts, in the reverse direction, and (3) *beds, and bedding*, and *parts and materials* for beds and bedding, from Elizabeth, NJ, to Columbus, OH and Munster, IN (Hearing site: Washington, DC.)

MC 104104 (Sub-16F), filed March 16, 1979. Applicant: GEORGE A. FETZER, INC., Rd. 1-Newton-Sussex Rd., Augusta, NJ 07822. Representative: Robert B. Pepper, 168 Woodbridge Ave., Hingland Park, NJ 08904. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce over irregular routes, transporting (1) *glass containers* and *accessories* for glass containers, and (2) *cartons* when moving in mixed shipments with glass containers, from the facilities of Thatcher Glass Mfg. Co., at Wharton, NJ, to points in CT, ME, MA, NH, NY, RI, VT, and those points in PA east of U.S. Hwy 15. (Hearing site: Newark, NJ.)

MC 105045 (Sub-99F), filed March 15, 1979. Applicant: R. L. JEFFERIES TRUCKING CO., INC., 1020 Pennsylvania St., Evansville, IN 47701. Representative: Paul F. Sullivan, 711 Washington Bldg., Washington, DC 20005. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *pipe, pipe fittings, beams, piling, rails, railway track accessories, bridge and highway railings, pile drivers, and pile extractors*, (2) *parts* for the commodities in (1) above, and (3) *materials, equipment, and supplies* used in the manufacture, installation, dismantling, and distribution of the commodities in (1) and (2) above, (except commodities in bulk) between the facilities of L. B.

Foster Company, at Parkersburg and Washington, WV, on the one hand, and, on the other, those points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Washington, D.C. or Atlanta, GA.)

MC 106674 (Sub-377F), filed March 19, 1979. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *steel grinding balls*, from Greenville, IL, to points in CT, DE, IN, KS, MA, NE, NH, NJ, ND, OK, RI, SD, TX, and VT, and (2) *materials, equipment, and supplies* used in the manufacture of steel grinding balls, from AL, AR, CT, DE, FL, GA, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV, and WI, to Greenville, IL. (Hearing site: Chicago, IL, or Indianapolis, IN.)

MC 106674 (Sub-378F), filed March 22, 1979. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN, 47977. Representative: Jerry L. Johnson (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs*, from Austin, Brownstown, Converse, and Franklin, IN, to points in AL, AR, IL, IA, KS, KY, MD, MO, OH, TN, and DC. (Hearing site: Chicago, IL, or Indianapolis, IN.)

MC 109124 (Sub-65F), filed March 19, 1979. Applicant: SENTLE TRUCKING CORPORATION, P.O. Box 7850, Toledo, OH 43619. Representative: James M. Burtch, 100 E. Broad St., Suite 1800, Columbus, OH 43215. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *lime, limestone, limestone products, and high temperature bonding mortar*, in containers, from Fremont, OH, to Chicago, IL, and points in MI and IN. (Hearing site: Columbus, OH.)

MC 109154 (Sub-17F), filed March 19, 1979. Applicant: BAYLOR TRUCKING, INC., R. R. 1, Milan, IN 47031. Representative: Robert W. Loser II, 1009 Chamber of Commerce Bldg., Indianapolis, IN 46204. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *plumbing supplies and plumbing accessories*, (a) from Plainsview, NY, to Detroit, MI, and points in OH and IN, and (b) from Monroe, OH, to points in AZ, NM, and CA. (Hearing site: Indianapolis, IN, or Washington, DC.)

MC 110525 (Sub-1291F), filed March 21, 1979. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Ave., Downingtown, PA 19335. Representative: Thomas J. O'Brien (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *vegetable oils, vegetable oil products, animal grease, and tallows*, in bulk, in tank vehicles, from Philadelphia, PA, Baltimore, MD, and points in NJ, to Dover, OH, and (2) *chemicals*, in bulk, in tank vehicles, from the facilities of Union Camp Corp., at or near Valdosta, GA, to points in FL. (Hearing site: New York, NY.)

Note.—Dual operations may be involved.

MC 112304 (Sub-179F), filed March 16, 1979. Applicant: ACE DORAN HAULING AND RIGGING CO., a corporation, 1601 Blue Rock St., Cincinnati, OH 45223. Representative: A. Charles Tell, 100 East Broad St., Columbus, OH 43215. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between the facilities of Hickman-Fulton County Riverport Authority, at or near Hickman, KY, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Louisville, KY, or Washington, DC.)

MC 112304 (Sub-180F), filed March 16, 1979. Applicant: ACE DORAN HAULING & RIGGING CO., a corporation, 1601 Blue Rock St., Cincinnati, OH 45223. Representative: John P. McMahon, 100 East Broad St., Columbus, OH 43215. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1)(a) *sweeping machines, power brooms, power sweepers, road maintenance equipment, and road materials-handling equipment*, and (b) *parts, attachments, and accessories* for the commodities in (1)(a) above, from points in Calumet County, WI, to points in the United States (except AK and HI), and (2) *materials, equipment, and supplies* used in the manufacture of the commodities in (1) (a) and (b) above, (except commodities in bulk), in the reverse direction. (Hearing site: Milwaukee, WI, or Washington, DC.)

MC 113855 (Sub-474F), filed March 19, 1979. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Rd. SE, Rochester, MN 55901. Representative: Michael E. Miller, 502 First National Bank Bldg., Fargo, ND 58126. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *industrial machinery and equipment*, (2) *parts and accessories* for the commodities in (1) above, and (3) *materials, equipment, and supplies* used in the manufacture and installation of the commodities in (1) above, between Neenah, WI, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Chicago, IL, or Minneapolis, MN.)

MC 118535 (Sub-134F), filed March 20, 1979. Applicant: TIONA TRUCK LINE, INC., 102 West Ohio, Butler, MO 64730. Representative: Wilburn L. Williamson, The Oil Center, Suite 615E, 2601 N.W. Expressway, Oklahoma City, OK 73112. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *canned and preserved foodstuffs*, from the facilities of Heinz USA, Division of H. J. Heinz Company, at or near Iowa City and Muscatine, IA, to East St. Louis, IL, and points in AR, KS, MO, OK, and TX. (Hearing site: Kansas City, MO.)

MC 121664 (Sub-60F), filed March 19, 1979. Applicant: HORNADY TRUCK LINE, INC., P.O. Box 846, Monroeville, AL 36460. Representative: W. E. Grant, 1702 First Ave. South, Birmingham, AL 35201. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *woodpulp* (except in bulk, in tank vehicles), from points in Monroe County, AL, to points in the United States (except AK and HI). (Hearing site: Birmingham or Montgomery, AL.)

MC 123314 (Sub-26F), filed March 16, 1979. Applicant: JOHN F. WALTER, INC., P.O. Box 175, Newville, PA 17241. Representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *canned and preserved foodstuffs*, from the facilities of Heinz U.S.A., Division of H. J. Heinz Company, at or near Fremont and Toledo, OH, to Washington, DC, restricted to the transportation of traffic originating at the named origins and destined to the named destinations. (Hearing site: Washington, DC, or Harrisburg, PA.)

MC 125535 (Sub-14F), filed March 15, 1979. Applicant: NATIONAL SERVICE LINES, INC. of New Jersey, 12015 Manchester Rd., Suite 118, St. Louis, MO

63131. Representative: Donald S. Helm (same address as applicant). To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *paper and paper products*, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk, in tank vehicles), between the facilities of Crown Zellerbach Corporation at South Glens Falls, Carthage, and Syracuse, NY, on the one hand, and, on the other, points in CT, DE, IL, IN, KY, MD, MA, MI, MO, NJ, NC, OH, PA, RI, SC, TN, VA, WV, WI, and DC, under continuing contract(s) with Crown Zellerbach Corporation, of Berkeley, MO. (Hearing site: Washington, DC.)

MC 133485 (Sub-26F), filed March 21, 1979. Applicant: INTERNATIONAL DETECTIVE SERVICE, INC., 1828 Westminster St., Providence, RI 02909. Representative: Morris J. Levin, 1050 Seventeenth St., N.W., Washington, DC 20036. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *currency, coin, securities, negotiable and non-negotiable instruments, cash letters*, and *articles of unusual value, in armored motor vehicles escorted by armed guards, between points in CT, MA, ME, NH, RI, DC, PA, NJ, VT, and NY, in armored vehicles escorted by armed guards. Condition: The person or persons who appear to be engaged in common control between applicant and another regulated carrier must either file an application under 49 U.S.C. 11343 [formerly section 5(2) of the Interstate Commerce Act], or submit an affidavit indicating why such approval is unnecessary. (Hearing site: Providence, RI, or Boston, MA.)*

MC 133485 (Sub-27F), filed March 16, 1979. Applicant: INTERNATIONAL DETECTIVE SERVICE, INC., 1828 Westminster St., Providence, RI 02909. Representative: Morris J. Levin, 1050 Seventeenth St. NW., Washington, DC 20036. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *coins, bullion, precious metal products, bonds, gas coupons, currency paper, and articles of unusual value*, in armored motor vehicles escorted by armed guards, between those points in the United States (including AK, and excluding HI). (Hearing site: Providence, RI.)

MC 136315 (Sub-63F), filed March 15, 1979. Applicant: OLEN BURRAGE TRUCKING, INC., Route 9, Box 22–A, Philadelphia, MS 39350. Representative: Fred W. Johnson, Jr., 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, MS 39205. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, from Birmingham, AL, Burns Harbor, Gary, Indiana Harbour, and La Porte, IN, Chicago, Granite City, Madison, and Hennepin, IL, and Pittsburg, PA, to the facilities of Emerson Electic Co., at or near (a) Mena, Paragould, and Rogers, AR, (b) Russellville, KY, (c) Independence, KS, (d) Philadelphia, Oxford, and Tupelo, MS, and (e) Kennett, MO. (Hearing site: St. Louis, MO, or Jackson, MS.)

Note.—Dual operations may be involved.

MC 138144 (Sub-47F), filed March 19, 1979. Applicant: FRED OLSON CO., INC., 6022 W. State St., Milwaukee, WI 53213. Representative: W. D. Brejcha, 10 S. LaSalle St. Suite 1600, Chicago, IL 60603. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *lumber, lumber products, lumber mill products, poles, posts, and pilings*, (except commodities in bulk), from Beardstown, IL, to points in MI and IN, restricted to the transportation of traffic originating at the name origin. Condition: The person or persons engaged in common control of applicant and another regulated carrier must file an application under 49 U.S.C. 11343 (formerly section 5(2) of the Interstate Commerce Act) for approval of the common control, or file an affidavit indicating why such approval is unnecessary. (Hearing site: Chicago, IL, or Columbus, OH.)

Note.—Dual operations may be involved.

MC 138144 (Sub-48F,) filed March 19, 1979. Applicant: FRED OLSON CO., INC., 6022 W. State St., Milwaukee, WI 53213. Representative: W. D. Brejcha, 10 S. LaSalle St.—Suite 1600 Chicago, IL 60603. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting railroad ties, timbers, poles, pilings, and lumber, from Madison and Cambria, IL, Indianapolis, Boloomington, Terre Haute, and Winslow, IN, Waverly and Northup, OH, and Louisville and Mayfield, KY, to points in IA, IN, IL, KS, KY, MI, MO, NY, OH, PA, TN, WI, WV, and AR. Condition: The person or persons engaged in common control of applicant and another regulated carrier must file an application under 49 U.S.C 11343 (formerly section 5(2) of the Interstate Commerce Act) for approval of the common control, or file an affidavit indicating why such approval is unnecessary. (Hearing site: Chicago, IL, or Columbus, OH.)

Note.—Dual operations may be involved.

MC 138875 (Sub-150F), filed March 19, 1979. Applicant: SHOEMAKER TRUCKING COMPANY, a corporation, 11900 Franklin Rd., Boise, ID 83705. Representative: F. L. Sigloh (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *materials and supplies used in the manufacture of (a) buildings, in sections (b) motor homes*, (c) recreational vehicles, and (d) *trailers designed to be drawn by passenger automobiles*, (except commodities in bulk), from points, in CA, to points in OR and WA. (Hearing site: Boise, ID, or Washington, DC.)

MC 138875 (Sub-151F), filed March 19, 1979. Applicant: SHOEMAKER TRUCKING COMPANY, a corporation, 11900 Franklin Rd. Boidr, ID 83705. Represenative: F. L. Sigloh (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities as are dealt in by tile, floor, ceiling, wall and counter covering distributors*, (except commodities in bulk), from the facilities of GAF Corporation, located at or near (a) Vails Gate, NY, and (b) Fullerton, PA, to points, in CA, ID, NV, OR, UT, and WA, restricted to the transportation of traffic originating at the named origin facilities and destined to the indicated destinations. (Hearing site: Philadelphia, PA, or Washington, DC.)

MC 139495 (Sub-427F), filed March 15, 1979. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, KS 67901. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. To operate as a *common carrier*, by motor vehicle, in interstate of foreign commerce, over irregular routes, transporting *paper and paper products* from the facilities of Crown Zellerbach Corp., (1) in West Feliciana Parish, LA, to Cleveland, Akron, Dayton, Middletown, Columbus, and Delaware, OH, and points in IL and IN, and (2) in Washington Parish, LA, to Milwaukee, WI, Cleveland and Delaware, OH, and points in IL and IN. (Hearing site: Washington, DC.)

MC 139495 (Sub-430F), filed March 15, 1979. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th St., P.O. Box 1358, Liberal, KS 67901. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD

20910. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *medical care products*, and (2) *materials, equipment, and supplies* used in the manufacture of medical care products, from Ogden, UT, to points in IL and NJ. (Hearing site: Washington, DC.)

MC 140755 (Sub-61F), filed March 21, 1979. Applicant: BRAY TRANSPORT, INC., 1401 N. Little St., Cushing, OK 74023. Representative: Dudley G. Sherrill (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *petroleum wax*, in bulk, between Barnsdall, OK, on the one hand, and, on the other, points in CA. (Hearing site: Tulsa, OK, or Kansas City, KS.)

MC 144144 (Sub-2F), filed March 19, 1979. Applicant: RAINS TRUCKING SERVICE, INC., P.O. Box 73, DuQuoin, IL 62832. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *aluminum grill castings*, from Sheboygan, WI, to DuQuoin, IL, under continuing contract(s) with Turco Manufacturing Corporation. (Hearing site: Indianapolis, IN, or Chicago, IL.)

MC 145194 (Sub-1F), filed March 22, 1979. Applicant: WOOSTER MOTOR WAYS, INC., 1357 Mechanicsburg Rd., Wooster, OH 44691. Representative: David A. Turano, 100 East Broad St., Columbus, OH 43215. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by manufacturers, processors, or distributors of rubber products, between Akron, Columbus, and Medina, OH, and points in Allen County, IN, on the one hand, and, on the other, points in AL, CT, DE, GA, MA, MD, MI, NC, NJ, NY, OH, PA, RI, SC, and VA. (Hearing site: Columbus, OH.)

MC 145384 (Sub-28F), filed March 19, 1979. Applicant: ROSE-WAY, INC., 1914 E. Euclid Ave., Des Moines, IA 50306. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *steel castings* and *steel forgings*, from the facilities of American Western Foundaries at Santa Barbara, CA, to points in AZ, IL, IN, KY, MO, NM, OH, OK, and TX; (2) *resin compound*, in containers, from Lynwood, CA, to Phoenix, AZ, Portland and Culver, OR, and Seattle and Spokane, WA; (3) *resin compound*, in containers, *fiberglass matting*, and *cloth and woven roving*, from the facilities of Erskine-Johns Co., at Los Angeles, CA, to points in OR and WA; (4) *facing and paving brick*, from the facilities of L.B. Industries, Inc., at Los Angeles, CA, to points in AL, AZ, CO, NE, FL, GA, IA, IL, IN, MA, MN, MO, NC, OH, OK, PA, SC, TN, TX, and WI; (5) *reinforced fiberglass plastic panels*, from Santa Monica, CA to points in AZ, AR, IA, IL, IN, MO, NM, OH, OK, TN, and TX; (6) *adhesives*, in containers, from La Mirada, CA, to points in AZ, IL, MA, MD, NJ, OR, TX, WA, and WI; and (7) *wood resin*, in containers, from Brunswick, GA, to La Mirada, CA. (Hearing site: Los Angeles, CA.)

Note.—Dual operations may be involved.

MC 146194 (Sub-4F), filed March 15, 1979. Applicant: M.T.S. TRUCKING, INC., 113 Center St., Jackson, MN 56143. Representative: Val M. Higgins, 1000 First National Bank Bldg., Minneapolis, MN 55402. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *tankage*, in bulk, from the facilities of John Morrell & Co., at or near Sioux Falls, SD, to points in IL, IA, MN, MO, NE, and WI, and (2) *hides*, from the origin facilities named in (1) above, to Kansas City, MO. (Hearing site: Minneapolis or St. Paul, MN.)

MC 146304 (Sub-2F), filed March 19, 1979. Applicant: ZEEB FARMS TRUCKING, 2680 Herbison Rd., Bath, MI 48808. Representative: Robert D. Zeeb (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *animal feed, animal feed ingredients, and fertilizer*, and (2) *agricultural commodities*, otherwise exempt from economic regulation pursuant to the provisions of 49 U.S.C. 10526(a)(6) (formerly section 203(b)(6) of the Interstate Commerce Act), in mixed loads with the commodities in (1) above, from points in IL, IN, and OH, to points in the Lower Peninsula of MI. (Hearing site: Lansing or Detroit, MI.)

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Decided: July 2, 1979.

By the Commission, Review Board Number 3, Members Forbes, Parker and Hill. Forbes not participating.

MC 14215 (Sub-31F), filed March 29, 1979. Applicant: SMITH TRUCK SERVICE, INC., 1118 Commercial, Mingo Junction, OH 43938. Representative: A. Charles Tell, 100 East Broad St., Columbus, OH 43215. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, from the facilities of Bar Steel Co., at Detroit, MI, to points in OH, PA, and TN. (Hearing site: Detroit, MI.)

MC 24784 (Sub 1-29F), filed March 7, 1979. Applicant: BARRY, INC., 463 South Water, Olathe, KS 66061. Representative: Arthur J. Cerra, P.O Box 19251, 2100 Ten Main Center, Kansas City, MO 64141. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *fibrous glass products, mineral wool, mineral wool products, insulating air ducts, insulating products and materials* from the facilities of Certain-Teed Products Corp. at Kansas City and Pauline, KS to points in AR, IA, MO, NE, and OK. (Hearing site: Kansas City, MO.)

MC 24784 (Sub-30F), filed March 12, 1979. Applicant: BARRY, INC., 463 South Water, Olath, KS 66061. Representative: Arthur J. Cerra, P.O. Box 19251, 2100 Ten Main Center, Kansas City, MO 64141. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, from Muskogee nd Tulsa, OK, to points in CO, IA, KS, MO, and NE. (Hearing site: Kansas City, MO.)

MC 60014 (Sub-107F), filed March 29, 1979. Applicant: AERO TRUCKING, INC. Box 308, Monroeville, PA 15146. Representative: A. Charles Tell, 100 East Broad St., Columbus, OH 43215. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *metal articles*, from the facilities of Gulf Metal Industries, Inc., at or near Houston, TX, and East Point, GA, to points in the United States in and east of ND, SD, NE, CO, and NM. (Hearing site: Houston, TX.)

MC 60014 (Sub-109F), filed March 29, 1979. Applicant: AERO TRUCKING, INC., Box 308, Monroeville, PA 1546. Representative: A. Charles Tell, 100 East Broad St., Columbus, OH 43215. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, from the facilities of Gulf Coast Machine & Supply Co., at or near Beaumont, TX, to points in the United States in and east of MN, WI, IL, KY, TN, MS, and LA. (Hearing site: Houston, TX.)

MC 60014 (Sub-110F), filed March 29, 1979. Applicant: AREO TRUCKING, INC., Box 308, Monroeville, PA 15146. Representative: A. Charles Tell, 100 East Broad St., Columbus, OH 43215. To

operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *fabricated iron, steel articles, and aluminum articles*, from the facilities of Metal Arts Co., at Houston, TX, to points in the United States in and east of MT, WY, CO, and NM. (Hearing site: Houston, TX.)

MC 60014 (Sub-111F), filed March 30, 1979. Applicant: AERO TRUCKING, INC., Box 308, Monroeville, PA 15146. Representative: A. Charles Tell, 100 East Broad St., Columbus, OH 43215. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *light poles and light pole accessories*, from the facilities of K–W Industries, Inc., at or near Houston, TX, to points in the United States (except AK and HI). (Hearing site: Houston, TX.)

MC 77424 (Sub-50F), filed March 29, 1979. Applicant: WENHAM TRANSPORTATION, INC., 3200 E. 79th St., Cleveland, OH 44140. Representative: James Johnson (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *building materials*, and (2) *materials, equipment, and supplies* used in the installation and erection of building materials, between Sidney, OH, on the one hand, and, on the other, points in NJ and those in PA on and east of U.S. Hwy 220. (Hearing site: Columbus, OH, or Philadelphia, PA.)

MC 106644 (Sub-276F), filed March 29, 1979. Applicant: SUPERIOR TRUCKING COMPANY, INC., P.O. Box 916, Atlanta, GA 30301. Representative: Louis C. Parker III (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *steel pipe, pipe fittings, beams, pilings, rails, railway rails, railway track accessories, bridge and highway railings, pile drivers, pile extractors*, and (2) *materials, equipment, and supplies* used in the manufacture, installation, dismantling, and distribution of the commodities in (1) above (except in dump or tank vehicles), between the facilities of L. B. Foster Company, at Parkersburg and Washington, WV, on the one hand, and, on the other, points in AL, AR, FL, GA, KY, LA, MS, NC, OK, SC, VA, TN, TX, and KS. (Hearing site: Atlanta, GA or Washington, DC.)

MC 107295 (Sub-912F), filed March 29, 1979. Applicant: PRE-FAB TRANSIT CO., a Corporation, P.O. Box 146, Farmer City, IL 61842. Representative: Mack Stephenson, 42 Fox Mill Lane, Springfield, IL 62707. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *construction materials*, and (2) *materials and supplies* used in the manufacture and distribution of construction materials (except commodities in bulk), between the facilities of The Celotex Corporation, at or near Russellville, AL, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Atlanta, GA.)

MC 111045 (Sub-165F), filed March 29, 1979. Applicant: REDWING CARRIERS, INC., P.O. Box 426, Tampa, FL 33601. Representative: L. W. Fincher (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *chemicals*, in bulk, (a) from Geismar, LA, and Longview, TX, to LeMoyne, AL, and (b) from LeMoyne, AL, to LaFayette, IN (Hearing site: Washington, DC.)

MC 111045 (Sub-166F), filed March 30, 1979. Applicant: REDWING CARRIERS, INC., P.O Box 426, Tampa, FL 33601. Representative: L. W. Fincher (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *sand*, in bulk, from Bridgman, MI and Troy Grove, IL, to Birmingham, and Marion, AL, and Cordele, GA. (Hearing site: Chicago, IL, or Washington, DC.)

MC 111045 (Sub-167F), filed March 30, 1979. Applicant: REDWING CARRIERS, INC., P.O. Box 426, Tampa, FL 33601. Representative: L. W. Fincher (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *pulpmill liquids*, in bulk, in tank vehicles, between the plantsites of International Paper Compnay, at or near Natchez, MS, and Mobile, AL. (Hearing site: Mobile, AL, or Washington, DC.)

MC 117765 (Sub-259F), filed March 29, 1979. Applicant: HAHN TRUCK LINE, INC., 1100 S. MacArthur, P.O. Box 75218, Oklahoma City, OK 73147. Representative: R. E. Hagan (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *building materials* (except commodities in bulk), from the G.A.F. plant sites at or near (a) St. Louis, MO, to points in AR, IL, IN, KS, KY, LA, MS, OK, TN, and TX, (b) Kansas City, MO, to points in AR, KS, OK, and TX, and (c) Dallas, TX, to points in AR, KS, LA, MS, MO, OK, and TN, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Oklahoma City, OK.)

MC 124174 (Sub-138F), filed March 29, 1979. Applicant: MOMSEN TRUCKING CO., a corporation, 13811 "L" St., Omaha, NE 68137. Representative: Karl E. Momsen (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *pipe, fittings, valves, and hydrants*, and (2) *accessories* of the commodities in (1) above, from the facilities of Clow Corporation, at or near Buckhannon, WV, to points in the United States in and east of ND, SD, NE, KS, OK, and TX. Condition: The person or persons engaged in common control of applicant and another regulated carrier must file an application under 49 U.S.C. 11343 (formerly section 5(2) of the Interstate Commerce Act) for approval of the common control, or file an affidavit indicating why such approval is unnecessary. (Hearing site: Chicago, IL, or Omaha, NE.)

Note.—Dual operations may be involved.

MC 125254 (Sub-56F), filed March 29, 1979. Applicant: MORGAN TRUCKING CO., a corporation, P.O. Box 714, Muscatine, IA 52761. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *cellulose bands and plastic articles*, from the facilities of Thatcher Plastic Packaging, at or near Muscatine, IA, to Dover, NJ, Newark, DE, Lewiston, ME, New York and Dunkirk, NY, Fort Washington, PA, Boston, MA, Cincinnati, OH, and Hamburg, MI. (Hearing site: Des Moines, IA.)

MC 126514 (Sub-50F), filed March 29, 1979. Applicant: SCHAFFER TRUCKING, INC., 5200 West Bethany Home Rd., Glendale, AZ 85301. Representative: Leonard R. Kofkin, 39 South LaSalle St., Chicago, IL 60603. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs*, unfrozen (except in bulk), and (2) *materials, equipment, and supplies* used in the manufacture, and distribution, of the commodities in (1) above, (a) between Merced and North Hollywood, CA, on the one hand, and, on the other, Rochester, NY, and (b) from Merced, CA, to points in AZ, CO, and UT. (Hearing site: Boston, MA.)

MC 126844 (Sub-74F), filed March 30, 1979. Applicant: R. D. S. TRUCKING CO., INC., 1713 North Main Rd., Vineland, NJ 08360. Representative: Kenneth F. Dudley, 611 Church St., P.O. Box 279, Ottumwa, IA 52501. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *confectionery*, from the facilities of Mars Incorporated, at Hackettstown and Elizabeth, NJ, and Elizabethtown, PA, to OH, MI, IL, LA, MO, IA, and IN, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Trenton, NJ, or Washington, DC.)

MC 126844 (Sub-75F), filed March 30, 1979. Applicant: R. D. S. TRUCKING CO., INC., 1713 North Main Rd., Vineland, NJ 08360. Representative: Kenneth F. Dudley, P.O. Box 279, 611 Church St., Ottumwa, IA 52501. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *physical fitness apparatus*, (a) from Pennsauken, NJ, to points in AR, CO, GA, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NY, NC, OH, OK, PA, SC, TN, VA, WV, and WI, and (b) from Seabrook, NH, to Edgewater Park and Pennsauken, NJ. (Hearing site: Trenton, NJ, or Washington, DC.)

MC 133175 (Sub-9F), filed March 16, 1979. Applicant: METALS TRANSPORT CO., a Corporation, 1140 Poland Ave., Youngstown, OH 44502. Representative: James Duvall, P. O. Box 97, 220 West Bridge St., Dublin, OH 43017. To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *pipe* and *accessories* for pipe, from Youngstown, OH, to points in CT, DE, IL, IN, IA, KY, ME, MD, MA, MI, MN, NH, NJ NY, PA, RI, VA, VT, WV, WI, and DC, under continuing contract(s) with Republic Steel Corporation, of Cleveland, OH. (Hearing site: Columbus, OH.)

MC 133655 (Sub-146F), filed March 29, 1979. Applicant: TRANS-NATIONAL TRUCK, INC., P.O. Box 31300, Amarillo, TX 79120 Representative: Warren L. Troupe, 2480 E. Commercial Blvd., Fort Lauderdale, FL 33308. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by manufacturers of bicycles, between Ponca City OK, on the one hand, and, on the other, points in AZ, AR, CA, CO, ID, IL, IN, KS, KY, LA, MO, MT, NV, NM, OH, OK, OR, TX, UT, WA, and WY. (Hearing site: Chicago, IL.)

