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Wednesday
September 26, 1979

Highlights

55504 **Emergency Building Temperature Restrictions** DOE issues certification and compliance forms; effective 9-1-79 (Part III of this issue)

55336 **Non-Federal Dams** DOD/EC prescribes procedures for national program for inspection; effective 9-26-79

55383 **Nondiscrimination on the Basis of Age** CAB proposes to prohibit discrimination against air travelers; comments by 11-26-79

55490 **Privacy Act** ACTION system of records, annual publication (Part II of this issue)

55412 **Privacy Act** DOD/Sec'y publishes addition and deletions to systems of records; comments by 10-26-79, effective 10-26-79

55540 **Bobcat, Lynx, River Otter, Alaskan Brown Bear, and Alaskan Gray Wolf** ESSA publishes export findings for 1979-80 season; effective 9-26-79 (Part VIII of this issue)

55528 **Fair Housing Advertising** HUD/FHEO proposes to reissue advertising guidelines prohibiting discrimination on account of sex in the sale, rental or financing of a dwelling; comments by 11-26-79 (Part VI of this issue)

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Highlights

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Area Code 202–523–5240

55518 **Multifamily Housing Projects** HUD proposes rules regarding transfer from nonprofit to profit-motivated ownership of housing projects with HUD-insured or HUD-held mortgages; comments due 11–26–79 (Part IV of this issue)

55522 **Nondiscrimination and Equal Opportunity in Housing** HUD/FHEO proposes rules under Executive Order 11063; comments by 11–26–79 (Part V of this issue)

55328 **Nuclear Power Reactors** NRC amends rules specifying fracture toughness and material surveillance program requirements; 10–26–79

55378 **Flouridation** HEW/PHS issues rule grants awarded to State and local government agencies and certain nonprofit entities; effective 9–26–79; comments by 11–26–79

55332 **Mobile Home Loans** HUD publishes interim rule and requests comments; effective 11–10–79, comments by 10–26–79

55393 **Mobile Home Spaces** HUD transmits interim rule to Congress for review regarding fair market rents

55392 **Housing Assistance Payments Program** HUD/FHC proposes rules to eliminate the Rent Reduction Incentive (Rent Credit); comments by 11–26–79

55534 **Grant Programs for Schools and Hospitals** DOE publishes notice of availability of Regulatory Analysis and summary of Regulatory Analysis for buildings owned by local government and public care institutions (Part VII of this issue)

55437 **Community Development Block Grant Program** HUD/CPD amends notice of dates for submission of preapplications, of small cities discretionary grants, for Alabama and Mississippi

55393 **Community Development Block Grant Program** HUD transmits interim rule to Congress for review regarding grant closeouts

55484 **Sunshine Act Meetings**

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Rules and Regulations

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

DEPARTMENT OF AGRICULTURE

Office of Environmental Quality

7 CFR Part 3100

Cultural and Environmental Quality; Change of Chapter and Part Names

AGENCY: Office of Environmental Quality, United States Department of Agriculture.

ACTION: Change of chapter and part names.

SUMMARY: On July 30, 1979, the Office of the Secretary, Department of Agriculture, published at 44 FR 44802–44803 final regulations setting forth policies and procedures for compliance with the National Environmental Policy Act. Pursuant to Secretary's Memorandum No. 1890 (Revised) (July 23, 1979), responsibility to administer those regulations is given to the Office of Environmental Quality (OEQ). Additionally OEQ will administer regulations for the enhancement, protection, and management of cultural resources with regard to Department of Agriculture activities, for which proposed regulations were published on July 9, 1979, at 44 FR 40258–40259.

In these previous publications Chapter XXXI was designated as "CULTURAL AND ENVIRONMENTAL QUALITY" and Part 3100 as "ENVIRONMENTAL MATTERS." As the two sets of regulations mentioned above are separate Subparts of Part 3100, Chapter XXXI and Part 3100 of Title 7 are changed to read as follows:

CHAPTER XXXI—OFFICE OF ENVIRONMENTAL QUALITY

PART 3100—CULTURAL AND ENVIRONMENTAL QUALITY

EFFECTIVE DATE: September 26, 1979.

FOR FURTHER INFORMATION CONTACT: Barry R. Flamm, Director, Office of Environmental Quality, USDA, Washington, D.C. 20250, Phone (202) 447–3965.

Dated: September 20, 1979.

Barry R. Flamm,

Director, Office of Environmental Quality.

[FR Doc. 79-29800 Filed 9-25-79; 8:45 am]

BILLING CODE 3410-01-M

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 40 and 150

Uranium Mill Tailings Licensing

AGENCY: Nuclear Regulatory Commission.

ACTION: Final regulations with request for comments; corrections.

SUMMARY: On August 24, 1979, the U.S. Nuclear Regulatory Commission published in the **Federal Register** (44 FR 50012) final regulations entitled, "Uranium Mill Tailings Licensing," along with a request for comments. Inadvertent and typographical errors in the published regulations are identified and corrected herein.

ADDRESSES: Written comments should be submitted to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Copies of comments on these amendments may be examined in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Don F. Harmon, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (phone 301/443–5910) or Hubert J. Miller, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555 (phone 301/427–4103).

SUPPLEMENTARY INFORMATION: On August 24, 1979, the U.S. Nuclear Regulatory Commission published in the **Federal Register** (44 FR 50012) final regulations entitled, "Uranium Mill Tailings Licensing," along with a request for comments. Inadvertent and typographical errors in the published regulations are identified and corrected as follows.

1. Page 50012, column 3 line 52 is corrected to read, "until November 8, 1981, for the".

2. Page 50013, column 1, line 4 is corrected to read, "commitments of resources. The".

3. Page 50013, column 2, line 5 is corrected to read, "make the amendments to 10 CFR §§ 40.1".

4. Page 50013, column 2, penultimate line is corrected to read, "Part are issued pursuant to the Atomic".

5. Page 50014, column 1, lines 2 and 3 are corrected to read, "Radiation Control Act of 1978 (92 Stat. 3021), any State or any political".

6. Page 50014, column 1, line 11 is corrected to read, "(1) With the exception of "byproduct."

7. Page 50014, column 1, line 15 is corrected to read, "meaning when used in the regulations in".

8. Page 50014, column 1, line 19 is corrected to read, "byproduct material as defined in this".

9. Page 50014, column 2, § 150.3(c) is corrected to read, "§ 150.3(c) "Byproduct material" means (1) any radioactive material (except special nuclear material) yielded in or made radioactive by exposure to the radiation incident to the process of producing or utilizing special nuclear material; or (2) the tailings or wastes produced by the extraction or concentration of uranium or thorium from any ore processed primarily for its source material content, including discrete surface wastes resulting from solution extraction processes. Underground ore bodies depleted by such solution extraction operations do not constitute "byproduct material" within the definition."

(Secs. 11e-(2), 81, 83, 84, 161b, 161o, 174; Publ. L. No. 83-703, 68 Stat. 948 et seq. (42 U.S.C. 2014e. (2), 2111, 2113, 2114, 2201b, 2021))

Dated at Washington, D.C. this 13th day of September.

For the Nuclear Regulatory Commission.

Lee V. Gossick,

Executive Director for Operations.

[FR Doc. 79-29794 Filed 9-25-79; 8:45 am]

BILLING CODE 7590-01-M

10 CFR Part 50

Domestic Licensing of Production and Utilization Facilities; Fracture Toughness Requirements for Nuclear Power Reactors

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is amending its regulations specifying fracture toughness and material surveillance program requirements for nuclear reactors to permit greater flexibility in meeting certain of these requirements and to simplify others by substituting references to National Standards that have already been incorporated by reference into the NRC's Regulations.

EFFECTIVE DATE: October 26, 1979.

FOR FURTHER INFORMATION CONTACT: Dr. P. N. Randall, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, 301–443–5997.

SUPPLEMENTARY INFORMATION: On March 28, 1979, the Nuclear Regulatory Commission published in the **Federal Register** (44 FR 18513) proposed amendments to its regulations, 10 CFR Part 50, "Licensing of Production and Utilization Facilities," which would amend Appendix G, "Fracture Toughness Requirements," with regard to material toughness requirements for bolts, and would amend Appendix H, "Reactor Vessel Material Surveillance Program Requirements," with regard to the location and method of attachment of surveillance capsule holders in the reactor vessel. Interested persons were invited to submit written comments by May 14, 1979. There were four adverse comments. All of them opposed adoption of the proposed rule on the grounds that the accident at Three Mile Island Unit 2 on March 28, 1979 had demonstrated that there should be no relaxation of regulatory requirements. None of the comments addressed the specific technical issues covered by the proposed rule. In response to these comments, the Commission has no reason to believe that the investigation of that accident will raise any question about these technical issues. Furthermore, the Commission believes that the proposed amendments will not reduce present safety margins. Therefore, after consideration of the comments, the Commission has adopted the amendments to Appendices G and H, 10 CFR Part 50, described below. The language of the amendments is unchanged from that of the proposed rule.

In Appendix G to 10 CFR Part 50, paragraph IV.A.4 contains requirements for the material toughness of bolts that are very similar to present ASME Code requirements. Paragraph IV.A.4 is deleted, and paragraph IV.A.3 is revised to add language requiring compliance with the pertinent ASME Code requirements for bolts. As an additional revision of paragraph IV.A.3, the requirements for piping, pumps and valves are clarified by referencing a different paragraph in the ASME Code than is presently referenced. This newly referenced paragraph contains the specific fracture toughness requirements of those components.

In Appendix H to 10 CFR Part 50, paragraph II.C.2 is revised in two respects. The prohibition against attachment of surveillance capsules to the vessel wall is deleted because, for some vessel designs, the advantages of attachment to the wall (fewer problems in achieving the desired lead factor and the structural integrity of the capsule holder) outweigh the disadvantage of concern for vessel integrity. Language is added to require that, if capsule holders are attached to the vessel wall, the attachments must meet ASME Code requirements for construction and inspection of permanent structural attachments to reactor vessels.

The fixed limits on lead factor (the ratio of neutron flux at the capsule to the maximum flux at the vessel inner wall) of greater than 1 but less than 3 are deleted. Enforcement of the present requirement would require modification of certain designs that have satisfactorily met all surveillance and structural requirements in service. Safety concerns are satisfied by retention of the general requirement on lead factor.

Copies of the abstract of comments and staff response, and copies of the value/impact analysis supporting the rule, are available for public inspection at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. Single copies may be obtained on request from the Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20550, Attention: P. N. Randall.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553, title 5 of the United States Code, the following amendments to 10 CFR Part 50 are published as a document subject to codification.

Appendix G [Amended]

1. Appendix G to 10 CFR Part 50 is amended by deleting paragraph IV.A.4 and revising paragraph IV.A.3 to read as follows:

IV. *Fracture Toughness Requirements.*

A. * * *

* * * * *

3. Materials for piping, pumps, and valves shall meet the requirements of paragraph NB-2332 of the ASME Code. Materials for bolting and other fasteners shall meet the requirements of paragraph ND–2333 of the ASME Code.

Appendix H [Amended]

2. Appendix H to 10 CFR Part 50 is amended by revising paragraph II.C.2. to read as follows:

II. *Surveillance Program Criteria.*

* * * * *

C. The Surveillance program shall meet the following requirements:

* * * * * *

2. Surveillance specimen capsules shall be located near the inside vessel wall in the beltline region, so that the specimen irradiation history duplicates to the extent practicable, within the physical constraints of the system, the neutron spectrum, temperature history, and maximum neutron fluence experienced by the reactor vessel inner surface. If the capsule holders are attached to the vessel wall or to the vessel cladding, construction and inservice inspection of the attachments and attachment welds shall be done according to the requirements for permanent structural attachments to reactor vessels given in the ASME Code,[2] Sections III and XI. The design and location of the capsules shall permit insertion of replacement capsules. Accelerated irradiation capsules may be used in addition to the required number of surveillance capsules specified in paragraph II.C.3.

* * * * *

(Secs. 103, 104, 161i, Pub. L. 83–703; 68 Stat. 936, 937, 948 (42 U.S.C. 2133, 2134, 2201(i)); sec. 201, Pub. L. 93–438, 88 Stat. 1242, as amended (42 U.S.C. 5841).)

Dated at Washington, D.C. this 13th day of September 1979.

For the Nuclear Regulatory Commission.

Lee V. Gossick,

Executive Director for Operations.

[FR Doc. 79–29795 Filed 9–25–79; 8:45 am]

BILLING CODE 7590–01–M

[2] Defined in paragraph II.A of Appendix G to 10 CFR Part 50.

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

15 CFR Parts 2004 and 2008

Regulations to Implement E.O. 12065—Office of Special Representative for Trade Negotiations Security Program

AGENCY: Office of the Special Representative for Trade Negotiations.

ACTION: Final rule.

SUMMARY: This regulation is issued under the authority of, and pursuant to, Executive Order 12065 and Information Security Oversight Office Directive No. 1. This regulation will be applied in classifying, downgrading, declassifying and safeguarding national security information and will assist the public in obtaining information.

EFFECTIVE DATE: These rules become effective September 26, 1979.

ADDRESS: Information Security Oversight Officer, Office of the Special Representative for Trade Negotiations, 1800 G Street, NW., Room 725, Washington, D.C. 20506.

FOR FURTHER INFORMATION CONTACT: Cathy Hofgren (202) 395-5123.

SUPPLEMENTARY INFORMATION: These regulations have been submitted to the Information Security Oversight Office in accordance with Section 5-401 of Executive Order 12065. These regulations involve national security information and are exempt from the procedures of 5 U.S.C. 553.

PART 2004—FREEDOM OF INFORMATION POLICIES AND PROCEDURES

§ 2004.3 [Deleted]

15 CFR Chapter XX, Part 2004 is amended by deleting § 2004.3.

15 CFR Chapter XX is amended by adding new part 2008.

PART 2008—REGULATIONS TO IMPLEMENT E.O. 12065; OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

Subpart A—General Provisions

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Subpart F—Implementation and Review

2008.18 Information Security Oversight Committee.
2008.19 Classification Review Committee.

Authority: E.O. 12065.

Subpart A—General Provisions

§ 2008.1 References.

(a) Executive Order 12065, "National Security Information," dated June 28, 1978.

(b) Information Security Oversight Office, Directive No. 1, "National Security Information," dated October 2, 1978.

§ 2008.2 Purpose.

The purpose of this Regulation is to ensure, consistent with the authorities listed in section 1-1 of Executive Order 12065, that national security information originated or held by the Office of the Special Representative for Trade Negotiations is protected but only to the extent, and for the period, necessary to safeguard the national security.

§ 2008.3 Applicability.

This Regulation governs the Office of the Special Representative for Trade Negotiations. In consonance with the authorities listed in section 1-1, it establishes the general policy and certain procedures for the security classification, downgrading, declassification, and safeguarding of information that is owned by, is produced for or by, or is under the control of the Office of the Special Representative for Trade Negotiations.

Subpart B—Classification

§ 2008.4 Basic policy.

It is the policy of the Office of the Special Representative for Trade Negotiations to make available to the public as much information concerning its activities as is possible, consistent with its responsibility to protect the national security.

§ 2008.5 Level of original classification.

Unnecessary classification, and classification at a level higher than is necessary, shall be avoided. If there is reasonable doubt as to which designation in section 1-1 of Executive Order 12065 is appropriate, or whether information should be classified at all, the less restrictive designation should be used, or the information should not be classified.

§ 2008.6 Duration of original classification.

(a) Except as permitted below, in paragraphs (b) and (c) of this section, information or material which is classified after December 1, 1978, shall be marked at the declassification no more than six years following its original classification.

(b) Original classification may be extended beyond six years only by officials with Top Secret classification authority and agency heads listed in Section 1-2 of the Order. This extension authority shall be used only when these officials determine that the basis for original classification will continue throughout the entire period that the classification will be in effect and only for the following reasons:

(1) The information is "foreign government information" as defined by the authorities in Section 1.1;

(2) The information reveals intelligence sources and methods;

(3) The information pertains to communications security;

(4) The information reveals vulnerability or capability data, the unauthorized disclosure of which can reasonably be expected to render ineffective a system, installation, or project important to the national security;

(5) The information concerns plans important to the national security, the unauthorized disclosure of which reasonably can be expected to nullify the effectiveness of the plan;

(6) The information concerns specific foreign relations matters, the continued protection of which is essential to the national security;

(7) The continued protection of the information is specifically required by statute.

(c) Even when the extension of authority is exercised, the period of original classification shall not be greater than twenty years from the date of original classification, except that the original classification of "foreign government information" pursuant to paragraph (b)(1) of this section may be for a period of thirty years.

§ 2008.7 Challenges to classification.

If holders of classified information believe that the information is improperly or unnecessarily classified, or that original classification has been extended for too long a period, they should discuss the matter with their immediate superiors or the classifier of the information. If these discussions do not satisfy the concerns of the challenger, the matter should be brought to the attention of the chairperson of the Information Security Oversight

Committee. Action on such challenges shall be taken 30 days from date of receipt and the challenger shall be notified of the results. When requested, anonymity of the challenger shall be preserved.

Subpart C—Derivative Classification

§ 2008.8 Definition and application.

Derivative classification is the act of assigning a level of classification to information that is determined to be the same in substance as information that is currently classified. Thus, derivative classification may be accomplished by any person cleared for access to that level of information, regardless of whether the person has original classification authority at that level.

§ 2008.9 Classification guides.

Classification guides shall be issued by the Management Office pursuant to Section 2–2 of the Order. These guides, which shall be used to direct derivative classification, shall identify the information to be protected in specific and uniform terms so that the information involved can be identified readily.

Subpart D—Declassification and Downgrading

§ 2008.10 Declassification authority.

The Special Representative for Trade Negotiations is authorized to declassify documents in accordance with Section 3–3 of Executive Order 12065 and shall designate additional officials at the lowest practicable level to exercise declassification and downgrading authority.

§ 2008.11 Mandatory review for declassification.

(a) *Requests for Mandatory Review.* (1) Requests for mandatory review for declassification under Section 3–501 of Executive Order 12065 must be in writing and should be addressed to:

Attn: General Counsel (Mandatory Review Request), Office of the Special Representative for Trade Negotiations, 1800 G Street, NW., Washington, D.C. 20506.

(2) The requestor shall be informed of the date of receipt of the request. This date will be the basis for the time limits specified in paragraph (b) of this section.

(3) If the request does not reasonably describe the information sought, the requestor shall be notified that, unless additional information is provided or the request is made more specific, no further action will be taken.

(b) *Review.* (1) The requestor shall be informed of the Special Trade Representative's determination within sixty days of receipt of the initial request.

(2) If the determination is to withhold some or all of the material requested, the requestor may appeal the determination. The requestor shall be informed that such an appeal must be made in writing within sixty days of receipt of the denial and should be addressed to the chairperson of the Office of the Special Representative for Trade Negotiations Classification Review Committee.

(3) The requestor shall be informed of the appellate determination within thirty days of receipt of the appeal.

(c) *Fees.* (1) Fees for the location and reproduction of information that is the subject of a mandatory review request shall be assessed according to the following schedule:

(i) *Search for records:* $5.00 per hour when the search is conducted by a clerical employee; $8.00 per hour when the search is conducted by a professional employee. No fee shall be assessed for searches of less than one hour.

(ii) *Reproduction of documents:* Documents will be reproduced at a rate of $.25 per page for all copying of four pages or more. No fee shall be assessed for reproducing documents that are three pages or less, or for the first three pages of longer documents.

(2) When fees chargeable under this section will amount to more than $25, and the requestor has not indicated in advance a willingness to pay fees higher than that amount, the requestor shall be promptly notified of the amount of the anticipated fee or such portion thereof as can readily be estimated. In instances where the estimated fees will greatly exceed $25, an advance deposit may be required. Dispatch of such a notice or request shall suspend the running of the period for response by the Office of the Special Representative for Trade Negotiations until a reply is received from the requestor.

(3) Remittances shall be in the form either of a personal check or bank draft drawn on a bank in the United States, or a postal money order. Remittances shall be made payable to U.S. Treasurer and mailed to the Office of the Special Representative for Trade Negotiations, 1800 G St., N.W., Washington, D.C.

(4) A receipt for fees paid will be given only upon request. No refund of fees paid for services actually rendered will be made.

(5) The Office of the Special Representative for Trade Negotiations may waive all or part of any fee provided for in this section when it is deemed to be in the interest of either the Agency or the general public.

§ 2008.12 Foreign government information.

The Office of the Special Representative for Trade Negotiations shall, in consultation with the Archivist and in accordance with the provisions of Section 3–404 of Executive Order 12065, develop systematic review guidelines for review of foreign government information for declassification thirty years from the date of original classification.

§ 2008.13 Systematic review guidelines.

Within 180 days after the effective date of the Order, the Office of the Special Representative for Trade Negotiations shall, after consultation with the Archivist of the United States and review by the Information Security Oversight Office, issue and maintain guidelines for systematic review of classified information originated by the Office of the Special Representative for Trade Negotiations twenty years from the date of original classification. These guidelines shall state specific limited categories of information which, because of their national security sensitivity, should not be declassified automatically but should be reviewed item-by-item to determine whether continued protection beyond twenty years is needed. Information not identified in these guidelines as requiring review and for which a prior automatic declassification date has not been established shall be declassified automatically twenty years from the date of original classification.

Subpart E—Safeguards

§ 2008.14 Storage.

The Office of the Special Representative for Trade Negotiations shall store all classified material in accordance with ISOO Directive of October 5, 1978 (43 FR 46281).

§ 2008.15 General restrictions on access.

Access to classified information shall be restricted as required by Section 4–1 of Executive Order 12065.

§ 2008.16 Security education program.

(a) The Office of the Special Representative for Trade Negotiations will inform agency personnel having access to classified information of all requirements of Executive Order 12065 and ISOO Directive I.

(b) The Director, Office of Management, shall be charged with the implementation of this security education program and shall issue detailed procedures for the use of the agency personnel in fulfilling their day-to-day security responsibilities.

§ 2008.17 Historical researchers and former Presidential appointees.

The requirement in Section 4–101 of Executive Order 12065 with respect to access to classified information may be waived for historical researchers and former Presidential appointees in accordance with Section 4–301 of that Order.

Subpart F—Implementation and Review

§ 2008.18 Information Security Oversight Committee.

The Office of the Special Representative for Trade Negotiations Information Security Oversight Committee shall be co-chaired by the General Counsel of the Office of the Special Representative for Trade Negotiations and the Director, Office of Management. The chairs shall also be responsible with the Committee for conducting and active oversight program to ensure effective implementation of Executive Order 12065, and ISOO implementing directives. The Committee shall—

(a) Establish a security education program to inform personnel who have access to classified information with the requirements of Executive Order 12065, and ISOO implementing directives.

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

(c) Act on all suggestions and complaints concerning the administration of the information security program.

(d) Establish and monitor policies and procedures within the Office of the Special Representative for Trade Negotiations to ensure the orderly and effective declassification of documents.

(e) Recommend to the Special Trade Representative appropriate administrative action to correct abuses or violations of any provision of Executive Order 12065.

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

§ 2008.19 Classification Review Committee.

The Classification Review Committee shall be chaired by the Special Trade Representative. The Committee shall decide appeals from denials of declassification requests submitted pursuant to Section 3–5 of Executive Order 12065. The Committee shall consist of Special Representative, two Deputys and the General Counsel.

Note.—This proposal has been reviewed under STR criteria established to implement Executive Order 12044, "Improving Government Regulations" and a determination has been made that these regulations are not "significant".

John Giacomini,

Director, Office of Management.

[FR Doc. 79–29872 Filed 9–25–79; 8:45 am]

BILLING CODE 3190–01–M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. C–2989]

Prohibited Trade Practices, and Affirmative Corrective Actions; ITT Continental Baking Co., Inc.

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent agreement, among other things, requires a Rye, N.Y. manufacturer and seller of bakery products to cease disseminating advertisements which contain unsubstantiated comparative claims regarding the dietary fiber content of "Fresh Horizons" bread and other such food products; or which fail to include a statement disclosing that fiber ingredient in Fresh Horizons is derived from tree pulp. Such statements are required for two and one-half years in all advertisements for products containing wood fiber. The order also prohibits the company from representing that an ingredient in Fresh Horizons or in other food products has been recommended or approved by a doctor or scientist unless that party has been fully informed of the ingredient's identity and derivation. Additionally, the firm is required to review and conform to the terms of the order all advertising claims for bakery and/or cereal-based products prepared or financed by its corporate parent.

DATES: Complaint and order issued August 24, 1979.[1]

FOR FURTHER INFORMATION CONTACT: FTC/P, Albert H. Kramer, Washington, D.C. 20580, (202) 523–3727.

SUPPLEMENTARY INFORMATION: On Tuesday, March 27, 1979, there was published in the **Federal Register**, 44 FR 18234, a proposed consent agreement with analysis In the Matter of ITT Continental Baking Company, Inc., a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of order.

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

The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart—Advertising Falsely or Misleading: § 13.20 Comparative data or merits; § 13.30 Composition of goods; § 13.45 Content; § 13.110 Endorsements, approval and testimonials; § 13.130 Manufacture or preparation; § 13.160 Promotional sales plans; § 13.170 Qualities or properties of product or service; 13.170–52 Medicinal, therapeutic, healthful, etc.; § 13.205 Scientific or other relevant facts. Subpart—Claiming or Using Endorsements or Testimonials Falsely or Misleadingly: § 13.330 Claiming or using endorsements or testimonials falsely or misleadingly: 13.330–33 Doctors and medical profession. Subpart—Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; 13.533–20 Disclosures; 13.533–45 Maintain records; 13.533–45(a) Advertising substantiation. Subpart—Disseminating Advertisements, Etc.: § 13.1043 Disseminating advertisements, etc. Subpart—Misrepresenting Oneself and Goods—Goods: § 13.1575 Comparative data or merits; § 13.1590 Composition; § 13.1605 Content; § 13.1680 Manufacture or preparation; § 13.1710 Qualities or properties; § 13.1740 Scientific or other relevant facts.—Promotional Sales Plans § 13.1830 Promotional sales plans. Subpart—Neglecting, Unfairly or Deceptively, To Make Material Disclosure: § 13.1845 Composition; § 13.1850 Content; § 13.1865 Manufacture or preparation; § 13.1885 Qualities or properties; § 13.1895 Scientific or other relevant facts.

(Sec. 6, 38 Stat. 721; (15 U.S.C. 46). Interprets or applies sec. 5, 38 Stat. 719, as amended; (15 U.S.C. 45, 52))

Carol M. Thomas,

Secretary.

[FR Doc. 79–29787 Filed 9–25–79; 8:45 am]

BILLING CODE 6750–01–M

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

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1316

Administrative Hearings; Amendment of Hearing Procedures

AGENCY: Drug Enforcement Administration, United States Department of Justice.

ACTION: Final rule.

SUMMARY: This rule amends the DEA hearing procedures to provide for the filing of exceptions to the findings of fact, conclusions of law and decision recommended or proposed by the Administrative Law Judge, prior to certification of the record to the Administrator.

EFFECTIVE DATE: September 26, 1979.

FOR FURTHER INFORMATION CONTACT: Stephen E. Stone, Attorney, Office of the Chief Counsel, Drug Enforcement Administration, Washington, D.C. 20537. Telephone (202) 633–1141.

SUPPLEMENTARY INFORMATION: By Final Rule dated July 13, 1979, published in the **Federal Register**, 44 FR 42178, on July 19, 1979, the Administrator of the Drug Enforcement Administration established a procedure for the filing of exceptions to the decision, findings of fact and conclusions of law proposed or recommended by the Administrative Law Judge. This procedure provided that a twenty day period for filing such exceptions would commence to run on the date upon which a party was served with a copy of the Administrative Law Judge's report to the Administrator. In practice, this occurred simultaneously with certification of the record to the Administrator. This procedure has proven to be inefficient and confusing. In order to remedy this situation, the Administrator has decided to further modify the procedures to provide for the filing of exceptions prior to the certification of the record to the Administrator.

Therefore, under the authority vested in him by the Controlled Substances Act and the regulations of the Department of Justice, the Administrator of the Drug Enforcement Administration hereby orders that Part 1316 of Title 21, Code of Federal Regulations, be amended as follows:

1. Section 1316.65 (b) and (c) are amended to read:

§ 1316.65 Report and record.

* * * * *

(b) The presiding officer shall serve a copy of his report upon each party in the hearing. The report shall be considered to have been served when it is mailed to such party or its attorney of record.

(c) Not less than twenty-five days after the date on which he caused copies of his report to be served upon the parties, the presiding officer shall certify to the Administrator the record, which shall contain the transcript of testimony, exhibits, the findings of fact and conclusions of law proposed by the parties, the presiding officer's report, and any exceptions thereto which may have been filed by the parties.

2. Section 1316.66 is amended to read:

§ 1316.66 Exceptions.

(a) Within twenty days after the date upon which a party is served a copy of the report of the presiding officer, such party may file with the Hearing Clerk, Office of the Administrative Law Judge, exceptions to the recommended decision, findings of fact and conclusions of law contained in the report. The party shall include a statement of supporting reasons for such exceptions, together with evidence of record (including specific and complete citations of the pages of the transcript and exhibits) and citations of the authorities relied upon.

(b) The Hearing Clerk shall cause such filings to become part of the record of the proceeding.

(c) The Administrative Law Judge may, upon the request of any party to a proceeding, grant time beyond the twenty days provided in paragraph (a) of this section for the filing of a response to the exceptions filed by another party, if he determines that no party in the hearing will be unduly prejudiced and that the ends of justice will be served thereby. Provided, however, that each party shall be entitled to only one filing under this section; that is, either a set of exceptions or a response thereto.

3. The first sentence of § 1316.67 is amended to read:

§ 1316.67 Final order.

As soon as practicable after the presiding officer has certified the record to the Administrator, the Administrator shall cause to be published in the **Federal Register** his final order in the proceeding, which shall set forth the final rule and the findings of fact and conclusions of law upon which the rule is based. * * *

Dated: September 20, 1979.

Peter B. Bensinger,

Administrator.

[FR Doc. 79-29656 Filed 9-25-79; 8:45 am]

BILLING CODE 4110-09-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 201

[Docket No. R-79-717]

Mobile Home Loans; Interim Rule and Request for Comments

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

ACTION: Interim rule and request for comments.

SUMMARY: This rule: (1) Permits the basic loan advance to be computed on the basis of 116 percent of the manufacturer's invoice instead of the present 113 percent; (2) increases the maximum setup allowances for single and double-wide mobile homes to $500 and $1,000 respectively ("setup" here refers to the mobile home's being properly anchored, together with the installation of plumbing, heating and electrical systems); (3) increases the allowance for skirting on mobile homes to $300; (4) increases the maximum allowance for central air conditioning, including heat pumps in mobile homes to the actual dealer's cost plus installation; (5) increases the interest amount that may be paid to lenders on claims; (6) increases the repossession allowance on double-wide mobile homes to $1,000.

DATES: Effective date: November 10, 1979. Comments due: October 26, 1979.

ADDRESS: Comments on this rule should be addressed to the Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410. A copy of each comment will be available for public inspection at this address during regular business hours.

FOR FURTHER INFORMATION CONTACT: John L. Brady, Director, Title I Insured and 312 Loan Servicing Division, Room 9172, 451 7th Street, SW., Washington, D.C. 20410, telephone (202) 755–6880. This is not a toll free number.

SUPPLEMENTARY INFORMATION: (1) The rising costs of mobile homes have resulted in larger down payments. Presently, the basic loan advance is limited to 113 percent of the manufacturer's invoice. This amendment permits the loan advance to be computed on the basis of 116 percent of the invoice and will thus reduce the down payment requirement. (2) Current costs relating to the setup of mobile homes have been well in excess of

present maximums. A proper setup is essential for the mobile home to function as designed. The present maximum allowance for setup is $400 for a single-wide and $600 for a double-wide. An increase to $500 and $1,000 respectively should result in the purchaser's needing less cash to cover costs in excess of present maximums and also provide an incentive for more quality workmanship. (3) Recent cost surveys provided for HUD have indicated that the present allowance for skirting is approximately one-fourth to one-third of the actual cost and this usually results in the purchaser's needing more cash or obtaining a lesser quality grade skirting. Since most mobile home parks require that skirting be placed on the unit, the increase to $300 will ease the financial burden on the purchaser. (4) Likewise, surveys reveal that the present maximum allowance for central air conditioning in mobile homes is well below current costs. An increase to the actual dealer's cost plus installation should permit a more realistic allowance so that more purchasers may obtain energy efficient air conditioning without large amounts of extra cash. For the first time, the purchase and installation of heat pumps will be permitted at the dealer level. These heating and cooling devices should assist in the conservation of energy and the reduction of monthly utility obligations of prospective purchasers. (5) The present method of paying claims provides very little incentive for the lender to work with delinquent borrowers. The lenders' interest loss has caused early foreclosures/repossessions and reduced resale prices. This amendment increases the interest amount paid to lenders to seven (7) percent on the outstanding principal balance from the date of default to the claim filing date, or nine months and thirty-one days, whichever is lesser. (6) The present allowance for repossession is $500 regardless of the type of mobile home. This amount is well below the cost of repossessing a double-wide unit. This amendment increases the amount to $1,000 for double-wide mobile homes. This should provide an incentive to sell the home on site as there will be funds available to pay land rent or mortgage payments. Resales on site greatly enhance the value of mobile homes, which will assist in reducing losses.

The Secretary has determined that this amendment confers various essential benefits to the public. Therefore, unless deferred due to comments received from the public, this regulation will become effective without notification by the Department 15 days after the close of the period allowed for public comment; that is, 45 days after publication of this document.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this finding is available in the office of the Rules Docket Clerk at the above cited address.

Accordingly, 24 CFR Part 201 is amended by revising § 201.530 and amending 201.680 (b) and (c)(1)as follows:

§ 201.530 Maximum loan amount.

(a) *Basic limitation.* The mobile home loan proceeds shall not exceed the lesser of $16,000 ($24,000 where the mobile home is composed of two or more modules) or 116 percent of the total price for such home, as stated in the manufacturer's invoice (ninety percent of the appraised value of a used mobile home if the used mobile home was previously financed with a loan under this part). The appraised value of a used mobile home shall be determined by a HUD-approved mobile home appraiser. The charges and fees authorized in paragraph (b) of this section may be added to the loan, if the inclusion of such items does not increase the total loan proceeds to more than $16,000 ($24,000 where the mobile home is composed of two or more modules).

(b) *Permissible charges and fees.* The following charges and fees are authorized:

(1) Filing or recording fees and charges.

(2) Documentary stamp taxes.

(3) State and local sales taxes.

(4) Costs of comprehensive and extended coverage insurance and a vendor's single interest coverage. The term of the initial policy shall not exceed 5 years.

(5) Itemized setup charges, including costs of "tie-downs", by the dealer for installing the mobile home on site and transportation costs from the dealer's lot to the site, not to exceed $500 or where the mobile home consists of two or more modules, $1,000.

(6) Cost of skirting not to exceed actual cost or $300, whichever amount is the lesser.

(7) Cost of central air conditioning or heat pumps, if not installed by the mobile home manufacturer, not to exceed 100 percent of the dealer's actual cost plus installation.

§ 201.680 Amount of claim.

* * * * *

(a) * * *

(b) Add to 90 percent of the amount determined under paragraph (a) of this section, 90 percent of the interest at 7 percent per annum on the outstanding principal balance computed from the date of default:

(1) * * *

(2) * * *

(c) Add to the amount obtained under paragraph (b) of this section the following allowances for expenditures made by the insured:

(1) The costs of repossessing and refurbishing the mobile home, not to exceed $500 for a single-wide unit and $1,000 for a double-wide unit.

* * * * *

(Sec. 7(d) 79 Stat. 670 (42 U.S.C. 3535(d)); Sec. 2, 48 Stat. (12 U.S.C. 1703) as amended.)

Issued at Washington, D.C., September 19, 1979.

Lawrence B. Simons,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 79-29852 Filed 9-25-79; 8:45 am]

BILLING CODE 4210-01-M

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24 CFR Part 841

[Docket No. N-79-949]

Public Housing Program; Development Phase; Prototype Cost Limits for Low-Income Public Housing

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, Department of Housing and Urban Development (HUD).

ACTION: Notice of Prototype Cost Determination Under 24 CFR, Part 841, Appendix A.

SUMMARY: On June 6, 1979, the Department published a revised schedule of "Prototype Cost Limits for Low-Income Public Housing." After consideration of additional factual data, revisions are necessary to increase per unit prototype cost limits for one area in the State of Pennsylvania and one area in the State of Illinois.

EFFECTIVE DATE: September 26, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Jack R. VanNess, Director, Technical Support Division, Office of Public Housing, Room 6248, 451 7th Street, S.W., Washington, D.C. 20410, (202) 755-4956 (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: The United States Housing Act of 1937 requires determination by HUD of the costs in different areas for construction

and equipment (prototype costs) of new dwelling units suitable for occupancy by low-income families. The prototype costs constitute a limit on development costs for construction and equipment of new public housing projects, including Indian projects.

These schedules establish per unit limits on prototype costs (dwelling construction and equipment) for development of low-income public housing under the United States Housing Act of 1937. The Act provides (Section 6(b)) that the prototype costs shall become effective upon the date of publication in the Federal Register, and this Notice is, therefore, made effective upon publication.

Timely written comments will be considered and additional amendments will be published if the Department determines that acceptance of the comments is appropriate. Comments with respect to cost limits for a given location should be sent to the address indicated above.