MC 134755 (Sub-178F), filed March 30, 1979. Applicant: CHARTER EXPRESS, INC., P.O. Box 3772, Springfield, MO 65804. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs* (except commodities in bulk), from points in OR, WA, CA, and ID, to Bettendorf, IA. (Hearing site: Kansas City, MO.)

Note.—Dual operations may be involved.

MC 142864 (Sub-10F), filed March 29, 1979. Applicant: RAY E. BROWN TRUCKING, INC., P.O. Box 501, Massillon, OH 44646. Representative: Jerry B. Sellman, 50 West Broad St., Columbus, OH 43215. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *foodstuffs*, canned and preserved, from the facilities of Heinz USA, at or near Iowa City and Muscatine, IA, to points in NJ, NY, PA, and OH, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations. (Hearing site: Columbus, OH, or Washington, DC.)

Note.—Dual operations may be involved.

MC 144964 (Sub-2F), filed March 29, 1979. Applicant: ESSEX EXPRESS, INC., 1200 Hammondville Rd., Pompano Beach, FL 33060. Representative: Don A. Allen, 2550 M St. NW., Washington, DC, 20037. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *macaroni, spaghetti, vermicelli, and noodles*, dried and in cartons, between Jersey City, NJ, and Jacksonville, Hialeah, Lakeland, Miami, Ocala, Orlando, Pompano Beach, and Tampa, FL. (Hearing site: Washington, DC, or Miami, FL.)

MC 146195 (Sub-2F), filed March 29, 1979. Applicant: ENERGY CARRIERS, INC., 4300 N. Long Beach Blvd., Long Beach, CA 90807. Representative: R. Y. Schureman, 1545 Wilshire Blvd., Los Angeles, CA 90017. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *gasoline, distillate fuel oil, jet fuels, and lubricating oil*, in bulk, between points in AZ, Clark County, NV, and those points in CA in and south of Venture, Los Angeles, and San Bernardino Counties, CA. Condition: The person or persons engaged in common control of applicant and another regulated carrier must file an application under 49 U.S.C. 11343 (formerly section 5(2) of the Interstate Commerce Act) for approval of the common control, or file an affidavit indicating why such approval is unnecessary. (Hearing site: Los Angeles, CA.)

MC 146504 (Sub-1F), filed March 29, 1979. Applicant: LEO TRUCKING CO., INC., P.O. Drawer F, Poteau, OK 74953. Representative: Greg E. Summy, P.O. Box 1540, Edmond, OK 73034. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *lime, quicklime, hydrate, and limestone products*, in bulk and in bags, from the facilities of St. Clair Lime Co., at or near Sallisaw and Marble City, OK, to points in AR, KS, LA, and those points in Issaquena, and Warren Counties, MS, and Cass and Bowie Counties, TX. (Hearing site: Oklahoma City, OK, or Ft. Smith, AR.)

MC 146614F, filed March 29, 1979. Applicant: HARRIS MOTOR EXPRESS, INC., 4261 Crawford St., Cincinnati, OH 45223. Representative: A. Charles Tell, 100 East Broad St., Columbus, OH 43215. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *toilet preparations, shampoos, health aids and beauty aids*, from the facilities of The Andrew Jergens Company, at Cincinnati, OH, to Chicago, IL, Detroit, MI, Fort Wayne and Indianapolis, IN, Lexington and Louisville, KY, and Pittsburgh, PA; and (2) *materials and supplies* used in the manufacture and distribution of the commodities named in (1) above (except commodities in bulk), from points in IL, IN, KY, MI, and PA, to the facilities of The Andrew Jergens Company, at Cincinnati, OH, under continuing contract(s) with The Andrew Jergens Company, of Cincinnati, OH. (Hearing site: Columbus, OH.)

Passengers

MC 145224 (Sub-2F), filed March 29, 1979. Applicant: ALL-CAL TOURS, INC., 3638 Primrose Ave., Santa Rosa, CA 95401. Representative: Eldon M. Johnson, 650 California St., Suite 2808, San Francisco, CA 94108. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, beginning and ending at points in El Dorado, Placer, Sacramento, Sutter, Yolo, and Yuba Counties, CA, and extending to points in the United States (including AK but excluding HI). (Hearing site: Sacramento or San Francisco, CA.)

Volume No. 128

Decided: July 3, 1979.

By the Commission, Review Board Number 2, Members Eaton, Liberman and Boyle. Member Eaton not participating.

MC 34975 (Sub-12F), filed March 15, 1979. Applicant: TREDWAY'S EXPRESS, INC., 512 Myrtle Ave., Boonton, NJ 07005. Representative: Bernard F. Flynn, Jr., 425 E. Blackwell St., Dover, NJ 07801. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in by department stores, (1) from points in NJ, NY, CT, PA, MD, and DE, to the terminal facilities of Tredway's Express, Inc., at (a) Albany, NY, and Farmingdale, NY, (b) West Haven, CT, (c) Baltimore, MD, (d) Dover, DE, (e) Philadelphia and Allentown, PA, and (f) Newark, Boonton, and East Windsor, NJ, and (2) from the terminal facilities named in (1) above to points in NY, NJ, CT, PA, MD, DE, and DC. (Hearing site: New York, NY, or Newark, NJ.)

MC 58944 (Sub-3F), filed March 22, 1979. Applicant: STAATS EXPRESS, INC., 507 South St., Rensselaer, NY 12144. Representative: Neil D. Breslin, 600 Broadway, Albany, NY 12207. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Albany, NY, on the one hand, and, on the other, those points in Columbia County, NY, south of NY Hwy 23. (Hearing site: Albany, NY.)

MC 106674 (Sub-379F), filed March 22, 1979. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *paper and paper products*, from the facilities of Champion International Corporation at or near Asheville, Canton, Fletcher, and Waynesville, NC, to points in IL, IN, KY, OH, MI, and WI, and (2) such *commodities* as are used in the manufacture of paper and paper products (except commodities in bulk), in the reverse direction. (Hearing site: Chicago, IL, or Indianapolis, IN.)

MC 107295 (Sub-910F), filed March 22, 1979. Applicant: PRE-FAB TRANSIT CO., a corporation, P.O. Box 146, Farmer City, IL 61842. Representative: Mack Stephenson, 42 Fox Mill Ln., Springfield, IL 62707. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *iron and steel articles*, and (2) *materials* used in the manufacture of the commodities in (1) above, (a) from Staunton, IL, and Hazelwood and Union, MO, to points in the United States (except AK and HI), and (b) from points in OH, to Staunton, IL, and Hazelwood and Union, MO. (Hearing site: St. Louis, MO.)

MC 113475 (Sub-31F), filed March 22, 1979. Applicant: RAWLINGS TRUCK LINE, INC., P.O. Box 831, Emporia, VA 23847. Representative: Harry J. Jordan, 1000 16th St., NW., Washington, DC 20036. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *iron and steel articles*, from the facilities of Wheeling-Pittsburgh Steel Corporation at (a) Canfield, Martins Ferry, Mingo Junction, Steubenville, and Yorkville, OH, (b) Allenport and Monnessen, PA, and (c) Beechbottom, Benwood, Follansbee, and Wheeling, WV, to points in CT, MD, NJ, NC, SC, NY, PA, and VA. (Hearing site: Washington, DC, or Richmond, VA.)

MC 114045 (Sub-535F), filed March 15, 1979. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 61228, Dallas, TX 75261. Representative: J. B. Stuart (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *rubber articles* and *plastic articles* (except commodities in bulk, in tank vehicles), from the facilities of Entek Corp. of America, at or near Irving, TX, to points in the United States (except AK and HI), and (2) *materials, and supplies* used in the manufacture of the commodities in (1) above, in the reverse direction. (Hearing site: Chicago, IL, or Dallas, TX.)

MC 114274 (Sub-57F), filed March 22, 1979. Applicant: VITALIS TRUCK LINES, INC., 137 N.E. 48th St. Place, Des Moines, IA 50306. Representative: William H. Towle, 180 North LaSalle St., Chicago, IL 60601. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *meats, meat products and meat byproducts, and articles distributed by meat-packing houses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities of Farmland Foods, Inc., at Carroll, Denison, and Iowa Falls, IA, to points in NE. (Hearing site: Chicago, IL.)

MC 121664 (Sub-62F), filed March 22, 1979. Applicant: HORNADY TRUCK LINE, INC., P.O. Box 846, Monroeville, AL 36460. Representative: W. E. Grant, 1702 First Ave. South, Birmingham, AL 35223. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *plywood, paneling, molding, and composition board*, from Jacksonville and Jasper, FL, to those points in the United States in and east of MN, IA, NE, KS, OK, and TX. (Hearing site: Birmingham, AL, or Jacksonville, FL.)

MC 123405 (Sub-68F), filed March 22, 1979. Applicant: FOOD TRANSPORT, INC., R.D. #1, Thomasville, PA 17364. Representative: Christian V. Graf, 407 North Front St., Harrisburg, PA 17101. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *frozen foodstuffs*, from the facilities of Hanover Brands, Inc. at Hanover, Bloomsburg, and Centre Hall, PA, to points in NC, SC, GA, AL, and FL, restricted to the transportation of traffic originating at the named origin facilities and destined to the indicated destinations. (Hearing site: Washington, DC, or Harrisburg, PA.)

MC 124004 (Sub-51F), filed March 15, 1979. Applicant: RICHARD DAHN, INC., 620 West Mountain Rd., Sparta, NJ 07871. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *insulating products*, and (2) *materials, equipment, and supplies* used in the manufacture, distribution, and installation of insulating products, between Princess Anne, MD, on the one hand, and, on the other, those points in the United States in and east of MN, IA, MO, AR, and LA. (Hearing site: New York, NY, or Washington, DC.)

MC 126514 (Sub-46F), filed March 19, 1979. Applicant: SCHAEFFER TRUCKING, INC., 5200 West Bethany Home Rd., Glendale, AR 85301. Representative: Leonard R. Kofkin, 39 South LaSalle St., Chicago, IL 60603. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *photographic equipment, materials, and supplies*, and (2) *materials and supplies* used in the manufacture and sale of the commodities named in (1) above, from Andover, North Andover, New Bedford,

Waltham, Cambridge, Needham, Needham Heights, Westwood, and Norwood, MA, to points in CA. (Hearing site: Chicago, IL.)

MC 126514 (Sub-47F), filed March 19, 1979. Applicant: SCHAEFFER TRUCKING, INC., 5200 West Bethany Home Road, Glendale, AR 85301. Representative: Leonard R. Kofkin, 39 South LaSalle St., Chicago, IL 60603. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *such commodities* as are dealt in or used by pharmaceutical houses (except commodities in bulk), between Norwich and North Norwich, NY, on the one hand, and, on the other, points in AZ and CA. (Hearing site: New York, NY.)

MC 126514 (Sub-48F), filed March 19, 1979. Applicant: SCHAFFER TRUCKING INC., 5200 West Bethany Home Rd., Glendale, AZ 85301. Representative: Leonard R. Kofkin, 39 South LaSalle St., Chicago, IL 60603. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *chemicals, alloys, salt, chemical products*, and (2) *materials, equipment, and supplies* used in the manufacture and sale of chemicals, from Marlboro, Newton, Salem, and Westwood, MA, to Dallas, TX, and Irvine and Berkeley, CA. (Hearing site: Boston, MA.)

MC 133655 (Sub-144F), filed March 19, 1979. Applicant: TRANS-NATIONAL TRUCK, INC., P.O. Box 31300, Amarillo, TX 79120. Representative: Warren L. Troupe, 2480 E. Commercial Blvd., Fort Lauderdale, FL 33308. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *anti-freeze and fuel additives*, from Weatherford, TX, to points in the United States (except AK and HI), and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, in the reverse direction. (Hearing site: Chicago, IL.)

MC 135865 (Sub-7F), filed March 13, 1979. Applicant: APPLEGATE DRAYAGE COMPANY, a corporation, 325 North Fifth St., Sacramento, CA 95812. Representative: Michael J. Stecher, 256 Montgomery St., San Francisco, CA 94104. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) (1) between Sacramento and Redding, CA, over Interstate Hwy 5, (2) between Sacramento and Jarbo Pass, CA: from Sacramento over CA Hwy 99 to junction CA Hwy 70, then over CA Hwy 70 to Jarbo Pass, and return over the same route, (3) between junction CA Hwys 99 and 70, and Red Bluff, CA, over CA Hwy 99, (4) between Williams and Yuba City, CA, over CA Hwy 20, (5) between Knights Landing and Hamilton City, CA, over CA Hwy 45, (6) between Chico and Orland, CA, over CA Hwy 32, (7) between Woodland, CA, and junction CA Hwy 99 and 113: from Woodland over CA Hwy 113 to junction CA Hwy 99, (8) between Roseville and Marysville, CA, over CA Hwy 65, serving all intermediate points in (1) through (8) above; (9) between Chester and Red Bluff, CA, over CA Hwy 36, and (10) between Susanville and Redding, CA, over CA Hwy 44, serving no intermediate points in (9) and (10) above.

MC 138875 (Sub-158F), filed March 22, 1979. Applicant: SHOEMAKER TRUCKING COMPANY a corporation, 11900 Franklin Rd., Boise, ID 83705. Representative: F. L. Sigloh (same address as applicant). To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *bakery products* (except commodities in bulk), from points in OH, to points in CA and OR, restricted to the transportation or traffic originating at the indicated origins and destined to the indicated destinations. (Hearing site: New York, NY, or Washington, DC.)

MC 145384 (Sub-27F), filed March 19, 1979. Applicant: ROSE-WAY, INC., 1914 E. Euclid Ave., Des Moines, IA 50306. Representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *titanium, nickel base alloys, stainless steel alloys*, between New Kensington, PA, and Stead, NV, on the one hand, and, on the other, points in CA, CT, IN, MI, NY, OH, OR, PA, and TX, and (2) *nickel base ingots and billets, and titanium ingots and billets*, between Verdi, NV, on the one hand, and, on the other, points in KY, MI, NC, NY, and PA. (Hearing site: Chicago, IL.)

Note.—Dual operations may be involved.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 79-24271 Filed 8-7-79; 8:45 am]
BILLING CODE 7035-01-M

[Volume No. 24]

Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 79-9505 appearing at page 18797 in the issue for Thursday, March 29, 1979, on page 18800, in the first column, in the paragraph for "MC 95540 (Sub-1052F)", in the ninth line, the word "irregular" should read "regular".

BILLING CODE 1505-01-M

Sunshine Act Meetings

Federal Register
Vol. 44, No. 153
Tuesday, August 7, 1979

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

BOARD FOR INTERNATIONAL BROADCASTING.

TIME AND DATE: 9:30 a.m., August 15 and 16, 1979.

PLACE: Board for International Broadcasting, Conference Room, Suite 430, 1030 15th Street NW., Washington, D.C. 20005.

STATUS: Closed, pursuant to 5 U.S.C. 552b(c)(1) 1 CFR 460.4 (c) and (h) of the Board's rules (42 FR 9388, Feb. 16, 1977).

MATTERS TO BE CONSIDERED: Matters concerning the broad foreign policy objectives of the United States Government.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Arthur D. Levin, Budget and Administrative Officer, Board for International Broadcasting, 1030 15th Street NW., Washington, D.C. 20005, 202-254-8040.

[S-1565-79 Filed 8-2-79; 3:46 pm]

BILLING CODE 6155-01-M

2

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 44 FR 45546, August 2, 1979.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 9:30 a.m. on August 3, 1979.

CHANGES IN THE MEETING: This meeting has been rescheduled for 10 a.m. on August 6, 1979.

Date: August 2, 1979.

[S-1566-79 Filed 8-3-79; 10:45 am]

BILLING CODE 7600-01-M

federal register

Tuesday
August 7, 1979

Part II

Department of the Interior

Bureau of Land Management

Public Lands and Resources; Planning System

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 1600

[Circular No. 2451]

Public Lands and Resources; Planning, Programming, and Budgeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rulemaking.

SUMMARY: This final rulemaking establishes the planning system for public lands and resources as provided in the Federal Land Policy and Management Act of 1976. The regulations are designed to ensure that actions on public lands are based upon the best available information and sound land use planning. Land use plans mandated by the Federal Land Policy and Management are called "resource management plans."

EFFECTIVE DATE: September 6, 1979.

ADDRESS: Comments or suggestions should be sent to: Director (650), Bureau of Land Management, 1800 C Street, NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Robert A. Jones, (202) 343–5682 or Robert C. Bruce, (202) 343–8735.

SUPPLEMENTARY INFORMATION: Proposed regulations on planning were published in the **Federal Register** December 15, 1978, with a 107 day comment period. An additional comment period on § 1601.6–1 was provided for ten days by notice in the **Federal Register** of May 21, 1979. One hundred and two comments were received on the proposed planning regulations including two on § 1601.6–1 during the reopened comment period. The comments break down into the following categories: 29 from the business community; 24 from State and local governments; 20 from environmental-consumer groups; 13 from individual citizens; 6 from Federal agencies; 4 from the academic community; 3 as a result of meeting with various groups; and 1 from a recreation organization. The following discussion of comments is organized into a general section, where key issues which appear throughout the regulations are addressed, and a more specific section where comments relating to each section of the regulations are covered.

General Issues

1. Areas of Critical Environmental Concern (ACEC)

The supplementary information accompanying the proposed rulemaking indicated that ACECs would be identified and appropriate protection prescribed in the resource management plan. Many comments were received on how this might be accomplished. In the meantime, the Department has published, for comment, draft policy and guidance dealing with many aspects of ACEC designation and management, including those associated with land use planning (**Federal Register** June 6, 1979). On the basis of comments received on the planning regulation proposal, specific details have been included in these regulations for ACECs, including an improved definition, criteria for identifying potential ACECs, process for designation, and requirements for a specific section in the resource management plan indicating the basis for ACEC designation and listing the special management requirements. These provisions are identical to those in the June 6 ACEC draft, and in that draft we indicate that if public comment on the June draft identifies areas in the planning regulations needing change, such changes would be proposed as amendments to these regulations.

2. Compliance With Council on Environmental Quality Regulations on NEPA

The supplementary information accompanying the proposed regulation indicated that the Council on Environmental Quality regulations on the National Environmental Policy Act became final November 29, 1978, and that there had not been time to insure that the December 15, 1978, planning regulation was in full compliance. Many comments were received suggesting how such compliance could be achieved. Compliance with the Council on Environmental Quality regulations was and is the Department's intention and appropriate language and references have been incorporated throughout the planning rulemaking. These are discussed section by section below.

3. Need for Environmental Impact Statement and Regulatory Analysis for These Regulations

Two comments recommended that an environmental impact statement and a regulatory analysis accompany publication of the rulemaking. The determination was made, based on an environmental assessment, that an environmental statement was not needed because promulgation of this rulemaking is not, in itself, an action that would significantly affect the quality of the human environment, especially since the rulemaking does not include specific criteria for any category of resource use. A regulatory analysis has not been prepared because it was determined that promulgation of the rulemaking does not come within the guidelines that require the preparation of such an analysis.

Specific Comments by Section

1601.0–1 Purpose. The few comments on this section asked for clarification, or were really related to other regulation sections. Minor editing changes were made.

1601.0–2 Objectives. Comments on this and the purpose section called for more specificity about what a resource management plan would accomplish. The section was expanded to add such specificity.

1601.0–3 Authority. The National Environmental Policy Act of 1969 was included in response to general comments about NEPA compliance.

1601.0–4 Responsibilities. Questions were raised over the desirability of delegating Environmental Impact Statement filing authority to State Directors. Such delegation is consistent with the Secretary's general desire to delegate responsibility and accountability to field offices so as to increase the importance of public participation at that level. Language was added to make clear the Directors' ability to assume approval responsibility for a specific plan and related environmental impact statements if deemed appropriate. Other comments asked for identification of specific responsibility for coordination with other governmental entities and this has been added. The term amendments has been added in this and subsequent regulation sections, when appropriate, to indicate when amendments are also covered by the section language.

1601.0–5 Definitions. Many comments requested a number of changes, ranging from the addition of many new definitions to the deletion of several terms. As a result, the definitions section was carefully re-examined and a number of changes were made. Definitions were added for:

"Capability"—this is because the term is central to the planning process and needs to be clearly understood.

"Threshold levels" and "threshold analyses"—these terms are used relative to the land use planning process in connection with the rulemaking on

coal management. They are clearly applicable to the entire land use planning process and have, therefore, been added to this rulemaking. While no comments were received on these terms in the proposed planning rulemaking, these issues were discussed at length in the comments on the proposed coal management rulemaking. Those comments, as they relate to land use planning, have been considered as a part of this final rulemaking.

The following definitions were deleted:

"Land use analysis" and "surface owner"—these terms are each used in only one section of the rulemaking and are defined at these points (Land Use Analysis at § 1601.6–4 and Surface Owner at § 1601.3(p).)

"Minimum acceptable levels or standards"—this is no longer used in the text of the rulemaking, since the concept did not prove to be practical.

The following definitions have been modified:

"Areas of Critical Environomental Concern"—(see general issue #1).

"Public"—to respond to comments asking for more detail.

"Resource management plan"—to respond to many very constructive suggestions for making this a more operational definition of what the plan should be.

"Conformance and conformity"—to clarify and tighten the definition, in response to many comments, by substituting "decisions" for "intent and expected results" as part of the test of whether a proposed action was in conformance with the plan.

1601.0–6 Environmental Impact Statement Policy. This clear statement of policy was generally appreciated by those filing comments. The reference to District Manager and State Director responsibilities was deleted since it was covered under .0–4 Responsibilities.

1601.0–7 Scope. A comment recommended the addition of language to make it clear that the rulemaking covers the preparation of resource management plans on areas where the Federal interest is only in the mineral estate. This suggestion was adopted an a new paragraph (b) has been added to the section to clarify this point.

1601.0–8 Principles. Many of the comments wanted additional principles added to the section to cover a concern of the person or group making the comment. Each of the suggestions was carefully considered but no new principles have been added because the section reflects the requirements of the Federal Land Policy and Management Act and sets necessary principles for use in the land use planning process.

Other comments suggested addition to or clarification of the listed principles. As the result of these comments, we made the following changes in this section: (1) The principle on ACECs in subsection (c) has been modified to conform more precisely to the law; (2) The impact principle in subsection (g) has been expanded to reflect our concern over impact of Federal mineral development on overlying private surface; (3) The principle on public involvement in subsection (1) has been expanded to indicate that there would be opportunity to comment on related guidance. The process for this is specified in § 1601.1–1(b) and related guidance means policy and direction prepared at the State Directors' level; and (4) The term "detriments" has been included in subsection (i) to confirm that detriments, as well as benefits, would be considered.

1601.1–1 Guidance for Planning. Several comments were critical of the fact that the guidance provided for in § 1601.1(b) of the proposed rule was not clearly defined nor was the method for formulation of that guidance outlined. These points were well made and the section has been rewritten to meet most of these criticisms. The section now states what guidance is, what it is limited to, and how it is to be formulated.

Specific concern was expressed over how the public was to be involved in the formulation of guidance developed by the State Director. The final rulemaking provides for public comment on this guidance during the process of using it in plan formulation. If such guidance is found, through that process, to be inappropriate, it will be reconsidered by the State Director, within the constraints proposed by national level policy and guidance.

Several of the comments compared this section to the regional and national planning process proposed by the Forest Service in their first proposed rulemaking on planning, and to the detailed policy and resource related criteria proposed by the Forest Service at that time. The comments suggested similar material be included in the Interior Department's rules. These features of the Forest Service proposed rulemaking are interesting and will be considered as the Bureau of Land Management further improves its policy and program decisionmaking processes, but they are not within the scope of this rulemaking.

1601.1–2 Planning Area. The designation of a resource area as the unit for which resource management plans will generally be prepared appeared at § 1601.1(a) in the proposed rulemaking. Several comments expressed the need for consideration of a variety of factors and for local government coordination in selecting a planning area. The language has not been changed in the final rulemaking because it provides the description needed to insure adequate planning areas.

1601.1–3 Interdisciplinary Approach. This provision appeared as § 1601.2 in the proposed rulemaking. A large number of comments wanted this section strengthened and the interdisciplinary approach made a specific part of the rulemaking to assure the use of interdisciplinary teams at each step of the planning process. The language of this section has been strengthened as suggested in the comments to make it clear that the interdisciplinary team approach is to be used in each step of the planning process. The final rulemaking also adopts the Council on Environmental Quality regulation (40 CFR Part 1500) language on the composition of a team. Finally, the section adopts a suggestion by a commentator that other governmental personnel may serve on interdisciplinary teams in response to a request by a State or local government agency.

§ *1601.2.*—Because of editorial adjustments in the preceding material, this section is not used in the final rulemaking.

1601.3 Public Participation. This section generated a large number of comments which generally called for more detail to more clearly spell out the Bureau of Land Management's obligations and the public's opportunities for participation in the planning process. The following changes were made in response to these suggestions:

(1) The Director will publish a planning schedule early in each fiscal year to inform the public of the Bureau of Land Management's planning program for the coming year, the status of on-going plans and the actions to be taken on those plans during that year. This schedule will not be binding on the Bureau of Land Management in that if necessary to meet unanticipated national needs, a plan may be started during a fiscal year even if it is not a part of the schedule, and other scheduled plans may be postponed accordingly. The schedule is designed to give the public advice as to the action that the Bureau of Land Management proposes to take on its planning program

during the coming fiscal year and to project planning starts over the next three years, so the public can be aware of and comment on the priorities reflected in the projected new starts. These comments will be used in refining the schedule for these future years.

(2) A public participation plan is now required to guide public involvement in the planning process. This required plan, which several of the comments felt was necessary, will help ensure a coordinated and effective program of public participation during the planning process. As guidance to those preparing the public participation plan, language was included in the section that specifies the purpose of public involvement in the planning process.

(3) Many comments suggested the identification of specific mandatory public comment opportunities at defined points in the planning process. This has been done, and is included at appropriate points in §§ 1601.5 and 1601.6 of this rulemaking. These points are summarized in a new subsection (e) in this section on public participation. Also, standards have been specified for both content and distribution of media notice used to start the planning process.

(4) The mailing list to be maintained by the District Manager was recognized as significant. In response to several interests and groups asking to be automatically included, this section has been changed to require the District Manager to place any individual or group on this list who so requests. Access to the record of public meetings was also of considerable interest to those making comments and the final rulemaking makes the summary of public participation activities available for public review and open for addition or clarification by participants.

Many comments suggested wider distribution of planning documents. This has been provided for, as well as distribution of single copies of such documents to members of the public, on request and without charge.

In coordination with the coal regulations which are being prepared simultaneously with this rulemaking, the section in those regulations is referenced which explains how surface owner indication of preference, pursuant to the Surface Mining Control and Reclamation Act, will be used. Also, a paragraph has been added to incorporate the hearing requirements of the Coal Leasing Amendments Act, if coal is involved.

1601.4 Coordination With Other Federal Agencies, State and Local Governments, and Indian Tribes. In response to several suggestions, the objectives of such coordinations, as established by the Federal Land Policy and Management Act, are stated. The coordination prescribed by this section is intended to include Alaska Native Leaders and Alaska Native Regional Corporations or Village Corporations whenever they are affected by the land use plan. This full reference is not used at every possible point in the regulations, for the sake of brevity.

1601.4–1 Coordination by the State Direcors. References to the State Director as a "primary" point for coordination with certain groups in this section and District Managers as "primary" points in § 1601.4–2 have been deleted. This language created confusion for readers of the proposed rulemaking and was misleading since either official could be the primary point depending on the stage of guidance development or planning. New language has been added, consistent with several comments, to require the State Director to provide reasons why an inconsistency exists in guidance to District Managers, and cannot be remedied. It also requires the State Director to notify any Federal agency, State or local government, or Indian tribe with whom guidance consistency is not achieved and indicate what process may lead to the resolution of such an inconsistency.