A Finding of Inapplicability respecting the National Environmental Policy Act of 1969, has been made in accordance with HUD procedures. A copy of this Finding of Inapplicability will be available for public inspection during regular business hours in the Office of the Rules Docket Clerk, Office of General Counsel, Room 5128, 451 7th Street, S.W., Washington, D.C. 20410.

Accordingly, the prototype per unit cost schedules issued under 24 CFR, Part 841, Appendix A, Prototype Cost Limits for Low-Income Housing are amended as follows:

1. At 44 FR 32528, revise the per unit cost schedules for detached and semi-detached, row and walk-up dwellings, as shown on the prototype per unit cost schedules, Region III, Pittsburgh, Pennsylvania.

2. At 44 FR 32543, revise the per unit cost schedules for detached and semi-detached, row and walk-up dwellings, as shown on the prototype per unit cost schedules, Region V, Springfield, Illinois.

(Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d); Sec. 6(b) U.S. Housing Act of 1937, 42 U.S.C. 1437(d)).

Issued at Washington, D.C. on September 19, 1979.

Lawrence B. Simons,

Assistant Secretary for Housing, Federal Housing Commissioner.

BILLING CODE 4210-01-M

REGION III

PENNSYLVANIA

PITTSBURG	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.	20,850	24,900	27,600	32,800	39,450	43,900	45,950
Row Dwellings	19,800	23,650	26,200	31,150	37,500	41,700	43,650
Walk-Up	17,700	21,150	23,450	27,900	33,550	37,315	39,050
Elevator-Structure							

	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.							
Row Dwellings							
Walk-Up							
Elevator-Structure							

	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.							
Row Dwellings							
Walk-Up							
Elevator-Structure							

	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.							
Row Dwellings							
Walk-Up							
Elevator-Structure							

	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.							
Row Dwellings							
Walk-Up							
Elevator-Structure							

REGION V

ILLINOIS

SPRINGFIELD	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.	19,850	24,100	29,600	35,450	42,600	47,300	49,600
Row Dwellings	18,850	22,900	28,100	33,700	40,500	44,950	47,120
Walk-Up	16,900	20,500	25,150	30,150	36,200	40,200	42,150
Elevator-Structure							

	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.							
Row Dwellings							
Walk-Up							
Elevator-Structure							

	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.							
Row Dwellings							
Walk-Up							
Elevator-Structure							

	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.							
Row Dwellings							
Walk-Up							
Elevator-Structure							

	0 BR	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
Det. & Semi-Det.							
Row Dwellings							
Walk-Up							
Elevator-Structure							

[FR Doc. 79-29862 Filed 9-25-79; 8:45 am]

BILLING CODE 4210-01-C

DEPARTMENT OF THE DEFENSE

Department of the Navy

32 CFR Part 706

Certifications and Exemptions Under the International Regulations for Preventing Collisions at Sea, 1972; Amendment

AGENCY: Department of the Navy, DOD.

ACTION: Final rule.

SUMMARY: The Department of the Navy is amending its certifications and exemptions under the International Regulations for Preventing Collisions at Sea, 1972 (72 COLREGS) to reflect that the Secretary of the Navy: (1) has determined that USS Mc Inerny (FFG 8), USS Wadsworth (FFG 9), USS Duncan (FFG 10) and USS Clark (FFG 11) are vessels of the Navy which, due to their special construction and purpose, cannot comply fully with certain provisions of the 72 COLREGS without interfering with their special function as naval frigates, and (2) has found that USS Mc Inerny (FFG 8), USS Wadsworth (FFG 9), USS Duncan (FFG 10) and USS Clark (FFG 11) are members of the FFG 7 class of ships, certain exemptions for which have been previously granted under 72 COLREGS Rule 38. The intended effect of this rule is to warn mariners in waters where the 72 COLREGS apply.

EFFECTIVE DATE: August 24, 1979.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander M. D. Seiders, JAGC, USN, Admiralty Division, Office of the Judge Advocate General, Navy Department, Washington, D.C. 20370, Telephone number (202) 694–5188.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted in Executive Order 11964 and 33 U.S.C. § 1605, the Department of the Navy amends 32 CFR Part 706. This amendment provides notice that the Secretary of the Navy has certified that USS Mc Inerny (FFG 8), USS Wadsworth (FFG 9), USS Duncan (FFG 10) and USS Clark (FFG 11) are vessels of the Navy which, due to their special construction and purpose, cannot comply fully with 72 COLREGS: Rule 21(a) regarding the arcs of visibility of their forward masthead lights; Annex I, Section 2(a)(i), regarding the height above the hull of their forward masthead lights; and Annex I, Section 3(b), regarding the horizontal relationship of their sidelights to their forward masthead lights, without interfering with their special function as Navy frigates. The Secretary of the Navy has also certified that the above-mentioned lights are located in closest possible compliance with the applicable 72 COLREGS requirements.

Notice is also provided to the effect that USS Mc Inerny (FFG 8), USS Wadsworth (FFG 9), USS Duncan (FFG 10) and USS Clark (FFG 11) are members of the FFG 7 class of ships for which certain exemptions, pursuant to 72 COLREGS Rule 38, have been previously authorized by the Secretary of the Navy. The exemptions pertaining, to that class, found in the existing tables of § 706.3, are equally applicable to these four ships. Moreover, it has been determined, in accordance with 32 CFR Parts 296 and 701, that publication of this amendment for public comment prior to adoption is impracticable, unnecessary and contrary to public interest since it is based on technical findings that the placement of lights on this ship in a manner differently from that prescribed herein will adversely affect the ship's ability to perform its military function. Accordingly, 32 CFR Part 706 is amended as follows:

§ 706.2 [Amended]

1. Table One of § 706.2 is amended as follows to indicate the certifications issued by the Secretary of the Navy:

Vessel	Number	Distance in meters of forward masthead light below minimum required height. § 2(a)(i) annex I
* * * * *		
USS Oliver Hazard Perry	FFG 7	
USS Mc Inerny	FFG 8	1.6
USS Wadsworth	FFG 9	1.6
USS Duncan	FFG 10	1.6
USS Clark	FFG 11	1.6

2. Table Four of § 706.2 is amended by revising the existing paragraph 8. to read:

On the following ships the arc of visibility of the forward masthead light required by Rule 23(a)(i) may be obstructed through 1.8° arcs of visibility at the points 021° and 339° relative to the ship's head.

USS Oliver Hazard Perry FFG 7
USS Mc Inerny FFG 8
USS Wadsworth FFG 9
USS Duncan FFG 10
USS Clark FFG 11

3. Table Four to § 706.2 is amended by revising the existing paragraph 9. to read:

Sidelights on the following ships do not comply with Annex I, Section 3(b):

Vessel	Number	Distance of Sidelights forward of masthead light in meters
USS Oliver Hazard Perry	FFG 7	2.75
USS Mc Inery	FFG 8	2.75
USS Wadsworth	FFG 9	2.75
USS Duncan	FFG 10	2.75
USS Clark	FFG 11	2.75

EFFECTIVE DATE: The effective date of this amendment will be August 24, 1979.

Dated: August 24, 1979.

R. James Woolsey,

Acting Secretary of the Navy.

[FR Doc. 79-29914 Filed 9-25-79; 8:45 am]

BILLING CODE 3810-71-M

DEPARTMENT OF DEFENSE

Corps of Engineers

33 CFR Part 222

[ER 1110-2-106]

Engineer and Design; National Program for Inspection of Non-Federal Dams

AGENCY: Corps of Engineers.

ACTION: Final rule.

SUMMARY: This regulation prescribes procedures for the implementation of a National Program for Inspection of Non-Federal Dams. The National Dam Inspection Act, Pub. L. 92–367 dated 8 August 1972 required the Corps of Engineers to carry out the program. The inspection program will alert the states and the owners of non-Federal dams to conditions that may constitute a danger to human life or property.

EFFECTIVE DATE: September 26, 1979.

FOR FURTHER INFORMATION CONTACT: George A. Gibson, Structures Branch, Office, Chief of Engineers, Department of the Army, Washington, D.C. 20314, (202) 272–0219.

For the Chief of Engineer.
Dated: September 10, 1979.

Forrest T. Gay III,

Colonel, Corps of Engineers, Executive Director, Engineer Staff.

Accordingly, 33 CFR Part 222 is amended by adding a new § 222.8 as follows:

§ 222.8 National Program for Inspection of Non-Federal Dams.

(a) *Purpose.* This regulation states objectives, assigns responsibilities and prescribes procedures for implementation of a National Program for Inspection of Non-Federal Dams.

(b) *Applicability.* This regulation is applicable to all Divisions and Districts having Civil Works functions.

(c) *References.*

(1) The National Dam Inspection Act, Public Law 92–367, 8 August 1972.

(2) Freedom of Information Act, Public Law 87–487, 4 July 1967.

(3) ER 500–1–1.

(d) *Authority.* The National Dam Inspection Act, Public Law 92–367, 8 August 1972 authorizes the Secretary of the Army, acting through the Chief of Engineers, to carry out a national program of inspection of non-Federal dams for the purpose of protecting human life and property.

(e) *Scope.* The program provides for:

(1) An update of the National Inventory of Dams.

(2) Inspection of the following non-Federal dams (the indicated hazard potential categories are based upon the location of the dams relative to developed areas):

(i) Dams which are in the high hazard potential category (located on Federal and non-Federal lands).

(ii) Dams in the significant hazard potential category believed by the State to represent an immediate danger to the public safety due to the actual condition of the dam.

(iii) Dams in the significant hazard potential category located on Federal lands.

(iv) Specifically excluded from the national inspection program are (A) dams under the jurisdiction of the Bureau of Reclamation, the Tennessee Valley Authority, the International Boundary and Water Commission and the Corps of Engineers and (B) dams which have been constructed pursuant to licenses issued under the authority of the Federal Power Act, and (C) dams which have been inspected within the 12-month period immediately prior to the enactment of this act by a State agency and which the Governor of such State requests be excluded from inspection.

(f) *Objectives.* The objectives of the program are:

(1) To update the National Inventory of Dams by 30 September 1980.

(2) To perform the initial technical inspection and evaluation of the non-Federal dams described in paragraph 222.8(e) of this section to identify conditions which constitute a danger to human life or property as a means of expediting the correction of hazardous conditions by non-Federal interests. The inspection and evaluation is to be completed by 30 September 1981.

(3) To obtain additional information and experience that may be useful in determining if further Federal actions are necessary to assure national dam safety.

(4) Encourage the States to establish effective dam safety programs for non-Federal dams by 30 September 1981 and assist the States in the development of the technical capability to carry out such a program.

(g) *Program Execution.*

(1) Responsibilities.

(i) The owner has the basic legal responsibility for potential hazards created by their dam(s). Phase II studies, as described in Chapter 4, Appendix D, and remedial actions are the owner's responsibility.

(ii) The State has the basic responsibility for the protection of the life and property of its citizens. Once a dam has been determined to be unsafe, it is the State's responsibility to see that timely remedial actions are taken.

(iii) The Corps of Engineers has the responsibility for executing the national program. The Federal program for inspection of dams does not modify the basic responsibilities of the States or dam owners. The Engineering Division of the Civil Works Directorate is responsible for overall program goals, guidance, technical criteria for inspections and inventory and headquarters level coordination with other agencies. The Water Resources Support Center (WRSC) located at Kingman Building, Fort Belvoir, Virginia 22060 is responsible for:

(A) Program Coordination of both the inventory and inspection programs.

(B) Developing and defining functional tasks to achieve program objectives.

(C) Determining resource requirements. (Budget)

(D) Compiling and disseminating progress reports.

(E) Monitoring and evaluating program progress and recommending corrective measures as needed.

(F) Collecting and evaluating data pertaining to inspection reports, dam owners' responses to inspection report recommendations, attitudes and capabilities of State officials, State dam safety legislation, Architect-Engineer performance, etc., for defining a comprehensive national dam safety program.

(G) Responding to Congressional, media, scientific and engineering organization and general public inquiries.

Division and District offices are responsible for executing the program at the State level. Assignment of Division reponsibilities for States is shown in Appendix A.

(2) State Participation. Where State capability exists, every effort should be made to encourage the State to execute the inspection program either with State personnel or with Architect-Engineer (A–E) contracts under State supervision. If the State does not have the capability to carry out the inspection program, the program will be managed by the Corps of Engineers utilizing Corps employees or contracts with A–E firm.

(h) *Update of National Inventory of Dams.* (RCS–DAEN–CWE–17/OMB No. 49–RO421)

(1) The National Inventory of Dams should be updated and verified to include all Federal and non-Federal dams covered by the Act. Those dams are defined as all artificial barriers together with appurtenant works which impound or divert water and which (1) are twenty-five feet or more in height or (2) have an impounding capacity of fifty acre-feet or more. Barriers which are six feet or less in height, regardless of storage capacity or barriers which have a storage capacity at maximum water storage elevation of fifteen acre-feet or less regardless of height are not included.

(2) Inventory data for all dams shall be provided in accordance with Appendix B.

(3) The hazard potential classification shall be in accordance with paragraph 2.1.2 *Hazard Potential* of the Recommended Guidline for Safety Inspection of Dams (Appendix D to this section). The following Table shall be used in lieu of Table 2, Appendix D.

Table 2.—*Hazard Potential Classification*

Category	Urban development	Economic loss
Low	No permanent structure for human habitation	Minimal (Undeveloped to occasional structures or agriculture).
Significant	No urban development and no more than a small number of habitable structures.	Appreciable (Notable agriculture, industry or structures).
High	Urban development with more than a small number of habitable structures.	Excessive (Extensive community, industry or agriculture).

(4) As in the original development of the inventory, the States should be encouraged to participate in the work of completing, verifying and updating the inventory. Also, when available, personnel of other appropriate Federal agencies should be utilized for the inventory work on a reimbursable basis. Work in any State may be accomplished:

(i) Under State supervision utilizing State personnel or Architect-Engineers contracts.

(ii) Under Corps supervision utilizing Corps employees, employees of other Federal agencies or Architect-Engineer contracts.

(5) A minimum staff should be assigned in Districts and Divisions to administer and monitor the inventory activities. Generally, the work should be accomplished by architect-engineers or other Federal agency personnel under State or Corps supervision. Corps personnel should participate in the inventory only to the extent needed to assure that accurate data are collected.

(6) The National Inventory of Dams computerized data base in stored on the Boeing Computer Services (BCS) EKS computer system in Seattle, Washington. The data base uses Data Base Management System 2000 and is accessible for query by all Corps offices.

(7) Appendix B indicates details on accessing and updating inventory data.

(8) Appendix I describes the procedure for using NASA Land Satellite (LANDSAT) Multispectral Scanner data along with NASA's Surface Water Detection and Mapping (DAM) computer program to assist in updating and verifying and National Inventory of Dams.

(9) All inventory data for dams will be completed and verified utilizing all available sources of information (including LANDSAT overlay maps) and will include site visitation if required. It is the responsibility of the District Engineer to insure that the inventory of each State within his area of responsibility is accurate and contains the information required by the General Instructions for completing the forms for each Federal and non-Federal dam.

(i) [Reserved]

(j) *Inspection Program.* (RCS–DAEN–CWE–17 and OMB No. 49–RO421)

(1) Scheduling of Inspections. The Governor of each State or his designee will continue to be involved in the selection and scheduling of the dams to be inspected. Priority will be given to inspection of those dams considered to offer the greatest potential threat to public safety.

(i) No inspection of a dam should be initiated until the hazard potential classification of the dam has been verified to the satisfaction of the Corps. Dams in the significant hazard category should be inspected only if requested by the State and only then if the State can provide information to show that the dam has deficiencies that pose an immediate danger to the public safety. Guidance for the selection of significant category non-Federal dams on Federal lands will be given in the near future.

(ii) Selection for inspection of non-Federal dams located on Federal lands or non-Federal dams designed and constructed under the jurisdiction of some Federal agency, should be coordinated with the responsible Federal agency. The appropriate State or regional representative of the Federal agency also should be contacted to obtain all available data on the dam. Representatives of the agency may participate in the inspection if they desire and should be given the opportunity to review and comment on the findings and recommendations in the inspection report prior to submission to the Governor and the dam owner. Examples of such dams are: non-Federal dams built on lands managed by National Forest Service, Bureau of Land Management, Fish and Wildlife Service, etc.; non-Federal dams designed and constructed by the Soil Conservation Service of the U.S. Department of Agriculture; high hazard mine tailings and coal mine waste dams under the jurisdiction of the Mine Safety and Health Administration, Department of Labor.

(iii) Indian-owned dams on trust lands are considered to be non-Federal dams. All dams in the high hazard potential category will be inspected. Privately-owned dams located on Indian lands are to be included in the program, however BIA-owned dams on Indian lands are Federal dams and are exempt.

(2) Procedures. The Division Engineer is responsible for the quality of inspections and reports prepared by the District Engineer. Close liaison between the District Engineer and the State agency or A–E firm responsible for the inspections will be required in order to obtain a dependable result. To avoid undesirable delays in the evaluation of safety of individual dams, contracts with A–E's or agreements with States which are managing the program will provide that reports be completed and furnished to the District Engineer within a specified time after completion of the on-site inspection of the dam.

(i) Inspection Guidelines. The inspection should be conducted in accordance with the Recommended Guidelines for Safety Inspection of Dams (Appendix D to this section). Expanded Guidance for Hydrologic and Hydraulic Assessment of Dams is provided in Appendix C. The criteria in the recommended guidelines are screening criteria to be used only for initial determinations of the adequacy of the dam. Conditions found during the investigation which do not meet the guideline recommendations should be assessed as to their importance from the standpoint of the degree of risk involved.

(ii) Coordinators. Experience has shown that coordination and communications among technical disciplines, Public Affairs Office, emergency officials, training officers, operations personnel, State representatives and A–E firms has been best in those districts where one person was delegated the responsiblity for coordinating the actions of all involved elements. Each district should evaluate its overall coordination procedures to insure that all involved elements have the best possible access to necessary data.

(iii) Field investigations should be carried out in a systematic manner. A detailed checklist or inspection form should be developed and used for each dam inspection and appended to the inspection report. The size of the field inspection team should be as small as practicable, generally consisting of only one representative of each required discipline in order to control the costs of the inspection without sacrificing the quality of the inspection. The inspection team for the smaller less complex dams should be limited to two or three representatives from appropriate technical areas with additional specialists used only as special conditions warrant. The larger more complex projects may require inspection teams of three or four specialists. Performance of overly detailed and precise surveys and mapping should be avoided. Necessary measurement of spillway, dam slopes, etc. can generally be made with measuring tapes and hand levels.

(iv) Additional Engineering Studies. Dam inspections should be limited to Phase I investigations as outlined in Chapter 3 of Appendix D. However, if recommended by the investigating engineer and approved by the District Engineer, some additional inexpensive investigations may be performed when a reasonable judgment on the safety of the dam cannot be made without additional investigation. Any further Phase II investigation needed to prove or disprove the findings of the District Engineer or to devise remedial measures to correct deficiencies are the

responsibility of the owner and will not be undertaken by the Corps of Engineers.

(v) Assessment of the Investigation.

(A) The findings of the visual inspection and review of existing engineering data for a dam shall be assessed to determine its general condition. Dams assessed to be in generally good condition should be so described in the inspection report. Deficiencies found in a dam should be described and assessed as to the degree of risk they present. The degree of risk should consider only loss of life and/or property damage resulting from flooding due to dam failure. Loss of project benefits i.e., municipal water supply, etc., should not be considered. If deficiencies are assessed to be of such a nature that, if not corrected, they could result in the failure of the dam with subsequent loss of life and/or substantial property damage, the dam should be assessed as "Unsafe." If the probable failure of an "Unsafe" dam is judged to be imminent and immediate action is required to reduce or eliminate the hazard, the "unsafe" condition of the dam should be considered an "emergency." If the probable failure is judged not to be imminent, the "unsafe" condition should be considered a "non-emergency."

(B) Adequacy of Spillway. The "Recommended Guidelines for Safety Inspection of Dams," Appendix D, provide current, acceptable inspection standards for spillway capacity. Any spillway capacity that does not meet the criteria in the "Guidelines" is considered inadequate. When a spillway's capacity is so deficient that it is seriously inadequate, the project must be considered *unsafe*. If all of the following conditions prevail, the Governor of the State shall be informed that such project is unsafe:

(1) There is high hazard to loss of life from large flows downstream of the dam.

(2) Dam failure resulting from overtopping would significantly increase the hazard to loss of life downstream from the dam over that which would exist just before overtopping failure.

(3) The spillway is not capable of passing one-half of the probable maximum flood without overtopping the dam and causing failure.

Classification of dams with seriously inadequate spillways as "unsafe, non-emergency" is generally a proper designation of the urgency of the unsafe condition. However, there may be cases where the spillway capacity is unusually small and the consequences of dam overtopping and failure would be catastrophic. In such cases, the unsafe dam should be classified as an emergency situation.

(vi) All inspection reports will receive one level of independent review by the Corps. If the reports are prepared by the Corps, the independent review may be performed internally within the district office. However, in cases which involve significant economic, social or political impacts and technical uncertainties in evaluating the dams, advice may be obtained from the staffs of the Division Engineer and the Office, Chief of Engineers.

(3) Reports.

(i) Preparation. A written report on the condition of each dam should be prepared as soon as possible after the completion of the field inspection and assessment. A suggested report format is attached as Appendix E. It is important that the inspection report be completed in a timely manner. For inspections being done by Corps employees, it is suggested that once an inspection team has been assigned to a dam inspection it be allowed to complete the inspection and report without interruption by other work.

(ii) Review and Approval. The coordinating engineer should determine which disciplines should review the report and establish a procedure to accomplish the review in a timely manner. A review panel, made up of the appropriate Division and Branch Chiefs has worked well in some districts. Use of a review panel should be seriously considered by all districts. All inspection reports shall be approved by the District Engineer who will maintain a complete file of final approved reports. Any State or Federal agency having jurisdiction over the dam or the land on which the dam is built should be given the opportunity to review and comment on the report prior to submission to the Governor or dam owner. The District Engineer will transmit final approved reports to the Governor of the State and the dam owner (or the Governor only, when requested in writing by State officials). If the report is initially furnished to the Governor only, a period of up to ten days may be allowed before the report is furnished to the dam owner. If the Governor or the owner indicates additional technical information is available that might affect the assessment of the dam's condition, the District Engineer will furnish the proposed final report to the Governor and the owner and establish a definite time period for comments to be furnished to the District Engineer prior to report approval.

(iii) In general the Governor will be responsible for public release of an inspection report and for initiating any public Statements. However, an approved report must be treated as any other document subject to release upon request under the Freedom of Information Act. The letters of transmittal to the Governor and owner should indicate that under the provisions of the Freedom of Information Act, the documents will be subject to release upon request after receipt by the Governor. Proposed final reports will be considered as internal working papers not subject to release under the Freedom of Information Act. Corps personnel, A–E contractor personnel and others working under supervision of the Corps will be cautioned to avoid public statements about the condition of the dam until after the District Engineer has approved the report. The Corps will respond fully to inquiries after the Governor has received the approved report or been notified of an unsafe dam. An information copy of the report should be sent to the District office normally having jurisdiction if other than the District responsible for the inspection.

(iv) Follow-up Action. A Federal investment of the magnitude anticipated for this inspection program makes it desirable that a reporting system be established to keep the District Engineer abreast of the implementation of the recommendations in the inspection reports. The letters of transmittal to the Governor and owner will request that the District Engineer be informed of the actions taken on the recommendations in the inspection reports. However, the National Dam Inspection Act only authorizes the initial inspection of certain dams; therefore, once a report is completed no reinspection will be undertaken.

(4) Unsafe Dams. The investigating engineer will be required to immediately notify the District Engineer when a dam is assessed as being unsafe. He will also indicate if probable failure of the unsafe dam is judged to be imminent and immediate action is required to reduce or eliminate the threat. The District Engineer will evaluate the findings of the investigating team and will immediately notify the Governor and the owner if the findings are Unsafe Non-Emergency or Unsafe-Emergency. The appropriate State agency and the Corps of Engineers officials having emergency operation responsibility for the area in which the dam is located will also be notified. The information provided in the unsafe dam notice shall be as indicated in Appendix F. Any emergency procedures or remedial actions deemed necessary by the District Engineer will be recommended to the Governor who

has the responsibility for any corrective actions. As provided in ER 500–1–1, Corps assistance under PL 84–99 "Advance Measures," may be made available to complement the owner's and Governor's action under certain conditions and subject to the approval of the Director of Civil Works. The District Engineer's Emergency Operation Officer will coordinate the advance measures request in accordance with existing procedures. Coordination will be maintained between the District responsible for emergency action under PL 84–90 and the District responsible for the inspection.

(5) Emergency Action Plans. An emergency action plan should be available for every dam in the high and significant hazard category. Such plans should outline actions to be taken by the operator to minimize downstream effects of an emergency and should include an effective warning system. If an emergency action plan has not been developed, the inspection report should recommend that the owner develop such an action plan. However, the Corps has no authority to require an emergency action plan.

(k) *Progress Reports.* Progress reports should be submitted monthly by the Division Engineer to WRSC. The reports shall include progress through the last Saturday of the month and should be mailed by the following Monday. The reports shall contain the information and be typewritten in the format shown in Appendix G. Copies of Unsafe Dam Data Sheets will be submitted with the progress report. Copies of the completed inspection report for Dams in the Unsafe-Emergency category will be submitted also. (RCS–DAEN–CWE–19)

(l) *Contracts.*

(1) Corps of Engineers Supervision. Contracts for performing inventory and inspection activities under supervision of the Corps of Engineers shall be Fixed-Price Architect Engineer Contracts for Services. A sample scope of work setting forth requirements is provided in Appendix H. Experience has shown that costs for individual dam inspection have been lower when multiple inspections are included in one contract. Therefore, each A–E contract should include multiple dam inspections where practicable. Corps participation in A–E inspections should be held to a minimum. Corps representatives should participate in only enough A–E inspections to assure the equality of the inspections.

(2) State supervision. Contracts with States for performing inventory and inspection activities under State supervision may be either a Cost-Reimbursement type A–E Contract for Services or a Fixed-Price type contract. The selection of Architect-Engineers by the State should require approval of the Corps of Engineers Contracting Officer. The negotiated price for A–E services under cost-reimbursement type contracts with States will also require approval by the Contracting Officer. Contracts with States should require *timely* submission of the inspection reports to the District Engineer for review and approval. The contract provisions should also prevent public release of or public comment on the inspection report until the District Engineer has reviewed and approved the report. Corps of Engineers participation in State inspections should be limited to occasional selected inspections to assure the quality of the State program.

(m) *Training.* As indicated in paragraph 222.8(f) of this section, one objective of the inspection program for non-Federal Dams is to prepare the States to provide effective dam safety programs. In many States this will require training of personnel of State agencies in the technical aspects of dam inspections. The Office, Chief of Engineers is studying the need for and content of a comprehensive Corps-sponsored training program in dam inspection technology. Pending the possible adoption of such a comprehensive plan, division and district Engineers are encouraged to take advantage of suitable opportunities to provide needed training in dam safety activities to qualified employees of State agencies and, when appropriate, to employees of architect-engineer firms engaged in the program. The following general considerations should be observed in providing such training:

(1) Priority must be placed on inspection of dams and updating the national dam inventory; hence, diversion of resources to training activities should not deter or delay these principle program functions.

(2) Expenses during training activities of qualified State employees who are assigned to dam inspection work may be reimbursed from funds available to the Corps for work under PL 92–367.

(3) Architect-Engineer firms will be required to pay expenses and any incremental training costs for their employees participating in Corps-sponsored training activities.

(4) Corps-sponsored training will require that each trainee is a qualified engineer or geologist and will concentrate on engineering technology related directly to dam safety. (This may require screening of proposed candidates for training.)

(5) Under this program, the Corps will not sponsor training that is intended primarily to satisfy requirements for a degree.

(6) Training by participation in actual dam inspections and/or management of the inspection program should be encouraged.

(Pub. L. 92–367)

Appendix A.—Division Assignments

To facilitate better coordination with the States, the Division Engineers are responsible for the dam inspection program by States as follows:

New England Division: Maine, Rhode Island, Connecticut, Vermont, New Hampshire, Massachusetts

North Atlantic Division: New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, District of Columbia

Ohio River Division: West Virginia, Ohio, Kentucky, Tennessee, Indiana

South Atlantic Division: North Carolina, South Carolina, Georgia, Florida, Alabama, Puerto Rico, Virgin Islands

Lower Mississippi Valley Division: Mississippi, Louisiana, Missouri

North Central Division: Michigan, Wisconsin, Illinois, Minnesota, Iowa

Southwestern Division: Arkansas, Oklahoma, Texas, New Mexico

Missouri River Division: Kansas, Nebraska, South Dakota, North Dakota, Wyoming, Colorado

North Pacific Division: Oregon, Idaho, Montana, Washington, Alaska

South Pacific Division: Utah, California, Arizona, Nevada

Pacific Ocean Division: Hawaii, Trust Territories, American Samoa

Appendix B.—Inventory of Dams

(RCS–DAEN–CWE–17 and OMB No. 49–RO421)

1. The updating of the inventory will include the completion of all items of data for all dams now included in the inventory, verification of the data now included in the inventory, and inclusion of complete data for all appropriate existing dams not previously listed. Data completion, verification and updating will be scheduled over a three year period.

2. The inventory data will be recorded on Engineering Form 4474 and 4474A (Exhibit 2). The general instructions for completing the forms are printed on the back of the forms. Parts I and II of the forms are to be fully completed. The instruction for completing Item 29, Line 5, Para. II (Engr Form 4474A) is revised to conform identically with the hazard potential classification contained in the recommended guidelines for safety inspection of dams. Additional data has been added to designate Corps districts in which the dam is located, Federal agency owned dams, Corps owned dams, Federal agency regulated dams, dams constructed with technical or financial assistance of the U.S. Soil Conservation Service, and privately owned dams located on Federal property.

3. All inventory data will be verified utilizing all available sources of information and will include site visitation if required.

4. The Inventory Data Base is stored on the Boeing Computer Services (BCS) EKS System in Seattle, Washington. The data is available to all Corps offices for queries using Data Base Management System 2000 (S2K).

a. To access the National Data Base log on BCS and type the following:

GET,DAMS/UN=CECELB

CALL,DAMS

b. For current information and changes to the National Inventory Data Base, type:

OLD,HOTDAM/UN=CEC1AT

LIST

5. The inventory update data will be furnished and the National Data Base will be updated on a monthly basis. The monthly submission will cover all dams whose inventory data were completed since the last report. The update data will be loaded directly onto the Boeing Computer by the field office.

a. The procedure for loading the data on the Boeing Computer can be printed by accessing the Boeing Computer and listing the information file "HOTDAM." (See paragraph 4b. above.)

b. It is the responsibility of the submitting office to edit the data prior to furnishing it for the update. Editing will be accomplished by processing the data using the Inventory Edit Computer program developed by the Kansas City District. This procedure is described in the "HOTDAM" file.

6. Federal agencies will be uniformly designated by major and minor abbreviations according to the following list whenever applicable to Items 46 through 53. Abbreviations are to be left justified within the field with one blank separating major and minor abbreviations.

	Major	Minor
a. International Boundary and Water Commission.	IBWC	
b. U.S. Department of Agriculture:		
(1) Soil Conservation Service	USDA	SCS
(2) Forest Service	USDA	FS
c. U.S. Department of Energy Federal Energy Regulatory Commission.	DOE	FERC
d. Tennessee Valley Authority	TVA	
e. U.S. Department of Interior:		
(1) Bureau of Sport Fisheries and Wildlife.	DOI	BSFW
(2) Geological Survey	DOI	GS
(3) Bureau of Land Management	DOI	BLM
(4) Bureau of Reclamation	DOI	USBR
(5) Bureau of Indian Affairs	DOI	BIA
f. U.S. Department of Labor: (1) Mine Safety and Health Administration.	DOL	MSHA
g. Corps of Engineers:		
(1) Lower Mississippi Valley Division:		
(a) Memphis District	DAEN	LMM
(b) New Orleans District	DAEN	LMN
(c) St. Louis District	DAEN	LMS
(d) Vicksburg District	DAEN	LMK
(2) Missouri River Division:		
(a) Kansas City District	DAEN	MRK
(b) Omaha District	DAEN	MRO
(3) New England Division	DAEN	NED
(4) North Atlantic Division:		
(a) Baltimore District	DAEN	NAB
(b) New York District	DAEN	NAN
(c) Norfolk District	DAEN	NAO
(d) Philadelphia District	DAEN	NAP
(5) North Central Division:		
(a) Buffalo District	DAEN	NCB
(b) Chicago District	DAEN	NCC
(c) Detroit District	DAEN	NCE
(d) Rock Island District	DAEN	NCR
(e) St. Paul District	DAEN	NCS
(6) North Pacific Division:		
(a) Alaska District	DAEN	NPA
(b) Portland District	DAEN	NPP
(c) Seattle District	DAEN	NPS
(d) Walla Walla District	DAEN	NPW
(7) Ohio River Division:		
(a) Huntington District	DAEN	ORH
(b) Louisville District	DAEN	ORL
(c) Nashville District	DAEN	ORN
(d) Pittsburgh District	DAEN	ORP
(8) Pacific Ocean Division	DAEN	POD
(9) South Atlantic Division:		
(a) Charleston District	DAEN	SAC
(b) Jacksonville District	DAEN	SAJ
(c) Mobile District	DAEN	SAM
(d) Savannah District	DAEN	SAS
(e) Wilmington District	DAEN	SAW
(10) South Pacific Division:		
(a) Los Angeles District	DAEN	SPL
(b) Sacramento District	DAEN	SPK
(c) San Francisco District	DAEN	SPN
(11) Southwestern Division:		
(a) Albuquerque District	DAEN	SWA
(b) Fort Worth District	DAEN	SWF
(c) Galveston District	DAEN	SWG
(d) Little Rock District	DAEN	SWL
(e) Tulsa District	DAEN	SWT

7. *Procedures for Revising and Updating the Inventory of Dams Master File.*

a. *To Change Correct or Add an Item.* Submit a change card that contains the identification assigned to the dams (Columns 1 thru 7), the proper card code (Column 80) and only the item or items changed, corrected or added. Data on the master file is added or replaced on an item for item basis.

b. *To Delete an Item.* Submit a change card that contains the identification assigned to the dam, (Columns 1 thru 7), the proper card code (Column 80), and an asterisk (*) in the left most column of the item or items to be deleted. More than one item can be changed, corrected, added on or deleted from the same card.

c. *To Delete the Entire Data for a Dam from the Master File.* Submit a zero (0) card punched as follows:

Columns 1 thru 7—Item 1 identification assigned to the dam
Columns 8 thru 10—Item 2, Division Code
Columns 11 thru 16—The word DELETE
Columns 17 thru 79—Blank Spaces
Column 80—A zero

8. *Keypunch Instructions and Punched Card Formats.*

a. Table 1 describes the character set to be used for keypunch cards of Engr. Forms 4474 and 4474A.

b. Exhibit 1 is the EDPC keypunch instructions and punch card formats defining the data fields (Items) and card columns to be used in preparing punched cards in compliance with the requirements of this regulation.

c. Exhibit 2 are prints of Engr Forms 4474 and 4474A which are laid out in punch card format to facilitate punching cards directly from the completed forms.

BILLING CODE 3710-92-M

Table 1

STANDARD CHARACTER SET AND CARD CODES

A	12-1		0	0
B	12-2		1	1
C	12-3		2	2
D	12-4		3	3
E	12-5		4	4
F	12-6		5	5
G	12-7		6	6
H	12-8		7	7
I	12-9		8	8
J	11-1		9	9
K	11-2	space	blank	
L	11-3		,	0-3-8
M	11-4		.	12-3-8
N	11-5		-	11
O	11-6		*	11-4-8
P	11-7		/	0-1
Q	11-8		$	11-3-8
R	11-9			
S	0-2			
T	0-3			
U	0-4			
V	0-5			
W	0-6			
X	0-7			
Y	0-8			
Z	0-9			

NON-STANDARD CHARACTER SET

(	12-5-8	0-8-4
)	11-5-8	12-8-4
"	8-4	
'	11-8-5	
+	12	
%	8-6	
;	12-8-7	11-8-6
:	8-2	
#	0-8-6	
@	8-5	
=	8-3	8-6

EDPC KEYPUNCH INSTRUCTIONS (Continued)

JOB TITLE: INVENTORY OF UNITED STATES DAMS — JOB NO.:

CARD IDENTIFICATION: CARDS 0&1 — SOURCE: ENG FORM 4474

SOURCE BLOCK	NAME OF FIELD	COLUMNS FROM	COLUMNS TO	NO. COLS.	TYPE DATA *	JUSTIFY **	REMARKS-INSTRUCTIONS
1	Card Number 0 Identity (State)	1	2	2	A	L	
1	Identity (Number)	3	7	5	N	R	
2	Div	8	10	3	A	L	
3	State	11	12	2	A	L	
4	County	13	15	3	N	R	
5	Congr Dist	16	17	2	N	R	
6	State	18	19	2	A	L	
7	County	20	22	3	N	R	
8	Congr. Dist	23	24	2	N	R	
9	Name	25	61	39	A	L	
10	Latitude	62	66	5	N	R	No decimal point is punched.
11	Longitude	67	72	6	N	R	No decimal point is punched.
12	Report Data (Day)	73	74	2	N	R	
12	Report Data (Mo)	75	77	3	A	L	
12	Report Data (Yr)	78	79	2	N	R	
	Card Number	80	80	1	N		Punch a 0
	CARD NUMBER 1						
1	Identity	1	7				Repeat Item 1 card 0
13	Popular Name	8	43	36	A	L	
14	Name of Impoundment	44	79	36	A	L	
	Card Number	80	80	1	N		Punch a 1

* A = ALPHA N = NUMERIC ** L = LEFT, R = RIGHT

ENG FORM 0 1617B — SHEET OF SHEETS

EDPC KEYPUNCH INSTRUCTIONS (Continued)

JOB TITLE: INVENTORY OF UNITED STATES DAMS — JOB NO.:

CARD IDENTIFICATION: CARD 2 — SOURCE: ENG FORM 4474

SOURCE BLOCK	NAME OF FIELD	COLUMNS FROM	COLUMNS TO	NO. COLS.	TYPE DATA *	JUSTIFY **	REMARKS-INSTRUCTIONS
1	CARD NUMBER 2 Identity	1	7				Repeat Item 1 card 0
15	Region	8	9	2	N	R	
16	Basin	10	11	2	N	R	
17	River or Str a	12	40	29	A	L	
18	City-Town-Village	41	68	28	A	L	
19	Distance from Dam	69	71	3	N	R	
20	Population	72	79	8	N	R	
	Card Number	80	80	1	N		Punch a 2

* ALPHA N = NUMERIC ** LEFT = RIGHT

EDPC KEYPUNCH INSTRUCTIONS (Continued)

JOB TITLE: INVENTORY OF UNITED STATES DAMS — JOB NO.:

CARD IDENTIFICATION: CARD 3 & 4 — SOURCE: ENG FORM 4474A

SOURCE BLOCK	NAME OF FIELD	COLUMNS FROM	COLUMNS TO	NO. COLS.	TYPE DATA *	JUSTIFY **	REMARKS-INSTRUCTIONS
	CARD NUMBER 3						
1	Identity	1	7				Repeat Item 1 card 0
21	Type of Dam	8	19	14	A	L	
22	Year Completed	20	23	4	N	R	
23	Purposes	24	33	10	A	L	
24	Structural Height	34	37	4	N	R	
25	Hydraulic Height	38	41	4	N	R	
26	Impounding Maximum	42	49	8	N	R	
27	Impounding Normal	50	57	8	N	R	
27A	C. E. District	58	60	3	A	L	
27B	Ownership	61	61	1	A		
27C	Fed. Regulated	62	62	1	A		
27D	Pry't Dams/Fed Land	63	63	1	A		
27E	Soil Con. Ser. Ass't.	64	64	1	A		
27F	Verif. Date (Day)	65	66	2	N	R	
27I	Verif. Date (Mo)	67	69	3	A	L	
27F	Verif Date (Yr)	70	71	2	N	R	
	Card Number	80	80	1	N		Punch a 3
	CARD NUMBER 4						
1	Identity	1	7				Repeat Item 1 card 0
23	Remarks	8	79	72	A	L	
	Card Number	80	80	1	N		Punch a 4

* ALPHA N = NUMERIC ** LEFT = RIGHT

FORM 0-1017-3 — SHEET OF SHEETS

Exhibit 1

EDPC KEYPUNCH INSTRUCTIONS (Continued)

JOB TITLE: INVENTORY OF UNITED STATES DAMS — JOB NO.:

CARD IDENTIFICATION: CARD 5 — SOURCE: ENG FORM 4474A

SOURCE BLOCK	NAME OF FIELD	COLUMNS FROM	COLUMNS TO	NO COLS.	TYPE DATA *	JUSTIFY **	REMARKS-INSTRUCTIONS
	CARD NUMBER 5						
1	Identity	1	7				Punch from Part II Item 1
29	D/S Elev	8	8	1	N		
30	Crest Length	9	13	5	N	R	
31	Spillway Type	14	14	1	A		
32	Spillway Width	15	18	4	N	R	
33	Maximum Discharge	19	25	7	N	R	
34	Volume of Dam	26	34	9	N	R	
35	Power-Installed	35	40	6	N	R	
36	Power-Proposed	41	46	6	N	R	
37	N.L. Number	47	47	1	N		
38	N.L. Length	48	51	4	N	R	
39	N.L. Width	52	54	3	N	R	
40	N.L. Length	55	58	4	N	R	
41	N.L. Width	59	61	3	N	R	
42	N.L. Length	62	65	4	N	R	
43	N.L. Width	66	68	3	N	R	
44	N.L. Length	69	72	4	N	R	
45	N.L. Width	73	75	3	N	R	
	Card Number	80	80	1	N		Punch a 5

* A ALPHA N NUMERIC ** L LEFT, R RIGHT

EDPC KEYPUNCH INSTRUCTIONS (Continued)

JOB TITLE: INVENTORY OF UNITED STATES DAMS — JOB NO.:

CARD IDENTIFICATION: CARD 6,7,8, & 9 — SOURCE: ENG FORM 4474A

SOURCE BLOCK	NAME OF FIELD	COLUMNS FROM	COLUMNS TO	NO COLS.	TYPE DATA *	JUSTIFY **	REMARKS-INSTRUCTIONS
	CARD NUMBER 6						
1	Identity	1	7				Repeat Item 1 card 5
46	Owner	8	31	24	A	L	
47	Engineering By	32	55	24	A	L	
48	Construction By	56	79	24	A	L	
	Card Number	80	80	1	N		Punch a 6
	CARD NUMBER 7						
1	Identity	1	7				Repeat Item 1 card 5
49	Design	8	25	18	A	L	
50	Construction	26	43	18	A	L	
51	Operation	44	61	18	A	L	
52	Maintenance	62	79	18	A	L	
	Card Number	80	80	1	N		Punch a 7
	CARD NUMBER 8						
1	Identity	1	7				Repeat Item 1 card 5
53	Inspection By	8	40	33	A	L	
54	Inspection (Dy)	41	42	2	N	R	
54	Inspection (Mo)	43	45	3	N	R	
54	Inspection (Yr)	46	47	2	N	R	
55	Authority	48	79	32	A	L	
	Card Number	80	80	1	N		Punch a 8
1	CARD NUMBER 9	1	7				Repeat Item 1 card 5
56	Remarks	8	79	72	A	L	
	CARD NUMBER	80	80	1	N		Punch a 9

* A ALPHA N NUMERIC ** L LEFT, R RIGHT

PART I – INVENTORY OF DAMS IN THE UNITED STATES

(PURSUANT TO PUBLIC LAW 92–367)

See reverse side for instructions

FORM APPROVED
OMB NO. 49–R0421

REQUIREMENTS CONTROL SYMBOL
DAEN–CWE–17

STATE | IDENTITY NUMBER (1 2 3 4 5 6)

‖1‖ ‖2‖ ‖3‖ ‖4‖ ‖5‖ ‖6‖ ‖7‖ ‖8‖ ‖9‖ ‖10‖ ‖11‖ ‖12‖

IDENTIFICATION

DIVISION	STATE	COUNTY	CONGR DIST	STATE	COUNTY	CONGR DIST	NAME	LATITUDE (North) ° /	LONGITUDE (West) ° /	REPORT DATE DAY	MO	YR
8 9 10	11 12	13 14 15	16 17	18 19	20 21 22	23 24	25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60	61 62 63 64 65 66	67 68 69 70 71 72	73 74 75	76 77	78 79
												0

‖13‖ ‖14‖

IDENTIFICATION *(Continued)*

POPULAR NAME	NAME OF IMPOUNDMENT
8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43	44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79
	1

‖15‖ ‖16‖ ‖17‖ ‖18‖ ‖19‖ ‖20‖

LOCATION

REGION	BASIN	RIVER OR STREAM	NEAREST DOWNSTREAM CITY – TOWN – VILLAGE	DIST FROM DAM (mi)	POPULATION
8 9	10 11	12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40	41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68	69 70 71	72 73 74 75 76 77 78 79
					2

‖21‖ ‖22‖ ‖23‖ ‖24‖ ‖25‖ ‖26‖ ‖27‖ ‖27A‖ ‖27B‖ ‖27C‖ ‖27D‖ ‖27E‖ ‖27F‖

STATISTICS

TYPE OF DAM	YEAR COMPLETED	PURPOSES	STRUCTURAL HEIGHT (ft)	HYDRAULIC HEIGHT (ft)	IMPOUNDING CAPACITIES MAXIMUM (acre – ft.)	IMPOUNDING CAPACITIES NORMAL (acre – ft.)	CORPS ENGR. DIST.	OWN.	FED. R.	PRV/FED	SCS A.	VERIFICATION DATE DA	MO	YR	BLANK
8 9 10 11 12 13 14 15 16 17 18 19	20 21 22 23	24 25 26 27 28 29 30 31 32 33	34 35 36 37	38 39 40 41	42 43 44 45 46 47 48 49	50 51 52 53 54 55 56 57	58 59 60	61	62	63	64	65 66	67 68	69 70 71	72 73 74 75 76 77 78 79
															3

‖28‖

REMARKS

REMARKS
8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80
4

ENG FORM 1 DEC 77 4474

EXHIBIT 2

GENERAL INSTRUCTIONS

This form is for use in preparing the inventory of dams in the United States under the requirements of the National Program for the Inspection of Dams, P L. 92-367. All items of Part I and Part II (Lines 0-9) must be completed as instructed below. Print entries distinctly in ink or pencil. For letters o, z, and i, write Ø, Z, and I.

Write only one letter or numeral in each space; do not use more letters than blocks allowed for an item. Do not abbreviate on Part I. Leave one space between words and no space between code letters.

For all letter codes or word entries place first letters in left block of field. In word fields any alphabetic, numeric or special character may be entered. For all numerical entries, use only numerals placing the last digit of number in the right block of field, including trailing zeros. Do not include a decimal point' In fields where decimals are required values are to be placed around the decimal point printed on the form.

Leave blank those spaces where item does not apply, e.g., do not write "N/A", " ", "None", etc., unless instructed to do so by specific instructions. Use the remarks line when additional space is needed for an item, or to clarify an entry. Preface each remark with the item number. (See Item ‖28‖ or ‖56‖ instructions)

PART I

Item ‖ 1‖ IDENTITY. The Division Engineer will assign and control the identity for dams in the states for which he is responsible. The first two characters of the identity will be the two-letter state abbreviation in accordance with Federal Information Processing Standards Publication, June 15, 1970 (FIPS PUB 6-1). In cases where a dam is physically located in two or more states, one state will be designated as the principal state for the identity. The last five (5) characters of the identity will be a sequential number assigned to identify dams within a state.

LINE 0

Item ‖ 2‖ DIVISION: Enter the three (3) letter office symbol for the division making the report in accordance with ABBR Report Code, Appendix B, ER 18-2-1, Civil Works Information System, e.g., NAD, ORD, SWD, etc.

Location:

Item ‖ 3‖ STATE: Enter two (2) letter principal state abbreviation in accordance with FIPS PUB 6-1.
Item ‖ 4‖ COUNTY: Enter three (3) digit county identification in accordance with FIPS PUB 6-1.
Item ‖ 5‖ CONG DIST: Enter one (1) or two (2) digit number for congressional districts in which dam is located.
Item ‖ 6‖, ‖ 7‖, and ‖ 8‖ (Use second location for structures situated in more than one state.)

Item ‖ 9‖ DAM NAME: Enter official name of dam. Do not abbreviate unless the abbreviation is a part of the official name. For dams that do not have a name, create a name by combining the two (2) letter state abbreviation plus "NO NAME" plus a sequential number. Example: if two dams in the State of Alabama do not have names, they would be named as ALNONAME1 and ALNONAME2.
Item ‖10‖ & ‖11‖ LATITUDE AND LONGITUDE: Enter the latitude and longitude in degrees, minutes and tenths of a minute. All geographical location items pertain to dam as its maximum section.
Item ‖12‖ REPORT DATE: Enter the one (1) or two (2) digits for day, the first three (3) letters of the month and a two (2) digit year (e.g., 12 JAN74) in which the data has been revised, updated or otherwise changed.

LINE 1

Item ‖13‖ POPULAR NAME OF DAM: If (other than the official name of the dam) in common use, enter the name in this space. Leave blank if not applicable.
Item ‖14‖ NAME OF IMPOUNDMENT: Enter official name of lake or reservoir. Leave blank if reservoir does not have a name.

LINE 2

Item ‖15 & 16‖ REGION AND BASIN: Enter two (2) digit numbers for Region and Basin in accordance with Appendix C ER 18-2 1 Civil Works Information System.
Item ‖17‖ RIVER OR STREAM: Enter official name of river or stream on which the dam is built. If stream is without name indicate as tributary to river named, e.g. TR-COLORADO. If off stream, enter name of river plus "OFFSTREAM".
Item ‖18‖ NEAREST DOWNSTREAM CITY TOWN VILLAGE: Enter the nearest downstream city-town-village of such size which can be located on a general map.
Item ‖19‖ DISTANCE FROM DAM: Enter distance from dam to nearest downstream city-town-village to the nearest mile.
Item ‖20‖ POPULATION: Enter population of city-town-village given in Item ‖18‖.

LINE 3

Item ‖21‖ TYPE OF DAM: Enter two (2) letter codes, in any order, to describe type of dam.

EARTH	RE	BUTTRESS	CB	OTHER	OT
ROCKFILL	TR	ARCH	VA	(Describe "other" in remarks)	
GRAVITY	PG	MULTI-ARCH	MV		

Item ‖22‖ YEAR COMPLETED: Enter year when the main dam structure was completed and ready for use. If only approximate year can be determined, note this in remarks.
Item ‖23‖ PURPOSES: Enter one (1) letter codes that describe the purposes for which the reservoir is used. The order entered should indicate the relative decreasing importance of the project purposes.

IRRIGATION	I	WATER SUPPLY	S	DEBRIS CONTROL	D
HYDROELECTRIC	H	RECREATION	R	OTHER	O
FLOOD CONTROL	C	STOCK OR SMALL FARM POND	P	(Describe "other" in remarks)	
NAVIGATION	N				

Item ‖24‖ STRUCTURAL HEIGHT: Enter, to the nearest foot, the structural height of the dam which is defined as, the overall vertical distance from the lowest point of foundation surface to the top of the dam.
Item ‖25‖ HYDRAULIC HEIGHT: Enter, to the nearest foot, the hydraulic height of the dam which is defined as; the effective height of the dam with respect to the maximum storage capacity, measured from the natural bed of the stream or watercourse at the downstream toe of the barrier, or if it is not across a stream or watercourse, the height from the lowest elevation of the out side limit of the barrier to the maximum storage elevation.

Impounding Capabilities:

Item ‖26‖ MAXIMUM: Enter the acre feet for maximum storage which is defined as; the total storage space in a reservoir below the maximum attainable water surface elevation, including any surcharge storage.
Item ‖27‖ NORMAL: Enter the acre feet for normal storage which is defined as, the total storage space in a reservoir below the normal retention level, including dead and inactive storage and excluding any flood control or surcharge storage.

Item ‖27A‖ CORPS OF ENGINEERS DISTRICT: Enter the three character Corps of Engineers ABBR report code in which the dam is geographically located, in accordance with Appendix B, ER 19-2-1, Civil Works Information System, e.g., NAN, ORH, SWF, etc.
Item ‖27B‖ OWNERSHIP: Enter N, for Non-Federal; G, for Federal Gov't. Agencies other than the Corps of Engineers; C for Corps of Engineers.
Item ‖27C‖ FEDERALLY REGULATED: Enter N for No. Enter Y for Yes.
Item ‖27D‖ PRIVATE DAMS ON FEDERAL LAND: Enter N for No. Enter Y for Yes.
Item ‖27E‖ ASSISTANCE BY SOIL CONSERVATION SERVICE: Enter N for None, T for Technical Assistance; F for Financial Assistance, B for Both Technical and Financial Assistance.
Item ‖27F‖ VERIFICATION: Date the data was verified as being complete and correct. Enter date as described in Item ‖12‖.

LINE 4

Item ‖28‖ REMARKS: Preface remarks with the item number to which it pertains, e.g., 22-ORIGINALLY CONSTRUCTED IN 1928. 23-SETTLING BASIN. Only one remark line should be used for PART I remarks.

EXHIBIT 2

PART II – INVENTORY OF DAMS IN THE UNITED STATES
(PURSUANT TO PUBLIC LAW 92-367)

See reverse side for instructions

FORM APPROVED
OMB NO. 49-R0421

REQUIREMENTS CONTROL SYMBOL
DAEN-CWE-17

STATE	IDENTITY NUMBER					
1	2	3	4	5	6	

‖1‖

‖29‖ ‖30‖ ‖31‖ ‖32‖ ‖33‖ ‖34‖ ‖35‖ ‖36‖ ‖37‖ ‖38‖ ‖39‖ ‖40‖ ‖41‖ ‖42‖ ‖43‖ ‖44‖ ‖45‖

STATISTICS

D S HAZ	CREST LENGTH (ft)	SPILLWAY TYPE	SPILLWAY WIDTH (ft)	SPILLWAY MAXIMUM DISCHARGE (cfs)	VOLUME OF DAM (CY)	POWER CAPACITY INSTALLED (MW)	POWER CAPACITY PROPOSED (MW)	NAVIGATION LOCKS NO	LENGTH (ft)	WIDTH (ft)	LENGTH (ft)	WIDTH (ft)	LENGTH (ft)	WIDTH (ft)	LENGTH (ft)	WIDTH (ft)	BLANK
8	9-13	14	15-18	19-25	26-34	35-40	41-46	47	48-50	51-54	55-58	59-61	62-65	66-68	69-72	73-75	76-80
																	5

‖46‖ ‖47‖ ‖48‖

MISC DATA

OWNER	ENGINEERING BY	CONSTRUCTION BY
8-31	32-46	47-80
		6

‖49‖ ‖50‖ ‖51‖ ‖52‖

MISC DATA *(Continued)*

REGULATORY AGENCY			
DESIGN	CONSTRUCTION	OPERATION	MAINTENANCE
8-25	26-43	44-61	62-80
			7

‖53‖ ‖54‖ ‖55‖

MISC. DATA *(Continued)*

INSPECTION BY	INSPECTION DATE DAY	INSPECTION DATE MO	INSPECTION DATE YR	AUTHORITY FOR INSPECTION
8-40	41-42	43-44	45-46	47-80
				8

‖56‖

REMARKS

REMARKS
8-80
9

ENG FORM 1 DEC 77 4474A

EXHIBIT 2

PART II

Item 1 IDENTITY Enter Identity per GENERAL INSTRUCTIONS on PART I

LINE 5

Item [29] D/S HAZ Enter the digit that most closely represents the hazard potential that could occur to the downstream (D/S) area resulting from failure or mis-operation of the dam or facilities.

HAZARD POTENTIAL

CATEGORY	LOSS OF LIFE (Extent of Development)	ECONOMIC LOSS (Extent of Development)
3 = Low	None expected (No permanent structures for human habitation)	Minimal (Undeveloped to occasional structures or agriculture)
2 = Significant	Few (No urban developments and no more than a small number of inhabitable structures)	Appreciable (Notable agriculture industry or structures)
1 = High	More than few	Excessive (Extensive community, industry or agriculture)

Item [30] CREST LENGTH: Enter, to the nearest foot, the crest length of the dam which is defined as: the total horizontal distance measured along the axis at the elevation of the top of dam between abutments or ends of dam. Note that this includes spillway width, powerhouse sections, and navigation locks where they form a continuous part of the dam water retaining structure. Detached spillways, locks, and powerhouses shall not be included.

Spillway:

Item [31] TYPE. Enter the one letter code that applies.

CONTROLLED = C UNCONTROLLED = U NONE = N

Item [32] WIDTH: Enter to the nearest foot, the width of the spillway available for discharge when the reservoir is at its maximum designed water surface elevation.
Item [33] MAXIMUM DISCHARGE: Enter the number of cubic feet per second which the spillway is capable of discharging when the reservoir is at its maximum designed water surface elevation.

Volume of Dam:

Item [34] VOLUME OF DAM. Enter the total number of cubic yards occupied by the materials used in the dam structure. If volume of separate materials is known, enter in remarks. Include portions of powerhouses, locks and spillways only if integral with the dam and required for structural stability.

Power Capacity

Item [35] INSTALLED: Enter installed capacity to one tenth (1/10) Megawatt as of the report date
Item [36] PROPOSED: Enter the future additional capacity proposed to one tenth (1/10) Megawatt.

BILLING CODE 3710-92-C

Navigation Locks

Item [37] NUMBER Enter the number of existing navigation locks for the project

Item [38] LENGTH Enter to the nearest foot the length of the navigation lock

Item [39] WIDTH Enter to the nearest foot the width of the navigation lock

Item [40] thru [45] Enter the lengths and widths of additional locks

LINE 6

Item [46] OWNER Enter name of owner Abbreviate as necessary
Item [47] ENGINEERING BY Enter name of organization that engineered the main dam structure Abbreviate as required
Item [48] CONSTRUCTION BY Enter name of construction agency responsible for construction of main structure Abbreviate as required

LINE 7

Regulatory Agency

Item [49] DESIGN Enter the name of the organization other than the owner having regulatory or approval authority over the design of the dam If no organization other than the owner has regulatory or approval authority over the design of the dam indicate NONE
Item [50] CONSTRUCTION Enter the name of the organization other than the owner having regulatory authority or inspection responsibilities over the construction of the dam. If no organization other than the owner has regulatory authority or inspection responsibilities over the construction of the dam indicate NONE
Item [51] OPERATION Enter the name of the organization other than the owner having regulatory authority, operational control, or surveillance responsibilities over the operation of the dam. If no organization other than the owner has regulatory authority, operational control or surveillance responsibilities over the operation of the dam indicate NONE.
Item [52] MAINTENANCE Enter the name of the organization other than the owner having regulatory authority or inspection or surveillance responsibilities over the maintenance of the dam. If no organization other than the owner has regulatory authority or inspection or surveillance responsibilities over the maintenance of the dam indicate NONE

LINE 8

Inspection

Item [53] BY Enter the name of the organization that performed the last safety inspection. Abbreviate as required. If no inspection has been performed enter NONE.
Item [54] DATE Enter the one (1) or two (2) digits for day, the first three (3) letters of the month and a two (2) digit year when the inspection was performed. If not applicable, leave blank.
Item [55] AUTHORITY FOR INSPECTION: Enter the legislative or regulatory authority for performing the inspection indicated in item 53, e.g., P.L. 92-367, Div 3, Water Code, State of Calif; ER 1110-2-100; etc

LINE 9

Item [56] REMARKS. Preface remarks with the item number to which it pertains. e.g., 34.2, 500,000 c.y. conc. 475,000 c y earthfill. Only one Remarks line should be used for PART II remarks.

EXHIBIT 2

Appendix C.—Hydrologic and Hydraulic Assessment of Dams

1. Phase I inspections are not intended to provide detailed hydrologic and hydraulic analyses of dam and reservoir capabilities. However, when such analyses are available, they should be evaluated for reliability and completeness. If a project's ability to pass the appropriate flood (see Table 3, page D–12 of Recommended Guidelines) can be determined from available information of a brief study, such an assessment should be made. It should be noted that hydrologic and hydraulic analyses connected with the Phase I inspections should be based on approximate methods or systematized computer programs that take minimal effort. The Hydrologic Engineering Center (HEC) has developed a special computer program for hydrologic and hydraulic analyses to be used with the Phase I inspection program. Other Field Operating Agencies have developed similar computer programs or generalized procedures which are acceptable for use. All such efforts should be completed with minimum resources.

2. A finding that a dam will not safely pass the flood indicated in the Recommended Guidelines does not necessarily indicate that the dam should be classified as unsafe. The degree of inadequacy of the spillway to pass the appropriate flood and the probable adverse impacts of dam failure because of overtopping must be considered in making such classification. The following criteria have been selected which indicate when spillway capacity is so seriously inadequate that a project must be classified as unsafe. All of the following conditions must prevail before designating a dam unsafe:

a. There is high hazard to loss of life from large flows downstream of the dam.

b. Dam failure resulting from overtopping would significantly increase the hazard to loss of life downstream from the dam from that which would exist just before overtopping failure.

c. The spillway is not capable of passing one-half of the probable maximum flood without overtopping the dam and causing failure.

3. The above criteria are generally adequate for evaluating most non-Federal dams. However, in a few cases the increased hazard potential from overtopping and failure is so great as to result in catastrophic consequences. In such cases, the evaluation of condition 2c should utilize a flood more closely approximating the full probable maximum flood rather than one-half the flood. An example of such a situation would be a large dam immediately above a highly populated flood plain, with little likelihood of time for evacuation in the event of an emergency.

4. Conditions 2a and 2b require an approximation of housing location in relation to flooded areas. Resources available in Phase I inspections do not permit detailed surveys or time-consuming studies to develop such relationships. Therefore, rough estimates will generally be made from data obtained during the inspection and from readily available maps and drawings. Brief computer routings such as the HEC–1 dam break analysis, using available data, are recommended in marginal cases. The HEC–1, dam break version, is available on the Boeing Computer Services or may be obtained from the Hydrologic Engineering Center, Davis, California. Available resources do not permit detailed studies or investigations to establish the amount of overtopping that would cause a dam to fail, as designated in condition 2c. Professional judgment and available information will have to be used in these determinations. When detailed investigations and studies are required to make a reasonable judgment of the conditions which designate an unsafe dam, the inspection report should recommend that such studies be the responsibility of the dam owner.

5. During the inspection of a dam, consideration should be given to impacts on other dams located downstream from the project being inspected. When failure of a dam would be likely to cause failure of another dam(s) downstream, its designation as an unsafe dam could result in multiple impacts. Therefore, the information should be explicitly described in the inspection report. Such information may be vital to the priorities established by State Governors for dam improvements. Similarly, when the failure of an upstream dam (classified as unsafe) could cause failure of the dam being inspected, this information should be prominently displayed in the inspection report.

6. The criteria established in paragraph 2 for designating unsafe dams because of seriously inadequate spillways are considered reasonable and prudent. They provide a consistent bases for declaring unsafe dams and also serve as an effective compromise between the Recommended Guidelines and unduly low standards suggested by special interests and individuals unfamiliar with flood hazard potential.

7. The Hydrometeorological Branch (HMB) of the National Weather Service has reviewed some 500 experienced large storms in the United States. The purpose of the review was to ascertain the relative magnitude of experienced large storms to probable maximum precipitation (PMP) and their distribution throughout the country. Their review reveals that about 25 percent of the major storms have exceeded 50 percent of the probable maximum precipitation for one or more combinations of area and duration. In fact some storms have very closely approximated the PMP values. Exhibits C–1 thru C–5 indicate locations where experienced storms have exceeded 50 percent of the PMP.

8. There are several options to consider when selecting mitigation measures to avoid severe consequences of a dam failure from overtopping. The following measures may be required by a Governor when sufficient legal authority is available under State laws and a dam presents a serious threat to loss of life.

a. Remove the dam.

b. Increase the height of dam and/or spillway size to pass the probable maximum flood without overtopping the dam.

c. Purchase downstream land that would be adversely impacted by dam failure and restrict human occupancy.

d. Enhance the stability of the dam to permit overtopping by the probable maximum flood without failure.

e. Provide a highly reliable flood warning system (generally does not prevent damage but avoids loss of life).

Table 1.—*Storms With Rainfall ≥50% of PMP, U.S. East of the 105th Meridian (for 10 mi², 6 Hours; 200 mi², 24 Hours and/or 1,000 mi², 48 Hours)*

Storm date	Index No.	Corps assignment No. (if available)	Storm center		Latitude	Longitude
			Town	State		
July 26, 1819	1		Catskill	NY	42°12'	73°53'
Aug. 5, 1843	2		Concordville	PA	39°53'	75°32'
Sept. 10–13, 1878	3	OR 9–19	Jefferson	OH	41°45'	80°46'
Sept. 20–24, 1882	4	NA 1–3	Paterson	NJ	40°55'	74°10'
June 13–17, 1886	5	LMV 4–27	Alexandria	LA	31°19'	92°33'
June 27–July 11, 1899	6	GM 3–4	Turnersville	TX	30°52'	96°32'
Aug. 24–28, 1903	7	MR 1–10	Woodburn	IA	40°57'	93°35'
Oct. 7–11, 1903	8	GL 4–9	Paterson	NJ	40°55'	74°10'
July 18–23, 1909	9	UMV 1–11B	Ironwood	MI	46°27'	90°11'
July 18–23, 1909	10	UMV 1–11A	Beaulieu	MN	47°21'	95°48'
July 22–23, 1911	11		Swede Home	NB	40°22'	96°54'
July 19–24, 1912	12	GL 2–29	Merrill	WI	45°11'	89°41'
July 13–17, 1916	13	SA 2–9	Altapass	NC	35°33'	82°01'
Sept. 8–10, 1921	14	GM 4–12	Taylor	TX	30°35'	97°18'
Oct. 4–11, 1924	15	SA 4–20	New Smyrna	FL	29°07'	80°55'
Sept. 17–19, 1926	16	MR 4–24	Boyden	IA	43°12'	96°00'
Mar. 11–16, 1929	17	UMV 2–20	Elba	AL	31°25'	86°04'
June 30–July 2, 1932	18	GM 5–1	State Fish Hatchery	TX	30°01'	99°07'
Sept. 16–17, 1932	19		Ripogenus Dam	ME	45°53'	69°09'
July 22–27, 193	20	LMV 2–26	Logansport	LA	31°58'	94°00'
Apr. 3–4 1934	21	SW 2–11	Cheyenne	OK	35°37'	99°40'
May 30–31, 1935	22	MR 3–28A	Cherry Creek	CO	39°13'	104°32'
May 31, 1935	23	GM 5–20	Woodward	TX	29°20'	99°28'
July 6–10, 1935	24	NA 1–27	Hector	NY	42°30'	76°53'
Sept. 2–6, 1935	25	SA 1–26	Easton	MD	38°46'	76°01'

Table 1.—*Storms With Rainfall ≥50% of PMP, U.S. East of the 105th Meridian (for 10 mi², 6 Hours; 200 mi², 24 Hours and/or 1,000 mi², 48 Hours)*—Continued

Storm date	Index No.	Corps assignment No. (if available)	Storm center		Latitude	Longitude
			Town	State		
Sept. 14–18, 1936	26	GM 5–7	Broome	TX	31°47′	100°50′
June 19–20, 1939	27		Snyder	TX	32°44′	100°55′
July 4–5, 1939	28		Simpson	KY	38°13′	83°22′
Aug. 19, 1939	29	NA 2–3	Manahawkin	NJ	39°42′	74°16′
June 3–4, 1940	30	MR 4–5	Grant Township	NB	42°01′	96°53′
Aug. 6–9, 1940	31	LMV 4–24	Miller Isl	LA	29°45′	92°10′
Aug. 10–17, 1940	32	SA 5–19A	Keysville	VA	37°03′	78°30′
Sept. 1, 1940	33	NA 2–4	Ewan	NJ	39°42′	75°12′
Sept. 2–6, 1940	34	SW 2–18	Hallet	OK	36°15′	96°36′
Aug. 28–31, 1941	35	UMV 1–22	Haywood	WI	46°00′	91°28′
Oct. 17–22, 1941	36	SA 5–6	Trenton	FL	29°48′	82°57′
July 17–18, 1942	37	OR 9–23	Smethport	PA	41°50′	78°25′
Oct. 11–17, 1942	38	SA 1–28A	Big Meadows	VA	38°31′	78°26′
May 6–12, 1943	39	SW 2–20	Warner	OK	35°29′	95°18′
May 12–20, 1943	40	SW 2–21	Nr. Mounds	OK	35°52′	96°04′
July 27–29, 1943	41	GM 5–21	Devers	TX	30°02′	94°35′
Aug. 4–5, 1943	42	OR 3–30	Nr. Glenville	WV	38°56′	80°50′
June 10–13, 1944	43	MR 6–15	Nr. Stanton	NB	41°52′	97°03′
Aug. 12–15, 1946	44	MR 7–2A	Cole Camp	MO	38°40′	93°13′
Aug. 12–16, 1946	45	MR 7–2B	Nr. Collinsville	IL	38°40′	89°59′
Sept. 26–27, 1946	46	GM 5–24	Nr. San Antonio	TX	29°20′	98°29′
June 23–24, 1948	47		Nr. Del Rio	TX	29°22′	100°37′
Sept. 3–7, 1950	48	SA 5–8	Yankeetown	FL	29°03′	82°42′
June 23–28, 1954	49	SW 3–22	Vic Pierce	TX	30°22′	101°23′
Aug. 17–20, 1955	50	NA 2–22A	Westfield	MA	42°07′	72°45′
May 15–16, 1957	51		Hennessey	OK	36°02′	97°56′
June 14–15, 1957	52		Nr. E. St. Louis	IL	38°37′	90°24′
June 23–24, 1963	53		David City	NB	41°14′	97°05′
June 13–20, 1965	54		Holly	CO	37°43′	102°23′
June 24, 1966	55		Glenullin	ND	47°21′	101°19′
Aug. 12–13, 1966	56		Nr. Greely	NB	41°33′	98°32′
Sept. 19–24, 1967	57	SW 3–24	Falfurrias	TX	27°16′	98°12′
July 16–17, 1968	58		Waterloo	IA	42°30′	92°19′
July 4–5, 1969	59		Nr. Wooster	OH	40°50′	82°00′
Aug. 19–20, 1969	60	NA 2–3	Nr. Tyro	VA	37°49′	79°00′
June 9, 1972	61		Rapid City	SD	44°12′	103°31′
June 19–23, 1972	62		Zerbe	PA	40°37′	76°31′
July 21–22, 1972	63		Nr. Cushing	MN	46°10′	94°30′
Sept. 10–12, 1972	64		Harlan	IA	41°43′	95°15′
Oct. 10–11, 1973	65		Enid	OK	36°25′	97°52′

Table 2.—*Storms With Rainfall ≥50% of PMP, U.S. West of Continental Divide (for 10 mi² 6 Hours or 1,000 mi² for One Duration Between 6 and 72 Hours)*

Storm date	Index No.	Storm center		Latitude	Longitude	Duration for 1,000 mi²
		Town	State			
Aug. 11, 1890	1	Palmetto	NV	37°27′	117°42′	
Aug. 12, 1891	2	Campo	CA	32°36′	116°28′	
Aug. 28, 1898	3	Ft. Mohave	AZ	35°03′	114°36′	
Oct. 4–6, 1911	4	Gladstone	CO	37°53′	107°39′	
Dec. 29, 1913–Jan. 3, 1914	5		CA	39°55′	121°25′	
Feb. 17–22, 1914	6	Colby Ranch	CA	34°18′	118°07′	
Feb. 20–25, 1917	7		CA	37°35′	119°36′	
Sept. 13, 1918	8	Red Bluff	CA	40°10′	122°14′	
Feb. 26–Mar 4, 1938	9		CA	34°14′	117°11′	
Mar. 30–Apr. 2, 1931	10		ID	46°30′	114°50′	24
Feb. 26, 1932	11	Big Four	WA	48°05′	121°30′	
Nov. 21, 1933	12	Tatoosh Is	WA	48°23′	124°44′	
Jan. 20–25, 1935	13		WA	47°30′	123°30′	6
Jan. 20–25, 1935	14		WA	47°00′	122°00′	72
Feb. 4–8, 1937	15	Cyamaca Dam	CA	33°00′	116°35′	
Dec. 9–12, 1937	16		CA	38°51′	122°43′	
Feb. 27–Mar. 4, 1938	17		AZ	34°57′	111°44′	12
Jan. 19–24, 1943	18		CA	37°35′	119°25′	18
Jan. 19–24, 1943	19	Hoegee's Camp	CA	34°13′	118°02′	
Jan. 30–Feb. 3, 1945	20		CA	37°35′	119°30′	
Dec. 27, 1945	21	Mt. Tamalpias	CA	37°54′	122°34′	
Nov. 13–21, 1950	22		CA	36°30′	118°30′	24
Aug. 25–30, 1951	23		AZ	34°07′	112°21′	72
July 19, 1955	24	Chiatovich Flat	CA	37°44′	118°15′	
Aug. 16, 1958	25	Morgan	UT	41°03′	111°38′	
Sept. 18, 1959	26	Newton	CA	40°22′	122°12′	
June 7–8, 1964	27	Nyack Ck	MT	48°30′	113°38′	12
Sept. 3–7, 1970	28		UT	37°38′	109°04′	6
Sept. 3–7, 1970	29		AZ	33°49′	110°56′	6
June 7, 1972	30	Bakersfield	CA	35°25′	119°03′	
Dec. 9–12, 1937	31		CA	39°45′	121°30′	48

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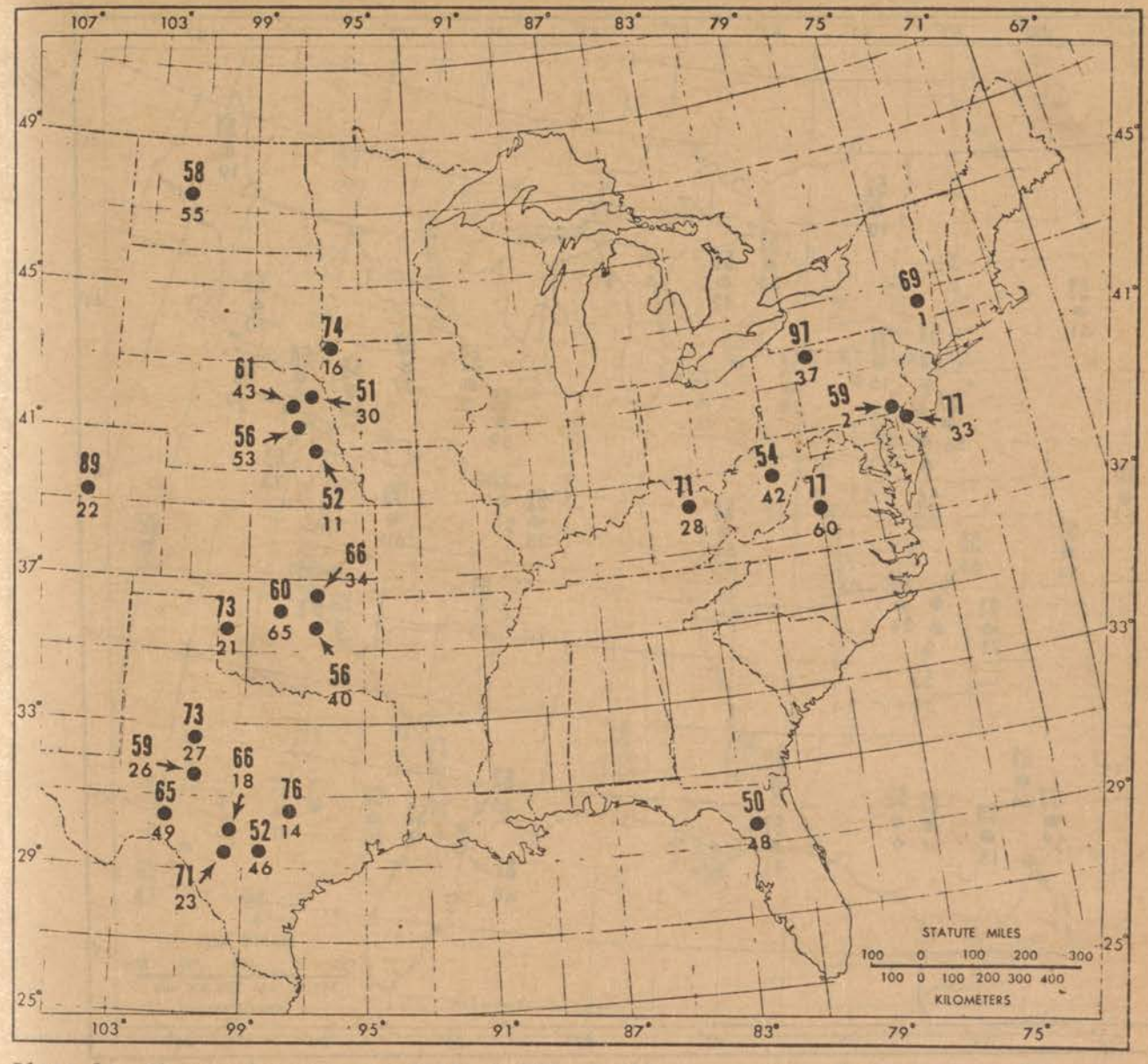

Plate 1: Observed point rainfalls $\geq$ 50% of all-season PMP, U.S. east of 105th meridian for 10 mi^2 6 hours. (Large number is % of PMP, small number is storm index, see table 1.)