1601.4–2 Coordination by the District Manager. Requests to be automatically placed on the mailing list were received from several interests and language was included indicating that they would be placed on the District Manager's mailing list, on request to the District Manager. In addition, the District Manager will notify any Federal agencies he has reason to believe would be concerned, even if they have not requested such notice.

The role of an Advisory Council formed under section 309 of the Federal Land Policy and Management Act was further defined and clarified in response to several comments.

Several critical comments expressed concern about the meeting provided for in § 1601.4–2(b). A few commentators wondered if the meeting would be arranged with one or more groups and exclude others and not be a truly representative meeting. The language had been placed in the proposed rulemaking to make clear that the District Manager would hold meetings to explain the planning process with any of the addressees requesting such a meeting. Because of the concern and misunderstanding about this section, it has been deleted from the final rulemaking, since District Managers are already available for meetings with any person or group that has concerns about the public lands, including the planning process. Such meetings will be on an ad hoc basis and no special or favored treatment will be provided any person or group.

1601.4–3 Consistency Requirements. Many comments feared the Bureau was going too far toward consistency with State and local government and others called for additional areas of consistency. After study, it was concluded that the language in the proposed rule carries out the intent of the Federal Land Policy and Management Act, with the addition of language that consistency with State and local government policies and programs will only be achieved if consistent with Secretarial policies and programs.

A few comments raised the question of what constituted officially adopted and approved resource related policies, plans or programs of State or local government or Indian tribes. This language includes such items as a county-wide zoning plan adopted by the appropriate county agency or county commissioners or a state-wide policy or planning document that has been prepared and approved pursuant to State legislation or an executive order of the chief executive of a State, when that officer has authority to prepare and approve such a policy or plan.

1601.5 Resource Management Planning Process. There were a number of comments suggesting different planning processes. These were carefully examined. The basic process proposed is retained since it is professionally sound and is parallel to the proposed Forest Service process—a coordination objective important to both Forest Service and the Bureau of Land Management. Some comments were received about the relationship between the process actions. This has been clarified, by explaining that some actions can proceed simultaneously and that some may be repeated, as necessary, as new information is developed. The use of an interdisciplinary team at each action step is acknowledged and required by language in § 1601.1–3. It is not repeated in each part of § 1601.5 to reduce repetition in the rulemaking.

1601.5–1 Identification of Issues, Concerns, and Opportunities. The comments were of the view that this section needed to be more specific on the issues of public involvement, governmental coordination and interdisciplinary approach. The section

was amended to include language that specifies the interrelationship of public involvement and governmental coordination, and to require that this action would be repeated as necessary during the planning process.

1601.5–2 Development of Planning Criteria. The importance of this section was demonstrated by the many comments received. As requested, a specifc requirement for public comment on the draft criteria is now required. Major concern was expressed over the adequacy of inventory data to be used for planning. This concern was focused on this section and the following section on Inventory Data and Information Collection (§ 1601.5–3). Since planning criteria guide inventory collection, the substantive guidance on inventory has been placed in this section. The issue was whether minimum standards for inventory were needed. After careful analysis, it was decided to not set minimum standards, but to establish clear policy on priority for inventory and to emphasize the Council on Environmental Quality regulation on NEPA requirements for worst case analysis and appropriate monitoring in cases of poor or uncertain inventory data.

When time and funds for inventory are limited, priority will be given to information and inventory data collection related to potential decisions with greatest impact and to which additional information and data would make the greatest difference. Impact means both implication for national policy, statutes, regulations or court decisions, and impact on social and environmental values.

1601.5–3 Inventory Data and Information Collection. The major concerns about inventory adequacy and quality were addressed in the preceding section and no substantive change has been made in this section. The reference to inventory data identifying potential ACECs has been deleted since such potential areas will not be identified until the criteria listed in § 1601.5–4 are applied during the Management Situation Analysis. A comment regarding duplication of Federal and State/local government data collection was addressed in § 1601.4–2 which now indicates that such duplication shall be avoided through early coordination by the District Manager.

1601.5–4 Analysis of the Management Situation. This section is now limited to capability analysis, as suggested by one comment, and suitability determinations are to be a conclusion of the plan. The major change in this section is inclusion of criteria for identifying potential ACECs, which are then to be explicitly considered in the formulation of the plan. The need for such criteria was pointed out in many comments. The criteria that was adopted in this section of the rulemaking conform to the proposed guidelines published June 6, 1979, for comment. (See general issue #1.)

Another change that was adopted in response to comments was the inclusion in the rulemaking of an additional factor for consideration covering opportunities to resolve public issues and management concerns. The comments that requested language in the section to recognize the degree of local dependence on resources from public lands have been adopted and the change made. Finally, the rulemaking was amended as suggested to bring the planning rulemaking into coordination with the provisions of the coal management rulemaking as it relates to the extent of coal lands in a planning area.

1601.5–5 Formulation of Alternatives. This section generated a great deal of comment and concern that it might not be in compliance with the Council on Environmental Quality regulations on NEPA. It is the Bureau of Land Management's intent to be fully in compliance with those regulations, and the section has been revised accordingly. The no action alternative has been defined to mean continuation of present levels or systems of resource use. To accommodate the need to formulate all "reasonable" alternatives, but yet keep the number of alternatives to a comprehendable number, the regulations provide for treating specific alternative proposals, when appropriate, as subalternatives to one or more of the major alternatives.

1601.5–6 Estimation of Effects of Alternatives. Again, in response to many comments that the Bureau of Land Management might not be in compliance with Council on Environmental Quality regulations on NEPA, the excerpt from those regulations has been deleted and, in lieu thereof, have cited and thereby incorporated the relevant portion of the Council on Environmental Quality regulations on NEPA in their entirety. In addition, language requiring the documentation to indicate reliability of the data and estimates is included.

1601.5–7 Selection of Preferred Alternative. The reference to annotation of alternatives is deleted, since this subject is governed by the language of § 1601.7–2. An addition was made to indicate that the draft plan and related draft environmental impact statement would be provided directly to the Governor when coal determinations are involved. This change brings the final rulemaking into conformance with provisions of the coal management rulemaking.

1601.5–8 Selection of the Resource Management Plan. Several comments wanted the Governor of the affected State to be given the opportunity to review the recommended resource management plan concurrently with the State Director. This suggestion was not adopted. The Governor will have made input during the planning process, with special involvement for coal issues, and the final management decision is left to the State Director. A few of the comments expressed confusion by the proposed rulemaking in that it was read as requiring the District Manager to select the previously developed preferred alternative without being able to seriously consider other alternatives as required by the NEPA regulations of the Council on Environmental quality. This was not the intention of the proposed rulemaking. The intent was to be in compliance with the CEQ regulations and the language causing the confusion has been eliminated.

1601.5–9 Monitoring and Evaluation. A large number of comments wanted this section to give more detail as to how this process would be carried on and the impact the process would have on a resource management plan. The section has been expanded and much greater detail provided. Also, the monitoring and evaluation process was tied back to other parts of this rulemaking and the entire planning process. The amendment incorporates established thresholds as a benchmark for the monitoring and evaluation process, and requires the monitoring and evaluation reports to be written and available for public review.

1601.6–1 Resource Management Plan Approval and Administrative Review. Several comments requested that this section be amended to require the State Director to document his action on the plan in writing for the record. This was our intent and the section has been amended accordingly.

Another amendment was the addition of a paragraph setting out detail for handling an area of critical environmental concern during the concurrence step if the ACEC is of national or international significance. This amendment was made in response to the large number of comments requesting specificity on areas of critical environmental concern in various sections of the final rulemaking. In response to another comment on this

section, language has been added to the section that permits portions of the plan not being protested to be approved, while the protest is being considered. Public notice and opportunity for comment is required for any significant change made in response to a protest.

Nearly all of the comments on this section supported the creation of a protest procedure for use in connection with the resource management plan process. A number of recommendations were made on how the protest process should be implemented. After studying the comments, it was recognized that the protest procedure provided for in the proposed rulemaking was not adequate and an entirely new protest provision has been added to the final rulemaking. The new protest procedure reflects many of the points made in the comments on this point. A question of considerable concern on the part of those commenting on the protest process was who would have standing to protest. The protest process gives standing to anyone who is adversely affected and who has participated in the planning process. In determining who has an interest that is or might be adversely affected, the Bureau of Land Management will be very liberal and will reflect the interpretations handed down by the courts and administrative tribunals in the last few years. The liberal interpretation will be emphasized in the manual section issued as backup to this rulemaking. It would allow individuals and organizations that participated in the planning process, even if they were not located in or near the area covered by a resource management plan, to protest the approval or amendment of a resource management plan. In order to have an interest that is or might be adversely affected, individuals or organizations would only need to show that lands in the planning area or similar lands were used by them and the resource management plan would deny or alter their use of the lands. There would be no need to show an economic interest that is or might be adversely affected by the approval or amendment of the resource management plan in order to have standing to protest. The Department does not intend that this regulation affect in any way requirements for standing for judicial review of a decision to adopt or revise a plan.

A protest may raise only those issues which were submitted for the record by the protestor during the planning process. This is in line with our desire to insure that interested parties participate fully during the planning process. A protest may be carried to the Director and the Director has discretion whether to hear the protest. Protests on aspects of the plan which, when implemented, would be subject to appeal under 43 CFR Part 4 or any other protest procedure provided by this title will not be heard. Generally, protests will be heard when the issue is apparent noncompliance with policy guidance, major change in the use of resources in a resource area, or a novel or precedent setting departure from existing resource management practices.

1601.6–2 Conformity and Implementation. The major concern of the comments on § 1601.6–2 was that budget contraints could nullify major portions of the resource management plan, if delayed until funds are available to carry them out. No change was made in this provision in recognition of the fact that budget constraints will impose limitations on actions. However, actions that are funded must be in conformance with the plan and the plan is a major source of data for program and budget justification. In response to the complaint raised in a few of the comments that all future actions within an area covered by a resource management plan must comply with that plan, language added to the section confirms our intent that the plan is to control future actions.

Some concern was expressed about the degree to which change could be made in existing occupancy and use, based on the plan. The regulations are clarified to explain that such change must be authorized by law, regulation and the terms of the existing permit, contract, cooperative agreement or other instrument of occupany or use.

1601.6–3 Changing the Resource Management Plan. Comments made on this section expressed concern that the language on maintenance was broad enough to allow an inappropriate change in the resource management plan through the maintenance process. The maintenance provisions have been tightened to clarify the scope of changes in a resource management plan contemplated by the maintenance process.

Several comments questioned the adequacy of the amendment provisions of the proposed rulemaking and expressed the fear that the resource management plan process could be undone by a loose amendment process. A number of changes were suggested. In response to those suggestions, the final rulemaking tightens the amendment process. An amendment can be generated by the need to consider monitoring findings and new data or a change in policy. It can also be generated by consideration of a proposal presented in an application. The amendment process is made subject to the public participation and the governmental coordination process provided for in earlier sections of this rulemaking. Another step in the amendment process is the inclusion of a provision for a protest of an amendment under the protest procedure established in the rulemaking.

Several comments suggested that an environmental impact statement be prepared for amendments. The amendment process requires an environmental analysis and environmental impact statements will be prepared if the impact on the human environment is significant. Finally, the section requires the concurrence of the Director on any amendment that impacts an area of critical environmental concern, the designation of which had the concurrence of the Director.

Comments on the review and revision process complained that it was not clear whether a revision requires the same planning steps as does the preparation of a resource management plan. Since this was our intent, the language has been clarified. Another comment suggested that the 15 year period for revision was too long and that it should be shortened. In this same vein, several comments wanted the review period to be reduced to less than five years. The final rulemaking requires the revision of a resource management plan at least every 10 years which is the same period provided in the current Forest Service proposed rule. All mention of the review process is removed since the review process is continuing and guided by the provisions for monitoring and evaluation specified in the plan itself.

1601.6–4 Situations Where Actions Can Be Taken Based on Another Agency's Plan or a Land Use Analysis. The comments on § 1601.6–4 recommended that the section be rewritten to make it clearer. This suggestion was adopted and the entire section was rewritten in an effort to clarify it. As part of the rewrite, the definition of the term "land use analysis" was incorporated in the section since this is the only place in the rulemaking that the term is used. The land use analysis process will incorporate the governmental coordination and consistency procedure and the protest procedure provided for in this rulemaking. The amendment includes the requirement that the decision to approve a land use analysis supporting a coal lease must be made by

the Department of the Interior official who has been delegated coal leasing authority.

In response to other comments, standards have been established regarding the acceptability of another agency's plan as a base for mineral estate resource management action.

1601.6–5 Management Decision Review by Congress. Two comments were received on this section. One of the comments asked a question and the other recommended that the section be broadened in its application. No changes were made in this section since it is basically a restatement of a requirement of the Federal Land Policy and Management Act as it applies to the land use planning process and the elimination of a major use by that plan.

1601.6–6 Designation of Areas Unsuitable for Surface Mining. The comments on this section complained that the proposed rulemaking was vague and did not conform to the provisions of the Federal Coal Leasing Amendments Act as carried out in the regulations of the Office of Surface Mining Reclamation and Enforcement. The final rulemaking contains language that clarifies the process of declaring lands unsuitable for mining of coal under section 522 of the Surface Mining Control and Reclamation Act and for other minerals under section 601 of that Act. The amendment also makes the final rulemaking compatible with the regulations of the Office of Surface Mining Reclamation and Enforcement.

1601.6–7 Designation of Areas of Critical Environmental Concern. This section was added to provide a focal point for readers interested in ACEC and to make clear that approval of a resouce management plan constitutes designation of any ACECs involved. This does not prohibit ACEC designations from being made on the basis of management framework plans or management framework plan amendments during the transition period.

1601.7–1 Process Records. A few comments expressed concern that the proposed rulemaking could be interpreted to provide for keeping only those documents that supported the conclusions of the District Manager and not those that might have led to a different conclusion. This interpretation was not intended and the final rulemaking has been amended to clearly indicate that all records pertaining to the analysis, including the environmental analysis, shall be kept. As suggested in a comment, the supporting records will be filed together in one place, and will be available for public review if requested.

1601.7–2 Authority Annotation. A comment on this Section suggested indicating the organizational unit or officer that has authority for implementing a feature of the plan, if not the State Director. The suggestion has been adopted.

1601.7–3 Plan and Environmental Impact Statement Document. Several comments on this section expressed concern about combining the resource management plan and the environmental impact statement into one document. These concerns ranged from the feeling that this procedure would lead to confusion to a statement that this appears to be a good process if the Bureau of Land Management is able to develop a format for the combined document that will make clear the basis for management decisions. The final rulemaking continues the concept of combining the resource management plan and the environmental impact statement into a single document, but the analysis of alternatives will be a discrete section. This will allow the work on the two aspects of the document to go forward together and allow use of the data collected in the most efficient manner. One comment pointed out that the proposed rulemaking paraphrased the regulations on NEPA of the Council on Environmental Quality and omitted some of the vital elements contained in those regulations. In recognition of that criticism, the section has been amended to make direct reference to the Council on Environmental Quality regulations as it relates to documentation of the alternative selected and indication of the environmentally referred alternative. Requirement for the document to show preparers and their qualifications has also been added, as required by Council on Environmental Quality regulations.

In response to the large number of comments that wanted more specificity regarding the handling of areas of critical environmental concern, the section has been amended to provide for discrete sections in the plan document for areas of critical environmental concern. To maintain coordination with the Department of the Interior's coal management regulations, there will also be a discrete section indicating how Department unsuitability criteria were applied to coal lands, if any.

1601.8 Transition Period. An exceptionally large number of comments were directed to this section of the proposed rulemaking. For the most part, the comments recognized the difficult problem faced by the Bureau of Land Management during the interim between the issuance of this rulemaking and the completion of resource management plans for all of its lands. The comments recognized that the Bureau of Land Management could not cease operations on the public lands until such times as the resource management plans had been completed but they also did not want business to continue as usual, with long term land use decisions being made on inadequate plans and inadequate information. The comments were helpful in that they suggested many standards and ideas for the interim period. These suggestions tended to fall into two categories. One set of suggestions recommended the review of all existing management framework plans for adequacy independent of any scheduled use of those documents as a base for decisionmaking. Another set of suggestions focused on the establishment of standards for use when actions are proposed, to be used in determining whether the existing management framework plan is an adequate base for that decision. Special concern was expressed regarding the use of management framework plans for coal leasing. The Bureau of Land Management recognized the need for inclusion of some standards in this section and adopted the second set of suggestions as the basis for using existing management framework plans in its decisionmaking process. The reasons for following the second course were that the Council on Environmental Quality regulations on NEPA set standards for public participation and environmental analysis of proposals and the alternatives that must be considered in the decisionmaking process and therefore these requirements would be met before an action could actually be taken based on a management framework plan, since a management framework plan is followed by specific action decisions. Second, it would accomplish little and be a waste of limited resources to analyze existing management framework plans that were not about to be used as the basis of a decisionmaking action. The limited resources of the Bureau of Land Management could be better used to move forward on a meaningful land use planning program as outlined in this final rulemaking.

The amendments for this section provide for a number of changes from the proposed rulemaking and are designed to meet the concerns expressed in the comments. First, a provision has been placed in the section that directs the Director to make a determination of how on-going

management framework plan efforts will be subject to the provisions of this rulemaking. This determination will be made available to the public in the published schedule called for in § 1601.3. The schedule will also make clear to the public the location and status of on-going planning as well as new starts expected during the next three fiscal years. Comments will be requested on the new starts which will assist the Bureau of Land Management in establishing priorities for planning. The final rulemaking, with certain specified limitations, makes existing management framework plans the basis of decisions on proposed action until such time as they are replaced by a resource management plan. The section sets standards to guide the District Manager in his use of the existing management framework plan. It is made clear that action can be taken only if it is in conformance with a management framework plan in which there had been adequate public participation and governmental coordination, and then only after any other process associated with the proposal, including full compliance with the Council on Environmental Quality regulations (40 CFR Parts 1500–1508). If the action is not in conformance with the existing management framework plan, the management framework plan may be amended using the resource management plan amendment process. A section has been added making it clear that action based on on-going management framework plans prepared under court order will not require further processing under these regulations.

While recognizing that these changes will not meet all of the objectives raised in the comments, it does represent a concerted effort to allow the Bureau of Land Management to continue to carry on its day-to-day administration of the public lands in a manner that complies with the mandate of the Federal Land Policy and Management Act and other applicable laws, while proceeding with the task of completing resource management plans for all of the public lands.

Editorial and language changes needed to clarify the rulemaking have been made.

The principal author of this rulemaking is Robert A. Jones, Chief of the Office of Planning, Inventory, and Environmental Coordination, Bureau of Land Management, assisted by the Office of Legislation and Regulatory Management, Bureau of Land Management, and the Office of the Solicitor, Department of the Interior.

Note.—The Department of the Interior has determined that this document is not a significant rule and does not require a regulatory analysis under Executive Order 12044 and 43 CFR Part 14.

Under the authority of section 201 and 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1711 and 1712), Subchapter A, Chapter II, Title 43 of the Code of Federal Regulations is amended by adding Part 1600 as set out below.

Guy R. Martin,

Assistant Secretary of the Interior.

August 1, 1979.

PART 1600—PLANNING, PROGRAMMING, BUDGETING

Subpart 1601—Planning

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Authority: 43 U.S.C. 1740.

§ 1601.0–1 Purpose.

The purposes of this subpart are (a) to establish in regulations a process for the development, approval, maintenance, amendment and revision of resource management plans for public lands administered by the Bureau of Land Management and (b) to set forth how existing plans or other data will be used until plans are developed under these regulations.

§ 1601.0–2 Objectives.

The objective of this subpart is to improve resource management decisions on public lands through a process of resource management planning that includes participation by the public and Federal, State and local governments, maximizing use of the best available data, and analysis of alternatives. Resource management plans are designed to guide and control future management actions and the development of subsequent more detailed and limited scope plans for resources and uses.

§ 1601.0–3 Authority.

These regulations are issued under the authority of sections 201 and 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1711–1712); section 3 of the Federal Coal Leasing Amendments Act of 1976 [30 U.S.C. 201(a)]; sections 522, 601, and 714 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 et seq.); and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

§ 1601.0–4 Responsibilities.

(a) National level policy and procedure guidance for planning shall be provided by the Secretary and the Director. The Director may assume approval responsibility for a specific plan and related environmental impact statement if it is deemend necessary.

(b) State Directors shall provide quality control for planning and related environmental impact statements and shall provide additional guidance, as necessary, for use by District Managers. State Directors shall file draft and final environmental impact statements

associated with resource management plans and amendments.

(c) Resource Management plans, amendments, revisions, and related environmental impact statements shall be prepared by District Managers, and reviewed and concurred in by State Directors. Resource management plans, amendments and revisions are then approved by District Managers.

(d) Depending on the subject matter involved, the appropriate Bureau of Land Management official shall coordinate with other Federal agencies, State and local governments and Indian tribes.

§ 1601.0-5 Definitions.

As used in this subpart:

(a) "Applicant proposed action" means any resource use or development or management action proposed to the Bureau of Land Management by a member of the public or by another agency (not exclusively generated by the Bureau of Land Management) through any procedure established by regulations including nominations, petitions, and applications.

(b) "Areas of critical environmental concern" (ACEC) means areas within the public lands where special managment attention is required (when such areas are developed or used or where no development is required) to protect and prevent irreparable damage to important historic, cultural, or scenic values, fish and wildlife resources or other natural systems or processes, or to protect life and safety from natural hazards. The identification of a potential ACEC shall not, of itself, change or prevent change of the management or use of public lands.

(c) "Conformity of conformance" means that a resource use or management action shall be specifically provided for in the plan, or if not so mentioned shall be clearly consistent with the terms, conditions, and decisions of the approved plan or plan amendment.

(d) "District manager" means the Bureau of Land Management line official in charge of a resource managing field office reporting to a State Director. In some cases (e.g., Eastern States) these officials may not be titled District Manager.

(e) "Goal" means the desired state or condition that a resouce management policy or program is designed to achieve. A goal is usually not quantifiable and may not have a specific date by which it is to be completed. Goals are the base from which objectives are developed.

(f) "Guidance" means any type of written communication or instruction which transmits objectives, goals, constraints or any other direction which helps the District Manager and staff know how to prepare a specific resource management plan.

(g) "Local government" means any political subdivision of the State and any general purpose unit of local government with resource planning, resource management, zoning, or land use regulation authority.

(h) "Objectives" means planned results to be achieved within a stated time period. Objectives are subordinate to goals, are narrower and shorter in range, and have increased possibility of attainment. Time periods for completion, and outputs or achievement that are measurable and quantifiable, are specified.

(i) "Public" means affected or interested individuals, including consumer organizations, public land resource users, corporations and other busines entities, environmental organizations, and other special interest groups and officials of State, local, and Indian tribal governments.

(j) "Public lands" means any land or interest in land owned by the United States and administered by the Secretary of the Interior through the Bureau of Land Management, except lands located on the Outer Continental Shelf and lands held for the benefit of Indians, Aleuts, and Eskimos.

(k) "Resource and resource management" is defined in the broadest sense and includes all public land values, renewable and non-renewable resouces of all types, supporting services such as fire control and cadastral survey, land use authorization and control, and land disposition, exchange or acquisition.

(l) "Resource area" means a geographic portion of a Bureau of Land Management district, under the supervision of an area manager. It is the smallest administrative subdivision in the Bureau and is, in most instances, the area for which resource management plans are prepared and maintained.

(m) "Resource management plan" means a land use plan as prescribed by the Federal Land Policy and Management Act. The resource management plan establishes in a written document—

(1) Land areas for: limited, restrictive or exclusive use; designation, including ACEC designation; and transfer from Bureau of Land Management Administration;

(2) Allowable resource uses (either singly or in combination) and related levels of production or use to be maintained, including appropriate threshold levels;

(3) Resource condition goals and objectives to be attained;

(4) Program constraints and general management practices needed to achieve the above items;

(5) Need for and area to be covered by more detailed and specific plans;

(6) Support action necessary to achieve the above, including as a minimum:

(i) Resource protection, such as avoidance or mitigation of trespass, fire or insect damage,

(ii) The general transportation system required for legal and physical access,

(iii) General cadastral survey or property line identification, and

(iv) Withdrawals and other realty action;

(7) General implementation sequences, where carrying out a planned action is dependent upon prior accomplishment of another planned action; and

(8) Intervals and standards for monitoring and evaluating the plan to determine the effectiveness of the plan and the need for amendment or revision.

A resource management plan is not a final implementation decision on actions which require further specific plans, process steps or decisions under specific provisions of law and regulations.

(n) "Capability" means the ability or potential of a unit of land to produce resources, supply goods and services or allow resource uses under a set of management practices at a given level of management intensity without permanently impairing the resource involved. Capability depends upon a fixed set of conditions which are relatively stable over time, including, but not limited to, climate, slope, landform, soils and geology. Most land has an inherent capability to produce one or more resources, or goods and services, or allow resource uses, under natural conditions. Capability analyses shall permit identification of specific uses or management practices that cannot be allowed on specific land areas due to physical conditions.

(o) "Threshold levels" are specific defined levels of resource use, production or development which are established as maximum or minimum constraints in the resource management plan. They are established for defined geographic areas but are not site specific. For example, they may include a maximum or minimum level of winter wildlife habitat which is to be maintained or tonnage of coal that could

be made available over a specified time period. Threshold levels are usually established to ensure that the plan does not permit an unacceptable level of cumulative impacts.

(p) "Threshold analysis" is the process of comparing possible threshold levels to anticipated cumulative impacts and establishing that point where an additional increment in the threshold will make a major change in impact.

§ 1601.0-6 Environmental Impact Statement Policy.

Approval of a resource management plan is considered a major Federal action significantly affecting the quality of the human environment. The environmental analysis of alternatives and the proposed plan shall be accomplished as part of the resource management planning process. The proposed plan and related environmental impact statement shall be published as a single document.

§ 1601.0-7 Scope.

(a) These regulations apply to all BLM administered public lands, including any public land area subject to acts of Congress such as the Wild and Scenic Rivers Act, the O&C Act of 1937, National Trails System Act, the Wilderness Act, and national recreation areas acts, and other similar statutes specifically designating lands for particular uses.

(b) These regulations also govern the preparation of resource management plans when the only public land interest is the mineral estate. Since the use planned for the federally-owned minerals could have a major impact on the nonpublic land surface, the views and concerns of owners of the surface shall be obtained and considered.

§ 1601.0-8 Principles.

The preparation, amendment and revision of resource management plans shall be consistent with the following principles:

(a) The principles of multiple use and sustained yield set forth in the Federal Land Policy and Management Act and other applicable laws shall be adhered to:

(b) A systematic interdisciplinary approach shall be used to achieve intergrated consideration of physical, biological, economic, social and other sciences, and the environmental design arts;

(c) Priority shall be given to the identification, designation, protection and special management of ACEC's;

(d) The relative significance of the public land products, services, and uses to local economies shall be considered;

(e) To the extent it is available, the inventory of the public lands, their resources, and other values shall be relied upon;

(f) Present and potential uses of the public lands shall be considered;

(g) Impact on uses of adjacent or nearby non-Federal lands and on non-public land surface over federally-owned minerals shall be considered;

(h) The relative scarcity of the values involved and the availability of alternative means (including recycling) and sites for realization of those values shall be considered;

(i) Long term benefits and detriments to the public shall be weighed against short term benefits and detriments;

(j) Compliance with applicable pollution control laws, including State and Federal air, water, noise, or other pollution standards or implementation plans shall be provided for;

(k) To the extent consistent with the laws governing the administration of the public lands, the resource inventory, planning, and management activities of or for such lands shall be coordinated with the resource planning and management programs of other Federal departments and agencies, States and local governments, and Indian tribes; and

(l) The public shall be provided with early notice and frequent opportunity to participate in and comment on the preparation of plans and related guidance.

§ 1601.1 Resource Management Planning—General

§ 1601.1-1 Guidance for planning.

Guidance for preparation and amendment of resource management plans shall be provided, as needed, by the Director and State Director. Such guidance shall be limited to the following items which shall be in writing and available for public review in State and District offices.

(a) National level policy which has been established through legislation, regulations, executive orders or other Presidential, Secretarial or Director approved documents. This policy may include appropriately developed resource management commitments, such as a right-of-way corridor crossing several resource areas.

(b) Guidance which has been developed at the State Director level, with necessary and appropriate governmental coordination as prescribed by § 1601.4 of this title, to indicate specific goals, objectives, priorities, alternatives, values, constraints or other items which are to be considered in the resource management process in the State. As relevant, this guidance shall be reflected or incorporated in the planning process actions required by §§ 1601.5-1 through 1601.5-9 of this title and shall be subject, through those processes, to the public review and discussion prescribed by § 1601.3 of this title and the environmental analysis prescribed by § 1601.5-6 of this title. Such guidance shall be reconsidered by the State Director at any time during the planning process if it is found, through public involvement or other means, to be inappropriate when applied to the resource values and conditions found in a specific area being planned. Such change shall not violate national policy.

(c) Procedures which shall be used to implement these regulations.

(d) Schedules, budgets and organizational coordination requirements.

§ 1601.1-2 Planning area.

Resource management plans shall be prepared and maintained for resource areas. If an individual resource area is not an appropriate area for a resource management plan, the Director may authorize a more appropriate planning area.

§ 1601.1-3 Interdisciplinary approach.

An interdisciplinary approach, including the use of an interdisciplinary team at each step of the planning process as prescribed under §§ 1601.5-1 through 1601.5-9 of this title, shall be used in the preparation, amendment and revision of resource management plans to ensure the integrated use of the natural and social sciences and the environmental design arts. The disciplines of the preparers shall be appropriate to the values involved and the issues identified during the issue identification and environmental impact statement scoping stage of the planning process. The District Manager shall use whatever combination of BLM staff, consultants, contractors, other governmental personnel and advisors as necessary to achieve this objective.

§ 1601.3 Public participation.

(a) The Director shall, early in each fiscal year, publish a planning schedule which shall advise the public of the status of each plan in process or to be started during that fiscal year, the major action on each plan during that fiscal year and projected new planning starts for the 3 succeeding fiscal years. The

notice shall call for comments on planning priorities for those 3 fiscal years so that such comments can be considered in refining priorities for those years.

(b) Public participation shall be sought and used throughout the preparation, amendment or revision of resource management plans. (See additional provisions for governmental coordination in § 1601.4 of this title.)

(c) A public participation plan shall be prepared to guide public involvement in the preparation, amendment or revision of each resource management plan. The public participation plan shall be initiated prior to the issue identification stage of the planning process and shall be updated thereafter as necessary.

(d) The purpose of public participation is to—

(1) Inform the public of Bureau of Land Management resource management planning activities;

(2) Provide the public with an understanding of Bureau of Land Management programs and proposed actions;

(3) Ensure the public needs and concerns are understood by the Bureau of Land Management; and

(4) Broaden the information base upon which resource management planning decisions are made.

(e) Public notice and opportunity for participation in specific resource management plan preparation is mandated at 5 specific points in the planning process:

(1) General notice at the outset of the process which invites participation in the identification of issues (see §§ 1601.3(g) and 1601.5–1);

(2) A notice inviting comment on the planning criteria (see § 1601.5–2);

(3) Publication of the draft plan and draft environmental impact statement;

(4) Publication of the final plan and final environmental impact statement which triggers the opportunity for protest (see §§ 1601.5–8 and 1601.6–1(c)); and

(5) Public notice and comment on any significant change made to the plan as a result of action on a protest.

Additional public involvement shall be provided as appropriate and as guided by the public participation plan.

(f) Public participation activities and means of notification shall be appropriate to the areas and people involved, and the stage of planning (preparation, amendment or revision). Public participation activities may include requests for written comments, surveys, meetings, hearings, conferences, seminars, workshops, tours, and similar events scheduled and held to foster public reactions and suggestions.

(g) Upon starting the preparation amendment or revision of resource management plans, public participation shall be initiated by a notice published in the **Federal Register** and appropriate media, including newspapers of general circulation in the State, adjoining States where it is deemed appropriate, and the District. The notice shall include the following information:

(1) Description of the proposed planning action;

(2) Identification of the geographic area to be planned;

(3) The general types of issues anticipated;

(4) The disciplines to be represented on the interdisciplinary team;

(5) The kind and extent of public participation activities to be provided;

(6) The times, dates, and locations scheduled or anticipated for any needed public meetings, hearings, conferences or other gatherings, as known at that time;

(7) The name, title, address, and telephone number of the Bureau of Land Management offical who may be contacted for further information; and

(8) The location and availability of documents relevant to the planning process.

(h) Public participation in the preparation of a draft environmental impact statement shall begin with the publication of a notice of intent in the **Federal Register** which is the notice described in paragraph in (g) of this section. After this publication, public participation opportunities for planning and those required by the National Environmental Policy Act, shall be provided simultaneously.

(i) At least 15 days' public notice shall be given for public participation activities where the public is invited to attend a meeting of some sort. Any notice requesting written comments shall provide for at least 30 calendar days for response. Ninety days shall be provided for review of the draft plan and draft environmental impact statement.

(j) A list of individuals and groups known to be interested in or affected by a resource management plan shall be maintained by the District Manager. Individuals or groups may ask to be placed on this list. All individuals and groups on this list shall be notified of public participation activities.

(k) The responsible Bureau of Land Management official or his or her representative shall attend all Bureau of Land Management scheduled and conducted public participation activities.

(l) All Bureau of Land Management scheduled public participation activities shall be documented by a summary of the principal issues discussed, comments made, and a register of those in attendance. The summary shall be available for public review and open for addition of comment by any participant who wishes to clarify or add to views he or she expressed.

(m) Copies of an approved resource management plan and amendments shall be reasonably available for public review. This includes copies at the State Office for that district, that District Manager's Office, and district offices contiguous to that district, detached area offices in that district, and those detached area offices in other districts that are contiguous to that district, and at least one additional location determined by the District Manager which offers convenient access to the public. Plans, amendments and revisions shall be published and single copies shall be available to the public on request.

(n) Supporting documents to plans shall be available for public review at the office where the plan was developed.

(o) Fees for reproducing requested documents beyond those used as part of public participation activities and other than the single copies of the printed plan, amendment or revision, may be charged according to the Bureau of Land Management schedule for Freedom of Information Act requests in 43 CFR Part 2.

(p) When resource management plans involve areas of potential mining for coal, by means other than underground mining, and the surface is private, the Bureau of Land Management shall consult with all surface owners who (1) hold legal or equitable title to the land surface, and (2) have their principal place of residence on the land or personally conduct farming or ranching operations upon a farm or ranch unit to be affected by surface mining operations; or receive directly a significant portion of their income, if any, from such farming or ranching operations. This contact shall be made after the review in the planning process which assesses whether there are areas unsuitable for coal leasing to avoid contacting owners where the land would not be considered for coal leasing based on unsuitablility criteria specified in § 3461.2 of this title. Contact shall be made in time to fully consider the owner's views. This contact may be made by mail or in person by the

District Manager or his or her representative. A period of at least 30 days from the time of contact shall be provided for the surface owners to provide their preference to the District Manager. Such surface owners preferences shall be considered as specified in § 3420.2–3 of this title.

(q) If the plan involves potential for coal leasing, a public hearing shall be provided prior to the approval of the plan if requested by any person having an interest which is, or may be, adversely affected by implementation of such plan. The hearing shall be conducted as prescribed in § 3420.2–4 of this title and may be combined with a regularly scheduled public meeting.

§ 1601.4 Coordination with other Federal agencies, State and local governments, and Indian tribes.

In addition to the public involvement prescribed by § 1601.3 of this title the following coordination is to be accomplished with other Federal agencies, State and local governments, and Indian tribes. The objectives of the coordination are for State Directors and District Managers to keep apprised of non-Bureau of Land Management plans; assure that consideration is given to those plans that are germane in the development of resource management plans for public lands; assist in resolving, to the extent practicable, inconsistencies between Federal and non-Federal government plans; and provide for meaningful public involvement of other Federal agencies, State and local government officials, both elected and appointed, and Indian tribes in the development of resource management plans, including early public notice of proposed decisions which may have a significant impact on non-Federal lands.

§ 1601.4–1 Coordination by the State Director.

State Directors' coordination shall include the following:

(a) State Directors shall coordinate with and seek advice from Federal agencies, State governments, and Indian tribes, to understand and consider their needs and concerns.

(b) To facilitate coordination with State government, State Directors shall seek written agreements with Governors or their designated representatives on procedural topics such as exchanging information, providing advice and participation, and time frames for receiving State government participation and review in a timely fashion. If an agreement is not reached the State Director shall provide opportunity for Governor and State agency review, advice, and suggestions on issues and topics that the State Director has reason to believe could affect or influence State government programs.

(c) Before issuing guidance to District Managers, in compliance with § 1601.1–1 of this title, the State Director shall:

(i) Ensure that it is as consistent as possible with existing officially adopted and approved resource related policies, plans or programs of other Federal agencies, State agencies and Indian tribes, and any local governments that may be affected, as prescribed by § 1601.4–3 of this title; and

(ii) Identify areas where the proposed guidance is inconsistent with such policies, plans or programs and provide reasons why the inconsistency exists and cannot be remedied; and

(iii) Notify the other Federal agencies, State agencies or Indian tribes with whom consistency is not achieved and indicate any appropriate methods, procedures, actions and/or programs which may lead to resolution of such inconsistencies.

§ 1601.4–2 Coordination by the District Manager.

District Manager's coordination shall include the following:

(a) The District Manager shall submit a notice of intent to prepare, amend or revise a resource management plan along with a general schedule of anticipated planning steps to the State Clearinghouse (OMB Circular A–95) for circulation among State agencies. This notice shall also be mailed to (1) concerned Federal agencies that have requested such notices, or that the District Manager has reason to believe would be concerned with the plan, (2) All Tribal Chairmen or Alaska Native Leaders to the extent Indian Reservations, Alaska Native Regional Corporations or Village Corporations are impacted, (3) the heads of county boards for the counties that are involved as well as the heads of any other local government units having zoning or other land use regulatory jurisdiction in the geographical area within which the public lands are located, (4) designated areawide clearinghouses, and (5) any other State or local government agencies which ask to be placed on such a mailing list. These notices shall be issued simultaneously with the public notices required under § 1601.3(g) of this title.

(b) Early data exchange, consultation, and coordination are encouraged to avoid duplication of data collected and to improve the information base for planning.

(c) Resource management plans shall be coordinated with other Federal agencies, State and local governments and Indian tribes. The plans shall be made as consistent as practicable with officially approved and adopted resource related policies, plans and programs of other Federal agencies, State and local governments and Indian tribes as prescribed in § 1601.4–3 of this title.

(d) Federal agencies, State and local governments, and Indian tribes shall have the time periods prescribed under § 1601.3(i) of this title for review and comment on resource management plan proposals. Should they notify the District Manager, in writing, of what they believe to be specific inconsistencies between the Bureau of Land Management resource management plan, and their plans, the resource management plan documentation shall show how those inconsistencies were addressed and if possible resolved.

(e) When an Advisory Council has been formed under section 309 of the Federal Land Policy and Management Act for the district in which the resource area is located, that council shall be informed and their views sought and considered throughout the resource management planning process.

§ 1601.4–3 Consistency requirements.

(a) Guidance and resource management plans shall be consistent with officially approved or adopted resource related plans of other Federal agencies, State and local governments and Indian tribes, so long as the guidance and resource management plans are also consistent with the purposes, policies and programs of Federal law and regulations applicable to public lands, including Federal and State pollution control laws as implemented by applicable Federal and State air, water, noise and other pollution standards or implementation plans.

(b) Guidance and resource management plans shall, to the extent practicable be consistent with officially approved and adopted resource related policies and programs of other Federal agencies, State and local governments and Indian tribes to the extent provided in Paragraph (a) of this Section so long as the guidance and resource management plans are consistent with Secretarial policies and programs. It is the Department's intent to be as consistent as practicable with State and local governmental and Indian tribal policies and programs.

(c) State Directors and District Managers shall, to the extent practicable, keep apprised of State and local governmental and Indian tribal policies, plans and programs, but they shall not be accountable for ensuring consistency if they have not been notified, in writing, by State and local governments or Indian tribes of an apparent inconsistency.

(d) Where State and local government policies, plans and programs differ, that of higher authority will normally be followed.

§ 1601.5 Resource management planning process.

In the preparation, or revision of a resource management plan and in evaluating its impact, a process including the following systematic set of interrelated actions shall be used. Some actions may occur simultaneously and it may be necessary to repeat an action as additional information becomes available. The environmental analysis requirements of the National Environmetal Policy Act shall be included in this process.

§ 1601.5–1 Identification of issues.

At the outset of the planning process, the public, other Federal agencies, State and local governments and Indian tribes shall be given an opportunity to suggest concerns, needs and resource use, development and protection opportunities for consideration in the preparation of the resource management plan. The District Manager shall analyze those suggestions, plus available district records of resource conditions, trends, needs and problems, and select topics to be addressed as issues during the planning process. This action shall be repeated as necessary during the planning process to incorporate new information. This action, plus the development of planning criteria (§ 1601.5–2) shall also comply with the scoping process required by 40 CFR 1501.7.

§ 1601.5–2 Development of planning criteria.

(a) *Purpose and use of criteria.* The District Manager shall prepare criteria to guide development of the resource management plan, or revision, to insure that it is tailored to the issues previously identified and to insure that unnecessary data collection and analyses are avoided. Proposed planning criteria, including any significant changes, shall be published for public comment prior to being approved by the District Manager for use in the planning process. Planning criteria shall be written and included in the draft and final plan. Planning criteria shall guide the collection and use of inventory data and information, the analysis of the management situation, the design and formulation of alternatives, and the estimate of effects of alternatives. Planning criteria shall be used to evaluate alternatives and to select one alternative to serve as the proposed resource management plan. Planning criteria may need to be changed as planning proceeds, based on public suggestions and findings of the various studies and assessments. A written, publically available record shall be made of any significant change in the criteria.

(b) *Basis for criteria.* Generally, planning criteria shall be based on:

(1) Laws, executives orders, and regulations;

(2) The principles cited under 1601.0–8 of these regulations;

(3) National and State Director guidance applicable to that resource area;

(4) The results of public participation and coordination with Federal agencies, State and local governments and Indian tribes;

(5) Analysis of data and information needs and related decision strategy in accordance with the following policy:

(i) Inventory data and other information collection shall be focused on that needed for topics to be addressed in the planning process; that needed to identify values which by legislation or national policy require special attention; and that needed to establish the condition and capability of the public land resource for consideration during both plan formulation and monitoring processes.

(ii) Inventory data and other information collection shall be pursued to the greatest extent possible within the constraints of budgets provided for such collection.

(iii) When time and funds for inventory data and other information collection are limited, and in developing budget proposals, priority shall be given to information and inventory data collection related to potential decisions with greatest impact and to which additional information and data would make the greatest difference.

(iv) When circumstances require that a planning decision be made, but there is insufficient inventory data or other information, the decision shall preserve future resource options and avoid irreversible commitments to the degree practicable. The plan and environmental impact statement documentation shall include a worst case analysis (see 40 CFR 1502.22) and an indication of the probability or improbability of its occurrence. The monitoring and evaluation standards and intervals prescribed by the plan shall be designed to minimize the risk of unacceptable results from plan implementation.

§ 1601.5–3 Inventory data and information collection.

The District Manager shall arrange for resource, environmental, social, economic, and institutional data and information to be collected, or assembled if already available, with pertinent maps, graphic material, and explanatory aids, as prescribed by planning criteria. Inventory data and information needs may vary as issues develop or change during the planning process.

§ 1601.5–4 Analysis of the management situation.

(a) The District manager shall analyze the management situation to determine the capability of the public land resources to respond to: Needs, concerns and opportunities identified through public participation and coordination with Federal agencies, State and local governments and Indian tribes; issues defined earlier in the planning process; and national and State Director guidance. Factors to consider may include, but are not limited to—

(1) The types of resource use and protection authorized by the Federal Land Policy and Management Act and other relevant legislation;

(2) Opportunities to meet goals and objectives defined in national and State Director guidance;

(3) Resource demand forecasts and analyses relevant to the resource area;

(4) The estimated sustained levels of the various goods, services and uses that may be attained under existing biological and physical conditions and under differing management practices and degrees of management intensity which are economically viable under benefit cost or cost effectiveness standards prescribed in national or State Director guidance;

(5) Specific requirements and constraints to achieve consistency with policies, plans, and programs of other Federal agencies, State and local government agencies and Indian tribes;

(6) Opportunties to resolve public issues and management concerns;

(7) Degree of local dependence on resources from public lands;

(8) The extent of coal lands which may be further considered under provisions of § 3420.2–3(a) of this title; and

(9) Critical threshold levels which should be considered in the formulation of plan alternatives.

(b) In all cases, the inventory data shall be analyzed to determine whether there are areas containing resources, values, systems or processes or hazards eligible for further consideration for designation as an ACEC. In order to be considered eligible, all 4 of the following criteria shall be met.

(1) *Relevance.* There shall be present a historic, cultural or scenic value; a fish or wildlife resource or other natural system or process; or natural hazard.

(2) *Importance.* The above described value, resource, system, process or hazard shall be important. This requires qualities of more-than-local significance and special worth, consequence, meaning, distinctiveness or cause for concern. A natural hazard can be important if it is a significant threat to human life or property.

(3) *Criticalness.* The qualities making the value, resource, system, process or hazard important are being subjected to decisive adverse change, such as through damage, reduction or other loss, or vulnerable to such adverse change unless special management attention is applied.

(4) *Protectability.* The value, resource, system or process shall be capable of being protected from decisive adverse change with the special management attention that can feasibly be applied. A natural hazard shall be of such a nature that the risk to human life or property it constitutes can, as a practicable matter, be reduced by special management attention that can feasibly be applied.

§ 1601.5–5 Formulation of alternatives.

Several complete, reasonable resource management alternatives shall be prepared for the resource area. One shall be for no action which means continuation of present levels or systems of resource use. The other alternatives shall provide a range of choices from those favoring resource protection to those favoring resource production. They shall reflect the variety of opinion and guidance applicable to the resource area. The total number of alternatives shall be limited to a manageable number for presentation and analysis by treating all reasonable variations as subalternatives. The plan shall note any alternatives identified and eliminated from detailed study and shall briefly discuss the reasons for their elimination.

§ 1601.5–6 Estimation of effects of alternatives.

The District Manager shall estimate and display the physical, biological, economic, and social effects of implementing each alternative. The estimate may be stated in terms of probable ranges, where effects cannot be precisely determined. The documentation shall include an indication of the reliability of the data and estimates involved. Estimation of effects shall be guided by planning criteria and shall comply with National Environmental Policy Act regulations, (40 CFR 1502.16).

§ 1601.5–7 Selection of preferred alternatives.

The District Manager shall evaluate the alternatives and their effects, according to the planning criteria, and develop a preferred alternative, based on information and analysis developed up to this point in the planning process, which shall best meet national and State Director guidance. The preferred alternative shall be incorporated into the draft plan and draft environmental impact statement. The resulting document shall be forwarded to the State Director for concurrence, publication and filing with the Environmental Protection Agency. This draft plan and environmental impact statement shall be provided to the Governor of the State involved in accordance with § 3420.2–6 of this title.

§ 1601.5–8 Selection of resource management plan.

After publication of the draft plan and draft environmental impact statement, the District Manager shall evaluate the comments received and select and recommend to the State Director, for review and concurrence, a proposed resource management plan and final environmental impact statement using current planning criteria developed pursuant to § 1601.5–2 of this title. If the proposed resource management plan is not within the range of the alternatives in the draft plan and draft environmental impact statement, and the environmental impact is significantly different, a new draft plan and draft environmental impact statement shall be prepared and filed. After review and concurrence in the proposed resource management plan, the State Director shall publish and file the plan and related environmental impact statement.

§ 1601.5–9 Monitoring and evaluation.

The District Manager shall establish intervals of not more than 5 years and standards for monitoring and evaluating the plans. Such intervals and standards shall be based on the sensitivity of the resource to the decisions involved and shall provide for evaluation to determine whether mitigation measures are satisfactory, whether any established threshold levels have been met or exceeded, whether there has been significant change in the related plans of other Federal agencies, State or local governments or Indian tribes, or whether there is new data of significance to the plan. The District Manager shall monitor and evaluate the plan in accordance with the established intervals and standards to determine whether there is sufficient cause to warrant amendment or revision of the plan. Monitoring and evaluation reports shall be written and available for public review.

§ 1601.6 Resource management plan approval use, and modification.

§ 1601.6–1 Resource management plan approval and administrative review.

(a) When the District Manager transmits the proposed resource management plan or revision to the State Director for review and concurrence, the State Director shall take either of the following actions, which shall be documented, in writing:

(1) Concur in the proposed plan, and return it to the District Manager for approval; or

(2) Refuse to concur in all or some aspect of the proposed plan. If concurrence cannot be granted, the proposed plan shall be returned to the District Manager with a written statement of reasons for nonconcurrence. The planning process shall be repeated as necessary to resolve the problems identified by the State Director.

(b) If the State Director considers an environmental value, resource, system or process within an area being proposed for ACEC designation to be of national or international significance, the State Director shall so advise the Director and provide reasons. If the Director makes such a finding, the Director may concur in the proposed designation. Subsequently, no plan, amendment or revision that adversely affects the ACEC can be made without the concurrence of the Director.

(c) Upon receipt of concurrence from the State Director, and no earlier than 30 days after the State Director files the final environmental impact statement, and subsequent to final action on any protest that may be filed, the District Manager shall approve the plan. Approval shall be withheld on any

portion of a plan or amendment being protested until final action has been completed on such protest. Before such approval is given, there shall be public notice and opportunity for public comment on any significant change made to the proposed plan. The approval shall be documented in a concise public record of the decision, meeting the requirements of regulations for the National Environmental Policy Act (40 CFR 1505.2).

(d) Any person who participated in the planning process and has an interest which is or may be adversely affected by the approval or amendment of a resource management plan may protest such approval or amendment. A protest may raise only those issues which were submitted for the record to the District Manager during the planning process.

(1) The protest shall be in writing and shall be filed with the State Director in the State where the area covered by the plan or amendment is located. The protest shall be filed within 30 days of the date the Environmental Protection Agency published the notice of receipt of the final environmental impact statement containing the plan or amendment in the **Federal Register**. For an amendment not requiring the preparation of an environmental impact statement, the protest shall be filed within 30 days of the publication of the notice of its effective date.

(2) The protest shall contain:

(i) The name, mailing address, telephone number and interest of the person filing the protest;

(ii) A statement of the issue or issues being protested;

(iii) A statement of the part or parts of the plan or amendment being protested;

(iv) A copy of all documents addressing the issue or issues that were submitted during the planning process by the protesting party or an indication of the date the issue or issues were discussed for the record; and

(v) A short, concise statement explaining why the District Manager's decision is wrong.

(3) The State Director shall promptly render a decision on the protest. The decision shall be in writing and shall set forth the reasons for the decision. The decision shall be sent to the protesting party by certified mail, return receipt requested.

(e) The decision of the State Director, as it relates to any issue that cannot, upon the issuance of a decision, be appealed under Part 4 of this title or any other protest procedure provided for in this title, may be protested to the Director within 30 days of receipt of the State Director's decision by a protesting party adversely affected by said decision.

(1) The protest shall contain:

(i) The name, mailing address, telephone number and interest of the person filing the protest; and

(ii) A short, concise statement explaining why the State Director's decision is wrong.

(2) The Director shall, within 30 days of receipt of the protest, review the protest and notify the protesting party whether supervisory authority to review the protest shall be exercised. If supervisory authority is not exercised, the decision of the State Director shall become the final decision of the Department of the Interior. If the Director notifies the protesting party that supervisory authority to review is being exercised, a decision shall be promptly rendered on the protest. The decision shall be in writing and shall set forth the reasons for the decision. The decision shall be sent to the protesting party by certified mail, return receipt requested.

(3) The decision of the Director shall be the final decision of the Department of the Interior.

§ 1601.6-2 Conformity and implementation.

(a) After a plan is approved or amended, and if otherwise authorized by law, regulation, contract, permit, cooperative agreement or other instrument of occupancy and use, the District Manager shall take appropriate measures to make operations and activities under existing permits, contracts, cooperative agreements or other instruments for occupancy and use, conform to the approved plan or amendment within a reasonable period of time.

(b) In addition, subsequent more detailed or specific planning, and all future resource management authorizations and actions, as well as budget or other action proposals to higher levels in the Bureau of Land Management and Department, shall conform to the plan.

(c) Any person adversely affected by a specific action being proposed to implement some portion of a resource management plan or amendment may appeal such action pursuant to 43 CFR 4.400.

§ 1601.6-3 Changing the resource management plan.

(a) *Maintenance.*—Resource management plans and supporting components shall be maintained as necessary to reflect minor changes in data. Such maintenance may include further refining, constraining or documenting a previously approved decision incorporated in the plan. Updating and maintenance shall not result in expansion in the scope of the resource use or its location in the resource area, from that prescribed in an approved plan. Maintenance is not considered a plan amendment and shall not require the formal public involvement and interagency coordination process described under §§ 1601.3 and .4 of this title or the preparation of environmental assessments or environmental impact statements.

(b) *Amendment.*—A resource management plan may be changed through amendment. An amendment is initiated by the need to consider monitoring and evaluation findings, new data, new or revised policy, a change in circumstances or an applicant's proposed action, which may result in a significant change in a portion of the approved plan. An amendment shall be made through an environmental assessment, public involvement as prescribed in § 1601.3 of this title, interagency coordination and consistency determinations as prescribed in § 1601.4 of this title and any other data or analysis that may be appropriate. In all cases, the impact of the amendment on the plan shall be evaluated. If the amendment is being considered in response to an applicant's proposal, the analysis required for the proposal and for the amendment may occur simultaneously.

(1) If the environmental assessment does not disclose significant impact and if the amendment does not adversely affect a value, resource, system or process within an ACEC in which the Director has concurred in the designation, a finding of no significant impact may be made by the District Manager. The District Manager shall then make a recommendation on the amendment to the State Director for concurrence, and upon concurrence, the District Manager shall issue a public notice of the action taken on the amendment. If the amendment is approved, it may be implemented 30 days after such notice.

(2) If the amendment would adversely affect a value, resource, system or process within an ACEC in which the Director has concurred in the designation, or if a decision is made to prepare an environmental impact statement, the amending process shall follow the same procedure required for the preparation and approval of the plan, but limited to that portion of the plan being considered for amendment. If

several plans are being amended simultaneously, a single environmental impact statement may be prepared to cover all amendments.

(c) *Revisions.* A resource management plan shall be revised at least every 10 years, based on monitoring and evaluation findings, new data, new or revised policy and changes in circumstances affecting the entire plan or major portions of the plan. Revisions shall comply with all of the requirements of these regulations for preparing and approving an original resource management plan.

§ 1601.6–4 Situations where action can be taken based on another agency's plan, or a land use analysis.

These regulations authorize the preparation of a resource management plan for whatever public land interests exist in a given land area. There are situations of mixed ownership where the public land estate is under non-Federal surface, or mixed administration where the public land administration is shared by the Bureau of Land Management with another Federal agency. The following provisions authorize the District Manager to use the plans of other agencies or a land use analysis when split or shared estate conditions exist.

(a) Another agency's plan (Federal, State or local) may be used as a basis for an action only if it is comprehensive and has considered the public land interest involved in a way comparable to the manner in which it would have been considered in a resource management plan, including the opportunity for public participation.

(b) After evaluation and review, the Bureau of Land Management may adopt another agency's plan for continued use as a resource management plan if an agreement is reached between the Bureau of Land Management and the other agency to provide for maintenance and amendment of the plan, as necessary, to comply with law and policy applicable to public lands.