Exhibit C-1

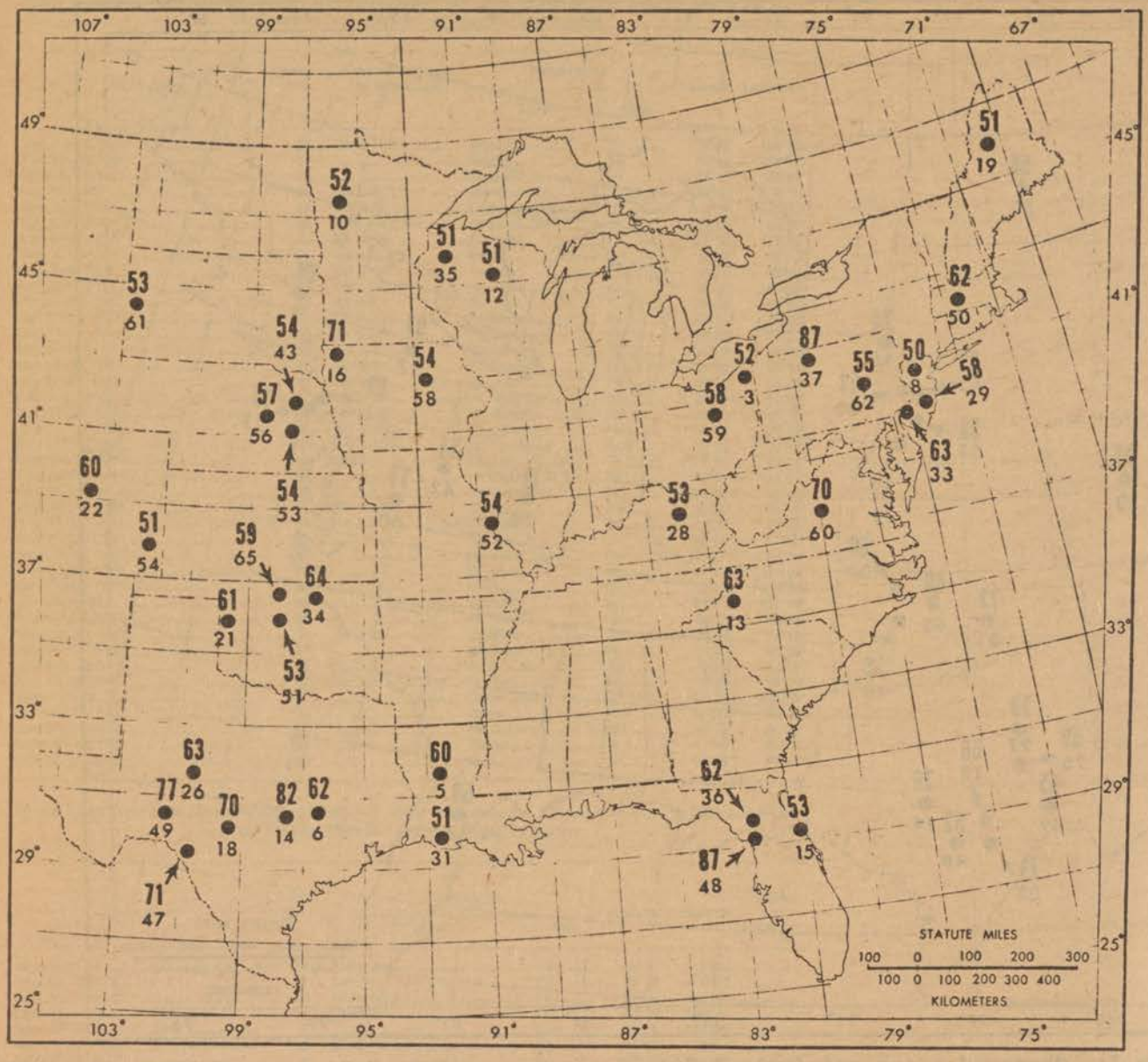

Plate 2: Observed rainfalls $\geq$ 50% of all-season PMP, U.S. east of 105th meridian for 200 mi^2 24 hours. (Large number is % of PMP, small number is storm index, see table 1.)

Exhibit C-2

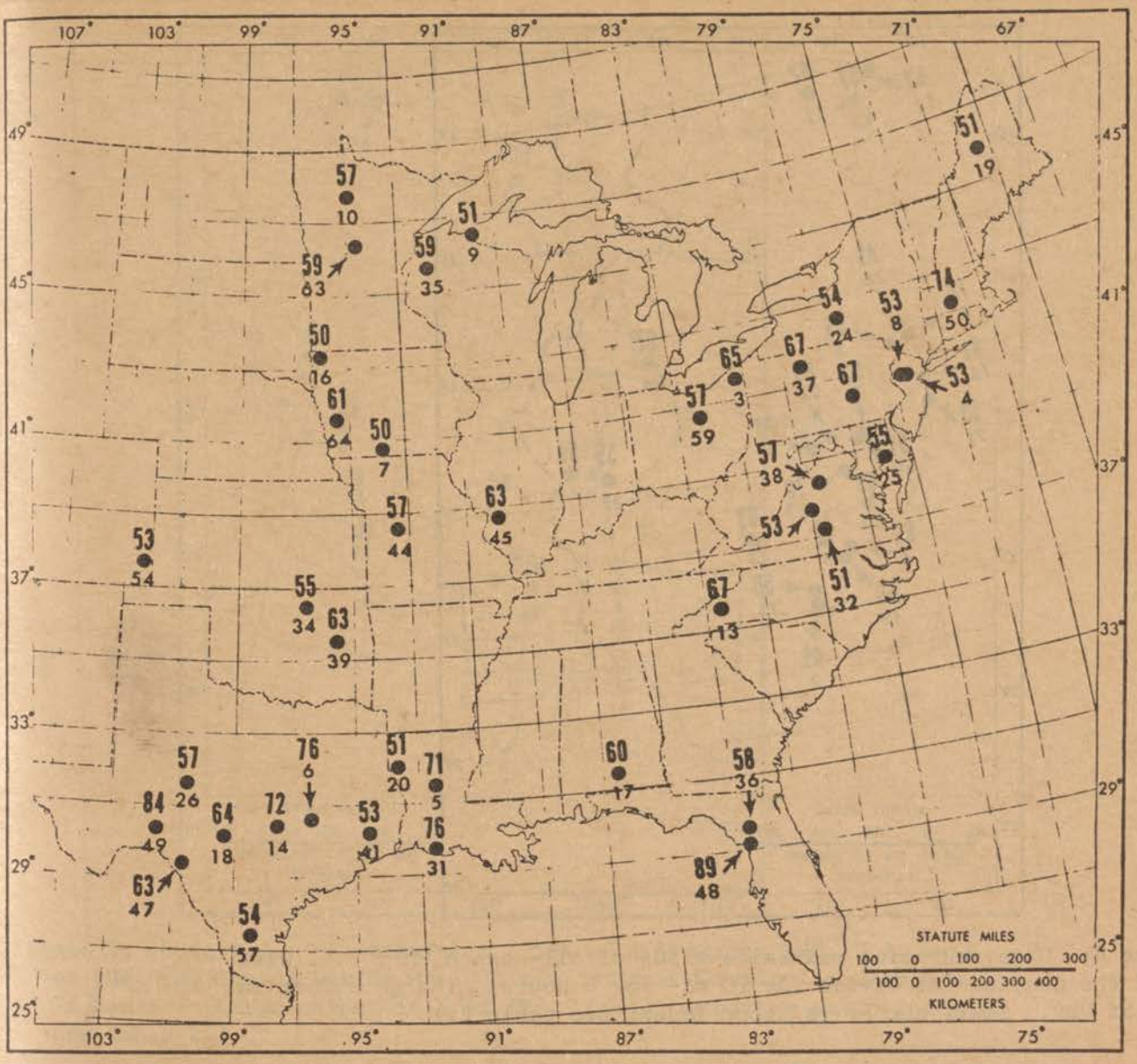

Plate 3: Observed rainfalls ≥ 50% of all-season PMP, U.S. east of the 105th meridian for 1000 mi^2 48 hours. (Large number is % of PMP, small number is storm index, see table 1.)

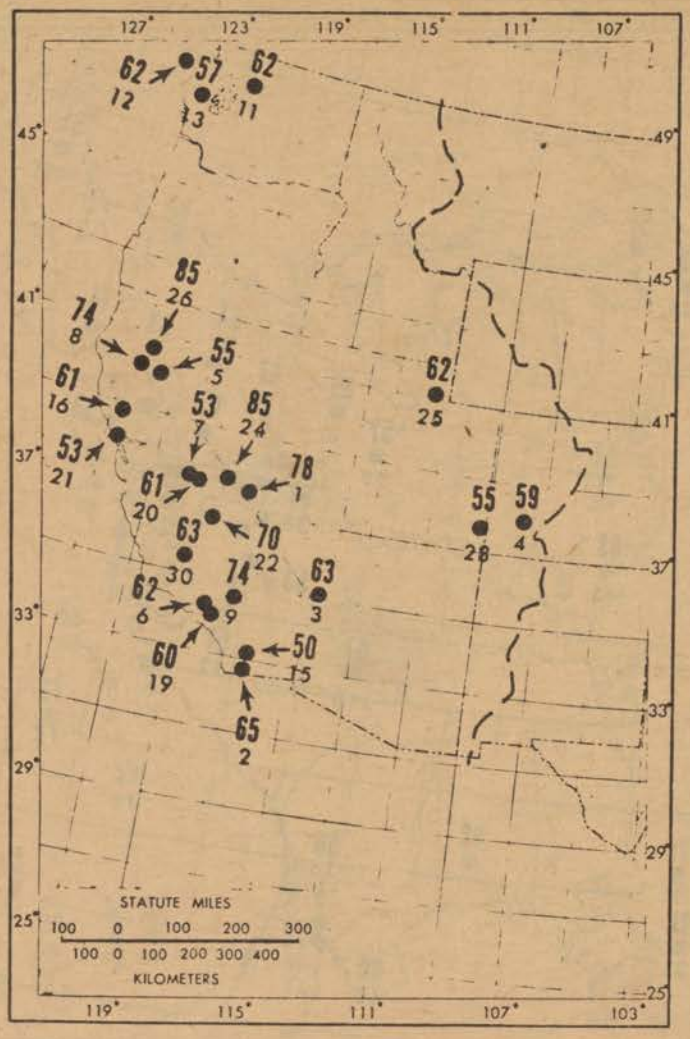

Plate 4: Observed point rainfalls $\geq$ 50% of all-season PMP, U.S. west of the Continental Divide for 10 mi^2 for 6 hours. (Large number is % of PMP. Small number is storm index, see table 2.)

Plate 5: Observed rainfalls ≥ 50% of all-season PMP, U.S. west of the Continental Divide for 1000 mi^2 for one duration between 6 and 72 hours. (Large number is % of PMP. Small number is storm index, see table 2.)

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Exhibit C-5

Appendix D.—Recommended Guidelines for Safety Inspection of Dams

Department of the Army—Office of the Chief of Engineers

Preface

The recommended guidelines for the safety inspection of dams were prepared to outline principal factors to be weighed in the determination of existing or potential hazards and to define the scope of activities to be undertaken in the safety inspection of dams. The establishment of rigid criteria or standards is not intended. Safety must be evaluated in the light of peculiarities and local conditions at a particular dam and in recognition of the many factors involved, some of which may not be precisely known. This can only be done by competent, experienced engineering judgment, which the guidelines are intended to supplement and not supplant. The guidelines are intended to be flexible, and the proper flexibility must be achieved through the employment of experienced engineering personnel.

Conditions found during the investigation which do not meet guideline recommendations should be assessed by the investigator as to their import from the standpoint of the involved degree of risk. Many deviations will not compromise project safety and the investigator is expected to identify them in this manner if that is the case. Others will involve various degrees of risk, the proper evaluation of which will afford a basis for priority of subsequent attention and possible remedial action.

The guidelines present procedures for investigating and evaluating existing conditions for the purpose of identifying deficiencies and hazardous conditions. The two phases of investigation outlined in the guidelines are expected to accomplish only this and do not encompass in scope the engineering which will be required to perform the design studies for corrective modification work.

It is recognized that some States may have established or will adopt inspection criteria incongruous in some respects with these guidelines. In such instances assessments of project safety should recognize the State's requirements as well as guideline recommendations.

The guidelines were developed with the help of several Federal agencies and many State agencies, professional engineering organizations, and private engineers. In reviewing two drafts of the guidelines they have contributed many helpful suggestions. Their contributions are deeply appreciated and have made it possible to evolve a document representing a consensus of the engineering fraternity. As experience is gained with use of the guidelines, suggestions for future revisions will be generated. All such suggestions should be directed to the Chief of Engineers, U.S. Army, DAEN–CWE–D, Washington, D.C. 20314.

Recommended Guidelines for Safety Inspection of Dams

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Recommended Guidelines for Safety Inspection of Dams

Chapter 1.—Introduction

1.1. *Purpose.* This document provides recommended guidelines for the inspection and evaluation of dams to determine if they constitute hazards to human life or property.

1.2. *Applicability.* The procedures and guidelines outlined in this document apply to the inspection and evaluation of all dams as defined in the National Dam Inspection Act, Public Law 92–367. Included in this program are all artificial barriers together with appurtenant works which impound or divert water and which (1) are twenty-five feet or more in height or (2) have an impounding capacity of fifty acre-feet or more. Not included are barriers which are six feet or less in height, regardless of storage capacity, or barriers which have a storage capacity at maximum water storage elevation of fifteen acre-feet or less regardless of height.

1.3. *Authority.* The Dam Inspection Act, Public Law 92–367 (Appendix III), authorized the Secretary of the Army, through the Corps of Engineers, to initiate a program of safety inspection of dams throughout the United States. The Chief of Engineers issues these guidelines pursuant to that authority.

Chapter 2.—General Requirements

2.1. *Classification of Dams.* Dams should be classified in accordance with size and hazard potential in order to formulate a priority basis for selecting dams to be included in the inspection program and also to provide compatibility between guideline requirements and involved risks. When possible the initial classifications should be based upon information listed in the National Inventory of Dams with respect to size, impoundment capacity and hazard potential. It may be necessary to reclassify dams when additional information becomes available.

2.1.1. *Size.* The classification for size based on the height of the dam and storage capacity should be in accordance with Table 1. The height of the dam is established with respect to the maximum storage potential measured from the natural bed of the stream or watercourse at the downstream toe of the barrier, or if it is not across a stream or watercourse, the height from the lowest

elevation of the outside limit of the barrier, to the maximum water storage elevation. For the purpose of determining project size, the maximum storage elevation may be considered equal to the top of dam elevation. Size classification may be determined by either storage or height, whichever gives the larger size category.

Table 1.—*Size Classification*

Category	Impoundment	
	Storage (ac-ft)	Height (ft)
Small	< 1,000 and ≥ 50	< 40 and ≥ 25.
Intermediate	≥ 1,000 and < 50,000.	≥ 40 and < 100.
Large	≥ 50,000	≥ 100.

2.1.2. *Hazard Potential.* The classification for potential hazards should be in accordance with Table 2. The hazards pertain to potential loss of human life or property damage in the area downstream of the dam in event of failure or misoperation of the dam or appurtenant facilities. Dams conforming to criteria for the low hazard potential category generally will be located in rural or agricultural areas where failure may damage farm buildings, limited agricultural land, or township and country roads. Significant hazard potential category structures will be those located in predominantly rural or agricultural areas where failure may damage isolated homes, secondary highways or minor railroads or cause interruption of use or service of relatively important public utilities. Dams in the high hazard potential category will be those located where failure may cause serious damage to homes, extensive agricultural, industrial and commercial facilities, important public utilities, main highways, or railroads.

Table 2.—*Hazard Potential Classification*

Category	Loss of life (extent of development)	Economic loss (extent of development)
Low	None expected (No permanent structures for human habitation).	Minimal (Undeveloped to occasional structures or agriculture).
Significant	Few (No urban developments and no more than a small number of inhabitable structures).	Appreciable (Notable agriculture, industry or structures)
High	More than few	Excessive (Extensive community, industry or agriculture)

2.2. *Selection of Dams to be Investigated.* The selection of dams to be investigated should be based upon an assessment of existing developments in flood hazard areas. Those dams possessing a hazard potential classified high or significant as indicated in Table 2 should be given first and second priorities, respectively, in the inspection program. Inspection priorities within each category may be developed from a consideration of factors such as size classification and age of the dam, the population size in the downstream flood area, and potential developments anticipated in flood hazard areas.

2.3. *Technical Investigations.* A detailed, systematic, technical inspection and evaluation should be made of each dam selected for investigation in which the hydraulic and hydrologic capabilities, structural stability and operational adequacy of project features are analyzed and evaluated to determine if the dam constitutes a danger to human life or property. The investigation should vary in scope and completeness depending upon the availability and suitability of engineering data, the validity of design assumptions and analyses and the condition of the dam. The minimum investigation will be designated Phase I, and an in-depth investigation designated Phase II should be made where deemed necessary. Phase I investigations should consist of a visual inspection of the dam, abutments and critical appurtenant structures, and a review of readily available engineering data. It is not intended to perform costly explorations or analyses during Phase I. Phase II investigations should consist of all additional engineering investigations and analyses found necessary by results of the Phase I investigation.

2.4. *Qualifications of Investigators.* The technical investigations should be conducted under the direction of licensed professional engineers experienced in the investigation, design, construction and operation of dams, applying the disciplines of hydrologic, hydraulic, soils and structural engineering and engineering geology. All field inspections should be conducted by qualified engineers, engineering geologists and other specialists, including experts on mechanical and electrical operation of gates and controls, knowledgeable in the investigation, design, construction and operation of dams.

CHAPTER 3—PHASE I INVESTIGATION

3.1. *Purpose.* The primary purpose of the Phase I investigation program is to identify expeditiously those dams which may pose hazards to human life or property.

3.2. *Scope.* The Phase I investigation will develop an assessment of the general condition with respect to safety of the project based upon available data and a visual inspection, determine any need for emergency measures and conclude if additional studies, investigation and analyses are necessary and warranted. A review will be made of pertinent existing and available engineering data relative to the design, construction and operation of the dam and appurtenant structures, including electrical and mechanical operating equipment and measurements from inspection and performance instruments and devices; and a detailed systematic visual inspection will be performed of those features relating to the stability and operational adequacy of the project. Based upon findings of the review of engineering data and the visual inspection, an evaluation will be made of the general condition of the dam, including where possible the assessment of the hydraulic and hydrologic capabilities and the structural stability.

3.3. *Engineering Data.* To the extent feasible the engineering data listed in Appendix I relating to the design, construction and operation of the dam and appurtenant structures, should be collected from existing records and reviewed to aid in evaluating the adequacy of hydraulic and hydrologic capabilities and stability of the dam. Where the necessary engineering data are unavailable, inadequate or invalid, a listing should be made of those specific additional data deemed necessary by the engineer in charge of the investigation and included in the Phase I report.

3.4. *Field Inspections.* The field inspection of the dam, appurtenant stuctures, reservoir area, and downstream channel in the vicinity of the dam should be conducted in a systematic manner to minimize the possibility of any significant feature being overlooked. A detailed checklist should be developed and followed for each dam inspected to document the examination of each significant structural and hydraulic feature including electrical and mechanical equipment for operation of the control facilities that affect the safety of the dam.

3.4.1. Particular attention should be given to detecting evidence of leakage, erosion, seepage, slope instability, undue settlement, displacement, tilting, cracking, deterioration, and improper functioning of drains and relief wells. The adequacy and quality of maintenance and operating procedures as they pertain to the safety of the dam and operation of the control facilities should also be assessed.

3.4.2. Photographs and drawings should be used freely to record conditions in order to minimize descriptions.

3.4.3. The field inspection should include appropriate features and items, including but not limited to those listed in Appendix II, which may influence the safety of the dam or indicate potential hazards to human life or property.

3.5. *Evaluation of Hydraulic and Hydrologic Features.*

3.5.1. *Design Data.* Original hydraulic and hydrologic design assumptions obtained from the project records should be assessed to determine their acceptability in evaluating the safety of the dam. All constraints on water control such as blocked entrances, restrictions on operation of spillway and outlet gates, inadequate energy dissipators or restrictive channel conditions, significant reduction in reservoir capacity by sediment deposits and other factors should be considered in evaluating the validity of discharge ratings, storage capacity, hydrographs, routings and regulation plans. The discharge capacity and/or storage capacity should be capable of safely handling

the recommended spillway design flood for the size and hazard potential classification of the dam as indicated in Table 3. The hydraulic and hydrologic determinations for design as obtained from project records will be acceptable if conventional techniques similar to the procedures outlined in paragraph 4.3. were used in obtaining the data. When the project design flood actually used exceeds the recommended spillway design flood, from Table 3, the project design flood will be acceptable in evaluating the safety of the dam.

Table 3.—*Hydrologic Evaluation Guidelines*

[Recommended Spillway Design Floods]

Hazard	Size	Spillway design flood (SDF)[1]
Low	Small	50 to 100-yr frequency.
	Intermediate	100-yr to ½ PMF.
	Large	½ PMF to PMF.
Significant	Small	100-yr to ½ PMF.
	Intermediate	½ PMF to PMF.
	Large	PMF.
High	Small	½ PMF to PMF.
	Intermediate	PMF.
	Large	PMF.

[1] The recommended design floods in this column represent the magnitude of the spillway design flood (SDF), which is intended to represent the largest flood that need be considered in the evaluation of a given project, regardless of whether a spillway is provided; i.e., a given project should be capable of safely passing the appropriate SDF. Where a range of SDF is indicated, the magnitude that most closely relates to the involved risk should be selected.

1000-yr=100-Year Exceedence Interval. The flood magnitude expected to be exceeded, on the average, of once in 100 years. It may also be expressed as an exceedence frequency with a one-percent chance of being exceeded in any given year.

PMF=Probable Maximum Flood. The flood that may be expected from the most severe combination of critical meteorologic and hydrologic conditions that are reasonably possible in the region. The PMF is derived from probable maximum precipitation (PMP), which information is generally available from the National Weather Service, NOAA. Most Federal agencies apply reduction factors to the PMP when appropriate. Reductions may be applied because rainfall isohyetals are unlikely to conform to the exact shape of the drainage basin and/or the storm is not likely to center exactly over the drainage basin. In some cases local topography will cause changes from the generalized PMP values, therefore it may be advisable to contact Federal construction agencies to obtain the prevailing practice in specific areas.

3.5.2. *Experience Data.* In some cases where design data are lacking, an evaluation of overtopping potential may be based on watershed characteristics and rainfall and reservoir records. An estimate of the probable maximum flood may also be developed from a conservative, generalized comparison of the drainage area size and the magnitude of recently adopted probable maximum floods for damsites in comparable hydrologic regions. Where the review of such experience data indicates that the recommended spillway design flood would not cause overtopping additional hydraulic and hydrologic determinations will be unnecessary.

3.6. *Evaluation of Structural Stability.* The Phase I evaluations of structural adequacy of project features are expected to be based principally on existing conditions as revealed by the visual inspection, together with available design and construction information and records of performance. The objectives are to determine the existence of conditions which are hazardous, or which with time might develop into safety hazards, and to formulate recommendations pertaining to the need for any additional studies, investigations, or analyses. The results of this phase of the inspection must rely very substantially upon the experience and judgment of the inspecting engineer.

3.6.1. *Design and Construction Data.* The principal design assumptions and analyses obtained from the project records should be assessed. Original design and construction records should be used judiciously, recognizing the restricted applicability of such data as material strengths and permeabilities, geological factors and construction descriptions. Original stability studies and analyses should be acceptable if conventional techniques and procedures similar to those outlined in paragraph 4.4 were employed, provided that review of operational and performance data confirm that the original design assumptions were adequately conservative. The need for such analyses where either none exist or the originals are incomplete or unsatisfactory will be determined by the inspecting engineer based upon other factors such as condition of structures, prior maximum loadings and the hazard degree of the project. Design assumptions and analyses should include all applicable loads including earthquake and indicate the structure's capability to resist overturning, sliding and overstressing with adequate factors of safety. In general seepage and stability analyses comparable to the requirements of paragraph 4.4 should be on record for all dams in the high hazard category and large dams in the significant hazard category. This requirement for other dams will be subject to the opinion of the inspecting engineer.

3.6.2. *Operating Records.* The performance of structures under prior maximum loading conditions should in some instances provide partial basis for stability evaluation. Satisfactory experience under loading conditions not expected to be exceeded in the future should generally be indicative of satisfactory stability, provided adverse changes in physical conditions have not occurred. Instrumentation observations of forces, pressures, loads, stresses, strains, displacements, deflections or other related conditions should also be utilized in the safety evaluation. Where such data indicate abnormal behavior, unsafe movement or deflections, or loadings which adversely affect the stability or functioning of the structure, prompt reporting of such circumstances is required without the delay for preparation of the official inspection report.

3.6.3. *Post Construction Changes.* Data should be collected on changes which have occurred since project construction that might influence the safety of the dam such as road cuts, quarries, mining and groundwater changes.

3.6.4. *Seismic Stability.* An assessment should be made of the potential vulnerability of the dam to seismic events and a recommendation developed with regard to the need for additional seismic investigation. In general, projects located in Seismic Zones 0, 1 and 2 may be assumed to present no hazard from earthquake provided static stability conditions are satisfactory and conventional safety margins exist. Dams in Zones 3 and 4 should, as a minimum, have on record suitable analyses made by conventional equivalent static load methods. The seismic zones together with appropriate coefficients for use in such analyses are shown in Figures 1 through 4. Boundary lines are approximate and in the event of doubt about the proper zone, the higher zone should be used. All high hazard category dams in Zone 4 and high hazard dams of the hydraulic fill type in Zone 3 should have a stability assessment based upon knowledge of regional and local geology, engineering seismology, in situ properties of materials and appropriate dynamic analytical and testing procedures. The assessment should include the possibility of physical displacement of the structures due to movements along active faults. Departure from this general guidance should be made whenever in the judgment of the investigating engineer different seismic stability requirements are warranted because of local geological conditions or other reasons.

CHAPTER 4—PHASE II INVESTIGATION

4.1. *Purpose.* The Phase II investigation will be supplementary to Phase I and should be conducted when the results of the Phase I investigation indicate the need for additional in-depth studies, investigations or analyses.

4.2. *Scope.* The Phase II investigation should include all additional studies, investigations and analyses necessary to evaluate the safety of the dam. Included, as required, will be additional visual inspections, measurements, foundation exploration and testing, materials testing, hydraulic and hydrologic analysis and structural stability analyses.

4.3. *Hydraulic and Hydrologic Analysis.* Hydraulic and hydrologic capabilities should be determined using the following criteria and procedures. Depending on the project characteristics, either the spillway design flood peak inflow or the spillway design flood hydrograph should be the basis for determining the maximum water surface elevation and maximum outflow. If the operation or failure of upstream water control projects would have significant impact on peak flow or hydrograph analyses, the impact should be assessed.

4.3.1. *Maximum Water Surface Based on SDF Peak Inflow.* When the total project discharge capability at maximum pool exceeds the peak inflow of the recommended SDF, and operational constraints would not prevent such a release at controlled projects, a reservoir routing is not required. The maximum discharge should be assumed equal to the peak inflow of the spillway design flood. Flood volume is not controlling in this

situation and surcharge storage is either absent or is significant only to the extent that it provides the head necessary to develop the release capability required.

4.3.1.1. *Peak for 100-Year Flood.* When the 100-year flood is applicable under the provisions of Table 3 and data are available, the spillway design flood peak inflow may be determined by use of "A Uniform Technique for Determining Flood Frequencies," Water Resources Council (WRC), Hydrology Committee, Bulletin 15, December 1967. Flow frequency information from regional analysis is generally preferred over single station results when available and appropriate. Rainfall-runoff techniques may be necessary when there are inadequate runoff data available to make a reasonable estimate of flow frequency.

4.3.1.2. *Peak for PMF or Fraction Thereof.* When either the Probable Maximum Flood peak or a fraction thereof is applicable under the provisions of Table 3, the unit hydrograph—infiltration loss technique is generally the most expeditious method of computing the spillway design flood peak for most projects. This technique is discussed in the following paragraph.

4.3.2. *Maximum Water Surface Based on SDF Hydrograph.* Both peak and volume are required in this analysis. Where surcharge storage is significant, or where there is insufficient discharge capability at maximum pool to pass the peak inflow of the SDF, considering all possible operational constraints, a flood hydrograph is required. When there are upstream hazard areas that would be imperiled by fast rising reservoirs levels, SDF hydrographs should be routed to ascertain available time for warning and escape. Determination of probable maximum precipitation or 100-year precipitation, which ever is applicable, and unit hydrographs or runoff models will be required, followed by the determination of the PMF or 100-year flood. Conservative loss rates (significantly reduced by antecedent rainfall conditions where appropriate) should be estimated for computing the rainfall excess to be utilized with unit hydrographs. Rainfall values are usually arranged with gradually ascending and descending rates with the maximum rate late in the storm. When applicable, conservatively high snowmelt runoff rates and appropriate releases from upstream projects should be assumed. The PMP may be obtained from National Weather Service (NWS) publications such as Hydrometeorological Report (HMR) 33. Special NWS publications for particular areas should be used when available. Rainfall for the 100-year frequency flood can be obtained from the NWS publication "Rainfall Frequency Atlas of the United States," Technical Paper No. 40; Atlas 2, "Precipitation Frequency Atlas of Western United States;" or other NWS publications. The maximum water surface elevation and spillway design flood outflow are then determined by routing the inflow hydrograph through the reservoir surcharge storage, assuming a starting water surface at the bottom of surcharge storage, or lower when appropriate. For projects where the bottom of surcharge space is not distinct, or the flood control storage space (exclusive of surcharge) is appreciable, it may be appropriate to select starting water surface elevations below the top of the flood control storage for routings. Conservatively high starting levels should be estimated on the basis of hydrometeorological conditions reasonably characteristic for the region and flood release capability of the project. Necessary adjustment of reservoir storage capacity due to existing or future sediment or other encroachment may be approximated when accurate determination of deposition is not practicable.

4.3.3. *Acceptable Procedures.* Techniques for performing hydraulic and hydrologic analyses are generally available from publications prepared by Federal agencies involved in water resources development or textbooks written by the academic community. Some of these procedures are rather sophisticated and require expensive computational equipment and large data banks. While results of such procedures are generally more reliable than simplified methods, their use is generally not warranted in studies connected with this program unless they can be performed quickly and inexpensively. There may be situations where the more complex techniques have to be employed to obtain reliable results; however, these cases will be exceptions rather than the rule. Whenever the acceptability of procedures is in question, the advice of competent experts should be sought. Such expertise is generally available in the Corps of Engineers, Bureau of Reclamation and Soil Conservation Service. Many other agencies, educational facilities and private consultants can also provide expert advice. Regardless of where such expertise is based, the qualification of those individuals offering to provide it should be carefully examined and evaluated.

4.3.4. *Freeboard Allowances.* Guidelines on specific minimum freeboard allowances are not considered appropriate because of the many factors involved in such determinations. The investigator will have to assess the critical parameters for each project and develop its minimum requirement. Many projects are reasonably safe without freeboard allowance because they are designed for overtopping, or other factors minimize possible overtopping. Conversely, freeboard allowances of several feet may be necessary to provide a safe condition. Parameters that should be considered include the duration of high water levels in the reservoir during the design flood; the effective wind fetch and reservoir depth available to support wave generation; the probability of high wind speed occurring from a critical direction; the potential wave runup on the dam based on roughness and slope; and the ability of the dam to resist erosion from overtopping waves.

4.4 *Stability Investigations.* The Phase II stability investigations should be compatible with the guidelines of this paragraph.

4.4.1 *Foundation and Material Investigations.* The scope of the foundation and materials investigation should be limited to obtaining the information required to analyze the structural stability and to investigate any suspected condition which would adversely affect the safety of the dam. Such investigations may include borings to obtain concrete, embankment, soil foundation, and bedrock samples; testing specimens from these samples to determine the strength and elastic parameters of the materials, including the soft seams, joints, fault gouge and expansive clays or other critical materials in the foundation; determining the character of the bedrock including joints, bedding planes, fractures, faults, voids and caverns, and other geological irregularities; and installing instruments for determining movements, strains, suspected excessive internal seepage pressures, seepage gradients and uplift forces. Special investigations may be necessary where suspect rock types such as limestone, gypsum, salt, basalt, claystone, shales or others are involved in foundations or abutments in order to determine the extent of cavities, piping or other deficiencies in the rock foundation. A concrete core drilling program should be undertaken only when the existence of significant structural cracks is suspected or the general qualitative condition of the concrete is in doubt. The tests of materials will be necessary only where such data are lacking or are outdated.

4.4.2. *Stability Assessment.* Stability assessments should utilize in situ properties of the structure and its foundation and pertinent geologic information. Geologic information that should be considered includes groundwater and seepage conditions; lithology, stratigraphy, and geologic details disclosed by borings, "as-built" records, and geologic interpretation; maximum past overburden at site as deduced from geologic evidence; bedding, folding and faulting; joints and joint systems; weathering; slickensides, and field evidence relating to slides, faults, movements and earthquake activity. Foundations may present problems where they contain adversely oriented joints, slickensides or fissured material, faults, seams of soft materials, or weak layers. Such defects and excess pore water pressures may contribute to instability. Special tests may be necessary to determine physical properties of particular materials. The results of stability analyses afford a means of evaluating the structure's existing resistance to failure and also the effects of any proposed modifications. Results of stability analyses should be reviewed for compatibility with performance experience when possible.

4.4.2.1. *Seismic Stability.* The inertial forces for use in the conventional equivalent static force method of analysis should be obtained by multiplying the weight by the seismic coefficient and should be applied as a horizontal force at the center of gravity of the section or element. The seismic coefficients suggested for use with such analyses are listed in Figures 1 through 4. Seismic stability investigations for all high hazard category dams located in Seismic Zone 4 and high hazard dams of the hydraulic fill type in Zone 3 should include suitable dynamic procedures and analyses. Dynamic analyses for other dams and higher seismic coefficients are appropriate if in the judgment of the investigating engineer they are warranted because of proximity to active faults or other reasons. Seismic stability investigations should utilize "state-of-the-art"

procedures involving seismological and geological studies to establish earthquake parameters for use in dynamic stability analyses and, where appropriate, the dynamic testing of materials. Stability analyses may be based upon either time-history or response spectra techniques. The results of dynamic analyses should be assessed on the basis of whether or not the dam would have sufficient residual integrity to retain the reservoir during and after the greatest or most adverse earthquake which might occur near the project location.