(c) A land use analysis may be used to consider a coal lease when there is no Federal ownership interest in the surface or when coal resources are insufficient to justify plan preparation costs. The land use analysis process, as authorized by the Federal Coal Leasing Amendments Act consists of an environmental assessment or impact statement, public participation as required by § 1601.3 of this title, the consultation and consistency determinations required by § 1601.4 of this title, the protest procedure prescribed by § 1601.6–1 of this title and a decision on the coal lease proposal. A land use analysis meets the land use planning requirements of section 202 of the Federal Land Policy and Management Act. The decision to approve the land use analysis and lease coal is made by the Departmental official who has been delegated the authority to issue coal leases.

§ 1601.6–5 Management decision review by Congress.

The Federal Land Policy and Management Act requires that any Bureau of Land Management management decision, or action pursuant to a management decision, which totally eliminates one or more principal or major uses for two or more years with respect to a tract of 100,000 acres or more, shall be reported by the Secretary to Congress before it can be implemented. This report shall not be required prior to approval of a resource management plan which, if fully or partially implemented would result in such an elimination. The required report shall be submitted as the first action step in implementing that portion of a resource management plan which would require elimination of such a use.

§ 1601.6–6 Designation of areas unsuitable for surface mining.

(a)(1) The resource management planning process is the chief process by which public land is reviewed to assess whether there are areas unsuitable for surface coal mining operations under section 522(b) of the Surface Mining Control and Reclamation Act. Criteria for this assessment are found in § 3461.2 of this title.

(2) When petitions to designate land unsuitable under section 522(c) of the Surface Mining Control and Reclamation Act are referred to the Bureau of Land Management for comment, the resource management plan, if available, shall be the basis for comment. Formal designation of land as unsuitable is a function of the Office of Surface Mining Reclamation and Enforcement under the provisions of 30 CFR Subpart 769.

(3) In approving a resource management plan in which land is assessed unsuitable, the District Manager shall:

(i) Condition any leasing of the area for coal development; or

(ii) After approving a resource management plan, take all necessary steps to initiate the withdrawal of the land from leasing for coal development.

The District Manager shall petition the Office of Surface Mining Reclamation and Enforcement to designate the area as unsuitable under 30 CFR Subpart 769 where the land assessed as being unsuitable is covered by a coal lease on which operations are not exempted or excepted from the relevant criterion.

(b)(1) The resource management planning process is the chief process by which public land is reviewed for designation as unsuitable for entry or leasing for mining operations for minerals and materials other than coal under section 601 of the Surface Mining Control and Reclamation Act.

(2) When petitions to designate land unsuitable under section 601 of the Surface Mining Control and Reclamation Act are received by the Bureau of Land Management, the resource plan, if available, shall be the basis for determination for designation.

(3) In approving a resource management plan in which land is designated unsuitable, the District Manager shall: (i) Condition any entry or leasing of the area for mining operations for minerals or materials other than coal; or (ii) after approving a resource management plan, take all necessary steps to initiate the withdrawal of the land from entry or leasing for mining operations for minerals or materials other than coal.

§ 1601.6–7 Designation of Areas of Critical Environmental Concern.

Areas having potential for ACEC designation and protective management shall be identified and considered throughout the planning process (See §§ 1601.5–1 through 1601.5–9). Approval of a resource management plan constitutes formal designation of any ACECs involved.

§ 1601.7 Combined resource management plan and related environmental impact statement content and documentation.

§ 1601.7–1 Process records.

Records pertaining to the analysis and conclusions reached by the District Manager and staff throughout the planning and environmental analysis process shall be maintained. Such records shall provide the basis for the draft and final environmental impact statements and the development of, revision, or amendment to, the resource management plan. Such records shall be kept filed together and shall be available, on request, for public review.

§ 1601.7–2 Authority annotations.

The resource management plan and alternatives shall be annotated to show:

(a) Portions that may be implemented pursuant to authority delegated to the State Director.

(b) Portions that are not within the State Directors delegated authority and

the organizational unit or officer that has such authority.

§ 1601.7–3 Plan and Environmental Impact Statement document.

There shall be a single document (in separate volumes, if necessary) in a standard format serving as both a resource management plan and environmental impact statement. It shall contain at least:

(a) A brief description of the major issues and management concerns;

(b) The planning criteria used in its preparation;

(c) Descriptions and appropriate maps of the area covered;

(d) Goals, objectives and other direction from national policy, State Director guidance, and public participation;

(e) Details of the plan, including items (1) through (8) from the definition of the term "resource management plan" (see § 1601.0–6(n)). This portion of the plan may be organized into separate discrete sections which comprehensively cover major issues or topics so that the reader is able to find all relevant conclusions about an issue or topic. In all cases where an ACEC or coal is involved, there shall be discrete sections which provide—

(1) An identification of each designated ACEC, including the name, purpose and objective of designation, a description of environmental resources or hazards involved together with an evaluation of their relevance, importance, criticalness and protectability, and their special management requirements.

(2) An identification of high and medium value coal areas, indicating those lands acceptable for further consideration for coal leasing and how the Departmental unsuitable criteria were applied (see §§ 3420.2–3 and 3461 of this title).

(f) Alternatives considered;

(g) Alternatives eliminated from study and a brief discussion of the reasons;

(h) An analysis of the environmental impacts of the proposed plan and alternatives considered;

(i) Reasons for the alternative selected and, when it differs from the environmentally preferred alternative, the environmentally preferred alternative shall be identified as required by 40 CFR 1505.2(b);

(j) Relationship between the proposed plan and policies, plans, and programs of other Federal agencies, State and local government plans, Indian Tribes, including documentation required on consistency issues;

(k) List of preparers, together with their qualifications, as prescribed by 40 CFR 1502.17;

(l) Signature of concurring and approving officers; and

(m) Appropriate references to information used in development of the resource management plan.

§ 1601.8 Transition period.

(a) All management framework plans in the process of being prepared at the time these regulations are issued shall be reviewed, and the Director shall establish those portions of these regulations which are to be used in the completion of those plans, given time and budgetary constraints established through Federal budgets and legally mandated schedules. This determination shall be made and published in the planning schedule which is to be published early in fiscal year 1980 (see § 1601.3(a)).

(b) Until management framework plans, existing or in preparation, are superseded by resource management plans, proposed actions may be considered on the basis of these existing management framework plans as follows:

(1) The management framework plan shall be in compliance with the principle of multiple use and sustained yield and shall have been developed with public participation and governmental coordination, but not necessarily precisely as prescribed by §§ 1601.3 and 1601.4 of this title.

(2) Proposed actions which have been or are being discussed in court ordered management framework plan based environmental statements (e.g., range and timber management actions) may be given further consideration 30 days after the filing of the relevant environmental impact statement; and these regulations do not require any subsequent analysis or process.

(3) For proposed actions other than those described in paragraph (b)(2) of this section, determination shall be made by the District Manager whether the proposed action is in conformance with the management framework plan. Such determination shall be in writing and shall explain the reasons for the determination.

(i) If the proposed action is in conformance, it may be further considered for decision under procedure applicable to that type of action, including requirements of regulations for implementing the procedural provisions of the National Environmental Policy Act in 40 CFR 1500–1508.

(ii) If the proposed action is not in conformance with the management framework plan, or if the management framework plan does not meet the requirements of paragraph (b)(1) of this section, and if the proposed action warrants further favorable consideration before a resource management plan is scheduled for preparation, such consideration shall be through a management framework plan amendment using the provisions of § 1601.6–3(b) of this title.

(c) If an action is proposed by an applicant where public lands are not covered by a management framework plan, an environmental analysis and an environmental impact statement, if necessary, plus any other data and analysis necessary to make an informed decision shall be used to assess the impacts of the proposal and to provide a basis for a decision on the proposal.

[FR Doc. 79–24280 Filed 8–6–79; 8:45 am]

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federal register

Tuesday
August 7, 1979

Part III

Department of the Interior

Geological Survey

Outer Continental Shelf (OCS) Oil and Gas Information Program; Final Rule

DEPARTMENT OF THE INTERIOR
Geological Survey

30 CFR Part 252

Outer Continental Shelf (OCS) Oil and Gas Information Program

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Final rule.

SUMMARY: Issuance of this rule incorporates the modifications of 30 CFR Part 252 required by enactment of the Outer Continental Shelf (OCS) Lands Act Amendments of 1978 (92 Stat. 629). A proposed rule was published January 17, 1979 (44 FR 3524). The proposed rule described new procedures and, to the extent required, modifications of existing practices and procedures under which the Director of the Geological Survey makes certain information available to the Governors of affected States. Issuance of this final rule puts these practices and procedures into effect in compliance with the requirements and limitations of the provisions of the Freedom of Information Act (5 U.S.C. 552), the OCS Lands Act Amendments of 1978 (43 U.S.C. 1352), and other applicable law.

EFFECTIVE DATE: October 9, 1979.

ADDRESSES: A copy of this final rule may be obtained from the following offices of the Geological Survey:

Director, Geological Survey, National Center—Mail Stop 620, 12201 Sunrise Valley Drive, Reston, Virginia 22092.

Conservation Manager—Eastern Region, 1725 K Street, NW., Suite 204, Washington, D.C. 20006.

Conservation Manager—Gulf of Mexico Region, 336 Imperial Office Building, P.O. Box 7944, Metairie, Louisiana 70010.

Conservation Manager—Western Region, 345 Middlefield Road, Menlo Park, California 94025.

Area Oil and Gas Supervisor—Pacific Area, 1340 West Sixth Street, Room 160, Los Angeles, California 90017.

Area Oil and Gas Supervisor—Alaska Area, 800 "A" Street, Suite 109, Anchorage, Alaska 99501.

FOR FURTHER INFORMATION CONTACT: Gerald D. Rhodes, Branch of Marine Oil and Gas Operations, Conservation Division, U.S. Geological Survey, Mail Stop 620, 12201 Sunrise Valley Drive, Reston, Virginia 22092, (703) 860–7531.

SUPPLEMENTARY INFORMATION:

Background

Regulations establishing practices and procedures under which the Director, Geological Survey, would make available Summary Reports of data and information to the Governors of affected States were published as final rules on January 27, 1978 (43 FR 3887). Those practices and procedures were set out in a new Part 252 of Title 30 of the Code of Federal Regulations entitled "Outer Continental Shelf (OCS) Oil and Gas Information Program." On September 18, 1978, the OCS Lands Act Amendments of 1978 were enacted (Pub. L. 95–372). Certain provisions of those Amendments (43 U.S.C. 1352) superseded the practices and procedures established by the current regulations in 30 CFR Part 252 and necessitated their revision. Proposed modifications of 30 CFR Part 252 were published as proposed rules on January 17, 1979 (44 FR 3524). The notice of proposed rulemaking identified the most significant revisions being proposed as the expansion of the scope of the information covered by the provisions of § 252.5, "Information made available to affected States," and the addition of a new § 252.7 entitled "Privileged and proprietary data and information to be made available to affected States."

Comments

A total of 37 comments and recommendations were timely submitted in response to the invitation contained in the notice of proposed rule published January 17, 1979. The comments and recommendations varied widely as to their nature, scope, and content. Some were general in nature, while others were detailed and specific as to the recommended actions for the Department to initiate.

Respondents did not limit their comments to the proposed modifications of 30 CFR Part 252. Many of the comments reflected views expressed when the current provisions of the regulations governing the Outer Continental Shelf Oil and Gas Information Program were initially published as proposed rules on September 26, 1977 (42 FR 48893). The 37 responses that were timely submitted presented the views of 2 private citizens, 3 special interest groups, 7 State and local government agencies, and 25 oil and gas companies and trade organizations.

Public Hearings

Oral testimony relating to the proposed revisions of 30 CFR Part 252 was also taken in addition to the written comments and recommendations invited by the notice of proposed rule. This oral testimony was taken at public hearings held in Los Angeles, California; New Orleans, Louisiana; and Washington, D.C.

Differences Between Proposed Rule and Final Rule

For the most part, the differences between the provisions of the final rule published today and the proposed rule published January 17, 1979, are the results of Departmental efforts to make the provisions of the final rule more closely conform with the provisions and intent of the OCS Lands Act, as amended, with special attention to the specific provisions and intent of section 26 of the Act (43 U.S.C. 1352). This closer conformance was accomplished through the incorporation of many of the comments and recommendations received from the public.

Discussion of Major Comments

General Comment

Need for Regulatory Analysis. Several respondents indicated a belief that implementation of the regulations, as proposed, represents a significant regulatory action that, pursuant to Executive Order 12044, requires preparation of a regulatory analysis. Prior to the publication of the modifications of 30 CFR Part 252, the Geological Survey prepared a Negative Declaration and Regulatory Analysis. That document examined the criteria for determining that a revision of regulations is a significant regulatory action requiring preparation of a regulatory analysis under Executive Order 12044. That review resulted in a determination that the proposed revision of 30 CFR Part 252 to implement the Outer Continental Shelf Lands Act Amendments of 1978 (Pub. L. 95–372) did not constitute a regulatory action requiring the preparation of a regulatory analysis under Executive Order 12044.

A review of that determination and the comments submitted by respondents failed to identify a basis or criteria which demonstrated any error in the previous negative determination or to justify any change in that determination. We, therefore, reaffirm our earlier finding that a regulatory analysis is called for by the criteria set out in Executive Order 12044.

Section-by-Section Discussion

Section 252.1 Purpose

No specific comment or recommendation was received concerning the provisions of § 252.1. However, comments and recommendations concerning specific provisions of other sections of Part 252 suggested the need to expand the language to § 252.1 to recognize the specific requirements of section 26 of the

OCS Lands Act, as amended (43 U.S.C. 1352), as the primary motivation for the revision of the provisions of Part 252. Accordingly, the first sentence of § 252.1 has been divided into two sentences which read:

> The purpose of this part is to implement the provisions of section 26 of the Act (43 U.S.C. 1352). This part supplements the procedures and requirements contained * * *.

Section 252.2 Definitions

Several respondents recommended that the definition of "affected State" be more tightly defined. Adoption of the definition of "affected State" proposed by notice in the **Federal Register** of June 7, 1978 (43 FR 24710), was recommended by some respondents. We have not adopted this recommendation. The answer to the question of whether a State is an affected State under the criteria established under section 2(f) of the OCS Lands Act, as amended, depends upon the proposed OCS activities and the location and significance of onshore activities relating to those OCS activities. No further action will be taken to finalize the notice published June 7, 1978, at 43 FR 24710 which tentatively identified "affected States." The identification of "affected States" will be determined on a case-by-case basis by the Director or the Director's designee.

A number of respondents requested the development of a definition for "affected local government" and a revision in the proposed definition of "area adjacent to a State."

The new definition of "affected local government" reflects the congressional intent to provide Governors of affected States with a degree of discretion in the identification of affected local governments. The new definition of "area adjacent to a State" was taken from paragraph 4(a)(2) of the OCS Lands Act.

We have adopted the suggestion of one respondent by expanding § 252.2(l) and (m) to recognize that "cross sections" as well as maps are a common form in which "interpreted geological information" and "interpreted geophysical information" are presented.

Section 252.3 Oil and Gas Data and Information to be Provided for Use in the OCS Oil and Gas Information Program

A number of respondents indicated that the protection afforded to permittees and lessees under the provisions of section 26(a)(1)(B) must also be applicable to interpretations of geological and geophysical information submitted under the requirements of 30 CFR Part 250, and that the provisions of § 252.3(a) should be broadened to more closely track the language of the Act. We have adopted this recommendation.

One respondent suggested that § 252.3(a) be modified to require that copies of the data, information, interpretations, etc., be provided to the Director on a regular and timely basis. This recommendation has not been adopted. We believe that these regulations, when read in conjunction with the ongoing programs of the Geological Survey, provide the Director continuous and timely access to the data and information needed to protect the national interest and to carry out the Survey's programmatic responsibilities without undue burden on either the Director's staff or the industry. If all data and information were required to be routinely submitted to the Director, the volume of unnecessary data and information that would be submitted would inundate the offices of the Geological Survey. Incorporation of such a requirement in the regulations in Part 252 would also require the Geological Survey to reimburse the lessees or permittees for the unneeded data and information. The flood of unneeded data and information would severely strain the funds that the Survey has available for obtaining needed data and information and to carry out its responsibilities.

A number of respondents suggested simplification of the language of § 252.3(b). This recommendation has not been adopted. The suggested language failed to distinguish between data or information provided by a lessee or a permittee for use in the OCS Oil and Gas Information Program; the data or information provided by lessees to meet obligations under their leases and the requirements of 30 CFR Part 250; and data and information provided by permittees as an obligation of their permits and the requirements of 30 CFR Part 251. The language of § 252.3(b) has been modified to more clearly indicate that reimbursement for data and information will be made only when reimbursement is requested by a lessee or permittee.

One respondent recommended that the regulations clearly state that the processing work of a lessee or permittee would take precedence over a request for data and information by the Director. This suggestion has not been adopted. The inclusion of such a provision could effectively preclude the Director from timely receiving needed data or information.

Several respondents expressed concern that the requirements of § 252.3(c) would not allow sufficient time for the lessee or permittee to comply with a request for data or information. Several alternative provisions were suggested that would relax the strict requirement for compliance within 30 days. It was recognized that a situation may develop that would preclude a lessee or permittee from providing requested data or information within 30 days. Subsection 252.3(c) has been modified to permit the Director to authorize a compliance time greater than 30 days when such action is warranted.

A number of respondents recommended that § 252.3(d) be modified to assure that permittees and lessees are afforded an opportunity to object before the Director exercises the right to disclose data and information to an independent contractor for processing. Several also recommended tighter contractual constraints on the uses that an independent contractor could make of the data or information so acquired. The principal concern expressed was the desire to assure the protection of the competitive position of lessees and permittees who provide data and information to the Director. New language has been incorporated into the regulations to address these concerns. The modified language requires the Director to notify, when practicable, the lessee or permittee who provided the data or information of the intent to disclose that data or information to an independent contractor or agent. It also affords the permittee or lessee a period of not less than 5 working days within which to provide the Director with comments on the intended action. Under the modified language the contractor is prohibited from making any use of the data or information other than that provided in the contract for reproduction, processing, reprocessing, or interpretation of the data or information. It also provides that contracts between the Geological Survey and independent contractors will be available to the lessee or permittee for inspection. The new language makes it clear that unauthorized "use" of data or information is on a par with unauthorized disclosure.

The respondents who suggested simplification of § 252.3(b) also suggested that the provisions of § 252.3(e) be simplified. This suggestion has not been adopted because the language of the provision proposed by the respondent does not adequately address the various contingencies set forth in section 26(a)(1)(C) of the Act.

Another respondent recommended that the reimbursement provisions of § 252.3(e) include the costs of a lessee or permittee that are due to special security measures used by the lessee or permittee to protect the confidential nature of data or information requested for use in the OCS Oil and Gas Information Program. This suggestion has not been adopted. The security practices and procedures which a lessee or permittee employs are a private matter and cannot be permitted to increase the Government's costs of obtaining information. In the event the security practices and procedures which a lessee or permittee uses to protect data or information from disclosure results in the increased cost for compliance with the controlling regulations, that cost is properly borne by the lessee or permittee.

Subsection 252.3(e) also drew a number of comments from respondents who recommended that a time limit be placed upon the subsequent sale of information which could trigger a refund to the United States. Those recommendations have been adopted. Paragraphs 252.3(e)(1) and (4) have also been modified to require that requests for reimbursement be made within 60 days of the delivery of data or information requested for use in the OCS Oil and Gas Information Program. The request for reimbursement must include a breakdown of the costs to allow identification of reproduction costs, processing costs, and reprocessing costs.

Section 252.4 Summary Report to Affected States

Several respondents pointed out that section 26(b)(2) of the Act, as amended (43 U.S.C. 1352), described the Summary Report as a summary designed to assist in planning for "onshore" impacts of offshore oil and gas activities. These respondents recommended deletion of the references to planning for the "nearshore" impacts (§ 252.4(a)) and the inclusion of the general location of "nearshore" facilities (paragraph 252.4(a)(4)). We have adopted this recommendation to the extent that we have deleted the reference to planning for the "nearshore" impacts found in the first sentence of § 252.4(a) to more closely track the language of the law. We retained the reference to "nearshore" facilities in § 252.4(a)(4) to reflect that the Summary Report will contain information relating to oil and gas facilities located nearshore. Information regarding nearshore facilities is necessary to assist States and local governments in their planning processes.

The second sentence of § 252.4(a) has been modified to reflect the progress made since Part 252 was issued in January 1978. The new language also reflects the fact that the nature, scope, content, and timing of Summary Reports are subject to change. The modified language recognizes a continuing need for the Director to consult with affected States and other interested parties to review and revise, as appropriate, the nature, scope, content, and timing of Summary Reports.

Several respondents suggested that the listing of those with whom the Director may consult should specifically include permittees and lessees. This suggestion was not adopted. The phrase "other interested parties" includes permittees and lessees.

A number of respondents expressed the belief that the provisions of § 252.4(a) do not adequately reflect the protection of data and information from disclosure provided in section 26(d)(1)(B) of the Act. This concern has been addressed by the addition of specific language which indicates that Summary Reports are not to contain data or information which would unduly damage the competitive position of the lessee or permittee who provided the data or information.

Two respondents recommended that § 252.4(a) be modified to show that the Summary Report will be made available "to affected State agencies designated by the Governor." This change has not been adopted. The provision "* * * shall make available to affected States * * *" does not limit the availability of the Summary Report. The Summary Report is to be available to agencies of State and local governments and is to be publicly obtainable by interested parties on an equal basis.

One respondent suggested incorporation of Summary Reports into the Secretary's Annual Report to Congress and that § 252.4(a)(1) be modified to require the inclusion of information on the sulphur content of oil together with a breakdown of gas resources on the basis of unassociated gas and gas associated with oil. These recommendations have not been adopted. Congress did not indicate a wish to have Summary Reports included as part of the Annual Report required under section 15 of the Act, and the information maintained on resources does not include an estimate of the sulphur content of oil or a breakdown showing volumes of gas associated with oil and unassociated gas.

A respondent's recommendation that § 252.4(a)(1) be modified to show that Summary Reports will include data and information on areas which the Secretary "has leased" has been adopted to better track the language of the statute.

The recommendation that § 252.4(a)(1) be modified to require identification of the most promising oil-bearing structures has not been adopted. The identification of "promising" structures would be highly speculative at best.

Another respondent's recommendation that § 252.4(a)(2) be expanded to include the magnitude and timing of exploration activities was not adopted. Plans for exploration activities are extremely fluid by nature. A timetable of exploration activities prepared for inclusion in a Summary Report would be out of date before it could be used effectively in a State or local government's planning process.

A respondent's recommendation that § 252.4(a)(3) be modified to list tankers as a means of transportation has been adopted. However the term "vessels" was used instead of "tankers" to better conform to the language of the Act.

The recommendation that a new § 252.4(a)(5) be added to require the inclusion of a discussion of labor requirements and employment has not been adopted. This information will be provided to affected States in the environmental reports submitted in accordance with the requirements of 30 CFR 254.34.

One respondent's recommendation that § 252.4(b) be modified to require issuance and revision of Summary Reports on a specified timetable has not been adopted. Subsection 252.4(a) makes it clear that Summary Reports may *vary* as to nature, scope, content, and *timing*. Thus there will not be a specific single timetable for updating all Summary Reports.

Section 252.5 Information to be Available to Affected States

Section 252.5 has been revised to conform to the provisions of 43 CFR 3300.2. This change is intended to eliminate confusion regarding the nature of the index of information, i.e., the index is a single document prepared jointly by the Bureau of Land Management and the Geological Survey. The modified section also incorporates modifications adopted in response to comments and recommendations received from interested parties.

The recommendation that the regulations indicate that the Geological Survey will disclose the identity of

parties making tract nominations when release of that information would not compromise the parties' competitive positions has not been adopted. The regulations in 30 CFR Part 252 relate to the portion of the OCS Oil and Gas Information Program that is administered by the Geological Survey. The information relating to the identity of parties making nominations is subject to the control of the Bureau of Land Management. Release of that information is properly governed by regulations in 43 CFR Part 3300.

The recommendation that the index be made available on a semiannual basis to agencies designated by the governors of affected States has not been adopted. The index of information will be available to those agencies and others on a continuing basis.

A number of respondents recommended that § 252.5 be expanded to include provisions protecting data and information from disclosure when disclosure would unduly damage the competitive position of the lessee or permittee. This recommendation has not been adopted because the index will not contain privileged or proprietary data or information. However, since a new § 252.5(b) has been added under which recipients of the index can request copies of any information listed in the index, language has been added to indicate that privileged and proprietary data and information shall not be provided.

The recommendation that agencies other than the Geological Survey be listed in § 252.5 has not been adopted. The development and maintenance of the index is a time consuming and difficult task that the the Department has undertaken without an increase in staffing or funding. The Department of the Interior cannot commit itself to the preparation of an all-inclusive listing of documents produced by and available through other elements of the Federal Government such as EPA, NOAA, and OCZM.

Section 252.6 Freedom of Information Act Requirements

Proposed § 252.6 has been modified only to the extent necessary to adopt a respondent's recommendation that the Director make data and information available in accordance with the requirements and "subject to the limitations" of the Freedom of Information Act (5 U.S.C. 552).

A number of respondents recommended that § 252.6 be modified in ways that would give lessees and permittees more control over disclosure of information. these recommendations have not been adopted. The Director must be able to effectively and efficiently carry out the responsibilities placed on Federal officials by the Freedom of Information Act.

Section 252.7 Privileged and Proprietary Data and Information To Be Made Available to Affected States

Many respondents recommended that the provisions of § 252.7(a)(1) which incorporate provisions of section 8(g) of the Act be incorporated into the regulations governing Oil and Gas and Sulphur operations in the Outer Continental Shelf (30 CFR Part 250) and Geological and Geophysical (G & G) Exploration of the OCS (30 CFR Part 251). The adoption of these recommendations results in the transfer of the provisions of § 252.7(a)(1) (i) and (ii) to Parts 250 and 251 and the identification of § 252.7(a)(1)(iii) as § 252.7(a). The text of § 252.7(a) has been modified to track the language of the Act (section 26(d)(2)—43 U.S.C. 1352). This change is intended to clarify the mandate of the Act that no "inspection shall take place prior to the sale of *a lease* covering *the area* in which such activity was conducted." This language more clearly specifies the constraints on a State official's right to inspect or have access to privileged information.

Two respondents recommended that § 252.7(a) be modified to allow the Governor of an affected State to designate more than one State official to inspect privileged or proprietary data or information. These recommendations have not been adopted. Section 26(d)(2) of the Act (43 U.S.C. 1352) clearly indicates that "* * * the Governor of any affected State may designate *an* appropriate State official to inspect * * * privileged information." The nature of the penalties placed on unauthorized disclosure of proprietary information by a State or Federal official demonstates Congress' intent that data and information made available for inspection by officials of affected States is to be made available in a manner which provides protection for the confidentiality of such information.

Many respondents pointed out that the special privilege allowing the Governor of an affected State the opportunity to designate an appropriate State official to inspect privileged or proprietary data or information does not carry with it the right or privilege to transmit or physically receive copies of such data or information without the consent of the lessee or permittee who provided the data or information. Subparagraphs 252.7(a)(2) (i) and (ii) state that no privileged or proprietary data or information will be transmitted to any affected State unless the lessee or permittee who provided the privileged or proprietary data or information agrees in writing to the transmittal of the data or information.

One respondent recommended that the Director be required to give notice to lessees and permittees before privileged or proprietary data or information is released to a Governor's designee. This recommendation has not been adopted. The right to inspect does not carry with it a right to reproduce or copy. In those instances under Part 252 where data or information will be transmitted pursuant to § 252.7(a)(4), the lessees and/or permittees will have consented to the transmittal of the data or information.

A number of respondents recommended the addition of a requirement that a Governor obtain an opinion from the State's Attorney General that, under the State's law, the Governor is authorized to enter into the written agreement called for in § 252.7(a)(3), and that such an agreement will be binding upon the State and its employees. This recommendation has not been adopted. It will be the responsibility of the Department of the Interior's Solicitor to assure that each agreement between the Department of the Interior and a Governor of an affected State provides the required assurances mandated by Congress for the protection of privileged and proprietary data and information.