4.4.2.2. *Clay Shale Foundation.* Clay shale is a highly overconsolidated sedimentary rock comprised predominantly of clay minerals, with little or no cementation. Foundations of clay shales require special measures in stability investigations. Clay shales, particularly those containing montmorillonite, may be highly susceptible to expansion and consequent loss of strength upon unloading. The shear strength and the resistance to deformation of clay shales may be quite low and high pore water pressures may develop under increase in load. The presence of slickensides in clay shales is usually an indication of low shear strength. Prediction of field behavior of clay shales should not be based solely on results of conventional laboratory tests since they may be misleading. The use of peak shear strengths for clay shales in stability analyses may be unconservative because of nonuniform stress distribution and possible progressive failures. Thus the available shear resistance may be less than if the peak shear strength were mobilized simultaneously along the entire failure surface. In such cases, either greater safety factors or residual shear strength should be used.

4.4.3. *Embankment Dams.*

4.4.3.1. *Liquefaction.* The phenomenon of liquefaction of loose, saturated sands and silts may occur when such materials are subjected to shear deformation or earthquake shocks. The possibility of liquefaction must presently be evaluated on the basis of empirical knowledge supplemented by special laboratory tests and engineering judgment. The possiblitity of liquefaction in sands diminishes as the relative density increases above approximately 70 percent. Hydraulic fill dams in Seismic Zones 3 and 4 should receive particular attention since such dams are susceptible to liquefaction under earthquake shocks.

4.4.3.2. *Shear Failure.* Shear failure is one in which a portion of an embankment or of an embankment and foundation moves by sliding or rotating relative to the remainder of the mass. It is conventionally represented as occurring along a surface and is so assumed in stability analyses, although shearing may occur in a zone of substantial thickness. The circular arc or the sliding wedge method of analyzing stability, as pertinent, should be used. The circular arc method is generally applicable to essentially homogeneous embankments and to soil foundations consisting of thick deposits of fine-grained soil containing no layers significantly weaker than other strata in the foundation. The wedge method is generally applicable to rockfill dams and to earth dams on foundations containing weak layers. Other methods of analysis such as those employing complex shear surfaces may be appropriate depending on the soil and rock in the dam and foundation. Such methods should be in reputable usage in the engineering profession.

4.4.3.3. *Loading Conditions.* The loading conditions for which the embankment structures should be investigated are (I) Sudden drawdown from spillway crest elevation or top of gates, (II) Partial pool, (III) Steady state seepage from spillway crest elevation or top of gate elevation, and (IV) Earthquake. Cases I and II apply to upstream slopes only; slopes; and Case IV applies to both upstream and downstream Case III applies to downstream slopes. A summary of suggested strengths and safety factors are shown in Table 4.

Table 4.—*Factors of Safety* [1]

Case and loading condition	Factor of safety	Shear [2] strength	Remarks
I Sudden drawdown from spillway crest or top of gates to minimum drawdown elevation.	[3] 1.2	Minimum composite of R and S shear strengths. See Figure 5.	Within the drawdown zone submerged unit weights of materials are used for computing forces resisting sliding and saturated unit weights are used for computing forces contributing to sliding.
II Partial pool with assumed horizontal steady seepage saturation.	1.5	R+S/2 for R<S..... S for R>S.....	Composite intermediate envelope of R and S shear strengths. See Figure 6.
III Steady seepage from spillway crest or top of gates with $K_h/K_v=9$ assumed [4].	1.5	Same as Case II.....	
IV Earthquake (Cases II and III with seismic loading).	1.0	([5])	See Figures 1 through 4 for Seismic Coefficients.

[1] Not applicable to embankments on clay shale foundation. Experience has indicated special problems in determination of design shear strengths for clay shale foundations and acceptable safety factors should be compatible with the confidence level in shear strength assumptions.

[2] Other strength assumptions may be used if in common usage in the engineering profession.

[3] The safety factor should not be less than 1.5 when drawdown rate and pore water pressure developed from flow nets are used in stability analyses.

[4] K_h/K_v is the ratio of horizontal to vertical permeability. A minimum of 9 is suggested for use in compacted embankments and alluvial sediments.

[5] Use shear strength for case analyzed without earthquake. It is not necessary to analyze sudden drawdown for earthquake loading. Shear strength tests are classified according to the controlled drainage conditions maintained during the test. R tests are those in which specimen drainage is allowed during consolidation (or swelling) under initial stress conditions, but specimen drainage is not allowed during application of shearing stresses. S tests allow full drainage during initial stress application and shearing is at a slow rate so that complete specimen drainage is permitted during the complete test.

4.4.3.4. *Safety Factors.* Safety factors for embankment dam stability studies should be based on the ratio of available shear strength to developed shear strength, S_D:

$$S_D = \frac{C}{F.S.} + \frac{\sigma \tan \phi}{F.S.} \quad (1)$$

C = cohesion
ϕ = angle of internal friction
σ = normal stress

The factors of safety listed in Table 4 are recommended as minimum acceptable. Final accepted factors of safety should depend upon the degree of confidence the investigating engineer has in the engineering data available to him. The consequences of a failure with respect to human life and property damage are important considerations in establishing factors of safety for specific investigations.

4.4.3.5. *Seepage Failure.* A critical uncontrolled underseepage or through seepage condition that develops during a rising pool can quickly reduce a structure which was stable under previous conditions, to a total structural failure. The visually confirmed seepage conditions to be avoided are (1) the exit of the phreatic surface on the downstream slope of the dam and (2) development of hydrostatic heads sufficient to create in the area downstream of the dam sand boils that erode materials by the phenomenon known as "piping" and (3) localized concentrations of seepage along conduits or through pervious zones. The dams most susceptible to seepage problems are those built of or on pervious materials of uniform fine particle size, with no provisions for an internal drainage zone and/or no underseepage controls.

4.4.3.6. *Seepage Analyses.* Review and modifications to original seepage design analyses should consider conditions observed in the field inspection and piezometer instrumentation. A seepage analysis should consider the permeability ratios resulting from natural deposition and from compaction placement of materials with appropriate variation between horizontal and vertical permeability. An underseepage analysis of the embankment should provide a critical gradient factor of safety for the maximum head condition of not less than 1.5 in the area downstream of the embankment.

$$F.S = i_c/i = \frac{H_c/D_b}{H/D_b} = D_b \frac{(\gamma m - \gamma w)}{H \gamma w} \quad (2)$$

i_c = Critical gradient
i = Design gradient
H = Uplift head at downstream toe of dam measured above tailwater
H_c = The critical uplift
D_b = The thickness of the top impervious blanket at the downstream toe of the dam
γ_m = The estimated saturated unit weight of the material in the top impervious blanket
γ_w = The unit weight of water

Where a factor of safety less than 1.5 is obtained the provision of an underseepage control system is indicated. The factor of safety of 1.5 is a recommended minimum and

may be adjusted by the responsible engineer based on the competence of the engineering data.

4.4.4. *Concrete Dams and Appurtenant Structures.*

4.4.4.1. *Requirements for Stability.* Concrete dams and structures appurtenant to embankment dams should be capable of resisting overturning, sliding and overstressing with adequate factors of safety for normal and maximum loading conditions.

4.4.4.2. *Loads.* Loadings to be considered in stability analyses include the water load on the upstream face of the dam; the weight of the structure; internal hydrostatic pressures (uplift) within the body of the dam, at the base of the dam and within the foundation; earth and silt loads; ice pressure, seismic and thermal loads, and other loads as applicable. Where tailwater or backwater exists on the downstream side of the structure it should be considered, and assumed uplift pressures should be compatible with drainage provisions and uplift measurements if available. Where applicable, ice pressure should be applied to the contact surface of the structure of normal pool elevation. A unit pressure of not more than 5,000 pounds per square foot should be used. Normally, ice thickness should not be assumed greater than two feet. Earthquake forces should consist of the inertial forces due to the horizontal acceleration of the dam itself and hydrodynamic forces resulting from the reaction of the reservoir water against the structure. Dynamic water pressures for use in a conventional methods of analysis may be computed by means of the "Westergaard Formula" using the parabolic approximation (H.M. Westergaard, "Water Pressures on Dams During Earthquakes," Trans., ASCE, Vol 98, 1933, pages 418–433), or similar method.

4.4.4.3. *Stresses.* The analysis of concrete stresses should be based on in situ properties of the concrete and foundation. Computed maximum compressive stresses for normal operating conditions in the order of ⅓ or less of in situ strengths should be satisfactory. Tensile stresses in unreinforced concrete should be acceptable only in locations where cracks will not adversely affect the overall performance and stability of the structure. Foundation stresses should be such as to provide adequate safety against failure of the foundation material under all loading conditions.

4.4.4.4. *Overturning.* A gravity structure should be capable of resisting all overturning forces. It can be considered safe against overturning if the resultant of all combinations of horizontal and vertical forces, excluding earthquake forces, acting above any horizontal plane through the structure or at its base is located within the middle third of the section. When earthquake is included the resultant should fall within the limits of the plane or base, and foundation pressures must be acceptable. When these requirements for location of the resultant are not satisfied the investigating engineer should assess the importance to stability of the deviations.

4.4.4.5. *Sliding.* Sliding of concrete gravity structures and of abutment and foundation rock masses for all types of concrete dams should be evaluated by the shear-friction resistance concept. The available sliding resistance is compared with the driving force which tends to induce sliding to arrive at a sliding stability safety factor. The investigation should be made along all potential sliding paths. The critical path is that plane or combination of planes which offers the least resistance.

4.4.4.5.1. *Sliding Resistance.* Sliding resistance is a function of the unit shearing strength at no normal load (cohesion) and the angle of friction on a potential failure surface. It is determined by computing the maximum horizontal driving force which could be resisted along the sliding path under investigation. The following general formula is obtained from the principles of statics and may be derived by resolving forces parallel and perpendicular to the sliding plane:

$$R_R = V \tan(\phi+\alpha) + \frac{cA}{\cos\alpha(1-\tan\phi\tan\alpha)} \quad (3)$$

Where:

R_R = Sliding Resistance (maximum horizontal driving force which can be resisted by the critical path)

ϕ = Angle of internal friction of foundation material or, where applicable, angle of sliding friction

V = Summation of vertical forces (including uplift)

c = Unit shearing strength at zero normal loading along potential failure plane

A = Area of potential failure plane developing unit shear strength "c"

α = Angle between inclined plane and horizontal (positive for uphill sliding)

For sliding downhill the angleα is negative and Equation (1) becomes:

$$R_R = V \tan(\phi-\alpha) + \frac{cA}{\cos\alpha(1+\tan\phi\tan\alpha)} \quad (4)$$

When the plane of investigation is horizontal, and the angle α is zero and Equation (1) reduced to the following:

$$R_R = V \tan\phi + cA \quad (5)$$

4.4.4.5.2. *Downstream Resistance.* When the base of a concrete structure is embedded in rock or the potential failure plane lies below the base, the passive resistance of the downstream layer of rock may sometimes be utilized for sliding resistance. Rock that may be subjected to high velocity water scouring should not be used. The magnitude of the downstream resistance is the lesser of (a) the shearing resistance along the continuation of the potential sliding plane until it daylights or (b) the resistance available from the downstream rock wedge along an inclined plane. The theoretical resistance offered by the passive wedge can be computed by a formula equivalent to formula (3):

$$P_p = W \tan(\phi+\alpha) + \frac{cA}{\cos\alpha(1-\tan\phi\tan\alpha)} \quad (6)$$

P_p = Passive resistance of rock wedge

W = weight (buoyant weight if applicable) of downstream rock wedge above inclined plane of resistance, plus any superimposed loads

ϕ = angle of internal friction or, if applicable, angle of sliding friction

α = angle between inclined failure plane and horizontal

c = unit shearing strength at zero normal load along failure plane

A = area of inclined plane of resistance

When considering cross-bed shear through a relatively shallow, competent rock strut, without adverse jointing or faulting, W and α may be taken at zero and 45°, respectively, and an estimate of passive wedge resistance per unit width obtained by the following equation:

$$P_p = 2\,cD \quad (7)$$

Where:

D = Thickness of the rock strut

4.4.4.5.3. *Safety Factor.* The shear-friction safety factor is obtained by dividing the resistance R_R by H, the summation of horizontal service loads to be applied to the structure:

$$S_{R-F} = \frac{R_R}{H} \quad (8)$$

When the downstream passive wedge contributes to the sliding resistance, the shear friction safety factor formula becomes:

$$S_{R-F} = \frac{R_R + P_p}{H} \quad (9)$$

The above direct superimposition of passive wedge resistance is valid only if shearing rigidities of the foundation components are similar. Also, the compressive strength and buckling resistance of the downstream rock layer must be sufficient to develop the wedge resistance. For example, a foundation with closely spaced, near horizontal, relatively weak seams might not contain sufficient buckling strength to develop the magnitude of wedge resistance computed from the cross-bed shear strength. In this case wedge resistance should not be assumed without resorting to special treatment (such as installing foundation anchors). Computed sliding safety factors approximating 3 or more for all loading conditions without earthquake, and 1.5 including earthquake, should indicate satisfactory stability, depending upon the reliability of the strength parameters used in the analyses. In some cases when the results of comprehensive foundation studies are available, smaller safety factors may be acceptable. The selection of shear strength parameters should be fully substantiated. The bases for any assumptions; the results of applicable testing, studies and investigations; and all pre-existing, pertinent data should be reported and evaluated.

CHAPTER 5—REPORTS

5.1. *General.* This chapter outlines the procedures for reporting the results of the technical investigations. Hazardous conditions should be reported immediately upon detection to the owner of the dam, the Governor of the State in which the dam is located and the appropriate regulatory agency without delay for preparation of the formal report.

5.2. *Preparation of Report.* A formal report should be prepared for each dam investigated for submission to the regulatory agency and the owner of the dam. Each report should contain the information indicated in the following paragraphs. The signature and registration identification of the professional engineer who directed the investigation and who was responsible for evaluation of the dam should be included in the report.

5.2.1. *Phase I Reports.* Phase I reports should contain the following information:

5.2.1.1. Description of dam including regional vicinity map showing location and plans, elevations and sections showing the essential project features and the size and hazard potential classifications.

5.2.1.2. Summary of existing engineering data, including geologic maps and information.

5.2.1.3. Results of the visual inspection of each project feature including photographs and drawings to minimize descriptions.

5.2.1.4. Evaluation of operational adequacy of the reservoir regulation plan and maintenance of the dam and operating facilities and features that pertain to the safety of the dam.

5.2.1.5. Description of any warning system in effect.

5.2.1.6. Evaluation of the hydraulic and hydrologic assumptions and structural stability.

5.2.1.7. An assessment of the general condition of the dam with respect to safety based upon the findings of the visual inspection and review of engineering data. Where data on the original design indicate significant departure from or non-conformance with guidelines contained herein, the engineer-in-charge of the investigation will give his opinion of the significance, with regard to safety, of such factors. Any additional studies, investigations and analyses considered essential to assessment of the safety of the dam should be listed, together with an opinion about the urgency of such additional work.

5.2.1.8. Indicate alternative possible remedial measures or revisions in operating and maintenance procedures which may (subject to further evaluation) correct deficiencies and hazardous conditions found during the investigation.

5.2.2. *Phase II Reports.* Phase II reports should describe the detailed investigations and should supplement Phase I reports. They should contain the following information:

5.2.2.1. Summary of additional engineering data obtained to determine the hydraulic and hydrologic capabilities and/or structural stability.

5.2.2.2. Results of all additional studies, investigations, and analyses performed.

5.2.2.3. Technical assessment of dam safety including deficiences and hazardous conditions found to exist.

5.2.2.4. Indicate alternative possible remedial measures or revision in maintenance and operating procedures which may (subject to further evaluation) correct deficiencies and hazardous conditions found during the investigation.

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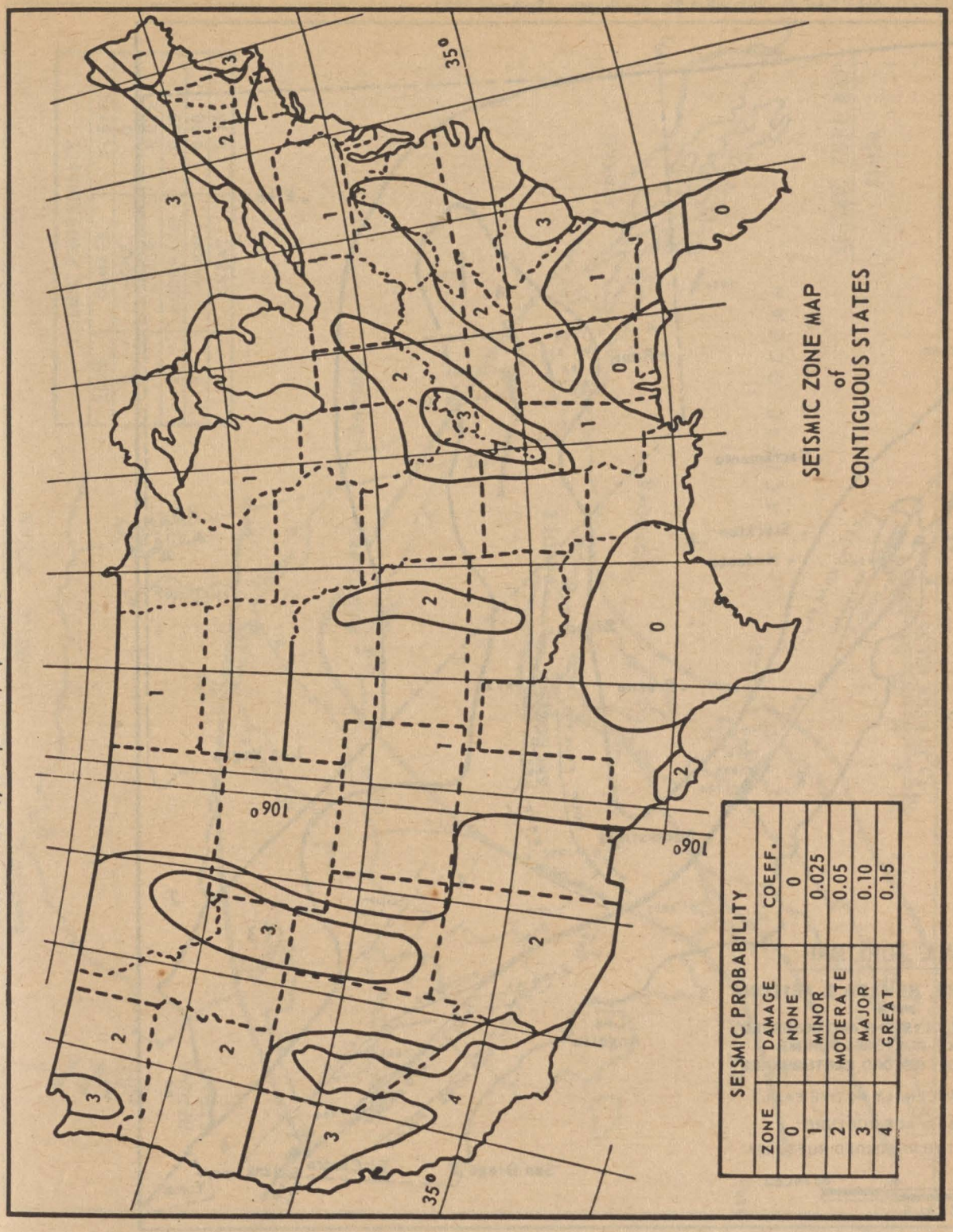


From TM 5-809-10, NAVFAC P-355, AFM 88-3, Chapter 13; April 1973

Figure 1

From TM 5-809-10, NAVFAC P-355, AFM 88-3, Chapter 13; April 1973

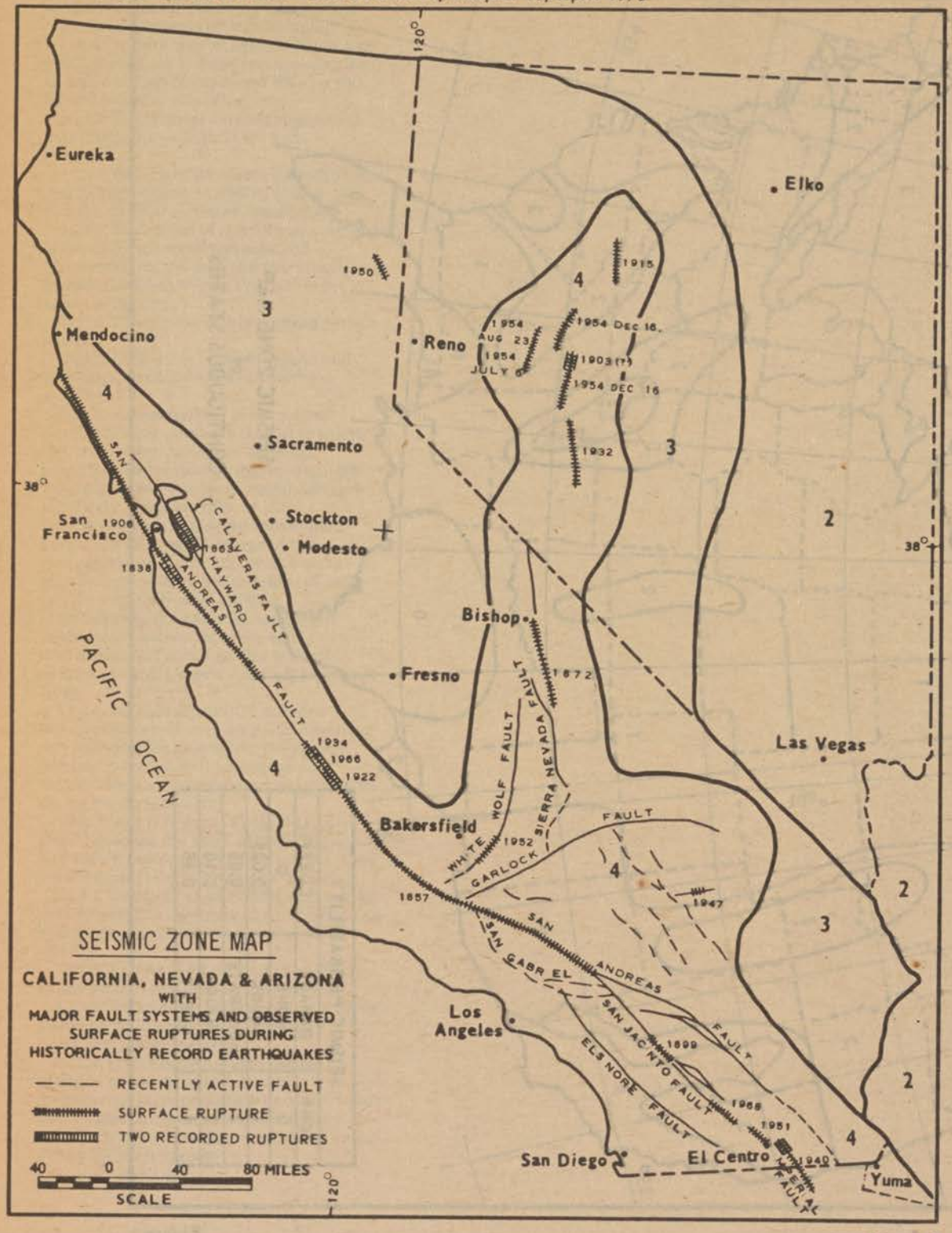
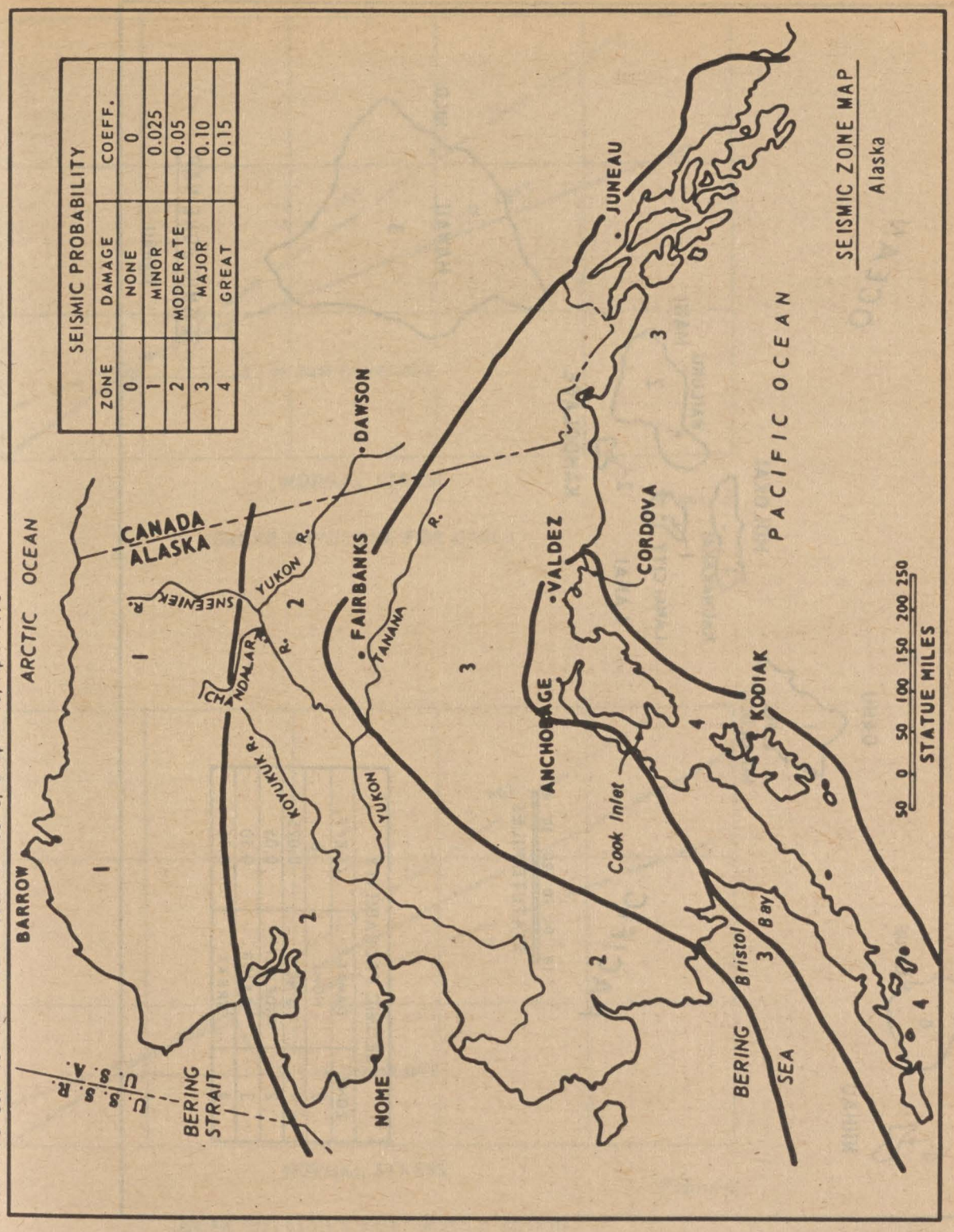


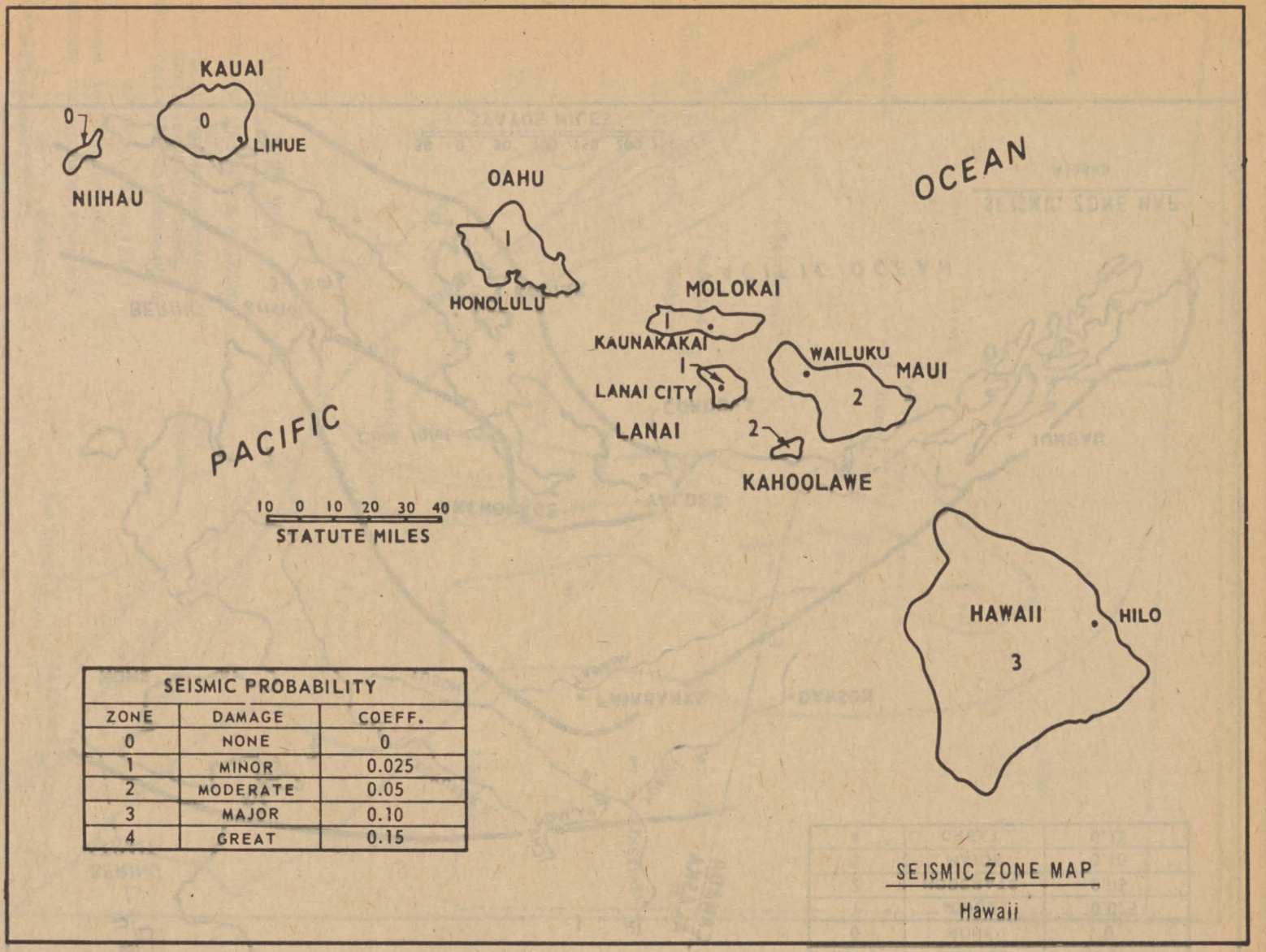
Figure 2



From TM 5-809-10 NAVFAC P-355 AFM 88-3, Chapter 13, April 1973

Figure 3

From TM 5-809-10, NAVFAC P-355 AFM 88-3, Chapter 13; April 1973



SEISMIC PROBABILITY		
ZONE	DAMAGE	COEFF.
0	NONE	0
1	MINOR	0.025
2	MODERATE	0.05
3	MAJOR	0.10
4	GREAT	0.15

SEISMIC ZONE MAP

Hawaii

Figure 4

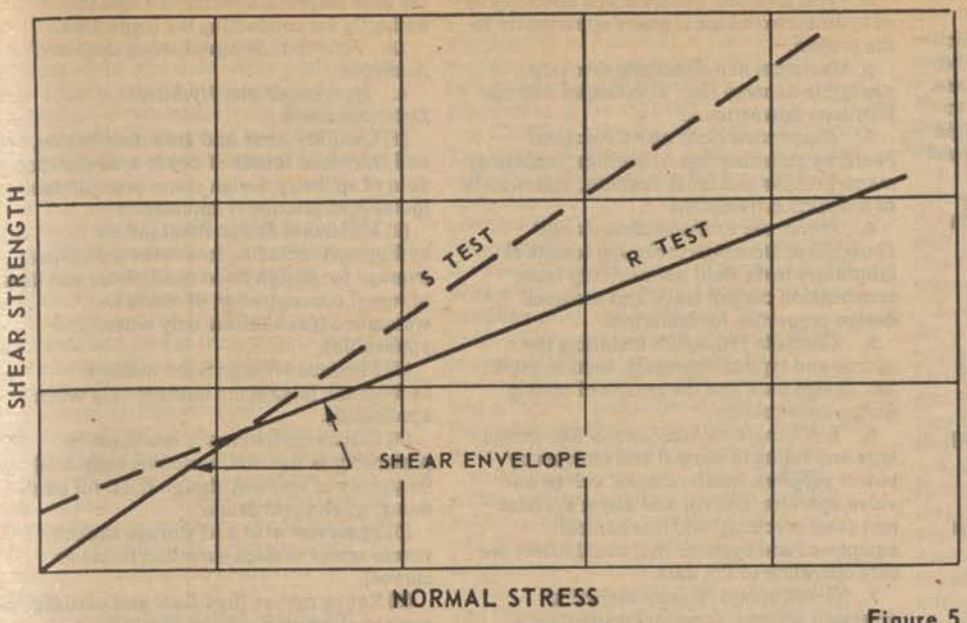


Figure 5

SHEAR ENVELOPE FOR CASE I

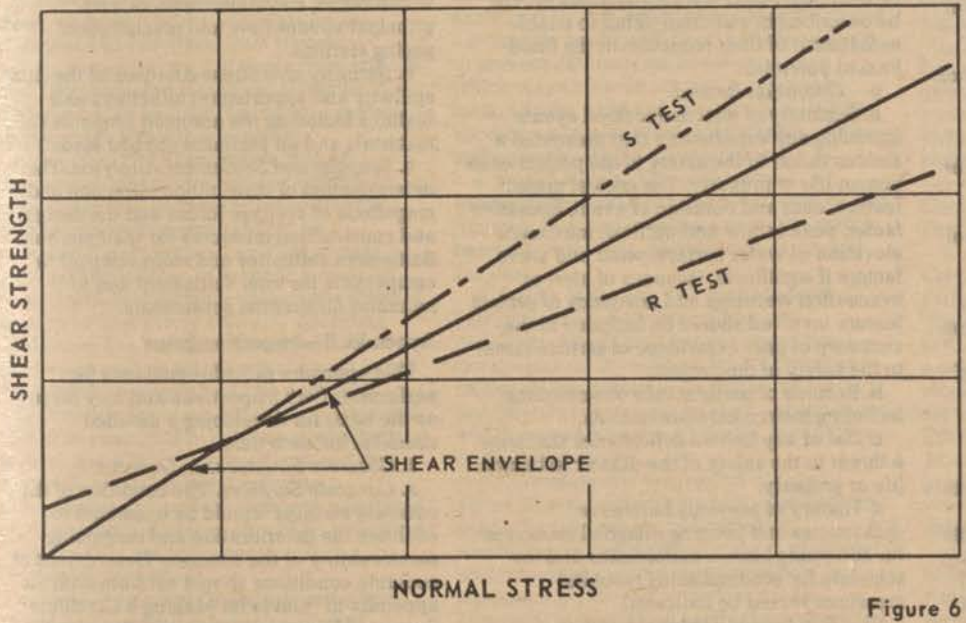


Figure 6

SHEAR ENVELOPE FOR CASES II AND III

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Appendix I.—Engineering Data

This appendix lists engineering data which should be collected from project records and, to the extent available, included in the Phase I investigation report. The list is intended to serve as a checklist and not to establish rigid data requirements. Such a compilation should also facilitate future inspections and investigations. Only data readily available will be included in Phase I reports, but data lacking and deemed necessary for an adequate safety evaluation should be identified.

1. *General Project Data*

a. *Regional Vicinity Map* showing the location of the dam, the upstream drainage area and the downstream area subject to potential damage due to failure of the dam and misoperation or failure of the operating equipment.

b. *As-Built Drawings* indicating plans, elevations and sections of the dam and appurtenant structures including the details of the discharge facilities such as outlet works, limited service and emergency spillways, flashboards, fuse plugs and operating equipment.

2. *Hydrologic and Hydraulic Data* including the following:

a. Drainage area and basin runoff characteristics (indicating pending changes).

b. Elevation of top of conservation pool or normal upper retention water surface elevation, as applicable (base level of any flood impoundment).

c. Storage capacity including dead or inactive storage, corresponding to top of conservation or normal upper retention level (cumulative, excluding flood control and surcharge storage).

d. Elevation of the top of flood control pool.

e. Storage capacity of flood control zone (incremental).

f. Elevation of maximum design pool (corresponding to top of surcharge storage or spillway design flood).

g. Storage capacity of surcharge zone (incremental, above top of flood control pool or, above normal upper retention level if flood control space not provided).

h. Height of freeboard (distance between maximum design flood water surface and top of dam).

i. Elevation of top of dam (lowest point of embankment or non-overflow structure).

j. Elevation of crest, type, width, crest length and location of spillways (number, size and type of gates if controlled).

k. Type, location, entrance and exit inverts of outlet works and emergency drawdown facilities (number, size and shape of conduits and gates, including penstocks and sluices).

l. Location, crest elevation, description of invert and abutments (concrete, rock, grass, earth) and length of limited service and emergency spillways.

m. Location and dscription of flashboards and fuse plugs, including hydraulic head (pool elevation) and other conditions required for breaching, along with the assumed results of breaching.

n. Location and top elevation of dikes and floodwalls (overflow and non-overflow) affected by reservoir. Include information on low reaches of reservoir rim.

o. Type, location, observations and records of hydrometeorological gages appurtenant to the project.

p. Maximum non-damaging discharge, or negligible damage rate, at potential damage locations downstream.