One respondent recommended that the regulations governing the OCS Information Program should clearly provide that proprietary and confidential information deleted from OCS exploration plans and development and production plans will be available for State inspection. That respondent also recommended that State coastal zone management agency officials be accorded special access to that information. These recommendations have not been adopted. An appropriate State official may inspect the deleted information relating to leased areas in areas adjacent to the State pursuant to section 26(d)(2) of the Act. The law does not permit recognition of a special right of inspection in a State's coastal zone management agency. The Governor may designate an official of the State's coastal zone management agency as the State's authorized official to inspect privileged and proprietary data and information pursuant to subsection 26(d)(2) of the Act.

Finally, a respondent recommended that § 252.7(b) be expanded to

incorporate an opportunity for a lessee or permittee to seek remedial action at the agency level in lieu of requiring the lessee or permittee to proceed directly into the courts. This recommendation has not been adopted. The Department knows of no intermediate remedial action that is available to a lessee or permittee once privileged or proprietary data or information has been revealed.

Authors

Thomas McCloskey, Office of the Assistant Secretary—Energy and Minerals, U.S. Department of the Interior (202/343–4457); and Gerald D. Rhodes, Geological Survey, U.S. Department of the Interior (703/860–7531).

Environmental Impact and Regulatory Analysis

The Department of the Interior has determined that the revision of the regulations in 30 CFR Part 252, in accordance with this notice, is not a major Federal action significantly affecting the quality of the human environment and will not require preparation of an environmental impact statement. The Department has also determined that this notice of final rule does not require preparation of a regulatory analysis under Executive Order 12044 and implementing regulations 43 CFR Part 2.

Dated: July 25, 1979.

Joan M. Davenport,

Assistant Secretary of the Interior.

30 CFR Part 252 is revised to read:

PART 252—OUTER CONTINENTAL SHELF (OCS) OIL AND GAS INFORMATION PROGRAM

Sec.

252.1 Purpose.
252.2 Definitions.
252.3 Oil and gas data and information to be provided for use in the OCS Oil and Gas Information Program.
252.4 Summary Report to affected States.
252.5 Information to be made available to affected States.
252.6 Freedom of Information Act requirements.
252.7 Privileged and proprietary data and information to be made available to affected States.

Authority: Outer Continental Shelf Lands Act, 43 U.S.C. 1331 et seq., as amended, Pub. L. 95–372; Freedom of Information Act (5 U.S.C. 552).

§ 252.1 Purpose.

The purpose of this part is to implement the provisions of section 26 of the Act (43 U.S.C. 1352). This part supplements the procedures and requirements contained in parts 250 and 251 of this chapter and provides procedures and requirements for the submission of oil and gas data and information resulting from exploration, development, and production operations on the Outer Continental Shelf (OCS) to the Director, Geological Survey. In addition, this part establishes procedures for the Director to make available certain information to the Governors of affected States and, upon request, to the executives of affected local governments in accordance with the provisions of the Freedom of Information Act and the Act.

§ 252.2 Definitions.

When used in the regulations in this part, the following terms shall have the meanings given below:

(a) "Act" refers to the Outer Continental Shelf Lands Act, as amended (43 U.S.C. 1331 et seq.).

(b) "Affected local government" means the principal governing body of a locality which is in an affected State and is identified by the Governor of that State as a locality which will be significantly affected by oil and gas activities on the OCS.

(c) "Affected State" means, with respect to any program, plan, lease sale, or other activity, proposed, conducted, or approved pursuant to the provisions of the Act, any State:

(1) The laws of which are declared, pursuant to section 4(a)(2)(A) of the Act, to be the law of the United States for the portion of the OCS on which such activity is, or is proposed to be, conducted;

(2) Which is, or is proposed to be, directly connected by transportation facilities to any artificial island or installations and other devices permanently, or temporarily attached to the seabed;

(3) Which is receiving, or in accordance with the proposed activity will receive, oil for processing, refining, or transshipment which was extracted from the OCS and transported directly to such State by means of vessels or by a combination of means including vessels;

(4) Which is designated by the Director as a State in which there is a substantial probability of significant impact on or damage to the coastal, marine, or human environment, or a State in which there will be significant changes in the social, governmental, or economic infrastructure, resulting from the exploration, development, and production of oil and gas anywhere on the OCS; or

(5) In which the Director finds that because of such activity there is, or will be, a significant risk of serious damage, due to factors such as prevailing winds and currents, to the marine or coastal environment in the event of any oilspill, blowout, or release of oil or gas from vessels, pipelines, or other transshipment facilities.

(d) "Analyzed geological information" means data collected under a permit or a lease which have been analyzed. Analysis may include, but is not limited to, identification of lithologic and fossil content, core analyses, laboratory analyses of physical and chemical properties, logs or charts of electrical, radioactive, sonic, and other well logs, and descriptions of hydrocarbon shows or hazardous conditions.

(e) "Area adjacent to a State" means that portion of the OCS which would be within the area of a State if the State's boundaries were extended seaward to the outer margin of the OCS.

(f) "Data" means facts and statistics or samples which have not been analyzed or processed.

(g) "Development" means those activities which take place following discovery of oil or natural gas in paying quantities, including geophysical activity, drilling, platform construction, and operation of all onshore support facilities, and which are for the purpose of ultimately producing the oil and gas discovered.

(h) "Director" means the Director of the Geological Survey of the U.S. Department of the Interior or a designee of the Director.

(i) "Exploration" means the process of searching for oil and natural gas, including (1) geophysical surveys where magnetic, gravity, seismic, or other systems are used to detect or imply the presence of such oil or natural gas, and (2) any drilling, whether on or off known geological structures, including the drilling of a well in which a discovery of oil or natural gas in paying quantities is made and the drilling of any additional delineation well after such discovery which is needed to delineate any reservoir and to enable the lessee to determine whether to proceed with development and production.

(j) "Governor" means the Governor of a State, or the person or entity designated by, or pursuant to, State law to exercise the powers granted to a Governor pursuant to the Act.

(k) "Information," when used without a qualifying adjective, includes analyzed geological information, processed geophysical information, interpreted geological information, and interpreted geophysical information.

(l) "Interpreted geological information" means knowledge, often in

the form of schematic cross sections and maps, developed by determining the geological significance of data and analyzed geological information.

(m) "Interpreted geophysical information" means knowledge, often in the form of schematic cross sections and maps, developed by determining the geological significance of geophysical data and processed geophysical information.

(n) "Lease" means any form of authorization which is issued under section 8 or maintained under section 6 of the Act and which authorizes exploration for, and development and production of, oil or natural gas, or the land covered by such authorization, whichever is required by the context.

(o) "Lessee" means the party authorized by a lease, or an approved assignment thereof, to explore for and develop and produce the leased deposits in accordance with the regulations in Part 250 of this chapter, including all parties holding such authority by or through the lessee.

(p) "Outer Continental Shelf (OCS)" means all submerged lands which lie seaward and outside of the area of lands beneath navigable waters as defined in the Submerged Lands Act (67 Stat. 29) and of which the subsoil and seabed appertain to the United States and are subject to its jurisdiction and control.

(q) "Permittee" means the party authorized by a permit issued pursuant to Part 251 of this chapter to conduct activities on the OCS.

(r) "Processed geophysical information" means data collected under a permit or a lease which have been processed. Processing involves changing the form of data so as to facilitate interpretation. Processsing operations may include, but are not limited to, applying corrections for known perturbing causes, rearranging or filtering data, and combining or transforming data elements.

(s) "Production" means those activities which take place after the successful completion of any means for the removal of oil or natural gas, including such removal, field operations, transfer of oil or natural gas to shore, operation monitoring, maintenance, and workover drilling.

(t) "Secretary" means the Secretary of the Interior or a designee of the Secretary.

§ 252.3 Oil and gas data and information to be provided for use in the OCS Oil and Gas Information Program.

(a) Any permittee or lessee engaging in the activities of exploration for, or development and production of, oil and gas on the OCS shall provide the Director access to all data and information obtained or developed as a result of such activities, including geological data, geophysical data, analyzed geological information, processed and reprocessed geophysical information, interpreted geophysical information, and interpreted geological information. Copies of these data and information and any interpretation of these data and information shall be provided to the Director upon request. No permittee or lessee submitting an interpretation of data or information, where such interpretation has been submitted in good faith, shall be held responsible for any consequence of the use of or reliance upon such interpretation.

(b)(1) Whenever a lessee provides any data or information, at the request of the Director and specifically for use in the OCS Oil and Gas Information Program, in a form and manner of processing which is utilized by the lessee in the normal conduct of business, the Director shall pay the reasonable cost of reproducing the data and information if the lessee requests reimbursement. The cost shall be computed and paid in accordance with the applicable provisions of paragraph (e)(1) of this section.

(2) Whenever a permittee provides any data or information, at the request of the Director and specifically for use in the OCS Oil and Gas Information Program, in a form and manner of processing utilized by the permittee in the normal conduct of business, the Director shall pay the permittee the reasonable cost of reproducing the requested data and information if the permittee requests reimbursement. The Director shall pay, at the lowest rate available to any purchaser for processing the requested data and information, the costs attributable to such processing. The cost is to be computed and paid in accordance with the applicable provisions of paragraph (e)(3) of this section.

(3) Whenever a lessee or permittee provides any data or information, at the request of the Director and specifically for use in the OCS Oil and Gas Information Program, in a form and manner of processing not normally utilized by the lessee or permittee in the normal conduct of business, the Director shall pay the lessee or permittee, if the lessee or permittee requests reimbursement, the reasonable cost of processing and reproducing the requested data and information. The cost is to be computed and paid in accordance with the applicable provisions of paragraph (e)(2) of this section.

(c) Data or information requested by the Director shall be provided as soon as practicable, but not later than 30 days following receipt of the Director's request, unless, for good reason, the Director authorizes a longer time period for the submission of the requested data or information.

(d) The Director reserves the right to disclose any data or information acquired from a lessee or permittee to an independent contractor or agent for the purpose of reproducing, processing, reprocessing, or interpreting such data or information. When practicable, the Director shall notify the lessee(s) or permittee(s) who provided the data or information of the intent to disclose the data or information to an independent contractor or agent. The Director's notice of intent will afford the permittee(s) or lessee(s) a period of not less than 5 working days within which to comment on the intended action. When the Director so notifies a lessee or permittee of the intent to disclose data or information to an independent contractor or agent, all other owners of such data or information shall be deemed to have been notified of the Director's intent. Prior to any such disclosure, the contractor or agent shall be required to execute a written commitment not to disclose any data or information to anyone without the express consent of the Director, and not to make any disclosure or use of the data or information other than that provided in the contract. Contracts between the Geological Survey and independent contractors shall be available to the lessee(s) or permittee(s) for inspection. In the event of any unauthorized use or disclosure of data or information by the contractor or agent, or by an employee thereof, the responsible contractor or agent or employee thereof shall be liable for penalties pursuant to section 24 of the Act.

(e)(1) After delivery of data or information in accordance with paragraph (b)(1) of this section, and upon receipt of a request for reimbursement and a determination by the Director that the requested reimbursement is proper, the lessee shall be reimbursed for the cost of reproducing the data or information at the lessee's lowest rate or at the lowest commercial rate established in the area, whichever is less. Requests for reimbursement must be made within 60 days of the delivery date of the data or

information requested under paragraph (b)(1) of this section.

(2) After delivery of data or information in accordance with paragraph (b)(3) of this section, and upon receipt of a request for reimbursement and a determination by the Director that the requested reimbursement is proper, the lessee or permittee shall be reimbursed for the cost of processing or reprocessing and of reproducing the requested data or information. Requests for reimbursement must be made within 60 days of the delivery date of the data or information and shall be for only the costs attributable to processing or reprocessing and reproducing, as distinguished from the costs of data acquisition.

(3) After delivery of data or information in accordance with paragraph (b)(2) of this section, and upon receipt of a request for reimbursement and a determination by the Director that the requested reimbursement is proper, the permittee shall be reimbursed for the reasonable costs attributable to reproducing the data and information and, also, for processing or reprocessing costs at the lowest rate at which the processed or reprocessed information is made available by the permittee to any purchaser. The permittee shall be reimbursed on the basis of the maximum discount rate offered by the permittee with respect to the requested data or information regardless of the quantity of data or information requested by the Director. The permittee shall refund to the United States any amount paid by the United States in excess of the amount paid by any other purchaser of the same processed information, unless the lower amount is paid by a purchaser in connection with a subsequent purchase made more than 2 years after the date that the data or information was delivered to the Director.

(4) Requests for reimbursement are to contain a breakdown of costs in sufficient detail to allow separation of reproduction, processing, and reprocessing costs from acquisition and other costs.

(f) Each Federal Department or Agency shall provide the Director with any data which it has obtained pursuant to section 11 of the Act and any other information which may be necessary or useful to assist the Director in carrying out the provisions of the Act.

§ 252.4 Summary Report to affected States.

(a) The Director, as soon as practicable after analysis, interpretation, and compilation of oil and gas data and information developed by the Geological Survey or furnished by lessees, permittees, or other government agencies, shall make available to affected States and, upon request, to the executive of any affected local government, a Summary Report of data and information designed to assist them in planning for the onshore impacts of potential OCS oil and gas development and production. The Director shall consult with affected States and other interested parties to define the nature, scope, content, and timing of the Summary Report. The Director may consult with affected States and other interested parties regarding subsequent revisions in the definition of the nature, scope, content, and timing of the Summary Report. The Summary Report shall not contain data or information which the Director determines is exempt from disclosure in accordance with this part. The Summary Report shall not contain data or information the release of which the Director determines would unduly damage the competitive position of the lessee or permittee who provided the data or information which the Director has processed, analyzed, or interpreted during the development of the Summary Report. The Summary Report shall include:

(1) Estimates of oil and gas reserves; estimates of the oil and gas resources that may be found within areas which the Secretary has leased or plans to offer for lease; and when available, projected rates and volumes of oil and gas to be produced from leased areas;

(2) Magnitude of the approximate projections and timing of development, if and when oil or gas, or both, is discovered;

(3) Methods of transportation to be used, including vessels and pipelines and approximate location of routes to be followed; and

(4) General location and nature of near-shore and onshore facilities expected to be utilized.

(b) When the Director determines that significant changes have occurred in the information contained in a Summary Report, the Director shall prepare and make available the new or revised information to each affected State, and, upon request, to the executive of any affected local government.

§ 252.5 Information to be made available to affected States.

(a) The Director in conjunction with the Director of the Bureau of Land Management shall prepare an index of OCS information (see 43 CFR 3300.2). The index shall list all relevant actual or proposed programs, plans, reports, environmental impact statements, nominations information, environmental study reports, lease sale information, and any similar type of relevant information, including modifications, comments, and revisions prepared or directly obtained by the Director under the Act. The index shall be sent to affected States and, upon request, to any affected local government. The public shall be informed of the availability of the index.

(b) Upon request, the Director shall transmit to affected States, affected local governments, and the public a copy of any information listed in the index which is subject to the control of the Geological Survey, in accordance with the requirements and subject to the limitations of the Freedom of Information Act (5 U.S.C. 552) and implementing regulations. The Director shall not transmit or make available any information which he determines is exempt from disclosure in accordance with this part.

§ 252.6 Freedom of Information Act requirements.

(a) The Director shall make data and information available in accordance with the requirements and subject to the limitations of the Freedom of Information Act (5 U.S.C. 552), the regulations contained in 43 CFR Part 2 (Records and Testimony), the requirements of the Act, and the regulations contained in 30 CFR Part 250 (Oil and Gas and Sulphur Operations in the Outer Continental Shelf) and 30 CFR Part 251 (Geological and Geophysical Explorations of the Outer Continental Shelf).

(b) Except as provided in § 252.7 or in Parts 250 and 251 of this chapter, no data or information determined by the director to be exempt from public disclosure under paragraph (a) of this section shall be provided to any affected State or be made available to the executive of any affected local government or to the public unless the lessee, or the permittee and all persons to whom such permittee has sold such data or information under promise of confidentiality, agree to such action.

§ 252.7 Privileged and proprietary data and information to be made available to affected States.

(a)(1) The Governor of any affected State may designate an appropriate State official to inspect, at a regional location which the Director shall designate, any privileged or proprietary data or information received by the

Director regarding any activity in an area adjacent to such State, except that no such inspection shall take place prior to the sale of a lease covering the area in which such activity was conducted.

(2)(i) Except as provided for in 30 CFR 250.4 and 251.14, no privileged or proprietary data or information will be transmitted to any affected State unless the lessee who provided the privileged or proprietary data or information agrees in writing to the transmittal of the data or information.

(ii) Except as provided for in 30 CFR 250.4 and 251.14, no privileged or proprietary data or information will be transmitted to any affected State unless the permittee and all persons to whom the permittee has sold the data or information under promise of confidentiality agree in writing to the transmittal of the data or information.

(3) Knowledge obtained by a State official who inspects data or information under paragraph (a)(1) or who receives data or information under paragraph (a)(2) of this section shall be subject to the requirements and limitations of the Freedom of Information Act (5 U.S.C. 552), the regulations contained in 43 CFR Part 2 (Records and Testimony), the Act (92 Stat. 629), the regulations contained in 30 CFR Part 250 (Oil and Gas and Sulphur Operations in the Outer Continental Shelf), the regulations contained in 30 CFR Part 251 (Geological and Geophysical Explorations of the Outer Continental Shelf), and the regulations contained in this Part 252 (Outer Continental Shelf Oil and Gas Information Program).

(4) Prior to the transmittal of any privileged or proprietary data or information to any State, or the grant of access to a State official to such data or information, the Secretary shall enter into a written agreement with the Governor of the State in accordance with section 26(e) of the Act (43 U.S.C. 1352). In that agreement the State shall agree, as a condition precedent to receiving or being granted access to such data or information to: (i) protect and maintain the confidentiality of privileged or proprietary data and information in accordance with the laws and regulations listed in paragraph (a)(3) of this section; (ii) waive the defenses as set forth in paragraph (b)(2) of this section; and (iii) hold the United States harmless from any violations of the agreement to protect the confidentiality of privileged or proprietary data or information by the State or its employees or contractors.

(b)(1) Whenever any employee of the Federal Government or of any State reveals in violation of the Act or of the provisions of the regulations implementing the Act, privileged or proprietary data or information obtained pursuant to the regulations in this chapter, the lessee or permittee who supplied such information to the Director or any other Federal official, and any person to whom such lessee or permittee has sold such data or information under the promise of confidentiality, may commence a civil action for damages in the appropriate district court of the United States against the Federal Government or such State, as the case may be. Any Federal or State employee who is found guilty of failure to comply with any of the requirements of this section shall be subject to the penalties described in section 24 of the Act (43 U.S.C. 1350).

(2) In any action commenced against the Federal Government or a State pursuant to paragraph (b)(1) of this section, the Federal Government or such State, as the case may be, may not raise as a defense any claim of sovereign immunity, or any claim that the employee who revealed the privileged or proprietary data or information which is the basis of such suit was acting outside the scope of the person's employment in revealing such data or information.

(c)If the Director finds that any State cannot or does not comply with the conditions described in the agreement entered into pursuant to paragraph (a)(4) of this section, the Director shall thereafter withhold transmittal and deny access for inspection of privileged or proprietary data or information to such State until the Director finds that such State can and will comply with those conditions.

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Part IV

Environmental Protection Agency

Proposed Regulations for Registration of Pesticides by States to Meet Special Local Needs

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 162]

[OPP-3003A; FRL 1237-3]

Proposed Regulations for Registraton of Pesticides by States to Meet Special Local Needs

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This document proposes rules for the registration of pesticides by the States to meet special local needs, as authorized by sections 24(c) and 25(a) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended [FIFRA] (sections 22 and 23, Pub. L. 95-396, 92 Stat. 819; 7 U.S.C. 136 *et seq.*).This proposed rule would clarify the scope of the authority granted to the States by the statute, describe registration procedures for EPA's exercise of its statutory power to disapprove certain State and registrations and to suspend State registration authority.

DATE: Comments must be received on or before September 6, 1979.

ADDRESSES: Interested persons are invited to participate in this proposed rulemaking by submitting written comments to the Document Control Officer, ATTN: Pesticides, Chemical Information Division, (TS-793), Office of Toxic Substances, Office of Pesticide Programs, EPA, Rm. E447, 401 M St., S.W., Washington, D.C. 20460. Comments should be filed in triplicate if possible, and should bear the identifying notation "OPP-30003A." All written comments filed will be available for public inspection from 8:30 a.m. to 4:00 p.m., Monday through Friday (excluding holidays), at the above address.

FOR FURTHER INFORMATION CONTACT: P. H. Gray Jr., Section 24(c) Working Group Leader, (TS-770-M), Office of Pesticide Programs, EPA, 401 St., S.W., Washington, D.C. 20460, 202-472-9400.

SUPPLEMENTARY INFORMATION: These rules are being proposed under the authority of sections 24(c) and 25(a)(1) of FIFRA and will be designated as §§ 162.150-162.155, Subpart B, Part 162, Title 40 of the Code of Federal Regulations. Subpart A of Part 162 establishes procedures and criteria for the registration of pesticides under section 3 of FIFRA.

The rules proposed as Subpart B are offered in lieu of the proposed rules establishing the interim section 24(c) program published on September 3, 1975 (40 FR 40538). When promulgated, these new rules will also replace the transitional section 24(c) policy statement signed on October 5, 1978, by the Deputy Assistant Administrator for Pesticide Programs.

Background

On September 30, 1978, the Federal Pesticide Act of 1978 (Pub. L. 95-396, 92 Stat. 819) amending the Federal Insecticide, Fungicide, and Rodenticide Act, (FIFRA) went into effect. The many changes made in FIFRA by Pub. L. 95-396 are described in another notice published in the **Federal Register** on January 19, 1979 (44 FR 4352).

Among the sections of FIFRA which were substantially modified is section 24(c) (section 2 of Pub. L. 95-396), which authorizes the States to register "additional uses of federally registered pesticides . . . to meet special local needs". To a significant degree, amendments to section 24(c) broaden State authority to issue such registrations, while they correspondingly limit EPA's authority over the State registration process. For example, the former requirement that States obtain certification from EPA prior to registering pesticides has been eliminated, and registration authority has been given directly to the States. Also, EPA's former broad authority to disapprove specific State registrations is now subject to certain express procedural and substantive restrictions. Nevertheless, EPA retains the ultimate responsibility for ensuring that the States act in accord with the purposes of FIFRA and for preventing unreasonable adverse effects on the environment. Implementation of this new relationship, therefore, requires close cooperation between EPA and the States.

This redistribution of authority necessitated the complete and immediate revision of the "Interim" program established by EPA in 1975 to implement the original version of section 24(c), including the proposed regulations accompanying the "Interim" program [40 FR 40438-40545 (September 3, 1975)]. Since regulations required to carry out the amended section could not be promulgated for some time, and since the need for States to register pesticides was continuous and substantial, EPA determined that the necessary revision must first appear in the form of a policy statement.

Accordingly, on October 25, 1978, after substantial public participation, the Deputy Assistant Administrator for Pesticide Programs, EPA, signed into effect a temporary transitional policy for implementing the amended section 24(c). [See Attachment.] This policy was written to serve as a guide to the States, to registrants, and to other interested parties, until such time as regulations under section 24(c) could be promulgated.

Discussion of Major Provisions and Issues

Definitions

The definitions contained in FIFRA and in 40 CFR 162.3 of the rules for registration under Section 3 of FIFRA also apply to proposed § 162.151. Several definitions are provided for new terms, such as "similar composition" and "similar use pattern" which differ somewhat from the meaning given them in the transitional policy statement. "Similar composition" now refers to a State registered product which has the same active ingredients, and is in the same toxicity category, as the federally registered product to which it is compared. The term no longer requires that active ingredients be in the same percentages as the federally registered product, or that the formulation type be the same.

"Similar use pattern" continues to be interpreted broadly and is now defined simply as a pesticide use which is substantially similar to, and which does not require different precautionary labeling than, the federally registered uses to which it is compared. Changed use patterns, as defined in 40 CFR 162.3(k), are not considered similar use patterns. EPA wishes to point out that a change in precautionary labeling, incorporated by a State in supplemental labeling under section 24(c) in response to local conditions, rather than because the federal labeling standards require such a change, does not necessarily mean that the State registered use is not "similar" to a federally registered use.

Although EPA has responded to comments from State officials concerned about the above definitions, it should also be pointed out that these terms do not limit the scope of State registration authority. States have as much authority to issue registrations which are not similar to federal registration as they do to issue registrations which are similar. Rather, these terms primarily concern EPA's authority to disapprove State registrations.

In addition, EPA is proposing a definition of "special local need." This definition is included in response to comments received from State officials and other persons who feel that there must be some sort of guidance for States in order that the states may determine whether a special local need exists. On

the other hand, several persons commented that the States should have the responsibility to decide whether a given situation constitutes a special local need, and must have a substantial degree of discretion in order to do so effectively. Accordingly, EPA's proposed definition will meet this legitimate concern. The definition in § 162.151(j) requires that an actual pest problem exist in the State, which cannot be effectively controlled by an appropriate federally registered product. However, the definition clearly leaves the State free to decide whether such a problem actually exists, and whether any federally registered products are appropriate and available, based on information obtained. Such information may include expert opinion based on facts observed by a qualified expert employed or consulted by the State. However, a testimonial opinion given without explanation of its factual basis is not sufficient in itself to support a finding of a special local need.

The proposed definition of "federally registered," § 162.151(a), is slightly different from the meaning of that term as used during the Interim section 24(c) program. As now defined, the term includes only current registrations initially issued by the Administrator under section 3 of FIFRA, as amended, 7 U.S.C. 136a, or by the Administrator or the Secretary of Agriculture under section 4 of the FIFRA of 1947, 7 U.S.C. 135b.

Finally, the term "manufacturing-use product" is also defined in the proposed rule. This term merely refers to the use of technical grade products in the formulation of end use products, and is used in § 162.152(c) to help describe the scope of State registration authority.

State Registration Authority

Several persons who read the transitional policy statement commented that the statement did not clearly describe the types of registrations which States may issue under section 24(c)(1). EPA has considered at length these and other comments, as well as the language of, and Congressional intent behind, section 24(c)(1). EPA has concluded that the statutory language authorizing State registrations of "additional uses of Federally registered pesticides" clearly authorizes registration of additional uses of pesticide products currently registered by EPA under section 3 of FIFRA. On the other hand, there is some question as to whether section 24(c)(1) also authorizes State registration of *new* pesticide products. A strict interpretation of the statutory language might indicate that States are not authorized to issue any registration for a product not currently registered by EPA. However, EPA believes that Congress did not intend to limit the States in this manner. Such an interpretation would prevent the States from issuing new product registrations which they were authorized to issue under the original section 24(c). This result would be inconsistent with Congress' general intent to broaden State registration authority under the amended section. In addition, the legislative history of the section 24(c) amendments contains several references to State registration of "pesticides" which indicate that Congress intended to give the States authority to register some new products.

Accordingly, proposed § 162.152(b)(2) indicates that States are authorized to register many types of new products, as under the Interim section 24(c) program. Proposed § 162.152(b)(2)(ii)(C) points out, however, that section 24(c)(1) only authorizes States to register products formulated with ingredients found in Federally registered products, i.e., products registered under section 24(c) cannot contain new chemicals.

Section 162.152(b)(2)(iii) clarifies that States are not authorized to register new technical grade products. This provision is necessitated by the language of section 24(c)(1) which limits State authority to registration of pesticides "formulated for distribution and use within that State * * *" That language means that products, or uses, registered by a State must be for end use within the State. In addition, if States were authorized to register technical grade materials, registrants could then easily use section 24(c) as a means to avoid the requirements of section 3(c)(1)(D) [data use compensation], thereby negating the purpose and intent of the latter section. Since FIFRA must be construed as whole, it is necessary to interpret section 24(c) in a manner consistent with section 3(c)(1)(D), and not in a manner which would upset the section 3(c)(1)(D) program. Therefore, technical grade materials, which are formulated solely for use in the manufacture of other products, are not covered by the statutory grant of authority.