3. *Foundation Data and Geological Features* including logs of borings, geological maps, profiles and cross sections, and reports of foundation treatment.

4. *Properties of Embankments and Foundation Materials* including results of laboratory tests, field permeability tests, construction control tests, and assumed design properties for materials.

5. *Concrete Properties* including the source and type of aggregate, cement used, mix design data and the results of testing during construction.

6. *Electrical and Mechanical Equipment* type and rating of normal and emergency power supplies, hoists, cranes, valves and valve operator, control and alarm systems and other electrical and mechanical equipment and systems that could affect the safe operation of the dam.

7. *Construction History* including diversion scheme, construction sequence, pertinent construction problems, alterations, modifications and maintenance repairs.

8. Water Control Plan including regulation plan under normal conditions and during flood events or other emergency conditions. The availability of dam tenders, means of communication between dam tenders and authority supervising water control, and method of gate operation (manual, automatic, or remote control) should be included. Flood warning systems should be described in sufficient detail to enable assessment of their reduction in the flood hazard potential.

9. *Operation Record.*

a. Summary of past major flood events including any experiences that presented a serious threat to the safety of the project or to human life or property. The critical project feature, date and duration of event, causative factor, peak inflow and outflow, maximum elevation of water surface, wind and wave factors if significant, issuance of alert or evacuation warnings and adequacy of project feature involved should be included in the summary of past experience of serious threat to the safety of the project.

b. Records of performance observations including instrumentation records.

c. List of any known deficiencies that pose a threat to the safety of the dam or to human life or property.

d. History of previous failures or deficiencies and pending remedial measures for correcting known deficiencies and the schedule for accomplishing remedial measures should be indicated.

10. *Earthquake History* including a summary of the seismic data of significant recorded earthquakes in the vicinity of the dam and information on major damage in the vicinity of the dam from both recorded and unrecorded earthquakes. Regional geologic maps and other documents showing fault locations should be collected.

11. *Inspection History* including the results of the last safety inspection, the organization that performed the inspection, the date inspection performed and the authority for conducting the inspection.

12. *Principal Design Assumptions and Analyses.*

a. *Hydrologic and Hydraulic Determinations.*

(1) Quantity, time and area distribution, and reference source of depth-area-duration data of spillway design storm precipitation (point precipitation if applicable).

(2) Maximum design flood inflow hydrograph including loss rates (initial and average for design flood conditions) and time of runoff concentration of reservior watershed (peak inflow only when applicable).

(3) Maximum design flood outflow hydrograph (maximum outflow only when applicable).

(4) Discharge-frequency relationship, preferably at damsite, including estimated frequency of spillway design flood for small dams, when appropriate.

(5) Reservior area and storage capacity versus water surface elevation (table or curves).

(6) Rating curves (free flow and partial gate openings) for all discharge facilities contributing to the maximum design flood outflow hydrograph. Also a composite-rating of all contributing facilities, if appropriate.

(7) Tailwater rating curve immediately below damsite including elevation corresponding to maximum design flood discharge and approximate nondamaging channel capacity.

(8) Hydrologic map of watershed above damsite including reservior area, watercourse, elevation contours, and principal stream-flow and precipitation gaging stations.

b. *Stability and Stress Analysis* of the dam, spillway and appurtenant structures and features including the assumed properties of materials and all pertinent applied loads.

c. *Seepage and Settlement Analyses.* The determination of distribution, direction and magnitude of seepage forces and the design and construction measures for their control. Settlement estimates and steps adopted to compensate for total settlement and to minimize differential settlements.

Appendix II—Inspection Items

This appendix provides guidance for performing field inspections and may serve as the basis for developing a detailed checklist for each dam.

1. *Concrete Structures in General.*

a. *Concrete Surfaces.* The condition of the concrete surfaces should be examined to evaluate the deterioration and continuing serviceability of the concrete. Descriptions of concrete conditions should conform with the appendix to "Guide for Making a Condition Survey of Concrete in Service," American Concrete Institute (ACI) Journal, Proceedings Vol. 65, No. 11, November 1968, page 905–918.

b. *Structural Cracking.* Concrete structures should be examined for structural cracking resulting from overstress due to applied loads, shrinkage and temperature effects or differential movements.

c. *Movement—Horizontal and Vertical Alignment.* Concrete structures should be examined for evidence of any abnormal

settlements, heaving, deflections, or lateral movements.

d. *Junctions.* The conditions at the junctions of the structure with abutments or embankments should be determined.

e. *Drains—Foundation, Joint, Face.* All drains should be examined to determine that they are capable of performing their design function.

f. *Water Passages.* All water passages and other concrete surfaces subject to running water should be examined for erosion, cavitation, obstructions, leakage or significant structural cracks.

g. *Seepage or Leakage.* The faces, abutments and toes of the concrete structures should be examined for evidence of seepage or abnormal leakage, and records of flow of downstream springs reviewed for variation with reservoir pool level. The sources of seepage should be determined if possible.

h. *Monolith Joints—Construction Joints.* All monolith and construction joints should be examined to determine the condition of the joint and filler material, any movement of joints, or any indication of distress or leakage.

i. *Foundation.* Foundation should be examined for damage or possible undermining of the downstream toe.

j. *Abutments.* The abutments should be examined for sign of instability or excessive weathering.

2. *Embankment Structures.*

a. *Settlement.* The embankments and downstream toe areas should be examined for any evidence of localized or overall settlement, depressions or sink holes.

b. *Slope Stability.* Embankment slopes should be examined for irregularities in alignment and variances from smooth uniform slopes, unusual changes from original crest alignment and elevation, evidence of movement at or beyond the toe, and surface cracks which indicate movement.

c. *Seepage.* The downstream face of abutments, embankment slopes and toes, embankment—structure contacts, and the downstream valley areas should be examined for evidence of existing or past seepage. The sources of seepage should be investigated to determine cause and potential severity to dam safety under all operating conditions. The presence of animal burrows and tree growth on slopes which might cause detrimental seepage should be examined.

d. *Drainage Systems.* All drainage systems should be examined to determine whether the systems can freely pass discharge and that the discharge water is not carrying embankment or foundation material. Systems used to monitor drainage should be examined to assure they are operational and functioning properly.

e. *Slope Protection.* The slope protection should be examined for erosion-formed gullies and wave-formed notches and benches that have reduced the embankment cross-section or exposed less wave resistant materials. The adequacy of slope protection against waves, currents, and surface runoff that may occur at the site should be evaluated. The condition of vegetative cover should be evaluated where pertinent.

3. *Spillway Structures.* Examination should be made of the structures and features including bulkheads, flashboards, and fuse plugs of all service and auxiliary spillways which serve as principal or emergency spillways for any condition which may impose operational constraints on the functioning of the spillway.

a. *Control Gates and Operating Machinery.* The structural members, connections, hoists, cables and operating machinery and the adequacy of normal and emergency power supplies should be examined and tested to determine the structural integrity and verify the operational adequacy of the equipment. Where cranes are intended to be used for handling gates and bulkheads, the availability, capacity and condition of the cranes and lifting beams should be investigated. Operation of control systems and protective and alarm devices such as limit switches, sump high water alarms and drainage pumps should be investigated.

b. *Unlined Saddle Spillways.* Unlined saddle spillways should be examined for evidence of erosion and any conditions which may impose constraints on the functioning of the spillway. The ability of the spillway to resist erosion due to operation and the potential hazard to the safety of the dam from such operation should be determined.

c. *Approach and Outlet Channels.* The approach and outlet channels should be examined for any conditions which may impose constraints on the functioning of the spillway and present a potential hazard to the safety of the dam.

d. *Stilling Basin (Energy Dissipators).* Stilling basins including baffles, flip buckets or other energy dissipators should be examined for any conditions which may pose constraints on the ability of the stilling basin to prevent downstream scour or erosion which may create or present a potential hazard to the safety of the dam. The existing condition of the channel downstream of the stilling basin should be determined.

4. *Outlet Works.* The outlet works examination should include all structures and features designed to release reservoir water below the spillway crest through or around the dam.

a. *Intake Structure.* The structure and all features should be examined for any conditions which may impose operational constraints on the outlet works. Entrances to intake structure should be examined for conditions such as silt or debris accumulation which may reduce the discharge capabilities of the outlet works.

b. *Operating and Emergency Control Gates.* The structural members, connections, guides, hoists, cables and operating machinery including the adequacy of normal and emergency power supplies should be examined and tested to determine the structural integrity and verify the operational adequacy of the operating and emergency gates, valves, bulkheads, and other equipment.

c. *Conduits, Sluices, Water Passages, Etc.* The interior surfaces of conduits should be examined for erosion, corrosion, cavitation, cracks, joint separation and leakage at cracks or joints.

d. *Stilling Basin (Energy Dissipator).* The stilling basin or other energy dissipator should be examined for conditions which may impose any constraints on the ability of the stilling basin to prevent downstream scour or erosion which may create or present a potential hazard to the safety of the dam. The existing condition of the channel downstream of the stilling basin should be determined by soundings.

e. *Approach and Outlet Channels.* The approach and outlet channels should be examined for any conditions which may impose constraints on the functioning of the discharge facilities of the outlet works, or present a hazard to the safety of the dam.

f. *Drawdown Facilities.* Facilities provided for drawdown of the reservoir to avert impending failure of the dam or to facilitate repairs in the event of stability or foundation problems should be examined for any conditions which may impose constraints on their functioning as planned.

5. *Safety and Performance Instrumentation.* Instruments which have been installed to measure behavior of the structures should be examined for proper functioning. The available records and readings of installed instruments should be reviewed to detect any unusual performance of the instruments or evidence of unusual performance or distress of the structure. The adequacy of the installed instrumentation to measure the performance and safety of the dam should be determined.

a. *Headwater and Tailwater Gages.* The existing records of the headwater and tailwater gages should be examined to determine the relationship between other instrumentation measurements such as stream flow, uplift pressures, alignment, and drainage system discharge with the upper and lower water surface elevations.

b. *Horizontal and Vertical Alignment Instrumentation (Concrete Structures).* The existing records of alignment and elevation surveys and measurements from inclinometers, inverted plumb bobs, gage points across cracks and joints, or other devices should be examined to determine any change from the original position of the structures.

c. *Horizontal and Vertical Movement, Consolidation, and Pore-Water Pressure Instrumentation (Embankment Structures).* The existing records of measurements from settlement plates or gages, surface reference marks, slope indicators and other devices should be examined to determine the movement history of the embankment. Existing piezometer measurements should be examined to determine if the pore-water pressures in the embankment and foundation would under given conditions impair the safety of the dam.

d. *Uplift Instrumentation.* The existing records of uplift measurements should be examined to determine if the uplift pressures for the maximum pool would impair the safety of the dam.

e. *Drainage System Instrumentation.* The existing records of measurements of the drainage system flow should be examined to establish the normal relationship between pool elevations and discharge quantities and any changes that have occurred in this relationship during the history of the project.

f. *Seismic Instrumentation.* The existing records of seismic instrumentation should be

examined to determine the seismic activity in the area and the response of the structures of past earthquakes.

6. *Reservoir.* The following features of the reservoir should be examined to determine to what extent the water impounded by the dam would constitute a danger to the safety of the dam or a hazard to human life or property.

a. *Shore line.* The land forms around the reservoir should be examined for indications of major active or inactive landslide areas and to determine susceptibility of bedrock stratigraphy to massive landslides of sufficient magnitude to significantly reduce reservoir capacity or create waves that might overtop the dam.

b. *Sedimentation.* The reservoir and drainage area should be examined for excessive sedimentation or recent developments in the drainage basin which could cause a sudden increase in sediment load thereby reducing the reservoir capacity with attendant increase in maximum outflow and maximum pool elevation.

c. *Potential Upstream Hazard Areas.* The reservoir area should be examined for features subject to potential backwater flooding resulting in loss of human life or property at reservoir levels up to the maximum water storage capacity including any surcharge storage.

d. *Watershed Runoff Potential.* The drainage basin should be examined for any extensive alterations to the surface of the drainage basin such as changed agriculture practices, timber clearing, railroad or highway construction or real estate developments that might extensively affect the runoff characteristics. Upstream projects that could have impact on the safety of the dam should be identified.

7. *Downstream Channel.* The channel immediately downstream of the dam should be examined for conditions which might impose any constraints on the operation of the dam or present any hazards to the safety of the dam. Development of the potential flooded area downstream of the dam should be assessed for compatibility with the hazard classification.

8. *Operation and Maintenance Features.*

a. *Reservoir Regulation Plan.* The actual practices in regulating the reservoir and discharges under normal and emergency conditions should be examined to determine if they comply with the designed reservoir regulation plan and to assure that they do not constitute a danger to the safety of the dam or to human life or property.

b. *Maintenance.* The maintenance of the operating facilities and features that pertain to the safety of the dam should be examined to determine the adequacy and quality of the maintenance procedures followed in maintaining the dam and facilities in safe operating condition.

BILLING CODE 3710-92-M

APPENDIX III

Public Law 92-367
92nd Congress, H. R. 15951
August 8, 1972

An Act

To authorize the Secretary of the Army to undertake a national program of inspection of dams.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the term "dam" as used in this Act means any artificial barrier, including appurtenant works, which impounds or diverts water, and which (1) is twenty-five feet or more in height from the natural bed of the stream or watercourse measured at the downstream toe of the barrier, or from the lowest elevation of the outside limit of the barrier, if it is not across a stream channel or watercourse, to the maximum water storage elevation or (2) has an impounding capacity at maximum water storage elevation of fifty acre-feet or more. This Act does not apply to any such barrier which is not in excess of six feet in height, regardless of storage capacity or which has a storage capacity at maximum water storage elevation not in excess of fifteen acre-feet, regardless of height.

National dam inspection program. "Dam."

SEC. 2. As soon as practicable, the Secretary of the Army, acting through the Chief of Engineers, shall carry out a national program of inspection of dams for the purpose of protecting human life and property. All dams in the United States shall be inspected by the Secretary except (1) dams under the jurisdiction of the Bureau of Reclamation, the Tennessee Valley Authority, or the International Boundary and Water Commission, (2) dams which have been constructed pursuant to licenses issued under the authority of the Federal Power Act, (3) dams which have been inspected within the twelve-month period immediately prior to the enactment of this Act by a State agency and which the Governor of such State requests be excluded from inspection, and (4) dams which the Secretary of the Army determines do not pose any threat to human life or property. The Secretary may inspect dams which have been licensed under the Federal Power Act upon request of the Federal Power Commission and dams under the jurisdiction of the International Boundary and Water Commission upon request of such Commission. 86 STAT. 506 / 86 STAT. 507

Army, authorization.

Exceptions.

41 Stat. 1063; 49 Stat. 863. 16 USC 791a.

SEC. 3. As soon as practicable after inspection of a dam, the Secretary shall notify the Governor of the State in which such dam is located the results of such investigation. The Secretary shall immediately notify the Governor of any hazardous conditions found during an inspection. The Secretary shall provide advice to the Governor, upon request, relating to timely remedial measures necessary to mitigate or obviate any hazardous conditions found during an inspection.

Notice to Governors.

SEC. 4. For the purpose of determining whether a dam (including the waters impounded by such dam) constitutes a danger to human life or property, the Secretary shall take into consideration the possibility that the dam might be endangered by overtopping, seepage, settlement, erosion, sediment, cracking, earth movement, earthquakes, failure of bulkheads, flashboard, gates on conduits, or other conditions which exist or which might occur in any area in the vicinity of the dam.

SEC. 5. The Secretary shall report to the Congress on or before July 1, 1974, on his activities under the Act, which report shall include, but not be limited to—

Report to Congress.

(1) an inventory of all dams located in the United States;

(2) a review of each inspection made, the recommendations furnished to the Governor of the State in which such dam is located and information as to the implementation of such recommendation;

(3) recommendations for a comprehensive national program for the inspection, and regulation for safety purpose of dams of the Nation, and the respective responsibilities which should be assumed by Federal, State, and local governments and by public and private interests.

Liability.

SEC. 6. Nothing contained in this Act and no action or failure to act under this Act shall be construed (1) to create any liability in the United States or its officers or employees for the recovery of damages caused by such action or failure to act; or (2) to relieve an owner or operator of a dam of the legal duties, obligations, or liabilities incident to the ownership or operation of the dam.

Approved August 8, 1972.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 92-1232 (Comm. on Public Works).
CONGRESSIONAL RECORD, Vol. 118 (1972):
July 24, considered and passed House.
July 25, considered and passed Senate.
WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 8, No. 33:
Aug. 9, Presidential statement.

BILLING CODE 3710-92-C

Appendix E—Suggested Outline

Inspection Report—National Dam Inspection Program (RCS–DAEN–CWE–17 and OMB No. 49–R0421)

Title Sheet

Name of Dam
ID Number from Inventory
State, County and River or Stream where dam is located
Owner
Size and Hazard Classification
Names of Inspectors
Names of Review Board
Approval Signature of District Engineer

Table of Contents

General Assessment

Give brief assessment of general condition of dam with respect to safety, including a listing of deficiencies, and recommendations indicating degree of urgency.

1. Introduction

a. Authority
b. Purpose and Scope of Inspection

2. Project Information

a. Site Information
b. Description of Structures—Dam, Outlet, Spillway and other principal features.
c. Purpose of Dam
d. Design, Construction and Operating History

3. Field Inspection

Briefly describe physical condition of the dam and appurtenant structures as they were observed during the field inspection. (If field inspection form is appended, only present summary.) Describe operational procedures, including any warning system, condition of operating equipment, and provision for emergency procedures. Describe any pertinent observations of the reservoir area and downstream channel adjacent to dam.

4. Evaluation

a. Structural and Geotechnical
(1) General
(2) Embankment and/or Foundation Condition
(3) Stability—Briefly discuss pertinent information such as design, construction and operating records. Assess stability under maximum loading on basis of the record data, together with observations of field inspection and results of any additional, brief calculations performed by inspectors. If additional, detailed stability analyses are considered necessary, recommend that the owner engage a qualified engineer or firm to provide the analysis.
b. Hydrologic and Hydraulic
(1) Spillway Adequacy—Briefly describe pertinent record information such as hydrologic and hydraulic design data, flood of record, and previous analyses. Describe any hydraulic and hydrologic analyses made for this inspection. Present conclusion with respect to adequacy of spillway to pass the recommended spillway design flood without overtopping dam. If overtopping would occur, and if available from the type of analysis used, give maximum depth over top of dam and duration of overtopping, assuming the dam does not fail. Also indicate the largest flood, as a percentage of the probable maximum flood which can be passed without overtopping.
(2) Effects of overtopping—If dam is overtopped by the recommended spillway design flood, provide assessment as to whether or not dam would likely fail, and if, in case of failure, the hazard to loss of life downstream of the dam would be substantially increased over that which would exist without failure. If information upon which to base a reasonable assessment is insufficient, so state and describe the needed data, and recommend that the necessary studies be performed by engineers engaged by the owner.
c. Operation and Maintenance
Assess operating equipment and procedures, emergency power for gate operation, and Emergency Action Plan. Assess quality of maintenance as it pertains to dam safety.

5. Conclusions

Provide conclusions on condition of dam and list all deficiencies. If dam is considered unsafe, so state and give reason.

6. Recommendations

List all recommended actions, including additional studies, installation of new surveillance procedures and devices, development of Emergency Action Plans, and remedial work. Recommend that a qualified engineering firm be retained to accomplish any recommended additional investigations and studies and also to design and supervise remedial works.

Appendixes

a. Inspection Checklist (if available)
b. Other Illustrations as follows:
(1) Include a map showing location of the dam. Usually a portion of a USGS quadrangle sheet can be used which will show the topography of the area, location of the dam, exent of the lake and drainage basin, and perhaps indicate the downstream development.
(2) If available, include a plan and section of the dam.
(3) General photographs of the dam and downstream channel should be included.
(4) Color photographs of deficiencies should be included. These should be held to the minimum required to illustrate the deficiencies.
(5) Available engineering data including Hydrologic/Hydraulic calculation and physical test results that might be available.

Appendix F

Instructions for Unsafe Dam Data Sheet (RCS–DAEN–CWE–17 and OMB No. 49–R0421)

The indicated information shall be provided in the format shown on Pg F–3 for each dam assessed to be unsafe during the reporting period. A separate data sheet should be provided for each unsafe dam. The information supplied should conform to the following.

a. *Name*—Name of dam.
b. *Id. No.*—Dam inventory identity number.
c. *Location*—List state county, river or stream and nearest D/S city or town where the dam is located.
d. *Height*—Maximum hydraulic height of dam.
e. *Maximum Impoundment Capacity*—List the capacity of the reservior at maximum attainable water surface elevation including any surcharge loading.
f. *Type*—Type of dam, i.e., earth, rockfill, gravity, combination earth-gravity, etc.
g. *Owner*—Owner of dam.
h. *Date Governor Notified of Unsafe Condition*—The date and method of notification, such as, by telegram, letter, report, etc.
i. *Condition of Dam Resulting in Unsafe Assessment*—Brief description of the deficiencies discovered which resulted in the unsafe assessment.
j. *Description of Danger Involved*—Downstream (D/S) hazard potential category and a brief description of the danger involved.
k. *Recommendations Given to Governor*—Brief description of the actions recommended to Governor at time of notification of unsafe condition to eliminate or reduce the danger.
l. *Urgency Category*—State whether the unsafe condition of the dam is an emergency or non-emergency situation. An emergency situation should be considered to exist if the failure of the dam is judged to be imminent and requires immediate action to eliminate or reduce the danger.
m. *Emergency Actions Taken*—In case of an emergency situation, list the actions taken. For non-emergency situation, put NA for "not applicable."
n. *Remedial Action Taken*—For non-emergency situations list remedial actions taken.
o. *Remarks*—For other pertinent information.

Format for Unsafe Dam Data Sheet (RCS–DAEN–CWE–17 and OMB No. 49–R0421

National Program of Inspection of Non-Federal Dams—Unsafe Dam Data Sheet

a. *Name:*
b. *Type:*
c. *Height:*
d. *Id. No.*
e. *Location:*
State: *County:*
Nearest D/S City, Town or Village:
River or Stream:
f. *Owner:*
g. *Date Governor Notified of Unsafe Condition:*
h. *Condition of Dam Resulting in Unsafe Assessment:*
i. *Description of Danger Involved:*
j. *Recommendations Given to Governor:*
k. *Urgency Category:*
l. *Emergency Actions Taken:*
m. *Remarks:*

Appendix G

National Program for Inspection of Non-Federal Dams—Monthly Progress Report (RCS–DAEN–CWE–19)

I. *Instructions for Monthly Progress Report.* The indicated information shall be provided in the format shown on page G–2.

1. Division Reporting:

2. Date:

3. Information Required for Each State Regarding Total Number of Inspections Performed (AE Inspections included) (Cumulative):

3.1. Number of Inspections Initiated by on-site inspection or the review of engineering data from project records.[1]

3.2. Number of Inspections Competed (The number of inspection reports which have been submitted to the District Engineer for review and approval).

3.3 Number of Dams Reported to the Governor as Unsafe.[2]

3.4. Number of Approved Inspection Reports Submitted to the Governor.

4. Information Required for Each State Regarding Inspections Performed Under AE Contracts (Cumulative):

4.1. Number of Dams Contracted for Inspection by AE's with State or Corps.

4.2. Number of Inspections Initiated by AE's by on-site inspection or the review of engineering data from project records.[1]

4.3. Number of Inspections Completed by AE's (The number of inspection reports which have been submitted to the District Engineer for review and approval).

4.4. Number of Approved Inspection Reports Prepared by AE's Submitted to the Governor.

II. *Formation for Monthly Progress Report.*

National Program for Inspection of Non-Federal Dams—Monthly Progress Report

1. Division Reporting:

2. Date:

3. Information Required for Each State Regarding Total Number of Inspections Performed (Cumulative):

State	Inspections Initiated (3.1)	Inspections Completed (3.2)	Unsafe Dams Reported (3.3)	Approved Reports (3.4)
Total.....				

4. Information Required for Each State Regarding Inspections Performed Under A/E Contracts (Cumulative):

State	Dams Under A/E Contract (4.1)	A/E Inspections Initiated (4.2)	A/E Inspections Completed (4.3)	A/E Reports Approved (4.4)
Totals.....				

[1] Each of the initiated inspections reported should be planned for completion within a reasonable period of time (30 days.)

[2] An unsafe dam is defined as a dam with deficiencies of such a nature that if not corrected could result in the failure of the dam with subsequent loss of lives or substantial property damage.

Appendix H

Suggested Scope of Work Contract for Architect-Engineer Services for Safety Inspection of Dams Within the State of

1. *General Description of Scope of Work.* The services to be rendered by the Architect-Engineer (AE) under the proposed contract shall include all engineering functions, hereinafter described, as needed to inspect the dams listed in Appendix A of this contract for the purpose of evaluating their risk of failure. A report which (a) describes the assessed condition of the dam, (b) provides conclusions as to which particular conditions could cause failure, (c) makes recommendations on remedial measures believed necessary, and (d) makes recommendations on whether and what type of future investigation should be conducted shall be provided for each inspected dam. The work shall proceed in accordance with Phase I of the Recommended Guidelines for Safety Inspection of Dams established by the Office of the Chief of Engineers (OCE) and the supplemented requirements listed in paragraph 3 below. The OCE guidelines are listed in Appendix B of this contract.

2. *Information and Services To Be Furnished by the Government.* The Contracting Officer will furnish the following information and services to the AE:

a. All information pertaining to each dam to be inspected as contained in the National Inventory of Dams.

b. Copies of recommended format for preparation of inspection report, engineering data check list and visual inspection check list.

c. All available pertinent information pertaining to the Dam Inspection Program and previous investigations having a bearing on inspections to be performed under this contract.

d. Right-of-entry for access to each dam site.

3. *Services To Be Rendered by the Architect-Engineer.* The principal services, subject to the optional provisions of the contract, to be rendered by the AE are itemized below:

a. *Technical Investigations.*

(1) *Engineering Data Collection.* To the extent feasible, the engineering data listed in Appendix I of the OCE guidelines relating to the design, construction and operation of the dam and appurtenant structures, should be collected from existing records and reviewed to aid in evaluating the general condition of each dam, including an assessment of the hydraulic and hydrologic features and structural stability of the dam. Where the necessary engineering data are unavailable, inadequate or invalid, a listing shall be made of those specific additional data deemed necessary by the engineer in charge of the investigation and included in the inspection report. The engineering data checklist provided by the Contracting Officer shall be used as a guide to compile this data.

(2) *Field Inspections.* The field inspection of each dam shall include examination of the items listed in Appendix II of the OCE guidelines, electrical and mechanical equipment for operation of the control facilities, reservoir area, downstream channel in the vicinity of the dam and any other significant feature to determine how these features affect the risk of failure of the dam. The inspection shall be conducted in a systematic manner to minimize the possibility of any significant feature being overlooked. The visual inspection checklist provided by the Contracting Officer shall be used as a guide to document the examination of each significant feature.

Particular attention shall be given to detecting evidence of leakage, erosion, seepage, slope instability, undue settlement, displacement, tilting, cracking, deterioration, and improper functioning of drains and relief wells. The degree and quality of maintenance and regulating procedures for operation of the control facilities shall be assessed. The design and existing condition of such control facilities (i.e., spillway, outlet works, etc.) shall be evaluated. An assessment of the degree of siltation that is evident and its effect on the dam's reservoir shall be performed. Photographs and drawings should be used to record conditions in order to minimize written descriptions.

(3) *Engineering Analyses.*

(a) *Evaluation of Hydraulic and Hydrologic (H&H) Features.* Evaluation of the hydraulic and hydrological features of each dam shall be based on criteria set forth in the OCE guidelines. If it is determined that the available H&H data are insufficient, the Contracting Officer must be so informed and may exercise an option of requiring the AE to perform an overtopping analysis at additional agreed-upon compensation. The methodology to be used by the AE for this analysis will be based on the OCE guidelines and subject to the approval of the Contracting Officer.

(b) *Evaluation of Structural Stability.* The evaluation of structural stability of each dam is to be based principally on existing conditions as revealed by the visual inspection, available design and construction information, and records of performance. The objectives are to determine the existence of conditions, identifiable by visual inspection or from records, which may pose a high risk of failure and to formulate recommendations pertaining to the need for any remedial improvements, additional studies, investigations, or analysis. The results of this phase of the inspection must rely substantially upon the experience and judgment of the inspecting engineer. Should it be determined that sufficient data are not available for a reasonable evaluation of the structural stability of a dam and appurtenances, the Contracting Officer should be informed which information is required prior to attempting to evaluate the risk of failure of the dam.

(c) *Evaluation of Operational Features.* Where critical mechanical/electrical operating equipment is used in controlling the reservoir of a dam, an evaluation of the operational characteristics of this equipment from the standpoint of risk of failure must be performed.

(d) *Evaluation of Reservoir Regulation Plan and Warning System.* The operational characteristics of each dam's existing reservoir regulation plan and warning system in event of a threatened failure shall be investigated.

b. *Emergency Situations.* The Contracting Officer must be immediately notified of any observed condition which is deemed to require immediate remedial action. After being notified, the Contracting Officer will contact the appropriate State personnel and will meet the AE at the site to determine the appropriate course of action. This will not relieve the AE of his responsibility to prepare a comprehensive inspection report at the earliest practicable date.

c. *Qualifications of Investigators.* The technical investigations shall be conducted by licensed professional engineers with a minimum of five years experience after licensing in the investigation, design and contruction of earthfill, rockfill and concrete dams and/or in making risk of failure evaluations of completed dams. These engineers must be knowledgeable in the disciplines of hydrology, hydraulics, geotechnical, electrical, mechanical and structural engineering, as necessary. All field inspections should be conducted by engineers, engineering geologists and other specialists who are knowledgeable in the investigation, design, construction and operation of dams, including experts on mechanical and electrical operation of gates and controls, where needed.

d. *Preparation of Report.* A formal report shall be prepared for each dam inspected for submission to the Contracting Officer. Each report should contain the information specified in OCE guidelines and any other pertinent information. The recommended format provided by the Contracting Officer shall be used to document each report. The signature and registration identification of the professional engineer who directed the investigation and who was responsible for evaluation of the dam should be included in the report.

4. *Supervision and Approval of Work.* All work performed under this contract shall be subject to the review and approval of the Contracting Officer or his designee. Meetings will be held on a regular basis in the District office, during which the progress of inspections will be discussed and questions relating to inspection reports previously received by the Contracting Officer will be addressed. Reports will be revised as necessary when required by the Contracting Officer.

5. *Coordination.* During the progress of work, the AE shall maintain liaison with the *———— and other local authorities through the Contracting Officer as required to assure the orderly progression of the inspection. Copies of all correspondence with such authorities shall be provided to the Contracting Officer.

6. *Submission of Report.*

a. Each inspection report will be submitted for review to the Contracting Officer. Reports will be revised as required by the Contracting Officer. After all revisions have been made, the original and —— copies of each inspection report shall be submitted to the Contracting Officer.

b. Text of all reports shall be typewritten and printed on both sides of 8" x 10½" paper. All notes, inspection forms, sketches or similar matter shall be legible, distinct and suitable for reproduction.

7. *Period of Services.*

a. All inspections and reports included under this contract shall be completed within —— days from date of Notice to Proceed.

b. If the option for performing an H&H analysis for any particular site is exercised, the AE shall complete such analysis within —— days from date of Notice to Proceed. However, the overall completion time stated in paragraph 7a above shall not change.

*Note.—Write in the designated State Authority.

Appendix I

Procedure for Using NASA Land Satellite Multispectral Scanner Data for Verification and Updating the National Inventory of Dams

1. *Purpose.* This appendix states the objective, defines the scope, prescribes procedures, and assigns responsibilities for using NASA Land Satellite (LANDSAT) Multispectral Scanner data along with NASA's Surface Water Detection And Mapping (DAM) Computer program to assist in verification and updating the National Inventory of Dams.

2. *Applicability.* This appendix is applicable to all divisions and districts having Civil Works responsibilities except POD.

3. *Reference.* NASA, DETECTION AND MAPPING PACKAGE, Users Manuals, Volumes 1, 2a, 2b, and 3 dated June 1976, published by the Johnson Space Center, Houston, Texas.

4. *Objectives.* Provide a uniform method, nation-wide, to help insure that all dams subject to Public Law 92-367, 8 August 1972 are properly identified and located in the National Inventory of Dams.

5. *Scope.* The computer printer overlay maps produced by the procedure described in reference 3b will be used by district and/or state or contractor personnel as a tool to assist in verification and updating of the National Inventory of Dams.

6. *Exceptions.* a. If a Division/District attempts the use of the procedure for a given region within their area of responsibility and finds the overlay maps cannot be used to assist in verification and updating the National Inventory of Dams, they may request an exception for a selected region. A selected region may include areas where conditions can reasonably be assumed to be the same as the region where the procedure was tried.

b. Request for exceptions should be documented to include firm boundary definitions and appropriate justification to demonstrate why the procedure cannot be used. This request should be submitted to WRSC WASH DC 20314, through the normal engineering chain of command.

c. Map overlays will be produced for all areas of the Continental United States even if they are not used in a few selected regions. This processing is required for a future Computer Water Body Change Detection system.

7. *Procedures.* Acquisition of LANDSAT data, registration of satellite coordinates to earth latitude and longitude and computer processing to produce overlay maps will be accomplished by two Regional Centers. Nashville District and Seattle District have been designated as the Regional Centers, with each responsible for processing maps by state based on Divisional assignments in Appendix A. Regional Centers will support divisions as follows:

Regional Center	*Division*
Nashville District	New England
	North Atlantic
	South Atlantic
	Ohio River
	Lower Mississippi Valley
	North Central
Seattle District	Southwestern
	Missouri River
	North Pacific
	South Pacific

8. *Responsibilities.* a. The Water Resources Support Center at Fort Belvoir has overall responsibility for coordination and monitoring of this activity between NASA, Division Offices, and Regional Centers, and for providing Regional Center funding.

b. Regional Centers are responsible for:

(1) Acquiring proper LANDSAT data tape from EROS Data Center (Sioux Falls, South Dakota). Actual data scene selection will be coordinated with Division and/or District to insure proper consideration is given to local priorities and seasonal coverage.

(2) Arranging computer processing support using NASA's DAM package.

(3) Establishing proper control between satellite scanner-oriented coordinates and earth latitude/longitude.

(4) Producing total coverage of map overlays at a scale of 1:24,000 and/or smaller scales as required by Divisions and/or Districts.

(5) Instructing District, State, or contractor personnel in the assembly and use of map overlays.

c. Divisions/Districts are responsible for:

(1) Designating one person from each Division and District as the point of contact with the Regional Center and provide this person's name and phone number to the Regional Center.

(2) Providing the Regional Center with map coverage of their area of responsibility. This will include state indexes and 7½ minute quadrangle sheets (scale 1:24,000) where available.

(3) Coordinating with the Regional Center in selecting LANDSAT data tapes.

(4) Providing information to Regional Center on scale and priorities of desired computer produced map overlays.

(5) Assembling computer print-outs into overlay maps, and using as appropriate to assist in verification and updating the National Inventory of Dams.

9. *Points of Contact.* The points of contact in the Regional Centers for this program are as follows:

Name, Office Symbol, and Telephone

Jim Cook—DAEN-ORNED, (615) 251-7366; FTS 852-7366.

Jack Erlandson—DAEN-NPSEN, (206) 764-3535; FTS 399-3535.

[FR Doc. 79-29478 Filed 9-25-79; 8:45 am]

BILLING CODE 3710-92-M

GENERAL SERVICES ADMINISTRATION

41 CFR Parts 101-43,101-46

[FPMR Amdt. H-118]

Automatic Data Processing Supplies and Support Equipment

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This regulation amends General Services Administration's regulations concerning utilization of personal property and utilization and disposal of personal property under exchange or sale authority so that they are consistent with General Services Administration's regulations concerning reutilization of excess automatic data processing supplies and support equipment.

EFFECTIVE DATE: September 26, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Stanley M. Duda, Director, Utilization Division (703-557-1540).

SUPPLEMENTARY INFORMATION: 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.

PART 101-43—UTILIZATION OF PERSONAL PROPERTY

1. Section 101-43.000 is revised as follows:

§ 101-43.000 Scope of part.

This part prescribes the policies and methods governing the economic and efficient utilization of personal property located within and outside the United States, the Commonwealth of Puerto Rico, American Samoa, Guam, the Trust Territory of the Pacific Islands, and the Virgin Islands, except that Subpart 101-36.3 prescribes the policies and procedures governing the worldwide reutilization of excess automatic data processing equipment and supplies by the Federal Government. Excess automatic data processing supplies and support equipment in Federal Supply Classification class 7045 with a unit original acquisition cost of $1,500 or less shall be made available for transfer in accordance with this Part 101-43.

Subpart 101-43.3—Utilization of Excess

2. Section 101-43.311-2 is revised as follows:

§ 101-43.311-2 Form and distribution of reports.

Reports of excess property shall be made on Standard Form 120, Report of Excess Personal Property, and Standard Form 120A, Continuation Sheet (Report of Excess Personal Property), illustrated at §§ 101-43.4901-120 and 101-43.4901-120A respectively, in accordance with the instructions in § 101-43.4901-120-1, or, when acceptable to GSA, by data processing output. Standard Forms 120 and 120A shall be submitted in an original and three copies. Reporting by data processing output shall be submitted in the number of copies agreed upon by GSA. Reports shall be submitted to the GSA regional office for the region in which the property is located (see § 101-43.4802), except that reports of fixed wing and rotary wing aircraft shall be submitted to the General Services Administration (9DP), San Francisco, CA 94105, and excess Standard forms, with samples of these forms, shall be submitted to the General Services Administration (WF), Washington, D.C. 20407, for potential redistribution under the Standard forms program. Reports of excess ADPE shall be submitted as set forth in Subpart 101-36.47, except for reports of excess ADP supplies and support equipment in class 7045 with a unit original acquisition cost of $1,500 or less, which shall be submitted in accordance with this § 101-43.311-2. Since Standard Form 120, Report of Excess Personal Property, is an operating supply document and submitted by agencies as excess property is generated, it is excluded from the interagency reporting requirement as set forth in Subpart 101-11.11.

3. Section 101-43.320 is amended to revise paragraphs (b) (2) (iv) and (h) as follows:

§ 101-43.320 Use of excess property on grants.

* * * * *

(b) * * *

(2) * * *

(iv) Excess scientific equipment transferred under section 11(e) of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1870(e)). GSA will consider items of personal property as scientific equipment for transfer without reimbursement to the National Science Foundation for use by a project grantee when the property requested has a unit acquisition cost of $1,000 or more and is within Federal Supply Classification Groups 14 (Guided Missiles), 43 (Pumps and Compressors), 48 (Valves), 58 (Communication, Detection, and Coherent Radiation Equipment), 59 (Electrical and Electronic Equipment Components), 66 (Instruments and Laboratory Equipment), 67 (Photographic Equipment), 70 (General Purpose Automatic Data Processing Equipment, Software, Supplies, and Support Equipment), or 74 (Office Machines and Visible Record Equipment). Automatic data processing equipment, as defined in § 101-36.301, must be acquired under the provisions of Subpart 101-36.3 and § 101-36.4702, except for ADP supplies and support equipment in class 7045 with a unit original acquisition cost of $1,500 or less, which must be acquired under the provisions of this § 101-43.320(b)(2)(iv). GSA will give consideration to the transfer without reimbursement of items of excess property in other Federal supply classification groups, and items with a unit acquisition cost of less than $1,000, when the National Science Foundation certifies that the item requested is a component part of or related to a piece of scientific equipment or is an otherwise difficult-to-acquire item needed for scientific research. Items of property determined by GSA to be common-use or general purpose property, regardless of classification or unit acquisition cost, shall not be transferred to the National Science Foundation for use by a project grantee without reimbursement.

* * * * *

(h) Except when title is vested in the grantee, Federal agencies, upon termination of a grant in whole or in part, shall reassign Government-furnished property, as practicable, to other activities of the grantor Federal agency. If reassignment is not made, the property shall be reported to GSA by the grantor Federal agency for potential further Government use as provided in § 101-43.311, or § 101-36.4702 for automatic data processing equipment, unless other reporting requirements have been agreed upon by GSA and the reporting agency. ADP supplies and support equipment in class 7045 with a unit original acquisition cost of $1,500 or less shall be reported to GSA as provided in § 101-43.311. Property normally shall be held by the grantee until transfer, donation, or disposal instructions are received. Grantor agencies shall publish procedures which clearly delineate the obligations of grantees with respect to the use and consumption or return to Government custody of property acquired from excess sources.

* * * * *

Subpart 101-43.48—Exhibits

4. Section 101–43.4801 is amended to revise paragraph (c) and to amend paragraph (d) by adding an entry for group 70 and revising the entry for group 74, as follows:

§ 101-43.4801 Excess personal property reporting requirements.

* * * * *

(c) Automatic data processing

Federal supply classification			Not reportable to GSA	Reportable to GSA	Minimum reportable condition codes
Group No.	Group identification	Classes			
*	*	*	*	*	*
70	General purpose automatic data processing equipment, software, supplies and support equipment. (See § 101-43.4801(c)).	All		X	N4, E4, O4, R4.
*	*	*	*	*	*
74	Office machines and visible record equipment	All		X	N4, E4, O4, R4.
*	*	*	*	*	*

Subpart 101-43.49—Illustrations of Forms

5. Section 101–43.4901–120–1(d) is amended to add group number 70 and to revise group number 74, as follows:

§ 101-43.4901-120-1 Instructions for Preparing Standard Form 120.

Note.—The instructions in this § 101–43.4901–120–1(d) are filed with the original document and do not appear in this volume.

(d) Page 4 of Instructions for Preparing Standard Form 120:

29. Engine Accessories.
30. Mechanical Power Transmission Equipment.
31. Bearings.
32. Woodworking Machinery and Equipment.
34. Metalworking Machinery.
35. Service and Trade Equipment.
36. Special Industry Machinery.
37. Agricultural Machinery and Equipment.
38. Construction, Mining, Excavating, and Highway Maintenance Equipment.
39. Materials Handling Equipment.
40. Rope, Cable, Chain, and Fittings.
41. Refrigeration, Air Conditioning and Air Circulating Equipment.
42. Fire Fighting, Rescue, and Safety Equipment.
43. Pumps and Compressors.
44. Furnace, Steam Plant, and Drying Equipment; and Nuclear Reactors.
45. Plumbing, Heating, and Sanitation Equipment.
46. Water Purification and Sewage Treatment Equipment.
47. Pipe, Tubing, Hose, and Fittings.
48. Valves.
49. Maintenance and Repair Shop Equipment.
51. Hand Tools.
52. Measuring Tools.
53. Hardware and Abrasives.
54. Prefabricated Structures and Scaffolding.
55. Lumber, Millwork, Plywood, and Veneer.
56. Construction and Building Materials.
58. Communication, Detection, and Coherent Radiation Equipment.
59. Electrical and Electronic Equipment Components.
61. Electrical Wire and Power and Distribution Equipment.
62. Lighting Fixtures and Lamps.
63. Alarm and Signal Systems.
65. Medical, Dental, and Veterinary Equipment and Supplies.
66. Instruments and Laboratory Equipment.
67. Photographic Equipment.
68. Chemicals and Chemical Products.
69. Training Aids and Devices.
70. General Purpose Automatic Data Processing Equipment, Software, Supplies and Support Equipment.
71. Furniture.
72. Household and Commercial Furnishings and Appliances.
73. Food Preparation and Serving Equipment.
74. Office Machines and Visible Record Equipment.
75. Office Supplies and Devices.
76. Books, Maps, and Other Publications.
77. Musical Instruments, Phonographs, and Home-Type Radios.
78. Recreational and Athletic Equipment.
79. Cleaning Equipment and Supplies.
80. Brushes, Paints, Sealers, and Adhesives.
81. Containers, Packaging, and Packing Supplies.
83. Textiles, Leather, and Furs.
84. Clothing, Individual Equipment, and Insignia.
85. Toiletries.
87. Agricultural Supplies.
88. Live Animals.
89. Subsistence.
91. Fuels, Lubricants, Oils, and Waxes.
93. Nonmetallic Fabricated Materials.
94. Nonmetallic Crude Materials.
95. Metal Bars, Sheets, and Shapes.
96. Ores, Minerals, and their Primary Products.
99. Miscellaneous.

PART 101-46—UTILIZATION AND DISPOSAL OF PERSONAL PROPERTY PURSUANT TO EXCHANGE/SALE AUTHORITY

Subpart 101-46.3—Transfer and Exchange Between Federal Agencies

6. Section 101–46.301 is revised as follows:

§ 101-46.301 Agency responsibility.

Executive agencies having property other than automatic data processing equipment (ADPE) that is determined to be available for exchange or sale under this Part 101–46 shall, to the fullest extent practicable or economical and prior to any disposal action, solicit Federal agencie known to use or distribute this property and arrange for transfers thereto, except that no attempt need be made to obtain further utilization of property that is eligible for replacement in accordance with replacement standards prescribed in Subpart 101–25.4. GSA will solicit other agency requirements for ADPE determined to be available for exchange or sale subsequent to reporting in accordance with Subpart 101–36.47. Executive agencies may also exchange similar property with other Federal agencies (including the Senate, the House of Representatives, the Architect of the Capitol and any activities under the Architect's direction, the District of Columbia, and mixed-ownership Government corporations).

Subpart 101-46.4—Disposal

7. Section 101–46.400–1 is revised as follows:

§ 101-46.400-1 Automatic data processing equipment.

Automatic data processing equipment (ADPE) that meets the reporting criteria set forth in Subparts 101-36.3 and 101-36.47 and qualifies in accordance with Subpart 101-46.2 shall be reported for possible reutilization among Federal agencies as provided in Subpart 101-36.47. If not transferred for other reutilization among Federal agencies, ADPE may be disposed of as provided in this Subpart 101-46.4.

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

Dated: September 12, 1979.

R. G. Freeman III,

Administrator of General Services.

[FR Doc. 79-29786 Filed 9-25-79; 8:45 am]

BILLING CODE 6820-96-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

42 CFR Part 51b

Grants for Preventive Health Services; Grants for Fluoridation

AGENCY: Center for Disease Control, Public Health Service, HEW.

ACTION: Final rule (with subsequent comment period).

SUMMARY: The current regulation contains subparts which apply to grants awarded to State and local government agencies, and to certain nonprofit entities, to assist them in meeting the costs of preventive health service programs. These programs currently include childhood immunization, urban rat control, venereal disease control, and influenza immunization, all of which are authorized by Sections 317 and 318 of the Public Health Service Act. An amendment to Section 317 added authority for fluoridation programs. This final rule amends the current regulation by adding an additional subpart governing this new grant program. The purpose of the new grant program is to assist grantees in promoting and meeting the initial costs for fluoridating community water systems and schools where indicated.

DATES: This regulation is effective September 26, 1979. Comments are due on or before November 26, 1979.

ADDRESS: Written comments should be sent to the Associate Director, Bureau of State Services, 1600 Clifton Road, NE., Atlanta, Georgia 30333. Comments received will be available for public inspection between 8:00 a.m. and 4:30 p.m. in Building 1, Room 2047, at the same address.

FOR FURTHER INFORMATION CONTACT: Mr. Windell R. Bradford (see address above), telephone (404) 329-3773 or FTS: 236-3773.

SUPPLEMENTARY INFORMATION: This new subpart will implement a new grant program for fluoridation in accordance with the Public Health Service Act as amended by the Health Services and Centers Amendments of 1978 (Pub. L. 95-626), approved November 10, 1978 and as corrected by Senate Joint Resolution 14 (Pub. L. 96-32), approved July 10, 1979. The purpose of the fluoridation grant program is to assist the State and local agencies in assuring that as many individuals as possible are provided optimally fluoridated water from birth or, where this is not possible because of the lack of a community water system, provide school water supply fluoridation or other adjunctive measures as appropriate. Drinking optimally fluoridated water from birth reduces dental caries by approximately two-thirds. The costs of dental care in children can be reduced by about 50 percent. School water fluoridation and some adjunctive measures, though less effective, are still cost beneficial.

Emphasis is placed on grants to State agencies. Through this mechanism, State level capacity can be built for the promotion, engineering, monitoring, and surveillance aspects of a statewide fluoridation effort. These grantee agencies are required to work with other agencies and organizations which supply potable water to communities and schools, and with appropriate community and professional organizations to achieve the State's goal.

Nothing in the authorizing legislation or in these regulations requires communities to fluoridate. The approach is to provide the community with factual information needed to decide whether to fluoridate, and to provide support for the costs associated with initiating fluoridation programs.

The regulations do contain limitations on certain costs associated with fluoridation programs. For example, support of the cost of chemicals for a newly fluoridated system is generally limited to 2 years, which permits local governing bodies adequate time to budget for such costs in the future.

The fluoridation of community water systems would not assure that all children receive the benefits of fluoridation, since approximately 40 million Americans live in areas where no community water system exists. In these situations, alternative means of fluoridation are encouraged. First and foremost, the fluoridation of the individual school water system at four and one-half times the level recommended for community water systems is recommended for schools which are not served by a community water system. However, there are situations where this would provide excess fluoride to children that attend that school because their homes are supplied with fluoridated community water. In addition, there are schools supplied by fluoridated community water systems but attended by substantial numbers of children whose homes are not supplied with fluoridated water. These latter children receive very little benefit from their limited use of fluoridated community water while in school, but the other children would receive excess fluoride if the school water were to be adjusted to recommended levels for school systems. In these instances, a request for a cost effective adjunctive fluoride program will be entertained. Adjunctive fluoride programs refers to the application of fluoride by use of fluoride mouth rinses, gels, tablets or other such measures. The regulations permit support for the cost of supplies for such a program for a period not to exceed 2 years.

The Secretary recognizes that the concentration of fluoride in community water at the optimum level, or at four and one-half times the community level in schools, is critical for effectiveness and necessary for safety. Therefore, support is provided for statewide training, monitoring, and surveillance programs to insure maintenance of the correct level of fluoride in all fluoridated community and school water systems.

Draft guidelines for these grants have been distributed to State health departments for review and comment. Utilizing these comments as well as those from the State and territorial dental directors, the American Dental Association, the Association of Public Health Dentists, and other interested groups, final guidelines have been developed. The proposed regulation for these grants, Subpart G—Grants for Fluoridation, incorporates comments already received, based on grant guidelines. Copies of the guidelines are available upon request.

In order to provide a regulatory base prior to the award of grants, the Secretary has determined that it would be contrary to the public interest to follow proposed rulemaking procedures or to delay the effective date of this regulation, and that good cause exists, under 5 U.S.C. 553, for their omission. Nevertheless, comments are invited on this rule. All comments will be

considered and the regulation will be republished and revised as necessary.

Title 42, Part 51b of Code of Federal Regulations, is amended as set forth below.

Dated: September 18, 1979.

Julius B. Richmond,

Assistant Secretary for Health.

Approved: September 19, 1979.

Patricia Roberts Harris,

Secretary.

1. Part 51b, § 51b.101 of Subpart A—General Provisions, is amended to include fluoridation programs. As amended, the section reads as follows:

§ 51b.101 To which programs do these regulations apply?

The regulations of this part apply to grants authorized for childhood immunization, influenza immunization, urban rat control, and fluoridation programs under Section 317 of the Public Health Service Act (42 U.S.C. 247b) and to grants authorized for venereal disease prevention and control under Section 318 (42 U.S.C. 247c).

2. Part 51b is amended by adding the following:

Subpart F—[Reserved]

Subpart G—Grants for Fluoridation

Sec.

51b.701 To which programs does this subpart apply?
51b.702 Definitions.
51b.703 Who is eligible for a grant under this subpart?
51b.704 What information is required in the application?
51b.705 How will grant applications be evaluated and the grants awarded?
51b.706 How can grant funds be used?

Authority: Sec. 317, Public Health Service Act (42 U.S.C. 247b); sec. 318 (42 U.S.C. 247c).

Subpart F—[Reserved]

Subpart G—Grants for Fluoridation

§ 51b.701 To which programs does this subpart apply?

The regulations in this subpart apply to the award of project grants under Section 317 of the Act for activities necessary for the fluoridation of community water systems and for school fluoridation.

§ 51b.702 Definitions.

As used in this subpart:

"Adjunctive measures" means measures other than fluoridating water to protect teeth such as fluoride mouth rinses, fluoride tablets, fluoride gels, and pit and fissure sealant.

"Appurtenances" means all necessary accessories to make a fluoride feeder operational, including all applicable plumbing and electrical materials.

"Community fluoridation" means the adjustment of fluoride-deficient water to the optimal fluoride level for a specific geographic area in a community water system.

"Fluoride-deficient water system" means any system with a natural fluoride content which is below the optimal fluoride level for a specific geographic area.

"Monitoring" means the analysis and recording of the fluoride ion content of a water system on a regular basis.

"Optimal fluoride level" means the recommended fluoride level in drinking water in a community water system which is determined by the annual average daily air temperature over a 5-year period. This level is generally between 0.7 and 1.2 parts per million (PPM), in the United States.

"School fluoridation" means either (1) the adjustment of the fluoride-deficient water in an elementary and junior high school water system to 4.5 times the optimal community water level for a geographic region in a school water system not supplied by a community water system or (2) adjunctive fluoride measures when such a school's water supply cannot be fluoridated because:

(a) The school is served by a fluoridated community water system but attended by substantial numbers of children who are not served in their homes by that system, or

(b) The school is served by a nonfluoridated, noncommunity water system but attended by substantial numbers of children served in their homes by a fluoridated community water system.

"Surveillance" means the steps necessary to assure that fluoride test results over a period of time are in compliance with the optimal levels of fluoride for a specific geographic area.

§ 51b.703 Who is eligible for a grant under this subpart?

An applicant must be a State agency, a political subdivision of a State, or any other public agency which is authorized to supply potable water for public consumption.

§ 51b.704 What information is required in the application?

The application for a grant must include a description of the following:

(a) Background and need for project grant support.

(b) Specific, measurable long and short-term objectives for the project, including a definitive time frame for accomplishing each major component of program activity.

(c) The activities which will be utilized in carrying out the fluoridation program, such as public awareness, community organization, installation, monitoring, and surveillance.

(d) A comprehensive and realistic plan for evaluating the project.

(e) A budget and justification for the funds requested.

(f) Any other information which will support the request for grant assistance.

§ 51b.705 How will grant applications be evaluated and the grants awarded?

(a) Special consideration will be given to Statewide programs which propose fluoridation of community water supplies and, where appropriate, school fluoridation activities.

(b) Priority for funding will be based upon the following factors:

(1) Number of additional individuals who will be provided with fluoridation or prevented from imminent discontinuance of their access to fluoridated water systems.

(2) Need for surveillance of presently fluoridated water systems and replacement equipment where necessary.

(3) Overall content of the application, including a description of necessary program activities, appropriateness of the budget's request, continuation assurance, and indications of local support.

§ 51b.706 How can grant funds be used?

Grant funds are available for costs associated with promoting, installing, operating, monitoring, conducting surveillance of, and upgrading fluoridation systems. Unless otherwise specifically justified to the satisfaction of the Secretary, support for the cost of chemicals for a newly fluoridated community or school water system will be limited to a period not to exceed 2 years; system replacement support will be limited to costs of replacement equipment and necessary appurtenances only; and support for adjunctive measures necessary for school fluoridation described in § 51b.702 will be limited to a 2-year expenditure per school and to the cost of the materials only.

[FR Doc. 79-29854 Filed 9-25-79; 8:45 am]

BILLING CODE 4110-86-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Parts 2800 and 3300

Outer Continental Shelf Minerals Leasing and Rights-of-Way Granting Programs

AGENCY: Bureau of Land Management, Interior.

ACTION: Correction notice.

SUMMARY: The final rulemaking published in the Friday, June 29, 1979 (44 FR 38268), **Federal Register**, on Circular No. 2446, contained some errors. This notice is being published to correct these errors.

DATE: Effective on September 26, 1979.

ADDRESS: Any suggestions or inquiries on this notice should be sent to: Director (541), Bureau of Land Management, Department of the Interior, 1800 C Street NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: William J. Quinn, (202) 343–6906 or Robert C. Bruce, (202) 343–8735.

The corrections are as follows:

1. *Corrections to the Table of Contents:*

A. Entry 3316.5 is corrected to read "Award of leases."

B. Entry 3340.2–1 is corrected to read "Applications."

C. Entry 3340.4 is corrected to read "Assignment of right-of-way."

D. Entry 3340.5 is corrected to read "Relinquishment of right-of-way."

E. Entry 3340.6 is corrected to read "Change of use or flow."

2. Section 3316.3–1(*l*)(3)(ii)(A) is corrected to read: "(A) Ethane—C^2H^6."

3. Section 3316.3–1(*l*)(3)(ii)(B) is corrected to read: "(B) Propane—C^3H^8."

4. Section 3316.3–2(a) is corrected by changing the address near the end of the first sentence to read ". . . Director, Bureau of Land Management (Attention 541), Washington, D.C. 20240 . . . ." The section is further corrected by deleting the sentence, "Statements of Production should be filed with the Director, Bureau of Land Management (Attention 722), Washington, D.C. 20240," because it is redundant.

5. The citation referring to § 3316.4(g) is changed to read "3316.4(h)" where it appears in §§ 3316.3–2(c), 3316.3–2(d), 3316.3–3(e)(1), 3316.3–3(e)(2) and 3316.3–4(b).

6. The last sentence of § 3317.4(c) is changed to read, "The anniversary date of a lease shall not change by reason of any period of lease suspension or rental or royalty relief resulting therefrom."

7. Section 3318.2 is corrected to read, "All bonds furnished by a lessee or operator shall be on a form approved by the Director."

8. The last phrase of § 3319.9(a) is corrected to read, ". . . the primary term of the lease shall be extended by a period equivalent to the period of the suspension."

9. The last phrase of the first sentence of § 3320.2(d) is corrected to read, ". . . ; and (3) the advantages of cancellation outweigh the advantages of continuing such lease or permit in force."

10. The number of the first section under Subpart 3321 is corrected to read, "3321.1."

11. The reference to the section of the Act in the first sentence of § 3321.1(b) is corrected to read ". . . section 6(a) of the act . . . ."

12. The second sentence of § 3340.1(a)(6) is corrected to read, "In order to secure a waiver, the holder shall demonstrate to the satisfaction of the authorized officer that any abandonment in place shall not constitute an unreasonable hazard to navigation, fishing or the marine environment, and the line has been purged to remove materials that, if released, could be harmful to the marine environment."

13. The numbering of the two subparagraphs in § 3340.2–1(d)(3) is corrected to read, "(i)" in place of (1) and "(ii)" in place of (2).

14. The second sentence of § 3340.2–1(e)(1) is corrected to read, "The application shall contain a statement that a copy of the application has been delivered personally or by registered or certified mail to each lessee or right-of-way or easement holder whose lease, right-of-way, or easement is so affected."

15. The section reference on the last line of § 3340.2–1(e)(2) is corrected to read, "§ 3340.2–1(e)(1)."

Daniel P. Beard,

Acting Assistant Secretary of the Interior.

September 20, 1979.

[FR Doc. 79–29881 Filed 9–25–79; 8:45 am]

BILLING CODE 4310–84–M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1, 81, and 83

Stations on Land and on Shipboard in the Maritime Services and Alaska—Public Fixed Stations; Editorial Amendments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document makes editorial amendments to our rules to update, correct, and remove certain obsolete sections.

EFFECTIVE DATE: September 25, 1979.

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

FOR FURTHER INFORMATION CONTACT: Kemp J. Beaty, Private Radio Bureau, (202) 632–7175.

SUPPLEMENTAL INFORMATION:

In the Matter of Editorial amendment to §§ 1.912, 81.62, 81.64, 83.106, 83.351, 83.359, 83.366 and 83.542 of the Rules; order.

Adopted: September 10, 1979.

Released: September 13, 1979.

1. Section 1.912 of our rules informs the public where to file various applications. Paragraph (b) refers to ". . . stations (other than ship stations) covered by Part 85 . . . ." Part 85 is no longer in existence as it was combined with Part 81. We are therefore deleting § 1.912(b) from our rules.

2. Sections 81.62 and 81.64, refer to construction permits. Construction permits are no longer required under Part 81. We are deleting these sections.

3. The simultaneous transmission of ship safety messages by ships on the Great Lakes was permitted on MF and VHF frequencies since the safety system on the Great Lakes was MF. In amending the Commission's rules establishing VHF as the safety system on the Great Lakes, the proviso in § 83.351(c)(3)(ii) was inadvertently overlooked and is now being deleted.

4. Section 83.359 lists the frequencies that are available in the band 156–158 MHz. However, this section does not contain the specific limitations on the uses of these frequencies that appear in § 83.351. We are amending § 83.359 to reflect a reference to § 83.351.

5. Section 83.366(b)(2) of our rules incorrectly refers to 156.3 MHz as an intership working frequency. We are amending this section to correct this reference.

6. An error appears in § 83.542(c) where the term ship's battery was used in lieu of ship's main source of energy. It was our intent to conduct measurements of the primary power and transmitter output with the power supplied by the ship's main source of energy.

7. In view of the foregoing and under the authority of Sections 4(i) and 303 (c) and (r) of the Communications Act of 1934, as amended, and § 0.231(d) of the Commission's rules, we are amending §§ 1.912, 81.62, 81.64, 83.106, 83.351, 83.359, 83.366 and 83.542 as shown in the attached Appendix. Since these amendments are editorial in nature, the

public notice, procedure and effective date provisions of the Administrative Procedure Act, 5 U.S.C. 553, are not applicable.

8. Regarding questions on matters covered in this document contact Kemp J. Beaty, telephone (202) 632-7175.

9. In view of the above, IT IS ORDERED, That the rule amendment set forth in the attached Appendix ARE ADOPTED effective September 25, 1979.

Federal Communications Commission.

R. D. Lichtwardt,

Executive Director.

Appendix

Parts 1, 81 and 83 of Title 47 of the Code of Federal Regulations are amended as follows:

A. PART 1—PRACTICE AND PROCEDURE

§ 1.912 [Reserved]

Section 1.912(b) is revoked and reserved.

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

§ 81.62 [Reserved]

1. Section 81.62 is revoked and reserved.

§ 81.64 [Reserved]

2. Section 81.64 is revoked and reserved.

C. PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

1. Section 83.351(c)(ii) is amended as follows:

§ 83.351 Frequencies available.

* * * * *

(c) * * *

(ii) Prior to initiating a call on the frequencies, a ship station shall first attempt to communicate on the appropriate VHF frequencies. If no reply is received to the call made on VHF, then the frequencies in the band 2000-2850 kHz may be used for authorized communications.

* * * * *

2. Section 83.359 is amended by revising the introductory language to read as follows:

§ 83.359 Frequencies in the band 156-162 MHz available for assignment.

The frequencies listed in the following table are available for assignment to stations as indicated. Specific limitations on the use of these frequencies appear in Section 83.351.

* * * * *

3. Section 83.366(b)(2) is amended as follows:

§ 83.366 General radiotelephone operating procedure.

* * * * *

(b) * * *

(2) Except when other operating procedure is used to expedite safety communication, the frequency 156.8 MHz shall be used for call and reply by ship stations and marine utility stations on board ship before establishing communication on one of the intership working frequencies.

* * * * *

4. The introductory language of § 83.542 (c) is amended as follows:

§ 83.542 Radiotelephone transmitter.

* * * * *

(c) When an individual demonstration of the capability of the transmitter is deemed necessary in the judgment of the Commission, measurements of primary supply voltage and transmitter output power shall be made with the equipment drawing energy from the ship's main source of energy, as follows:

* * * * *

[FR Doc. 79-29891 Filed 9-25-79; 8:45 am]

BILLING CODE 6712-01-M

MARINE MAMMAL COMMISSION

50 CFR Part 540

Information Security; Executive Order 12065; Implementing Regulations

AGENCY: Marine Mammal Commission.

ACTION: Final rule.

SUMMARY: On August 10, 1979, the Marine Mammal Commission published, at 44 FR 47123-47124, proposed regulations to implement the policy, program, and procedures of Executive Order 12065 relating to information security. No comments were received and the regulations have therefore been adopted without change.

EFFECTIVE DATE: September 26, 1979.

FOR FURTHER INFORMATION CONTACT: Robert Eisenbud, General Counsel, Marine Mammal Commission, Room 307, 1625 I Street NW., Washington, D.C. 20006, telephone (202) 653-6237.

Accordingly, Chapter V, Marine Mammal Commission, of 50 CFR is amended by adding a new Part 540 as follows:

PART 540—INFORMATION SECURITY

Sec.

540.1 Policy.
540.2 Program.
540.3 Procedures.

Authority: Executive Order 12065.

§ 540.1 Policy.

It is the policy of the Marine Mammal Commission to act in accordance with Executive Order 12065 in matters relating to national security information.

§ 540.2 Program.

The Executive Director is designated as the Commission's official responsible for implementation and oversight of information security programs and procedures. He acts as the recipient of questions, suggestions, and complaints regarding all elements of this program, and is solely responsible for changes to it and for insuring that it is at all times consistent with Executive Order 12065. The Executive Director also serves as the Commission's official contact for requests for declassification of materials submitted under the provisions of Executive Order 12065, regardless of the point of origin of such requests. He is responsible for assuring that requests submitted under the Freedom of Information Act are handled in accordance with that Act and that declassification requests submitted under the provisions of Executive Order 12065 are acted upon within 60 days of receipt.

§ 540.3 Procedures.

(a) *Mandatory Declassification Review.* All requests for mandatory review shall be handled by the Executive Director or his designee. Under no circumstances shall the Exective Director refuse to confirm the existence or non-existence of a document requested under the Freedom of Information Act or the mandatory review provisions of Executive Order 12065, unless the fact of its existence or non-existence would itself be classified under Executive Order 12065. Request for declassification shall be acted upon within 60 days of receipt, providing that the request reasonably describes the information which is the subject of the request for declassification. In light of the fact that the Commission does not have original classification authority and national security information in its custody has been classified by another federal agency, the Executive Director will refer all requests for national security information in its custody to the federal agency that classified it or, if the agency that classified it has either ceased to exist or transferred the information in conjunction with a transfer of functions, to the appropriate federal agency exercising original classification authority with respect to the same subject, for review and disposition in accordance with

Executive Order 12065 and that agency's regulations and guidelines.

(b) *Exceptional Cases.* When an employee or contractor of the Commission originates information that is believed to require classification, the Executive Director shall insure that it is protected in accordance with Executive Order 12065 and shall promptly transmit it under appropriate safeguards to the agency with appropriate subject matter jurisdiction and classification authority for review and action in accordance with the Order and that agency's regulations and guidelines. The Executive Director shall transmit the information to the Director of the Information Security Oversight Office for his determination if it is not clear what agency has the appropriate subject matter jurisdiction and classification authority with respect to that information.

(c) *Derivative Classification.* Derivative classification markings shall be applied to information that is in substance the same as information that is already classified, in accordance with Executive Order 12065, Section 2–1, unless it is determined through inquiries made to the originators of the classified information or other appropriate persons that the paraphrasing, restating, or summarizing of the classified information obviates the need for its classification, in which case the information shall be issued as unclassified or shall be marked appropriately. After verifying the current level of classification so far as practicable, paper copies of such derivatively classified information shall be marked so as to indicate: (1) The source of the original classification; (2) the identity of the Commission employee originating the derivatively classified document; (3) the dates or events for declassification or review for declassification indicated on the classified source material; and (4) any additional authorized markings appearing on the source material.

(d) *Handling.* All classified documents shall be delivered to the Executive Director or his designee immediately upon receipt. All potential recipients of such documents shall be advised of the names of such designees and updated information as necessary. In the event that the Executive Director or his designee is not available to receive such documents, they shall be turned over to the Administrative Officer and secured, unopened, in the combination safe located in the Commission offices until the Executive Director or his designee is available. Under no circumstances shall classified materials that cannot be delivered to the Executive Director or his designee be stored other than in the designated safe.

(e) *Reproduction.* Reproduction of classified material shall take place only in accordance with Executive Order 12065, Section 4–4, and any limitations imposed by the originator. Should copies be made, they are subject to the same controls as the original document. Records showing the number and distribution of copies shall be maintained, where required by the Executive Order, by the Administrative Officer and the log stored with the original documents. These measures shall not restrict reproduction for the purposes of mandatory review.

(f) *Storage.* All classified documents shall be stored in the combination safe located in the Commission's offices. The combination shall be changed as required by ISOO Directive No. 1, Section IV–F–5–a. The combination shall be known only to the Executive Director and his designees with the appropriate security clearance.

(g) *Employee Education.* All employees who have been granted a security clearance and who have occasion to handle classified materials shall be advised of handling, reproduction, and storage procedures and shall be required to review Executive Order 12065 and appropriate ISOO directives. This shall be effected by a memorandum to all affected employees at the time these procedures are implemented. New employees will be instructed in procedures as they enter employment with the Commission.

(h) *Agency Terminology.* The use of the terms "Top Secret", "Secret", and "Confidential" shall be limited to materials classified for national security purposes.

Dated: September 19, 1979.

John R. Twiss, Jr.,

Executive Director.

[FR Doc. 79-29788 Filed 9-25-79; 8:45 am]

BILLING CODE 6820-31-M

Proposed Rules

Federal Register
Vol. 44, No. 188
Wednesday, September 26, 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.

CIVIL AERONAUTICS BOARD

[14 CFR Part 378]

[SPDR-74; Docket: 36639; Dated: September 20, 1979]

Nondiscrimination on the Basis of Age

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The CAB proposes new rules to prohibit discrimination against air travelers on the basis of age and to implement the Age Discrimination Act of 1975. The rules would not affect mandatory retirement or other employment policies of airlines, or their practice of giving special discounts to children and senior citizens. This rulemaking is required by the Age Discrimination Act and by the implementing regulations of the Department of Health, Education, and Welfare.

DATES: Comments by: November 26, 1979.

Comments and other relevant information received after this date will be considered by the Board only to the extent practicable.

ADDRESSES: Twenty copies of comments should be sent to Docket 36639, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Copies may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. as soon as they are received.

FOR FURTHER INFORMATION CONTACT: David Schaffer, Office of the General Counsel, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428; 202-673-5442.

SUPPLEMENTARY INFORMATION: In 1975, Congress enacted the Age Discrimination Act (42 U.S.C. 6101, *et seq.*) as part of the Amendments to the Older Americans Act (Pub. L. 94-135). The express purpose of the Age Discrimination Act was to prohibit unreasonable discrimination based on age in programs and activities receiving Federal financial assistance.

The original act required the Commission on Civil Rights to conduct a study of age discrimination in Federally funded programs and activities. In October 1978, after receiving this report, the Congress enacted amendments to the act (Pub. L. 95-478). These amendments struck the word "unreasonable" from the statement of purpose clause, so that the purpose of the Age Discrimination Act is now to prohibit discrimination based on age in programs and activities receiving Federal financial assistance. However, Congress retained the exceptions to the prohibition against discrimination. Thus, the act still permits the use of some age distinctions and the use of "reasonable factors other than age" in the provision of services to people.

By its own terms, the Age Discrimination Act does not become effective until the Secretary of Health, Education, and Welfare (HEW) issues general implementing regulations and other agencies issue specific regulations. The HEW regulations were published on June 12, 1979, 44 FR 33768. They require each agency that provides Federal financial assistance to issue proposed and then final rules, and they set standards to be followed in developing these agency-specific rules. Since the Civil Aeronautics Board provides financial assistance to air carriers for the carriage of mail (section 406 of the Federal Aviation Act) and for supplying essential air service to small communities (section 419), we must issue age discrimination rules.

We are not aware that age discrimination is actually a problem for air travelers. Very few members of the public have complained to the Board that a carrier has discriminated against them because of their age. Nevertheless, the Age Discrimination Act indicates that the Board must issue these rules and the extent of the need for them does not appear to be relevant. We would like commenters' views, however, on whether there is impermissible age discrimination by airlines, the extent of the problem, and what activities need to be regulated.

Most of the significant problems involving age distinctions by the airline industry are either not covered by the Age Discrimination Act or are specifically exempted from it. For example, the act does not cover employment practices of air carriers. Employment discrimination is dealt with by the Age Discrimination in Employment Act, 29 U.S.C. 621 *et seq.* That statute prohibits employment discrimination against persons between the age of 40 and 70. Individuals who feel they are victims of job discrimination on account of their age, such as airline pilots objecting to mandatory retirement, cannot obtan relief from the Civil Aeronautics Board under the Age Discrimination Act or the rules proposed here.

This act also does not affect special discounts that airlines often offer to children or senior citizens. Section 90.49(c) of HEW's implementing regulation (45 CFR 90.49) states that a recipient operating a program that serves the elderly or children in addition to persons of other ages may provide special benefits to the elderly or children, if that does not have the effect of excluding otherwise eligible persons from participation in that program. On the basis of that section, the Board proposed in § 378.5(a) to exempt special discounts for children and senior citizens from the prohibition against age discrimination. A discussion of the Board's tentative policy on air carrier price discrimination in general appears in PSDR-58 (44 FR 21816; April 12, 1979).

Finally, this proposed rule would not require air taxis or other operators of small aircraft to make structural modifications in their aircraft in order to accommodate small children or the elderly. The HEW implementing regulation indicates, at 45 CFR 90.15, that a carrier may take an action that excludes some people from or denies them benefits of air travel, if that action "is based on a factor other than age, even though that action may have a disproportionate effect on persons of different ages." Such action would be justified if the action bore "a direct and substantial relationship to the normal operation of [the carrier] or to the achievement of a statutory objective." The Board tentatively concludes that, although use of small aircraft could possibly impair some elderly people's access to air transportation, the use of such aircraft is directly and substantially related to the normal operation of air taxis and other operators of small aircraft, and to these

carriers' ability to provide essential air service to small communities as required by section 419 of the Federal Aviation Act. Nevertheless, the Board is concerned about the accessibility of air transportation for all persons. The problem of access to small aircraft is already being considered in our rulemaking about discrimination against handicapped persons (SPDR-70, 44 FR 32401, June 6, 1979.)

The proposed rule is based largely on the HEW implementing regulation. The only major difference is that we propose to apply our rule to all air carriers, not merely to those receiving Federal financial assistance. There appears to be no reason to limit it to the minimum coverage required by the Age Discrimination Act. The Board has broad authority under section 404 of the Federal Aviation Act to adopt rules about unjust discrimination. If there is age discrimination in the airline industry, the extent of the harm does not depend on the source of a carrier's funds. The proposal is framed in the alternative, however, and the Board specifically requests comments on the issue of the rule's applicability.

In other respects the Board's proposal follows the HEW implementing regulation. It would prohibit air carriers from discriminating on the basis of age in the provision of air transportation (§ 378.4) but would specify four exceptions to this general prohibition (§ 378.5). The burden of proving that a discriminatory action falls within one of these exceptions would be on the air carrier.