It has also been suggested that section 24(c)(1) was intended to limit State authority to registration of products formulated only from federally registered technical grade materials. This suggestion would bar State registrants from producing technical grade materials for their own use in manufacturing State registered end use products, unless they had first obtained a Federal registration for the technical grade product. This interpretation would be consistent with the purpose and intent of section 3(c)(2)(D), and with EPA's policy of preventing contamination of end use products by checking technical grade materials for impurities. EPA encourages the public to comment on this issue and will respond to such comments when the final section 24(c) regulations are published.

Proposed § 162.152(b) also clarifies the prohibition in section 24(c)(1) against State registrations involving products for which registration of some uses has been denied, disapproved, or cancelled by the administrator. EPA interprets this prohibition as extending implicitly to cases where Federal registration has been suspended by EPA, and as applying equally to registrations of both new products and amendments to Federal registrations. EPA also believes that the statute authorizes registration of any use of a product for which registration has not been specifically denied, disapproved, suspended, or cancelled. However, to ensure close cooperation by the States and EPA in carrying out their joint duty to prevent the registration of a use of a product which could cause an imminent hazard to man or the evironment, proposed § 162.152(b) requires States to consult with EPA prior to issuing registrations for some uses of products subject to partial denial, disapproval, suspension, or cancellation.

On this same topic, it has been suggested that the prohibition or limitations on State registration involving cancelled Federal registrations should expressly exclude voluntary cancellations by the registrant, unless the voluntary cancellation occurs subsequent to an EPA notice of intent to cancel. EPA also encourages public comment on this important issue.

Paragraph (a) in § 162.152 lists the conditions which section 24(c) expressly requires each State registration to meet in order for it to be considered valid under FIFRA. These include the conditions that a special local need for the registration exist; that clearances under the Federal Food, Drug, and Cosmetic Act [FFDCA] have been granted, if the pesticide is used on food or feed; and that registration for use of the product has not been denied, disapproved, or cancelled; and that the State registration is otherwise consistent with FIFRA. Clearances or tolerances for residues on food or feed under FFDCA must have been granted for all active and inert ingredients in the product, as well as all metabolites and by-products created by the product.

In addition, it should be noted that tolerances under the FFDCA are based on data from specific use patterns which are described in the products' labeling. When any of the usage parameters (e.g., dosage, frequency or timing of application, preharvest intervals) is changed, the level of the resulting residues may also change. In some cases, these changes could result in residues exceeding the tolerance level established for that pesticide. In such cases, the registration would be considered invalid under § 162.152 of the proposed rule, and, in addition, any contaminated food or feed would be subject to seizure and destruction under section 402(a)(2) of the FFDCA. Therefore, when a State is considering registration of a pesticide for a use different from any use of that pesticide for which a tolerance has been established, the State should evaluate residue data for the new use pattern. If the data evaluated indicates above-tolerance residues would result, then the registration should not be issued. If it is nonetheless, it will be considered invalid by EPA under FIFRA.

Proposed § 162.152(c) discusses the effect which a State registration has under FIFRA. It points out that valid State registrations are equivalent to registrations issued by EPA for all purposes under FIFRA. For example, registrations under section 24(c) are subject to section 6 [suspension and cancellation] and 13 [Stop-sale, use, removal, and seizure orders] of FIFRA. On the other hand, section 24(c) registrations are not subject to those provisions of section 3 of FIFRA which apply only to applications for registration under section 3 [e.g., exclusive data use and data compensation]. This is because the language in section 24(c)(1) equating valid State registrations to Federal registrations clearly does not apply to mere applications for State registration, but only to registrations actually issued. Therefore, only those provisions of FIFRA which come into play after issuance of a Federal registration will be applicable to registrations under section 24(c). In addition, the data use and compensation provisions of section 3(c)(1)(D), by their own terms, apply only to applicants for registration by EPA.

Finally, paragraph (c) makes it clear that States are free to impose time limits on, or revoke or suspend, parallel State law registrations issued by them, as permitted by State law. Such actions will, for all practical purposes, effectively limit or terminate the registration within that State, even though they do not automatically affect the technical validity of the FIFRA registration for purposes of Federal law. However, if the State action is based on health, safety, environmental, or other substantial concerns, EPA will, in consultation with the State, take appropriate action under FIFRA. Such action may include suspension or cancellation of the registration under section 6 of FIFRA.

State Registration Procedures

Proposed § 162.153 describes registration procedures which States must follow in issuing registrations under section 24(c). EPA believes that the procedures described in § 162.153 represent the minimal requirements which, as experience under the Interim program has shown, are necessary to enable States to prevent the registration of products, and uses thereof, which would be harmful to man or the environment. Such procedures must be followed in order for EPA and the States to be able to work in an informed and effective manner as partners in the regulation of pesticide use.

Proposed § 162.153(a) outlines the basic information which must accompany every application for registration under section 24(c). This includes a copy of all draft labeling for State review. However, as requested by several commenters, and in accordance with practices followed under the Interim programs, labeling for proposed amendments to Federal registrations may be satisfied by submission of the labeling from the federally registered product, together with supplemental labeling meeting the criteria of proposed § 162.153(e)(3).

In keeping with Congress' intent to broaden State responsibility under section 24(c), proposed § 162.153(b) gives States discretion to decide whether a special local need (as defined in § 162.151) exists for a proposed registration. Section 162.153(b) does, however, describe two situations which a State may consider as not involving a special local need, based on language contained in the December 1978 Report of the State-Federal Issues Research and Evaluation Group [SFIREG] Working Committee on Registration and Classification. In any case, however, States must take special care to prevent section 24(c) from being used by registrants to circumvent the requirements of section 3.

Proposed § 162.153(c) would require States to conduct hazard reviews before issuing registrations for certain products or uses in situations which might involve the creation of unreasonable adverse effects on the environment, including registration of products with compositions or uses never registered by EPA. Both § 162.153(c) and § 162.153(d) [efficacy reviews] require the States to base their determinations on data and criteria equivalent to those used by EPA in making hazard and efficacy decisions under section 3 of FIFRA. To this end, § 162.153 (c) and (d) [incorporate by reference provisions] of 40 CFR Parts 162 and 163, regulations and guidelines issued under section 3. EPA notes that additional, more specific, information on hazard and efficacy reviews will be contained in new guidelines to be added to Part 163. If those guidelines are promulgated before this rule, the references in § 162.153 (c) and (d) will be modified accordingly.

Proposed § 162.153(d) differs from the Interim proposed rules of 1975 in that it would require States to determine the efficacy of a product, or use thereof, only when it is intended for registration for a use which could adversely affect the public health should the product not prove efficacious. This includes applications for each product bearing a claim to control organisms that threaten human health, either directly or through transmittal of diseases, such as: antimicrobial agents for control of hazardous microorganisms infectious to man; formulations for control of vertebrates that may transmit disease to man; and products intended to control mosquitos, cockroaches, fleas, ticks, lice, biting flies, houseflies, poisonous spiders, fire ants, hornets, wasps, bedbugs, scorpions, centipedes, or aflatoxin-producing fungi. This more limited requirement is consistent with EPA's current policy for dealing with new registrations under section 3 of FIFRA. However, EPA realizes that many States may wish to, or are required to, make efficacy determinations for all applications. EPA encourages such States to do so, especially since section 3(c)(5) of FIFRA also implicitly encourages such a procedure by establishing a presumption that the Administrator will waive efficacy data under section 3(c) whenever a State has found a product to be efficacious.

Proposed § 162.153(e) specifies in more detail than the proposed 1975 rules what the labeling for section 24(c) registrations must contain. In general, the labeling must meet the requirements of federally approved labeling under 40 CFR 162.10. Information to be contained in supplemental labeling for amendments to federal registrations represents the minimum information needed to ensure safe use of the product

should the supplemental labeling be inadvertently separated from the original federally approved labeling. [EPA emphasizes, however, that both supplemental and original labeling for such products *must*, under section 12 of FIFRA, accompany the product at the time of use.] In addition, the section makes allowances for States exercising their power to impose additional restrictions on pesticide use, by permitting the addition of new precautions and restrictions on supplemental labeling for any State registered product.

Proposed § 162.153(g) specifies situations in which a State must classify a product or use as a restricted use pesticide. In general, this must be done when the registration is for a product similar to a federally restricted use pesticide, or for an additional use of a federally restricted use pesticide. Of course, States have the discretion to restrict, or not to restrict, any product or use not specifically required to be restricted by this rule. However, since valid registrations issued under section 24(c) are considered "federal registrations" under FIFRA, any action by EPA to restrict a pesticide use will automatically apply to all valid registrations previously issued under section 24(c) for that pesticide [see 43 FR 5782]. In such a case, EPA will have the responsibility for notifying the affected section 24(c) registrants of the classification and for ensuring that the labeling of the pesticides reflects the restriction [see 40 CFR 162.11(d) and 162.30 (c)(3) and (d)]. Of course, in all such cases, EPA will communicate directly with affected States in order that the States may take any necessary action under State law consistent with the EPA decision.

Consistent with previous agreements between EPA and representatives of the States, § 162.153(h) requires states to notify EPA of each registration or amendment or revocation thereof. In addition, under proposed § 162.153(h)(4), EPA may request States to submit data used by the State in making a determination under § 162.153(c) that a registration will not cause an imminent hazard in cases involving new products with new compositions, or new uses for a federally registered product subject to denial, disapproval, suspension, or cancellation by EPA, or subject to a notice of intent to deny, disapprove, suspend, or cancel. Such information will be needed by EPA to ensure that the registration does not involve an imminent hazard or a violation of the Federal Food, Drug, and Cosmetic Act. However, it has also been suggested that § 162.153(h)(2) should be expanded to allow EPA to request hazard data from the States in every case in which a State is required by § 162.153(c) to make a hazard determination. In effect, this would mean expanding § 162.153(h)(2) to include cases where the State has registered a new use of a product not similar to any federally registered use of that same product or of a product with a similar composition. In some such cases, hazard data might be essential to EPA in determining whether an imminent hazard exists. EPA invites the public to comment on this suggestion.

Section § 162.153(i) requires the Administrator to publish in the **Federal Register** periodic summaries of State registrations. This requirement is inserted at the request of State officials who believe that such a procedure is needed to enable the States to keep abreast of section 24(c) actions across the nation. EPA acknowledges this need and encourages States to take advantage of this procedure, when it is implemented, so that States may observe whether a particular registration has been issued by other States on an interregional or nationwide basis.

Disapproval of State Registrations

Proposed § 162.154 specifies grounds and procedures for the exercise of EPA's authority to disapprove individual State registrations issued in violation of FIFRA or of Subpart B. As pointed out earlier, the scope of EPA's authority generally depends on whether the State registration involves a product with composition and use pattern similar to a federal registered product. If the State registered product is a "similar product", EPA cannot disapprove the registration unless it would create an imminent hazard or violate the Federal Food, Drug, and Cosmetic Act requirements for use on food or feed. If the State registered product is not similar, in either composition or use pattern, to the federally registered product, then EPA may disapprove the State registration on any reasonable grounds.

Disapproval of State registrations is, of course, not the same as refusal, suspension, or cancellation of registrations under sections 3 and 6 of FIFRA. Therefore, holders of disapproved State registrations are not subject to the indemnity provisions of section 15 of FIFRA.

Procedures for disapproval include a requirement for prior written notification to, and consultation with, the registering State in all cases except those involving an imminent hazard or a violation of the Federal Food, Drug, and Cosmetic Act. In those two situations, the administrator is authorized by section 24(c) to disapprove a registration immediately. However, in such cases, EPA intends to follow the procedures for prior written notification and consultation with the State whenever possible. In addition, even in those few cases where such procedure must be omitted because of the imminence of potential harm, EPA will give the registering state informal notice of the disapproval prior to publication of the formal notice of disppproval. Furthermore, in such a case the proposed rule provides for subsequent consultation, on request, with the State.

Other procedures contained in proposed § 162.154 also offer the States a full measure of participation in the disapproval process. Except in those cases where immediate disapproval is authorized and appropriate, EPA will provide the States with a prior notice of *intent* to disapprove, specifying grounds therefor, and inviting the State to consult with EPA officials. Similarly, before rescinding a previously issued disapproval notice, EPA will consult with the affected State as to the advisability of such an action. EPA hopes that the States will take full advantage of these opportunities to cooperate with EPA in the exercise of this important function.

Finally, proposed § 162.154(c) provides that all procedures for disapproving a State registration, or amendment thereto, must be completed within 90 days of the registration action (or within 90 days of EPA's receipt of notification of the State action if such notice is delayed beyond the ten days allowed by § 162.153(h)), except in those cases involving an imminent hazard or a violation of the FFDCA. EPA interprets the 90 day limitation imposed by section 24(c) as not applying to these two types of disapprovals since the apparent purpose of the 90 day period is to allow EPA enough time to comply with procedural requirements which are not applicable to such disapprovals.

Suspension of State Authority

Proposed § 162.155 specifies grounds and procedures for suspension of State registration authority. Suspension may be imposed under section 24(c)(4) if a State lacks "adequate controls", or fails to exercise adequate controls, over its registration program. The statute directs EPA to specify by regulation what it considers to be "adequate controls". Accordingly, § 162.155(b) describes what EPA considers to be the minimal personnel resources, procedures, and legal authorities necessary for a State to

implement a registration program which "assures that State registration[s] . . . will be in accord with the purposes of" FIFRA, but which accords the State maximum flexibility in designing their programs.

Section 162.155(b) also provides for a flexible response by EPA should a State prove unable to maintain a completely adequate program. This paragraph will permit the Administrator to suspend that part of a State's authority for which it lacks adequate controls, while leaving intact those parts of the State's authority for which it has, and exercises, control.

Finally, the procedures for suspension, like those for disapproval of registrations, have been drafted to provide for maximum cooperation between EPA and the States. Prior to deciding whether to suspend any State's authority, the Administrator will send written notification of his intent to that State, specifying the grounds for concern, and inviting the State to consult with EPA officials. Of course, before such formal procedures are begun, the Administrator will seek resolution of any apparent problems through informal, private, negotiations with the State. Only if all such formal and informal proceedings do not produce a satisfactory solution to such deficiencies will the Administrator finally suspend a State's authority.

Provisions Not Applicable to States

Section 162.156 contains several requirements derived directly from FIFRA which apply to producers, registrants, and users of State registered pesticides. Paragraph (a) points out that State registrations not issued in accordance with section 24(c) and proposed § 162.152 (a) and (b) are unauthorized and invalid for all purposes under FIFRA. In such a case, EPA may notify the State that the registration is not valid, and may specify the reason(s) why. However, such notification is not equivalent to a notice of disapproval. In order to implement the Administrator's authority to *disapprove* a registration under section 24(c), positive action, including notice to the State, is required. On the other hand, a State registration which does not satisfy the basic conditions imposed by section 24(c), as listed in proposed § 162.152 (a) and (b), is automatically invalid, even without any affirmative actin being taken by EPA. Therefore, a notice of invalidity may be issued by EPA at any time and in any form deemed reasonable by the Administrator.

Distribution of a pesticide product under an invalid State registration is a violation of section 12 of FIFRA. In addition, distribution and use of a pesticide under a valid State registration must be made in accordance with the provisions of section 12. EPA wishes to point out that a pesticide which has been issued a valid registration by one State, may be shipped to that State from any other State without violating section 12(a)(1)(A).

Paragraph (b) and (c) of § 162.156 point out that sections 7 (establishment registration) and 8 (recordkeeping) of FIFRA, and rules thereunder, are applicable to *all* pesticide producers, including producers of State registered pesticide products.

Miscellaneous

Several comments on the transitional policy statement indicate that some confusion exists as to the status of "third party" and "me-too" registrants under the transitional policy. EPA believes that the current proposed rule is clear, but wishes to emphasize that "third party" registration (registration in a State for a new use of a federally registered product by a person other than the federal registrant), if permitted by State law, is possible under this rule. In addition, it should be noted that such a registration is not a new product registration as long as the formula and formulation type, the package, and the formulator, of the State registered product are the same as those for the federally registered product. However, EPA must reject one commenter's suggestion that the rules impose "full liability" for use of the product on "third party" registrants who do not obtain consent to the State registration from the federal registrant. Such matters are not within the scope of this rule, or within EPA's jurisdiction, but are, rather, matters to be resolved under the State law or between the affected parties.

Similarly, "me-too" registrations (registration in a State by a new formulator of a product which is already registered by another formulator), if authorized by State law, are also permitted under this rule, if the State determines that a special local need for the registration exists.

EPA must also reject a suggestion that these rules require "me-too" and "third party" registrants to notify the prior registrant(s) of the new registration. Such a requirement is not necessary to the effective implementation of section 24(c), and is an issue which should be settled under State law, or as a business matter. However, EPA encourages "third party" registrants to provide such notice, and to seek consent where appropriate, in order that State registrations may be issued in an informed, responsible fashion [see EPA P.R. Notice 77-3 of 5/17/77].

Regulatory Analysis

EPA has determined that this rule does not require a Regulatory Analysis under Executive Order 12044. A screening study to this effect is available for review.

Statutory Review

The U.S. Department of Agriculture has reviewed the proposed regulation in accordance with section 25(a) of FIFRA and concurs without comments in its publication in the **Federal Register.**

The regulation was also submitted for scientific review and comment to the FIFRA Scientific Advisory Panel (SAP) in accordance with section 25(d) of FIFRA. In a report dated May 11 to the EPA Deputy Assistant Administrator for Pesticide Programs, the SAP concurred without comment in the proposed regulation.

Regulatory Review

Section 2(d)(8) of Executive Order 12044 requires that a plan for evaluating the regulation after its issuance be developed. The Agency's plan for evaluation of this rule calls for an analysis by EPA of the regulation and its effect on State regulatory agencies and registrants, in cooperation with the State-FIFRA Issues Research and Evaluation Group. This evaluation will be performed within five years from the date of promulgation of this rule, and a determination will then be made, based upon such evaluation, as to whether modification of the rule is necessary.

Dated: July 31, 1979.

Douglas M. Costle,

Administrator.

It is proposed to amend 40 CFR Part 162 by establishing Subpart B, to read as follows:

Subpart B—Regulations Pertaining to State Registration of Pesticides to Meet Special Local Needs

Sec.

162.150 General.
162.151 Definitions.
162.152 State registration authority.
162.153 State registration procedures.
162.154 Disapproval of State registrations.
162.155 Suspension of State registration authority.
162.156 General requirements.

Authority.—Sections 24(c) and 25(a) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (sections 22 and 23, Pub. L. 95-396, 92 Stat. 819; 7 U.S.C. 136 *et seq.*)

§ 162.150 General.

(a) *Scope.* This subpart sets forth regulations governing the registration by any State of pesticide products, or uses thereof, formulated for distribution and use within the State to meet special local needs. It also sets forth regulations governing the exercise by the Administrator of the power to disapprove specific State registrations and to suspend a State's registration authority. Unless otherwise indicated, any reference herein to registrations issued by a State includes amendments of registrations issued by States.

(b) *Applicability.* This subpart applies only to State registration authority granted by section 24(c) of FIFRA. It does not apply to any authority granted or procedures established by State law with respect to registration, licensing, or approval required for use within the State of federally registered pesticide products. In addition, this subpart does not apply to products or uses registered by a State prior to August 4, 1975, which were not subsequently registered by the State under section 24(c), or by EPA, and which have continued in intrastate commerce in accordance with 40 CFR 162.17.

§ 162.151 Definitions.

Unless otherwise indicated, terms used in the subpart have the meanings set forth in the Act and in subpart A of this part. In addition, *as used in this subpart,* the following terms have the meanings set forth below:

(a) "Federally registered" means currently registered after having been registered under the Federal Insecticide, Fungicide and Rodenticide Act by the Secretary of Agriculture, or by the Administrator.

(b) "Manufacturing-use product", means any pesticide product other than a product to be labeled with directions for end use. This term includes any product intended for use as a pesticide after re-formulation or repackaging.

(c) "New product" means a pesticide product which is not a federally registered product.

(d) "Pest problem" means (1) a pest infestation and its consequences, or (2) any condition requiring the use of plant regulators, defoliants, or desiccants.

(e) "Product," or "pesticide product" means a pesticide offered for distribution and use, and includes any labeled container and any supplemental labeling.

(f) "Similar composition" refers to a pesticide product which contains only the same active ingredient(s), or combination of active ingredients, and which has the same category of toxicity, as a federally registered pesticide product.

(g) "Similar product" means a pesticide product which, when compared to a federally registered product, has a similar composition and a similar use pattern.

(h) "Similar use pattern" refers to a use of a pesticide product which, when compared to a federally registered use of a product with a similar composition, does not require a change in precautionary labeling under § 162.10(h), and which is substantially the same as the federally registered use. Registrations involving changed use patterns are not included in this term.

(i) "Special local need" means an existing or imminent pest problem within a State for which the State lead agency, based upon satisfactory supporting information, has determined that an appropriate federally registered pesticide product is not sufficiently available.

(j) "State," or "State lead agency," as used in this subpart means the State agency designated by State law or other authority to be responsible for registering pesticides to meet special local needs.

§ 162.152. State registration authority.

(a) *Statutory limitations.* In accordance with section 24(c) of the Act, each State is authorized to register a new product for any use, or an additional use of a federally registered pesticide product, if the following conditions exist:

(1) There is a special local need for the use within the state;

(2) The use is covered by necessary tolerances, exemptions or other clearances under the Federal Food, Drug and Cosmetic Act (21 U.S.C. 346 et seq.), if the use is a food or feed use;

(3) Registration for the same use has not previously been denied, disapproved, suspended or cancelled by the Administrator, because of health or environmental concerns about an ingredient contained in the pesticide product, unless such denial, disapproval, or suspension or cancellation has been superceded by subsequent action of the Administrator;

(4) The registration would be in accord with the purposes of FIFRA.

(b) *Types of registrations.* (1) *Amendments to Federal registrations.* (i) Subject to the provisions of paragraph (a) and paragraph (b)(1)(ii) of this section, States may register any new use of a federally registerd pesticide product.

(ii) States may register any use of a federally registered product for which registration of other uses of the product was denied, disapproved, suspended, or cancelled by the Administrator, provided that the State may register a use not considered by the Administrator in reaching such a determination only after the State consults with appropriate EPA personnel.

(2) *New products.* (i) Subject to the provisions of paragraph (a) and paragraphs (b)(2)(ii)–(iii) of this section, States may issue registrations to meet special local needs for the following types of new products:

(A) A product which is identical in composition to a federally registered product, but which has differences in packaging, in formulation type, or in the identity of the formulator;

(B) A product which contains the same active and inert ingredients as a federally registered product, but in a different percentage;

(C) A product containing a new combination of active, or active and inert, ingredients, provided that States may not register a new product which contains any active or inert ingredient not found in a federally registered product.

(ii) States may not register a new manufacturing-use product.

(iii) States may register any use of a new product containing an ingredient described in paragraph (a)(3) of this section, if the new product registration is for a formulation or a use not included in the denial, disapproval, suspension, or cancellation. However, a formulation or use of the new product which was not considered by the Administrator during such proceedings may be registered by a State only after the State consults with appropriate EPA personnel regarding the registration application.

(c) *Effect of State registration.* (1) A State registration issued under FIFRA section 24(c) which meets the conditions described in paragraph (a) and (b) of this section, and which is not disapproved by the Administrator under § 162.154, shall be considered a federal registration, but shall authorize distribution and use only within that State. Accordingly, such registrations are subject to all provisions of FIFRA which apply to currently registered products, including cancellation, renewal, suspension, and other provisions of sections 6 and 13 of FIFRA.

(2) A State may require, as a condition of distribution or use of a pesticide product within the State, that the pesticide product be registered under State law as well as under FIFRA. Neither FIFRA section 24(c) nor this regulation affects a State's right under

its own law to revoke, suspend, cancel, or otherwise affect such a registration issued under State law. However, the federal registration, whether issued under FIFRA sections 3 or 24(c) would not be affected by such a State action.

§ 162.153. State registration procedures.

(a) *Application for registration.* States shall require all applicants for registration to submit the following information:

(1) Name and address of the applicant and any other person whose name will appear on the labeling or in the directions for use;

(2) The name of the pesticide product, and, if the application is for an amendment to a federally registered product, the EPA registration number of that product;

(3) A copy of proposed labeling, including all claims made for the product as well as directions for its use to meet the special local need, consisting of:

(i) A copy of the complete proposed labeling for a new product; or,

(ii) A copy of proposed supplemental labeling for registration of an additional use of a federally registered product, together with a copy of the labeling for the federally registered product;

(4) The complete formula of the product, if the application is for a new product registration;

(5) Any other information which is required to be reviewed prior to registration under this section.

(b) *Special local need determination.* In reviewing any application for registration, the State shall determine whether there is a special local need for the registration. Situations which a State may consider as not involving a special local need may include, but are not limited to, use to control a pest problem present on a nationwide basis, and use of a pesticide product registered by other States on an interregional or nationwide basis.

(c) *Unreasonable adverse effects determinations.* (1) Prior to issuing a registration in the following cases, the State shall determine that use of the product for which registration is sought would not cause unreasonable adverse effects on man or the environment, when used in accordance with labeling directions or widespread and commonly recognized practices:

(i) For use of a product which has a composition not similar to any federally registered product;

(ii) For use of a product involving a use pattern not similar to any federally registered use of the same product or of a product with a similar composition; or

(iii) For use of a product for which other uses of the same product, or of a product with a similar composition, have had federal registration denied, disapproved, suspended or cancelled by the Administrator.

(2) Determinations required by paragraph (c)(1) of this section shall be based on data and criteria consistent with those sections of subpart A of this part, and of Part 163, applicable to the type of product or use under consideration. Such determinations may also involve consideration of the effect of the anticipated classification of the product or use under § 162.153(h).

(d) *Efficacy determination.* Prior to registration of a product, or use thereof, for public health purposes, which could result in substantial harm to the public health it the product does not perform its intended function, the State shall determine that the product warrants the claims made for it in the registration application. Such determinations shall be based on criteria specified in applicable sections of subpart A and of part 163 and on any additional criteria established by the State.

(e) *Labeling requirements.* (1) Prior to issuing any registration, the State shall review the proposed labeling submitted with the application to determine compliance with this paragraph. In addition, the State shall review a copy of the final printed labeling as soon as practicable after a registration is issued in order to verify compliance with this paragraph.

(2) A new product registered by a State must be accompanied, at the time of use, by labeling meeting all applicable criteria of § 162.10 of subpart A. New product labeling must also contain:

(i) A statement identifying the State where registration is to be valid; and

(ii) The special local need number assigned by the State.

(3) For a registration of an additional use of a federally registered product, labeling from the federally registered product must be accompanied at the time of use by supplemental labeling which contains:

(i) A statement identifying the State where registration is valid;

(ii) Direction for use to meet the special local need which satisfy the criteria of § 162.10(i) of subpart A;

(iii) The trade name of the product;

(iv) The name and address of the section 24(c) registrant;

(v) The EPA registration number of the federally registered product;

(vi) The special local need number assigned by the State;

(vii) A statement requiring a person using the product to comply with all applicable directions, restrictions, and precautions found in the labeling of the federally registered product; and,

(viii) A statement prohibiting use of the product in a manner inconsistent with federal, and accompanying supplemental, labeling.

(4) If a State classifies for restricted use a product or use registered by the State, which is not required to be so classified by paragraph (g) of this section, then the State may require supplemental labeling for the product or use containing additional appropriate precautions, and a statement that the product or use is for restricted use within that State.

(f) *Packaging and coloration standards.* All products registered by a State must meet all appropriate packaging standards prescribed by the Adminstrator under section 25(c)(3) of FIFRA, as well as all appropriate standards for coloration, or discoloration, established by regulation under section 25(c)(4) of FIFRA, including the standards contained in § 162.13 of subpart A. Prior to issuing any registration, the State shall determine that the product will conform to these requirements.

(g) *Classification.* (1) As part of the registration of any product or use, the State shall classify the product or use consistently with section 3(d) of FIFRA and any regulations thereunder.

(2) A product or use thereof registered by a State must be classified by the State for restricted use if—

(i) The product is identical or similar in composition to a federally registered product:

(A) For which all uses have been classified as restricted by the Administrator; or

(B) For which a use similar to the State registered use has been classified as a restricted use by the Administrator; or

(ii) The State registered product or use meets the criteria for classification as a restricted use pesticide under the applicable provisions of § 162.11(c)(1)–(4) of subpart A.

(h) *Notification and submission of data.* (1) Within ten working days from the date a State issues, amends, or revokes a registration, the State shall notify EPA, in writing, of such an action. Notification of State registrations, or amendments thereto, shall include the effective date of the registration or amendment, a confidential statement of the formula of any new product, and a copy of the draft labeling reviewed and approved by the State, provided that

labeling previously approved by the Administrator as part of a federal registration need not be submitted.

(2) Notification of State registrations or amendments shall be supplemented by sending to EPA a copy of the final printed labeling approved by the State within 45 days after the effective date of the registration or amendment.

(3) Notification of revocation of registration by a State shall indicate the effective date of revocation, and shall state the reasons for revocation.

(4) Within 15 working days of receipt of a request from EPA, a State shall submit any data used by the State to determine that unreasonable adverse effects will not be caused by a registration of:

(i) A product with a composition not similar to any federally registered product; or

(ii) An additional use of a federally registered product, or a use of a product with a composition similar to that of a federally registered product, if registration of other uses of the federally registered product has been denied, suspended, or cancelled by the Administrator, or is subject to a notice of intent to deny, suspend or cancel registration because of health, safety, or environmental concerns.

(i) *Federal Register publication.* The Administrator shall publish in the **Federal Register**, on a regular basis, a summary of all State registrations made under section 24(c) during a previous reporting period established by the Administrator. For each product or use registered, the notice shall indicate the name of the product; the name of the registrant; the registered use(s) of the product; the effective date of the State registration; and, if the registration is for an additional use of a federally registered product, the notice shall indicate whether the State registration involves a changed use pattern.

§ 162.154 Disapproval of State registrations.

(a) *General disapprovals.* (1) Except as provided in paragraph (b) of this section, the Administrator may disapprove, on any reasonable grounds, any State registration which, when compared to a federally registered product, does not have both a similar composition and a similar use pattern; provided that the Administrator may not disapprove such a registration solely because of lack of essentiality. Grounds for disapproval of State registrations not involving similar products may include, but are not limited to:

(i) Probable creation of unreasonable adverse effects on man or the environment by the registered use;

(ii) Refusal of the registering State to submit information supporting the registration as required by § 162.153(h);

(iii) Failure of information submitted by the State to support the State's decision to issue the registration under standards established by § 162.153.

(2) Prior to disapproval of any State registration under this paragraph, the Administrator shall notify the registering State, in writing, of the Administrator's intent to disapprove, and of the reasons for disapproval. The notice of intent will provide a reasonable time, not less than ten days from the date the notice is received by the State, for the State to respond, and will invite the State to consult with the Administrator or his designee. If the grounds for disapproval are based on actions or omissions by the State, the notice will, if possible, also provide the State with a reasonable amount of time in which to take corrective action, not to exceed the time allowed for disapproval under paragraph (c) of this section.

(3) The registering State may, within ten days of its receipt of a notice of intent to disapprove, request that the Administrator, or his designee, consult with appropriate State officials prior to the Administrator's final decision on disapproval. The Administrator will consider any relevant information presented at such a consultation, or in any other timely and appropriate fashion, in deciding whether to withdraw the notice of intent to disapprove.

(b) *Special disapprovals.* (1) The Administrator may disapprove any State registration, including a registration for a similar product, at any time, if the Administrator determines that use of the product under the State registration:

(i) Would constitute an imminent hazard; or

(ii) May result in a residue on food or feed not covered by a tolerance, exemption, or other clearance under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a *et seq.*).

(2) If the Administrator disapproves a registration under this paragraph, the administrator shall provide the registering State with written notification of disapproval, in accordance with paragraph (c) of this section, as soon thereafter as practicable. Such notification will specify the grounds for disapproval and invite the State to comment.

(3) If requested by the State within ten days of its receipt of the notice of disapproval under this paragraph, the Administrator, or his designee, will consult with appropriate State officials. The administrator may consider any information presented at such a consultation, or in any other appropriate fashion, in determining whether the disapproval should be rescinded.

(c) Except as provided in paragraph (b)(1) of this section, the Administrator will make a final decision on disapproval of a State registration, and provide written notification to the State within 90 days of the effective date of the registation; provided that, if the State does not notify the agency of the registration within ten days of its effective date, then the Administrator will make a final decision on disapproval within 90 days of the date on which EPA receives notification of the State registration. The notice of disapproval will specify a date on which disapproval becomes effective, which shall not be later than 90 days from the effective date of the State registration or, if the State does not notify EPA of the registration within ten days, 90 days from the date the Agency receives notification of the State registration, whichever comes later. The notice of disapproval may also, when appropriate, give instructions for disposal of the pesticide. Each such notice of disapproval will be published in the **Federal Register.**

(d) *Effect of disapproval.* If a registration issued by a State is disapproved by the Administrator, that registration will not be valid for any purposes under FIFRA, as of the date disapproval becomes effective. Accordingly, distribution of sale of a pesticide, in either interstate or intrastate commerce, for purposes covered by the disapproved State registration will be a violation of section 12(a)(1) of FIFRA.

(e) *Recission of disapproval.* If the Administrator determines, after consultation with the State lead agency, that a registration, previously issued by the State and disapproved by the Administrator, should be recognized as valid under section 24(c) of FIFRA, then the Administrator shall rescind the disapproval. The Administrator shall send written notification of the rescission to the State. In addition, notice of any rescission of disapproval will be published in the **Federal Register.**

(f) *Notification of registrants.* Any State which issues a registration subject to disapproval, or to a notice of intent to disapprove, shall be responsible for notifying the affected registrant of any rescission of disapproval by the Administrator.

§ 162.155 Suspension of State registration authority.

(a) *General.* (1) If the Administrator finds that a State is not capable of exercising, or has failed to exercise, adequate control over its registration program, so that the State cannot assure that registrations issued by it will be in accord with the purposes of FIFRA, then the Administrator may suspend the State's registration authority. Registrations issued by the State after suspension of its authority will not be considered valid under FIFRA. Registrations issued by the State prior to suspension will not be affected by the suspension.

(2) The Administrator may suspend all or any part of a State's registration authority as my be appropriate under the circumstances.

(b) *Grounds for suspension.* (1) The Administrator may suspend a State's registration authority because of lack of adequate controls, including, but not limited to, lack of any of the following:

(i) Access to appropriate scientific and technical personnel to review data and make determinations as required by § 162.153;

(ii) Registration procedures satisfying § 162.153;

(iii) Complete and accurate records of State registrations; and

(iv) Adequate legal authority—

(A) To deny, suspend, revoke, or amend a State registration when the registration is not in compliance with FIFRA, this Subpart, or State law, or when necessary to prevent unreasonable adverse effects on the environment;

(B) To enter, at reasonable times, by consent, warrant, or other legal means, any establishment where pesticides are produced or held for distribution or sale, to inspect, sample, and observe whether pesticides are being produced, and distributed in compliance with FIFRA, this Subpart, State law, and the terms of any State registration.

(2) The Administrator may suspend all or any part of a State's registration authority if the State fails to exercise the controls specified in paragraph (b)(1) of this section, or if the State refuses to correct within a reasonable time any other deficiencies in its regulatory program specified by the Administrator in a notice of intent to suspend.

(c) *Procedures for suspension.* (1) Prior to suspending the registration authority of any State, the Administrator will notify the State lead agency, in writing, of the Administrator's intent to suspend, and of the specific grounds for suspension. The notice of intent will specify whether the suspension will be complete or partial, and will provide the State an opportunity to respond and a reasonable amount of time in which to correct the deficiencies specified in the notice. The notice of intent will also specify a proposed date on which the suspension will become effective if the State has not by that time corrected the deficiencies described in the notice of intent. The proposed effective date will be not less than 30 days from the date the notice is received by the State. The notice of intent will also be published in the **Federal Register**, and the public given an opportunity to comment thereon, if the State does not correct the specified deficiencies within the reasonable time allowed by the notice, or the Administrator withdraws the notice of intent before that time.

(2) If requested by the affected State lead agency within 30 days of receipt of the notice of intent to suspend, an informal consultation between appropriate State and EPA officials will be held to discuss the proposed suspension. In such a case, the Administrator shall not make a final decision on the suspension until after the consultation. The Administrator shall consider all relevant information presented at the consultation, or in any other appropriate manner, in determining whether to suspend the State's authority.

(3) If, after the time specified in the notice of intent, and after any consultation held pursuant to paragraph (b)(2) of this section, the Administrator finds that the State has not corrected, or cannot correct in a reasonable time, the deficiencies specified in the notice of intent, the Administrator may suspend the State's authority to register pesticides under section 24(c) of FIFRA. In such a case, the Administrator will issue a written notice of suspension to the State, specifying the grounds therefor and an effective date for the suspension. If the suspension is merely partial, the notice of suspension will specify the types of registrations which will not be recognized under FIFRA. The notice of suspension will also be published in the **Federal Register.**

(d) *Termination of suspension.* Suspension of a State's authority will be effective for the period specified in the notice of suspension, or if no period was specified, until such time as the Administrator is satisfied that the State can and will exercise adequate control over its program. At that time, the Administrator will notify the State that the suspension is terminated, or that it will be determined on a specific date. The Administrator will also publish a notice of the termination of suspension in the **Federal Register.**

§ 162.156 General requirements.

(a) *Requirements for distribution of use.* (1) Any product whose State registration has been issued in accordance with §§ 162.152 and 162.153 may be distributed and used in that State, subject to the following provisions of the Act and the regulations promulgated thereunder:

(A) Section 12(a)(1) (A) through (E) in accordance with:

(i) Section 2(q)(1) (A) through (G); and

(ii) Section 2(q)(2) (A) through (D);

(B) Section 12(a)(2) (A) through (G) and (I) through (P).

(2) A product or use classified by a State for restricted use under § 162.153(g) may be used only by, or under the direct supervision of, an applicator certified under a plan implemented in that State in accordance with section 4 of FIFRA.

(3) State registrations which are not issued in accordance with § 162.152 (a) and (b) are not authorized by section 24(c) and are not considered valid for any purposes under FIFRA. The Administrator may notify the registering State that a registration is invalid, and may specify the reasons for the registration's invalidity.

(b) *Establishment registration requirements.* No person may produce any pesticide, including any pesticide registered by a State under section 24(c), unless the establishment in which it is produced is registered by the Administrator in accordance with section 7 of FIFRA and 40 CFR Part 167.

(c) *Books and records requirements.* All producers of pesticides, including those producers of pesticides registered by States under section 24(c), must maintain records in accordance with the requirements imposed under section 8 of FIFRA.

EPA Policy Implementing Amendments to Section 24(c) of FIFRA Pending Promulgation of Regulations

Background

On September 30, 1978, the Federal Pesticide Act of 1978, Pub. L. 95–396 amending the Federal Insecticide, Fungicide and Rodenticide Act, as amended (7 U.S.C. 136 et seq.) [FIFRA] went into effect. The many changes made in FIFRA by Pub. L. 95–396 are described in another notice published in the **Federal Register** January 19, 1979 (44 FR 4359).

Among the sections of FIFRA which have been substantially modified is Section 24(c) (7 U.S.C. 136v(c)) which authorizes the States to register "additional uses of federally registered pesticides * * * to meet special local needs". In general, the amendments to Section 24(c) broaden State authority to issue

such registrations, while they correspondingly limit EPA's authority to oversee the State registration process. For example, the former requirement that States obtain certification from EPA prior to registering pesticides has been eliminated, and registration authority has been given directly to the States. Also, EPA's former broad authority to disapprove specific State registrations is now subject to certain express procedural and substantive restrictions.

Clearly, these amendments reflect Congress' intent to redistribute the power over special local needs registration, with greater autonomy being given to the States. Nevertheless, EPA retains ultimate authority to ensure that the States act in accord with the purposes of FIFRA and to prevent unreasonable adverse effects on the environment. Implementation of this new relationship will require close cooperation between EPA and the States. (Such cooperation is, in fact, strongly encouraged by Section 24(c) as a requirement placed on the process by which EPA may disapprove State registrations.) This redistribution of authority also necessitates the revision of the "Interim" program established by EPA in 1975 to implement the original version of Section 24(c), including the proposed regulations accompanying the "Interim" program. [40 FR 40438–40545 (September 3, 1975)].

This policy document discusses the changes in State authority made by the amendments; explains how EPA intends to exercise its disapproval authority; and describes registration procedures which EPA believes the State should continue to follow. It also provides basic guidance for States, registrants, and EPA to follow until final regulations required by the amended Section 24(c) are promulgated. More detailed procedural information will be provided to augment this memorandum in a separate Guidance Package which EPA will make available, on request, to interested persons in the near future.

Questions or comments concerning this policy should be addressed, in writing, to Phil Gray (TS–770), U.S. EPA, Operations Division, Office of Pesticide Programs, 401 M Street, S.W., Washington, D.C. 20460.

Elimination of Section 24(c) Certification Program

The most significant change made by these amendments is the elimination of the provision requiring States to obtain certification from EPA prior to registering pesticides for special local needs. This certification process required a determination by EPA that a State's procedures and legal authority for registration would assure compliance with FIFRA and federal regulations thereunder.

States are now directly authorized by Section 24(c)(1) itself to register "additional uses of federally [EPA] registered pesticides * * * to meet special local needs", without prior EPA approval. However, EPA is given the authority to suspend a State's registration power, after consultation with the State, if the State is unable, or refuses, to exercise "adequate control" over its registration process. Such authority cannot be exercised, though, until EPA has promulgated regulations establishing grounds and procedures for suspension. These regulations will be developed and proposed in the near future. Although no such criteria have yet been developed, it is possible that future regulations could provide for some form of partial suspension where circumstances would not warrant complete suspension.

State Registration Authority

Under the amended Section 24(c), States may issue registrations for the same purposes as they could under the original Section 24(c). These purposes include: (a) use of new formulations of federally registered chemicals; (b) amendment of federal registrations to permit use on additional crops or pests or at additional sites, or to permit use of different application techniques, rates, and equipment; (c) amendment of federal registrations to require special label directions necessary to prevent unreasonable adverse effects or to ensure efficacy under local conditions; or (d) any other purposes consistent with the purposes of FIFRA.

Also as under the original Section 24(c) program, the States are authorized by the amended section to register pesticides only if all of the following circumstances exist: (a) there is a special local need for the pesticide; (b) the pesticide is labeled for use and distribution within the State (as evidenced by the pesticide's container being labeled with or accompanied by directions for use to meet the special local need and a statement identifying the registering State); (c) the State registration is for use of a chemical found in any product registered by EPA; (d) the use sought to be registered has proper clearances, if required, under the Federal Food, Drug and Cosmetic Act; (e) the use sought to be registered has not been previously disapproved, cancelled, or denied registration by EPA; and, (f) the registration is otherwise in accord with FIFRA.

However, despite the above inherent limitations, the States' authority is broader than that granted under the original Section 24(c) and the "Interim" Program. For example, States may now register uses of a chemical for which registration has not been specifically disapproved, denied, or cancelled by EPA, even though other uses of the same chemical have been disapproved, cancelled, or denied registration. In addition, the amendments to Section 24(c) confirm the States' authority to register a pesticide containing an ingedient subject to an intensive review of risks and benefits under 40 CFR 162.11 (i.e., a "Rebuttable Presumption Against Registration").

Disapproval of State Registrations by EPA

In contrast to the almost unlimited authority to disapprove individual State registrations inherent in the original Section 24(c), EPA's disapproval authority under the amended Section 24(c) is subject to specific procedural and substantive limitations. Procedurally, the Administrator of EPA is now required to inform the State of his intention to disapprove a registration and of the reasons therefor, and to provide the State time to respond, prior to disapproving most registrations. This amendment formalizes a procedure voluntarily used by EPA under the "Interim" program.

Except as provided under Section 24(c)(3), if requested by a State within ten days of its receipt of a notice of intent to disapprove, EPA will consult with the State to determine if the registration should be disapproved. Such consultations will take place, and any disapproval will be made effective, within 90 days of the effective date of the State registration, as was also the practice under the "Interim" program. However, under Section 24(c)(3), the Administrator may disapprove a State registration without prior notice to the State if the registration would result in an imminent hazard to man or the environment, or if the registration lacks necessary tolerances, exemptions, or other clearances under the Federal Food, Drug, and Cosmetic Act, for use involving food or feed. [If a State registration is disapproved because it involves an imminent hazard, EPA may also suspend any similar federal registrations.]

Although not expressly required by the new Section 24(c), the Administrator will also continue to specify a date for termination of the State registration in his decision to disapprove a registration. The Administrator will also, if appropriate, provide for disposition of existing stocks of the pesticide in question.

While the procedures descibed above are very similar to those previously followed by EPA, the substantive restrictions placed on EPA's disapproval authority significantly limit the scope of that authority. Under Section 24(c)(2), EPA may not disapprove a State registration solely on the grounds of lack of essentiality. In addition, EPA generally may not disapprove an otherwise valid and authorized State registration for which the "composition and use patterns are similar to a federally registered pesticide". Section 24(c)(3) specifies only two express grounds for disapproving such registrations—creation of an "imminent hazard," or if use on food or feed is involved, lack of necessary clearances under the Federal Food, Drug, and Cosmetic Act.

New regulations to be promulgated under Section 24(c) will establish standards for determining similarity and dissimilarity of composition and use patterns. However, for the purpose of implementing Section 24(c)(2) during the period preceeding promulgation of such regulations, EPA will consider a State registered pesticide to have a "similar composition" if it contains the same active ingredients, in essentially the same precentages; is of the same formulation type and category of toxicity; and requires the same precautionary labeling; as an EPA registered pesticide.

In accordance with Congress' clear intent that "similar use pattern" should be interepreted broadly, EPA will consider a pesticide to have a "similar use pattern" if it has substantially the same manner and purposes of application as an EPA registered

pesticide. Additional clarification of this matter was provided by Congress with respect to State registrations that may be considered *not* similar to any federal registration. "State registrations involving changed use patterns—changes from nonfood to food use, from outdoor to indoor use, from terrestrial to aquatic use, and non-domestic to domestic use—will be considered . . . as not involving similar uses . . . ." [Conf. Rep. No. 95–1188, 95th Congress, 2d Sess. 51 (1978).]

EPA retains broads authority to disapprove registrations having either a use pattern or a composition which is *not* similar to a federally registered pesticide. State registrations involving such dissimilarities are expressly subject to disapproval on the same grounds as similar registrations—i.e., imminent hazards and lack of necessary clearances under the Federal Food, Drug, and Cosmetic Act—and any other reasonable grounds, which may include: (a) probable creation of unreasonable adverse effects on man or the environment; (b) revocation of the registration by the State; (c) refusal of a State to submit requested information to EPA; or (d) insufficiency of information submitted to support the State registration.

Registrants under Section 24(c) should note that as under the "Interim" program, disapproval of a State registration by the Administrator will not be considered a refusal to register, or a cancellation or suspension of registration, within the meaning of Section 3(c)(6) or Section 6 of FIFRA. Therefore, a registrant of a disapproved State registration will not be entitled to a hearing on such an action under Section 6 of FIFRA.

State Registration Procedures

Underlying the new amendments to Section 24(c) is a basic Congressional intent that the regulation of pesticides should be a *national* program, not an exclusively federal program. These amendments emphasize the EPA and the States are partners in regulating pesticides, and that a concerted federal and State effort to work together, and to exchange information and views, is necessary to properly protect the public health, while still responding to the needs of pesticide users. It is only in an atmosphere of mutual respect and cooperation that these tasks can be effectively performed.

In order to carry out these duties, States should follow minimal procedures, and EPA and the States should routinely forward to each other specific information, as described below. Such information is needed to keep both parties informed of actions taken by the other, so that both parties can properly perform their share of the duties created by this cooperative program. On its part, EPA will also consult with the States whenever discussion or clarification of State actions is appropriate.

Applications for State registration should continue to include the name and address of the applicant and any other person whose name will appear on the pesticide labeling or with the directions for use; the name of the product; a complete copy of the labeling showing all claims made for the product and directions for its use to meet the special local need; and the complete formula of the product.

In reviewing an application for State registration, the responsible State agency should determine whether there is a "special local need" for the registration. Although the need for such a determination still exists under Section 24(c)(1), Section 24(c)(2)(A) requires a complete revision of the meaning assigned to that term under under the "Interim" program. Therefore, during the period preceding promulgation of new regulations, the States will have the responsibility to decide, on a case-by-case basis, whether a "special local need" exists for a State registration. However, since "conditional registration" under Sec. 3 of FIFRA will be available to registrants very soon, EPA expects the States to refuse to register pecticides for which there is a *national*, rather than a genuine *local*, need. By so doing, States will prevent Section 24(c) from being used to circumvent the reqirements of Section 3, including requirements on data use and compensation. During this period, EPA will consult with the States and other interested persons to determine the need for adopting a regulation defining "special local need."

In certain cases, before issuing a registration, the State should also determine that the product or use will not cause unreasonable adverse effects on man or the environment when used as directed or in accordance with widespread and commonly recognized practices. This determination should be made before registering: (a) a use of a pesticide with a composition not similar to any EPA registered pesticide; (b) a pesticide use with a use pattern not similar to any EPA registered use for the same pesticide; and (c) a pesticide use for which registration of a different use of the same pesticide has been denied, disapproved, or cancelled by EPA. Such determinations should take into account the effect a restricted use classification, or other terms and conditions of registration, would have on the potential hazard which registration would create. States should base their determinations on data consistent with those parts of the federal registration rule on product hazard [40 CFR 162.8(b)(4)] that are applicable to the type of product or type of use under consideration. (Further details as to data may be found in the Guidance Package referred to earlier in this memorandum.)

States should also impose on applicants for registration, labeling requirements generally consistent with federal labeling requirements (40 CFR 162.10), to prevent the pesticide being considered "misbranded" under section 2(q) and section 12 of FIFRA, since registrations issued under section 24(c) are expressly deemed "registrations under section 3 for all purposes" of FIFRA. Furthermore, under section 24(b), States generally may not permit or require modification or elimination of any labeling approved by EPA in connection with a federal registration. However, State labeling must contain supplemental directions for use to meet special local needs, as well as a statement identifying the State issuing the registration. Such labeling should be reviewed and approved by the State prior to issuance of State registration.

Similarly, States should continue to require applicants and registrants to comply with federal packaging standards prescribed by the Administrator of EPA under section 25(c)(3) of FIFRA, and federal coloration standards and regulations published under section 23(c)(4) and in 40 CFR 162.13. Compliance with such standards should also be verified by the State prior to issuance of a section 24(c) registration.

Also, since section 24(c) registrations are considered federal registrations, if a State decides to register a pesticide, it should classify the pesticide and its uses consistently with standards promulgated under section 3(d) of FIFRA. Therefore, when registering a product or use identical to or similar in composition and use pattern to, a product or use classified by EPA, States should classify the product or use the same as EPA. When registering a pesticide *use* not similar to any federally classified use of the same product, States should classify the use according to applicable federal standards in 40 CFR 162.11(c). When registering a product whose uses have not yet been classified by EPA, and which is not similar in composition or use patterns to any product classified by EPA, the State need not classify the product until EPA classifies the same or a similar product. Whenever EPA classifies, or re-classifies, a product or use previousy registered by the State, the State should thereafter classify the product or use the same as EPA within 90 days of the effective date of the EPA classification.

However, the above is not intended to limit the States' authority to classify a product or use for restricted use, even if EPA has classified the same or a similar product or use for general use, if local conditions require the more restrictive classification. EPA encourages the States to exercise this important prerogative in responding to local circumstances.

As agreed by EPA and officers of the American Association of Pest Control Officials (AAPCO), as representatives of the States, during Congressional conferences on the proposed amendments to FIFRA, States will continue to send written notification of the issuance of each Section 24(c) registration, or amendment or revocation thereof, to the appropriate EPA office within ten days taking any such action. Such prompt communication of State registration decisions is consistent with the amended Section 24(c), and with the cooperative approach to national pesticide regulation which Congress, EPA, and the States have agreed is necessary. EPA needs such information in order to properly react to State registration actions, and in order to maintain a complete list of federal registrations for use by State officials, pesticide users, and the general public.

Notification of registrations or amendments should indicate the effective date of the action, and should be accompanied by a copy of the approved labeling for the registration involved. Notification of revocations should contain a brief explanation of the reasons for

revocation. Within 30 days of issuing a registration or an amendment, the State should also send EPA a copy of the final approved labeling.

Additional Information on Certain Registrations

In cases involving the registration by a State of a use of a pesticide known or likely to be a potential cause of an imminent hazard to man or the environment, EPA may request the State to submit additional information considered by the State in its decision to issue the registration. Submission of such data is necessary in order for EPA to have a factual basis on which to decide whether the State registration would create an imminent hazard or other unreasonable risk which might require disapproval of the registration.

Accordingly, EPA may request a State to submit copies of data used, and the findings made, in connection with the unreasonable adverse effects review done for each State registration of a pesticide use similar to a use disapproved, cancelled, or denied registration by EPA. The same information may also be requested for each registration of a use of a pesticide for which EPA has disapproved, cancelled, or denied registration of a different use of the same pesticide, if the use registered by the State is not similar to any use considered by EPA in the disapproval, cancellation, or denial proceedings for that pesticide. In addition, this information may be requested for any State registration of a use similar to a use considered but allowed by EPA during cancellation or denial proceedings for the product. In this last case, such information would generally be required in situations where the use allowed by EPA was permitted upon specific conditions not imposed by the State.

In the cases described above, submission of the information requested is especially important since the uses registered by the State may involve products already found by EPA to be unreasonably hazardous under some circumstances. In the absence of such data, EPA may be forced to make its determination on the basis of information not as complete as that used by the State, and may thereby disapprove a registration which might not otherwise have been disapproved. In these cases, EPA also encourages the States to consult with EPA *prior* to issuing such registrations, in keeping with the spirit of increased cooperation between EPA and the States, and in order to prevent unnecessary risks to man and the environment.

Dated: October 25, 1978.

Edwin L. Johnson,

Deputy Assistant Administrator for Pesticide Programs.

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY*	USDA/ASCS		DOT/SECRETARY*	USDA/ASCS
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DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/FHWA	USDA/FSQS		DOT/FHWA	USDA/FSQS
DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
DOT/NHTSA	MSPB/OPM		DOT/NHTSA	MSPB/OPM
DOT/RSPA	LABOR		DOT/RSPA	LABOR
DOT/SLS	HEW/FDA		DOT/SLS	HEW/FDA
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

***NOTE: As of July 2, 1979, all agencies in the Department of Transportation, will publish on the Monday/Thursday schedule.**

REMINDERS

Rules Going Into Effect Today

Note: There were no items eligible for inclusion in the list of **Rules Going Into Effect Today.**

List of Public Laws

Last Listing August 2, 1979

This is a continuing list of public bills from the current session of Congress which have become Federal laws. The text of laws is not published in the **Federal Register** but may be ordered in individual pamphlet form (referred to as "slip laws") from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 (telephone 202–275–3030).

S. 961 / Pub. L. 96–43 "Speedy Trial Act Amendments Act of 1979". (Aug. 2, 1979; 93 Stat. 327) Price $.75.

H.R. 2729 / Pub. L. 96–44 "National Science Foundation Authorization Act for Fiscal Year 1980". (Aug. 2, 1979; 93 Stat. 333) Price $.75

H.J. Res. 373 / Pub. L. 96–45 Recognizing the anniversaries of the Warsaw uprising and the Polish resistance to the invasion of Poland during World War II. (Aug. 3, 1979; 93 Stat. 336) Price $.75.

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[A Cumulative checklist of CFR issuances for 1978 appears in the first issue of the Federal Register each month under Title 1. In addition, a checklist of current CFR volumes, comprising a complete CFR set, appears each month in the LSA (List of CFR Sections Affected)]

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