Carriers would also have to complete a written self-evaluation of compliance with the Age Discrimination Act, and when requested, provide the Board and the public with information, including the self-evaluations, to determine whether there has been a violation of the act or of the Board's rules. The Board could use this information to review the practices of air carriers to ensure that they are in compliance. These compliance reviews could be conducted even if there have been no complaints against the carrier.

Proposed § 378.9 establishes the procedure for filing complaints charging age discrimination. Five copies of a complaint must be filed in the Board's Docket Section, usually within 180 days after the complainant first learns of the act alleged to be discriminatory. Although complaints should conform to the Board's requirements for filing of documents set forth at 14 CFR 302.3, we would be flexible in accepting complaints that identify the parties, describe generally the act or practice complained of, and are signed by the complainant.

When a complaint is filed, every effort would be made to resolve the problem without formal proceedings. All matters would first be referred to a mediator who would meet with the complainant and a carrier representative in an effort to find grounds for agreement. The Secretary of HEW has designated the Federal Mediation and Conciliation Service as the agency to manage mediation activities. If mediation failed, the Board would make another effort to resolve the differences by conducting an informal conference involving the complainant, the carrier, and a representative of the Board. Only if mediation and the informal conference failed to solve the problem would an enforcement proceeding be considered.

If no enforcement action had been brought within 180 days after the filing of the administrative complaint, or if the Board issued a finding in favor of the air carrier, the complainant could bring a civil action in the United States District court in any district where the air carrier is found or transacts business. If the complainant intended to seek attorneys' fees in that action, they would have to be demanded in the complaint. Before filing suit, the complainant would first have to give notice of the intention to do so to the parties listed in proposed § 378.18(a)(2).

If the Board found that a carrier had discriminated, there would be several ways that it could enforce compliance with the act. The act empowers the Board to terminate the carrier's financial assistance if it is receiving payments from the Board. The payments could be terminated only after the carrier had had an opportunity for a hearing.

The Board could also effect compliance by deferring the grant of new financial assistance to the discriminating carrier. New assistance would not include an increase in assistance resulting from a change in how it is computed. Unless there were a finding of discrimination against the air carrier, the deferral could be effective for only a limited period of time.

The HEW implementing regulation permits the Board to "use any other means authorized by law" to enforce its rules. We would retain the option to use all our customary enforcement procedures including issuing an order of compliance, assessing civil penalties, or seeking injunctive relief from a court since violations of the Age Discrimination Act would also be violations of section 404 of the Federal Aviation Act. The compliance order could be framed to provide the relief most suitable to the particular case. It could require the carrier to take some remedial action or to cease and desist its discriminatory practice. The civil penalty option would be particularly important if there are cases of discrimination by carriers that are not receiving any subsidy, because those carriers are not subject to the Age Discrimination Act.

Accordingly, the Civil Aeronautics Board proposes to amend Chapter II of 14 CFR by adding a new Part 378, *Nondiscrimination on the Basis of Age*, to read:

PART 378—NONDISCRIMINATION ON THE BASIS OF AGE

Subpart A—General Provisions

Sec.

378.1 Purpose.
378.2 Applicability.
378.3 Definitions.
378.4 Discrimination prohibited.
378.5 Exceptions to the prohibition against age discrimination.
378.6 Burden of proof.
378.7 Air carrier self-evaluations.
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Subpart B—Compliance

378.10 Compliance reviews.
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378.12 Mediation.
378.13 Informal Investigation.
378.14 Enforcement proceedings.
378.15 Procedure for effecting compliance.
378.16 Alternate funds disbursal procedure.
378.17 Remedial action by air carriers.
378.18 Civil action by the complainant.
378.19 Prohibition against intimidation or retaliation.

Authority: Age Discrimination Act of 1975, 89 Stat. 728 (42 U.S.C. 6101 *et. seq.*) Sections 204, 404, 411 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 760, 769 (49 U.S.C. 1324, 1374, 1381)

Subpart A—General Provisions

§ 378.1 Purpose.

The purpose of this part is to prevent unjust discrimination based on a person's age by air carriers and to implement the Age Discrimination Act of 1975, as amended, which prohibits discrimination on the basis of age in programs or activities receiving Federal financial assistance.

§ 378.2 Applicability.

(a) This part applies to all certificated air carriers and air taxi operators in all their operations in air transportation. [ALTERNATIVE PROPOSAL: This part would apply only to air carriers receiving financial assistance from the Board under section 406 or section 419 of the Federal Aviation Act.]

(b) This part does not apply to any employment practice, such as mandatory retirement, of any air carrier.

§ 378.3 Definitions.

As used in this part:

"Age distinction" means any action using age or an age-related term.

"Age-related term" means a word or phrase that necessarily implies a particular age or range of ages (examples: "children," "adult," "older person," but not "student").

"Normal operation" means the operation of a program or activity or the provision of air transportation by an air carrier without significant changes that would impair its ability to meet its objectives.

§ 378.4 Discrimination prohibited.

A carrier shall not, on the basis of age, directly or through contractual, licensing, or other arrangement, exclude any persons from participation in, deny them the benefits of, or otherwise subject them to discrimination in the provision of, air transportation or related services.

§ 378.5 Exceptions to the prohibition against age discrimination.

An air carrier may take an action that is otherwise prohibited by § 378.4 in any of the following cases:

(a) The air carrier is providing special benefits or discounts to the elderly or to children.

(b) The air carrier is applying an age distinction that is established by a Federal, State, or local statute or ordinance that—

(1) Provides benefits or assistance to persons based on age;

(2) Establishes criteria for participation in age-related terms; or

(3) Describes intended beneficiaries or target groups in age-related terms.

(c) The air carrier's action is based on a factor other than age, even though that action may result in reduced services or benefits to a particular age group. This exception applies only if the factor bears a direct and substantial relationship to the normal operation of the air carrier or to the achievement of an objective of a program or activity expressly stated in a Federal, State, or local statute or ordinance.

(d) The air carrier's action reasonably takes into account age as a factor necessary to its normal operation or to the achievement of an objective expressly stated in a Federal, State, or local statute or ordinance. An action reasonably takes into account age as a factor if—

(1) Age is being used as a measure or approximation of some other characteristic;

(2) The other characteristic must be measured or approximated in order for the carrier's normal operation to continue, or to achieve the statutory objective;

(3) There is a close relationship between the other characteristic and age; and

(4) The other characteristic cannot be directly measured on an individual basis.

§ 378.6 Burden of proof.

The burden of proving that an age distinction falls within an exception set forth in § 378.5 shall be on the air carrier.

§ 378.7 Air carrier self-evaluations.

(a) Each air carrier employing the equivalent of 15 or more full-time employees shall complete a written evaluation of its compliance with this part within 18 months after the effective date of this part.

(b) Each carrier's self-evaluation shall identify and justify each age distinction that the carrier imposes in its program or activities.

(c) Each carrier shall make its self-evaluation available on request to the Board and to the public for a period of 3 years after its completion.

(d) Each air carrier shall take corrective and remedial action whenever a self-evaluation indicates a violation of this part.

§ 378.8 Information requirements.

(a) Each air carrier shall provide to the Director of the Bureau of Consumer Protection on request any information necessary to determine whether it is complying with this part.

(b) Each air carrier shall also permit reasonable access by the Director of the Bureau of Consumer Protection to its books, records, accounts, and other sources of information to the extent necessary to determine whether it is in compliance with this part.

Subpart B—Compliance

§ 378.10 Compliance reviews.

(a) The Board may at any time review the practice of air carriers to determine whether they are complying with this part.

(b) These reviews may be conducted even if there have been no complaints filed against a carrier. They may be as comprehensive as necessary to determine whether a violation of this part has occurred.

(c) If the review indicates a violation of this part, the Board will attempt to obtain voluntary compliance from the carrier. If voluntary compliance cannot be obtained, the Board will arrange for enforcement as described in § 378.14.

§ 378.11 Complaints.

(a) Any person, individually or as a member of a class, may file a complaint with the Board alleging discrimination prohibited by this part.

(b) The complaint shall be filed within 180 days after the complainant first has knowledge of the alleged act of discrimination, unless the Board extends the time of filing.

(c) The complaint shall conform to the requirements of § 302.3 of this chapter concerning the form and filing of documents except that the Board will:

(1) Accept as a sufficient complaint any written statement that identifies the parties involved, describes generally the action or practice complained of, and is signed by the complainant;

(2) Permit amendment of the complaint to meet the requirements of a sufficient complaint, and consider an amended complaint filed on the date it receives the amendment; and

(3) Accept a complaint with fewer than 5 copies.

§ 378.12 Mediation.

(a) All complaints that fall within the scope of this part and contain all information necessary for further processing will be referred to the Federal Mediation and Conciliation Service or any other mediation agency designated by the Secretary of Health, Education and Welfare.

(b) Both the complainant and a representative of the air carrier involved shall participate in the mediation process to the extent necessary to reach agreement or allow the mediator to decide that an agreement is not possible.

(c) If the complainant and the recipient reach an agreement, the mediator shall submit a written statement of the agreement, signed by the complainant and the carrier representative, to the Board. The Board will take no further action on the complaint unless either party fails to comply with the agreement.

(d) Mediation shall end as soon as any of the following occurs:

(1) Sixty days have passed from the time that the Board received the complaint;

(2) An agreement between the complainant and the air carrier is reached; or

(3) Prior to the end of the 60-day period, the mediator determines that an agreement cannot be reached. The Board will not accept such a determination unless each party has had at least one meeting with the mediator.

§ 378.13 Informal investigation.

(a) The Board will investigate complaints that are not resolved after

mediation or that are reopened because of an alleged violation of the mediation agreement. The informal investigation shall include an informal conference between the complainant and representatives of the Board and the carrier involved.

(b) If the informal conference results in agreement between the complainant and the carrier, the agreement shall be reduced to writing and signed by the parties to the conference and the Board will not process the complaint further.

§ 378.14 Enforcement proceedings.

Whenever the Board or the Director of the Bureau of Consumer Protection determines that there are reasonable grounds to believe that there has been a violation of this part or when efforts to settle a complaint under §§ 378.12 and 378.13 have failed, the Director will institute an investigation of any or all of the alleged violations and, if warranted, will start a formal enforcement proceeding under Part 302 of this chapter.

§ 378.15 Procedure for effecting compliance.

(a) The Board may enforce this part by taking any of the following measures:

(1) Terminating an air carrier's financial assistance from the Board. The termination will be limited to the particular program or activity receiving Federal financial assistance that is found to be in violation of this part. The termination will be made only after the air carrier has had an opportunity for a hearing on the record.

(2) Deferring the grant of new Federal financial assistance for which an application for approval, renewal, or continuation is filed. A deferral will not begin until the air carrier has received notice of its opportunity for a hearing, and will not continue for more than 60 days unless a hearing has begun or the time for its beginning has been extended by mutual consent of the air carrier and the Board. A deferral also will not continue for more than 30 days after the close of the hearing, unless the hearing results in a finding against the air carrier.

(3) Issuing an order of compliance specifying remedial action to be taken by the carrier or requiring it to refrain from its discriminatory practice.

(4) Assessing civil penalties or using any other means authorized by law.

(b) No action under paragraphs (a)(1) or (a)(2) of this section to enforce the Age Discrimination Act will be taken until both of the following have occurred:

(1) The Board has advised the air carrier of its failure to comply with this part and has determined that voluntary compliance cannot be obtained; and

(2) Thirty days have elapsed after the Board has sent a written report of the grounds for the Board action to the Congressional committee having jurisdiction over the activity involved.

§ 378.16 Alternative funds disbursal procedure.

If the Board withholds funds under § 378.15, it may pay those funds to another qualified air carrier that can demonstrate the ability to achieve the goals of section 406 or section 419 of the Act, as applicable.

§ 378.17 Remedial action by air carriers.

(a) If an air carrier is found to have discriminated on the basis of age, it shall take any remedial action that the Board may require to overcome the effects of the discrimination.

(b) Even in the absence of a finding of discrimination, an air carrier may take affirmative action to overcome the effects of conditions that limit, for age-related reasons, participation in its programs or activities on the basis of age.

§ 378.18 Civil action by the complainant.

(a) A complainant may bring a civil action for injunctive relief under the Age Discrimination Act in a United States District Court for any district in which the air carrier is found or transacts business only after administrative remedies have been exhausted and proper notice has been given. These requirements are met when—

(1) The Board issues a finding in favor of the carrier or 180 days have passed since the complaint was filed and the Board has made no finding concerning that complaint; and

(2) Thirty days have passed since the complainant sent by registered mail to the Secretary of Health, Education, and Welfare, the Attorney General of the United States, the Board, and the air carrier involved, a notice that states the alleged violation of the Age Discrimination Act, the relief requested, the court in which the action will be brought, and whether attorney's fees are demanded in the event the complainant prevails.

(b) No civil action shall be brought under paragraph (a) of this section if the same alleged violation of the Age Discrimination Act by the same air carrier is the subject of a pending action in any court of the United States.

§ 378.19 Prohibition against intimidation or retaliation.

An air carrier shall not engage in acts of intimidation or retaliation against any person who—

(a) Attempts to assert a right protected by this part; or

(b) Cooperates in any mediation, investigation, hearing, or other part of the Board's investigation, conciliation, and enforcement process.

By the Civil Aeronautics Board:

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79-29688 Filed 9-25-79; 8:45 am]

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CONSUMER PRODUCT SAFETY COMMISSION

[16 CFR Part 1201]

Safety Standard for Architectural Glazing Materials; Proposed Partial Revocation of Standard Concerning Accelerated Environmental Durability Testing of Plastic Glazing Materials; Withdrawal of Previously Proposed Amendment

AGENCY: Consumer Product Safety Commission.

ACTION: Proposed partial revocation of rule and withdrawal of previously proposed amendment.

SUMMARY: The Consumer Product Safety Commission proposes to partially revoke the Safety Standard for Architectural Glazing Materials by eliminating the requirement that plastic glazing materials comply with an accelerated environmental durability test. The Commission is proposing this partial revocation because it has preliminarily determined that the accelerated environmental durability test for plastic glazing materials is not reasonably necessary to eliminate or reduce the unreasonable risk of injury associated with the use of the product. The proposed partial revocation does not affect any other type of glazing material subject to the standard. This proposed partial revocation also withdraws a proposed amendment on the same subject published on October 3, 1977.

DATES: (1) Written comments concerning the proposed partial revocation should be submitted by November 26, 1979. Comments received after this date will be considered to the extent practicable. (2) There will be an opportunity for interested persons to orally present data, views, or arguments on October 23, 1979 at 9:30 AM in the Commission's hearing room. Those wishing to make oral presentations should notify the Office of the Secretary in writing by October 10, 1979. A summary or copy of the testimony is to be submitted to the

Office of the Secretary by October 16, 1979.

EFFECTIVE DATE: The Commission specifically solicits comments and information concerning the appropriate effective date for the partial revocation.

ADDRESS: Comments should refer to "Plastic Glazing" and should be sent, preferably in five copies, to: Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207. Received comments and other material pertaining to the proposed partial revocation may be seen in, or copies obtained from, the Office of the Secretary, 1111 18th Street, N.W., 3rd floor, Washington, D.C. 20207.

FOR FURTHER INFORMATION CONTACT: Harry I. Cohen, Office of Program Management, Consumer Product Safety Commission, Washington, D.C. 20207, (301) 492–6453.

SUPPLEMENTARY INFORMATION:

Background

On January 6, 1977, the Consumer Product Safety Commission issued the Safety Standard for Architectural Glazing Materials (16 CFR 1201) to eliminate or reduce unreasonable risks of injury associated with architectural glazing materials and certain products incorporating those materials (42 FR 1428, January 6, 1977). The standard prescribes tests to insure that glazing materials used in certain architectural products either do not break when impacted with a specified energy, or break with such characteristics that they are less likely to present an unreasonable risk of injury than other glazing materials. The standard became effective on July 6, 1977.

The standard prescribes accelerated environmental durability tests for laminated glass, organic coated glass, and plastic glazing materials. The purpose of the accelerated environmental durability test procedures (as well as the other test procedures) in the standard is to specify how the Commission will conduct testing to determine compliance with the requirements of the standard.

The accelerated environmental durability test for plastics includes specifications for the test specimen, the test equipment, the required time of exposure of the specimen, and the criteria for determining whether the specimen passes the test. Plastic glazing materials (other than those intended only for indoor use) are required to undergo a simulated (accelerated) weathering test in which test specimens are exposed in a xenon arc Weather-Ometer for a period of 1200 hours. 16 CFR 1201.4(d)(2)(ii)(A). The Weather-Ometer is used to simulate the effects of outdoor exposure.

The test criterion is intended to insure that plastic glazing materials, after exposure to simulated outdoor conditions, continue to retain a portion of their original impact strength. The impact strength is tested using a device commonly called a "Charpy impact testing machine".[1]

After the required period of exposure in the xenon arc Weather-Ometer, the specimens are tested in the Charpy impact testing machine and the results are compared with the test results of unexposed specimens. Plastic glazing material passes the test if the impact strength of the exposed specimens is at least 75 percent of the impact strength of the unexposed specimens, as measured by the Charpy method. 16 CFR 1201.4(e)(2)(ii)(A).

The requirement that plastic glazing materials be exposed in the xenon-arc Weather-Ometer for a period of 1200 hours was included in the standard issued on January 6, 1977 on the basis of estimates that such exposure period was equivalent to 2000 hours of exposure in the twin carbon arc Weather Ometer, a device then used by many testers to simulate the effects of outdoor exposure; and to 375,000 langleys of solar irradiation, which is estimated to be in the range of two to three years of outdoor exposure in Florida.

While mandating exposure in the xenon-arc Weather-Ometer as part of the environmental durability test, the Commission explicitly recognized that the technical knowledge in this area was evolving. For example, the Commission, at the time, was aware of an interlaboratory testing program underway to study the area of accelerated environmental durability testing sponsored by the American National Standards Institute (ANSI). The Commission believed that the results of the testing program could alter or refine the equivalent exposures on which the standard's test requirements were based, and therefore stated in the preamble to the standard that it "may consider amending the exposure requirements for the xenon arc Weather Ometer" (43 FR 1437, January 6, 1977).

In March 1977, the Commission received a petition (CP 77–11) from the Plastic Safety Glazing Committee (PSGC) requesting an amendment to the standard (which was not yet in effect) to require plastic glazing material to be exposed for a period 2000 hours in the twin carbon-arc Weather-Ometer, rather than 1200 hours in the xenon arc Weather-Ometer. In issuing the standard the Commission had considered this alternative but had rejected it because it believed the xenon arc Weather Ometer provided a fairer, more universal test for the full range of plastic glazing materials then on the market or likely to be developed. As an alternative to the change recommended in Petition CP 77–11, petitioner suggested that the Commission increase the period of exposure in the xenon arc apparatus to 3480 hours, a period the petitioner believed better simulated 375,000 langleys of solar irradiation.

While the Commission was considering the petition, preliminary results from the ANSI interlaboratory testing program became available which indicated that the requirement for 1200 hours exposure in the xenon-arc Weather Ometer did not produce the equivalent exposure it was intended to produce. Accordingly, the Commission proposed in the **Federal Register** of October 3, 1977 to amend the standard to increase the period of exposure to 3480 hours as requested in Petition CP 77–11 (42 FR 53799–80).

The October 3, 1977 proposed amendment, however, has not been issued as a final rule. In the **Federal Register** of September 28, 1978 (43 FR 43707–08), the Commission stated that it was declining to finalize the proposed amendment because the ANSI interlaboratory testing program was still not yet completed. Information available to the Commission indicated that while increasing the period of exposure in the xenon-arc Weather Ometer would make the exposure more nearly equivalent to 375,000 langleys of solar irradiation (and 2000 hours in the twin carbon-arc Weather Ometer), the Commission was concerned that the results of the ANSI study might support some period of exposure in the xenon arc Weather Ometer other than 3480 hours.

By proposing the partial revocation set forth below, the Commission withdraws the October 3, 1977 proposal.

Petitions and Related Requests

There are currently pending with the Commission two petitions and a request for a temporary stay of enforcement concerning the accelerated environmental durability test for plastic glazing materials.

On September 13, 1977, APC Corporation, of Hawthorne, New Jersey (APC) filed a petition (CP 78–2) requesting amendment of the environmental durability test to require that tested specimens have a minimum

[1] This apparatus is described in method B, "Simple Beam (Charpy-type) Test", ASTM D 256–73, "Test for Impact Resistance of Plastics and Electrical Insulating Materials, issued November 27, 1973 by the American Society for Testing and Materials, Philadelphia, PA.

impact strength, with and without exposure in the Weather-Ometer, in order to pass the test. APC did not recommend any specific minimum impact strength.

The present environmental durability test provides that the impact strength of the exposed specimens must be at least 75 percent of the impact strength of the unexposed specimens as measured by the Charpy impact testing machine. No minimum value is specified in the standard.

APC asserts that certain plastic glazing materials have a sufficiently high initial impact strength such that the materials' absolute impact strength after exposure in the Weather Ometer, even though less than 75 percent of the original value, is sufficient to assure safety throughout the period of the product's expected use. APC maintains that the effect of the present standard is to exclude from the market plastic glazing materials which pose no risk of injury to consumers. According to the petitioner, these materials include polycarbonates, certain poly-vinyl chlorides, certain rubbery copolymers, and mixtures and blends of these materials. In support of the petition, APC cited its experence with a polyvinyl chloride sheet marketed under the trade name "Kleer-Vin", that as measured by the Charpy method, loses approximately half its impact strength after four years' weathering, but retains its properties to such an extent that the "nailability" of the product is not adversely affected.

On April 22, 1978, the Richardson Company, Polymeric Systems Division, of Madison, Connecticut (Richardson) filed a request for a temporary stay of enforcement of the accelerated environmental durability test for plastics, pending resolution of the issues raised by Petition CP 78–2 and the Commission's October 3, 1977 proposed amendment discussed above. Richardson requested the stay in order to permit the marketing of a plastic material manufactured by the firm and used as a raw material for plastic architectural glazing materials, that according to Richardson, fails the present environmental durability test for plastics. Richardson states that the impact strength of the product (methyl methacrylate styrene, marketed under the trade name "GL–200"), when tested in the Charpy impact testing machine after exposure in the xenon-arc Weather Ometer, may be less than 75 percent of the original impact strength of the material. Richardson asserts, nevertheless, that the sheet extruded from GL–200 is a safe, cost effective product that does not present a risk of injury to consumers. Richardson claims that when broken, GL–200 does not form sharp edges that can cause lacerations or other injuries, and that this characteristic is not changed by environmental exposure.

Richardson thus takes essentially the same position as APC (petitioner in CP 78–2) that the environmental durability test for plastics is based on an arbitrary assumption; namely that a more than 25 percent loss of impact strength necessarily renders a product unsafe. APC and Richardson claim that their products have sufficient initial impact strength such that as applied to their products, the environmental durability test is not a reasonable test of safety characteristics.

On November 14, 1978, the Plastic Safety Glazing Committee (PSGC) filed a petition (CP 79–5) requesting amendment of the environmental durability test for plastics to eliminate the requirement for exposure in the xenon-arc Weather Ometer and require instead, actual outdoor weathering.

PSGC believes that the present provision is not sufficiently stringent to preclude the use of certain plastic materials that do not retain sufficient impact strength after exposure. PSGC believes that under the present requirement for exposure in the xenon-arc Weather-Ometer, the exposure period would need to be increased from 1200 hours to at least 4500 hours to better approximate three years of actual exposure. (In Petition CP 77–11, discussed above PSGC had recommended 3480 hours as the exposure period.) However, PSGC maintains that the general lack of correlation between simulated weathering devices, including the xenon-arc Weather Ometer, and actual weathering renders such devices inappropriate to test the environmental durability of plastics. PSGC believes that only a test which requires natural outdoor weathering can provide sufficient confidence that plastics are safe when exposed to actual conditions of use. PSGC recommends that the standard require three years of actual outdoor weathering of specimens in Florida and Arizona. The three year period represents PSGC's estimate of the period during which plastic glazing materials will remain functional. During the period while the three year test is underway, PSGC recommends that specimens be subject to 4500 hours exposure in the xenon-arc Weather Ometer as an interim test requirement.

In summary, the Commission has under consideration a proposed amendment, two petitions, and a related request for a stay of enforcement concerning environmental durability testing of plastic glazing materials.

The proposed amendment (published October 3, 1977 and deferred September 28, 1978) would increase the period of exposure in the xenon-arc Weather Ometer from 1200 hours to 3480 hours.

Petition CP 78–2 (APC) and the related request for a stay of enforcement from Richardson assert that the present test, which measures loss of impact strength, is based on an arbitrary assumption of the test's relationship to safety and unfairly excludes certain plastic materials from the glazing market that do not present an unreasonable risk of injury to consumers. APC requests that the Commission revise the present test to specify a minimum impact strength as the test criterion.

Petition CP 79–5 (PSGC) claims that the present requirement for 1200 hours exposure in the xenon-arc Weather Ometer is not stringent enough to exclude plastic glazing materials which do not retain sufficient impact strength after weathering; and is an inappropriate test of safety characteristics because of the lack of correlation between simulated weathering devices and actual outdoor weathering. PSGC therefore recommends that the Commission revise the test to specify actual outdoor weathering.

The partial revocation proposed below would remove from the standard the provision to which Petition CP 78–2, CP 79–5, and the request for a stay of enforcement are addressed. The partial revocation would therefore preclude the Commission from taking the action requested by the petitioners and has the effect of denying the petitions. Section 10(d) of the Consumer Product Safety Act (15 U.S.C. 2059(d)) requires the Commission to publish in the **Federal Register** its reasons for such denial. This notice shall constitute the required notice under section 10(d).

As discussed above, Richardson seeks a stay of enforcement of the accelerated environmental durability test for plastics, pending resolution of the issues addressed here. The Commission believes such a stay of enforcement is within its discretion and could be granted under certain limited circumstances, such as where there is compelling evidence that enforcement would cause serious economic harm to an affected party. In such circumstances, there would also need to be a showing that the safety of consumers would not be adversely affected by the granting of a stay and that the granting of a stay would not result in unfairness to other affected

parties. In the present circumstances, no such compelling evidence for issuance of a stay has been presented. Accordingly, the Commission has decided to deny Richardson's request for a stay of enforcement.

The Relationship of Accelerated Environmental Durability Testing To Safety

As provided in section 9(e) of the Consumer Product Safety Act (15 U.S.C. 2058(e)), in order to revoke a consumer product safety rule, in whole or in part, the Commission must determine that the rule is not "reasonably necessary" to eliminate or reduce an unreasonable risk of injury associated with the product. In the case of a test requirement in a safety standard, the Commission must determine that the test is not a reasonable criterion on which to judge whether a product subject to the standard presents an unreasonable risk of injury.

The standard's present requirements for accelerated environmental durability testing of plastics were issued to insure that plastic glazing materials will not lose their safety related performance characteristics (i.e., impact strength or breakage characteristics or both) over time as a result of environmental exposure. The Commission concluded, on the basis of the information available to it at the time, general assumptions about the behavior of plastic materials, and general engineering principles that

> "any change in impact strength of a plastic glazing material after accelerated environmental exposure could indicate that there would be a significant change in mechanical characteristics of that glazing material due to weathering during use."

(42 FR 1437, preamble to standard.) Such long term changes, it was concluded, could affect the long term breakage characteristics of the glazing material, and, therefore, its safety performance.

The Commission included the Charpy impact test method to measure reduction in impact strength because this method had an established and recognized history as a standard engineering test method. The permitted decrease in the impact strength of 25 percent was estimated to be the maximum decrease in the impact strength that could be permitted in the test without the expectation of a serious decrease in actual long term impact strength.

The Commission specified exposure in the xenon-arc Weather Ometer as the method to simulate actual exposure because it believed that a xenon-arc provided a fairer, more universal test than alternative test devices or methods (e.g. the twin carbon arc Weather Ometer) for the full range of plastic glazing materials then on the market or likely to be developed. This belief was based on comparisons of the spectra of the xenon-arc as compared with the sun, and on the phenomenon of selective spectral absorption by glazing materials.

The participants in the standard development proceeding which led to the adoption of the present standard (the Commission's staff and the Consumer Safety Glazing Committee, the organization that served as the "offeror" under section 7 of the Consumer Product Safety Act), as well as a substantial portion of the glazing industry, agreed that it was necessary to provide a test to insure that plastic glazing materials not lose impact strength over time as a result of environmental exposure. The information on which the Commission based the test requirements for plastics reflected the "state of the art" and represented a broad consensus of the interested parties. In addition, information available to the Commission at the time the standard was issued indicated that no plastic material suitable for architectural glazing applications, with the exception of polystyrene, would fail to comply with the test, and thus be eliminated from the outdoor safety glazing market. There was general agreement at that time among members of the industry, that polystyrene should be excluded in "hazardous locations" where it would be exposed to unfiltered sunlight.

As discussed above, the Commission recognized that the technical knowledge in the area was evolving when it issued the standard and when it considered and then deferred action on an amendment to increase the period of exposure in the xenon-arc Weather-Ometer. In so deferring, the Commission specifically cited lack of definitive test results to show that exposure in the xenon-arc Weather-Ometer could be correlated either with actual outdoor exposure or with exposure in other simulated weathering devices.

This correlation is important in order to assure that the test fairly and reasonably measure the safety performance of the variety of plastic glazing materials to which the standard applies. A fair and reasonable performance test method should not have the effect of placing an additional "artificial" burden on a particular type of material, or on all materials subject to the test, that is not reasonably related to actual conditions of use.

The ANSI interlaboratory testing program examining these issues has not yet concluded its work. However, further preliminary results available to the Commission show that weathering devices alter plastic specimens in a unique way depending on the type of device used and the type of plastic exposed. Further, the ANSI program does not include for testing several of the plastic materials that are currently candidates for use as architectural glazing materials, including polyvinyl chloride and copolymers of acrylic and styrene. The Commission believes, therefore, that it is unlikely that testing will establish a correlation between simulated weathering devices, including the xenon-arc Weath-Ometer, and actual outdoor weathering. Rather, the ANSI program will likely show that simulated weathering devices unfairly burden certain types of plastic. This result prevents these tests as a group from providing a meaningful measure of the performance characteristics of the full range of plastic materials that are currently candidates for use as architectural glazing materials. This conclusion is supported by the Plastic Safety Glazing Committee in Petition CP 79–5.

In addition to the correlation problem, the Commission's reevaluation of the standard indicates that the Charpy method of measuring impact strength in combination with the use of the xenon arc weather-ometer does not adequately measure safety characteristics of plastic glazing material. While the standard prohibits more than a specified decrease in impact strength, it does not require a minimum absolute impact strength, or minimum acceptable breakage characterisics, both of which are important elements in determining safety characteristics. The inclusion of the present requirement in the standard was chiefly based on the assumption that any change in impact strength of a material after accelerated environmental exposure could indicate a significant change in mechanical characteristics, which in turn, could affect breakage characteristics. However, empirical support for this assumption has not been developed through testing conducted since the standard has been in effect. Further, it now appears that inclusion of the test may have the effect of excluding certain products from the safety glazing market. Without a stronger demonstration of relationship to safety, this effect does not appear warranted.

Accordingly, the Commission believes that the present environmental durability test is not a reasonable test to determine or estimate the effects of actual outdoor weathering on the safety characteristics of plastic glazing

materials, and thus is not a reasonable criterion on which to judge whether a particular glazing material may present an unreasonable risk of injury after a period of actual use.

In view of the problems associated with the accelerated environmental durability tests discussed above, the Commission has carefuly considered the alternative of actual outdoor weathering as the means for testing the environmental durability of plastic glazing materials. Such a test would have the advantage of eliminating most of the problems of lack of correlation with conditions of actual use by taking into account environmental factors such as atmospheric pollutants, dust, and temperature changes which could have an effect on the material.

The factors of time and cost, however have a bearing on the Commission's consideration of actual outdoor weathering as an alternative to the present requirements.

The purpose of the test procedures in the standard is to specify how the Commission will conduct compliance testing. In the absence of a rule under section 14(b) of the Consumer Product Safety Act (15 U.S.C. 2063(b)) prescribing a reasonable testing program which maufacturers must conduct for products subject to a consumer product safety standard, such compliance testing is a prerequisite for any Commission legal action to enforce the standard.

The length of time required to conduct actual outdoor weathing would eliminate recall of noncomplying products as a practical enforcement mechanism. During the three years required to conduct the test, almost all of the products affected by the test could be expected to reach the ultimate consumers. Further, actual outdoor weathering is expensive and would be expected to increase substantially the costs of the Commission's compliance program for architectural glazing.

In view of the above and the fact that the Commission is not aware of any test data or other information showing the extent, if any, to which actual outdoor weathering affects the safety characteristics of plastic glazing material, the Commission does not believe actual outdoor weathering is an appropriate test method for inclusion in the standard.

Information on Consumer Injuries Associated with Plastic Glazing Materials

The Commission has reviewed data on injuries associated with plastic glazing materials. Preliminary analysis of 1978 injury data indicates that between 130 and 450 injuries treated in emergency rooms were "associated with" plastic panels within the scope of the standard. However, the number of injuries involving broken plastic was estimated to be less than 50. A review of all available accident reports involving plastic glazing indicates that typical injuries result in lacerations or puncture wounds. There have been no deaths or hospitalizations reported.

On the basis of the review of injury information, the Commission concludes that plastic glazing materials are presently not a significant source of consumer injuries.

Economic Effects of the Requirement for Accelerated Environment Durability Testing

APC (petitioner in Petition CP 78–2) and Richardson in its request for a stay of enforcement, have claimed that the environmental durability test requirements exclude from the market certain plastic glazing materials. These materials include methylacrylate styrene, certain polyvinylchlorides, certain polycarbonates, certain rubbery copolymers, and mixtures and blends of these materials. Some of these materials are less expensive than other materials (chiefly acrylic polymers) that meet the standard's requirements. It is also alleged that styrene acrylonitrile (SAN), a material that is also less expensive than acrylic polymer, also fails the present environmental durability test.

Plastics account for roughly five percent of the glazing material incorporated in products within the scope of the standard. Three-quarters of this plastic glazing material is subject to the environmental durability test for outdoor applications, virtually all in storm doors, a small fraction is specialty applications.

Acrylic is the chief plastic presently used in storm doors, usually as replacement glazing. Even prior to the standard, acrylic was the predominant plastic glazing in storm doors. Although twice as expensive as polystyrene, acrylic was marketed as superior in strength, optical clarity, scratch resistance, and useful life.

Manufacturers of plastic glazing products excluded from the present market predict that their products will win consumer acceptance. On the assumption that consumers would accept these plastic glazing materials consumer prices could drop. Using Richardson's product GL–200 as an example among many possibilities, consumer prices would drop by 15 to 20 percent or roughly $0.30 per square foot of glazing material for total annual savings, without consideration of possible differences in durability, of up to $2 million.

Conclusion

Under the Consumer Product Safety Act (CPSA), consumer product safety rules (standards and bans) must be "reasonably necessary to eliminate or reduce an unreasonable risk of injury" associated with a consumer product and must be "in the public interest." 15 U.S.C. 2058(c)(2). The CPSA further provides that "[a]ny requirement of such a standard shall be reasonably necessary." 15 U.S.C. 2056(a). In order to revoke a consumer product safety rule, the Commission must affirmatively determine that the rule is not reasonably necessary. 15 U.S.C. 2058(e).

After considering the information concerning the lack of a correlation of effects between accelerated environmental durability testing and actual outdoor weathering; the lack of demonstrated relationship between loss of impact strength and safety characteristics, the lack of information concerning the effects of actual outdoor weathering on the safety characteristics of plastic glazing materials; information on injuries associated with plastic glazing materials; and information on the costs to consumers of various plastic glazing materials, the Commission has preliminarily concluded that the requirement for accelerated environmental durability testing of plastic glazing materials is not "reasonably necessary" to reduce or eliminate an unreasonable risk of injury and is not in the public interest.

Plastics For Indoor Use

The standard presently contains a requirement for an indoor aging test for plastic glazing materials in addition to the accelerated enviromental durability test under consideration here. (See §§ 1201.4(d)(2)(iii) and 1201.4(e)(2)(ii)(C)). Plastic glazing materials that presently meet only the indoor aging test are required to be permanently labeled "INDOOR USE ONLY" (section 1201.5(b)). If the proposal to revoke the accelerated environmental durability test is issued as a final rule, it would no longer be necessary, for purposes of certifying compliance with the standard or for ensuring proper installation, to distinguish between plastic materials that meet both the accelerated environmental durability test and the indoor aging test and materials that meet only the indoor aging test. Materials that are certified to comply with the standard will be presumed to comply with the indoor aging test unless otherwise specified. Accordingly, the

Commission believes that the requirement in § 1201.5(b) relating to labeling of plastic glazing materials intended for indoor use would no longer be reasonably necessary and should be revoked.

If the proposal to revoke the accelerated environmental durability test is issued as a final rule and the indoor aging test is retained, the present language of the standard would appear to restrict materials that fail to comply with the indoor aging test to outdoor use only, provided they meet other applicable requirements. Through discussions with representatives of the plastic glazing materials industry, the Commission understands that this result may be at the variance with the industry's interpretation of the standard. Apparently on the basis of its understanding of the voluntary standard that preceded the Commission's standard, the industry interprets the present standard to permit materials that comply with the accelerated environmental durability test to be used without restriction while subjecting materials to an indoor aging test only if the material fails to comply with the accelerated environmental durability test. Under this interpretation, the accelerated environmental durability test and the indoor aging test are interrelated to the extent that revocation of one test as proposed below, would appear to require revocation of the other. The Commission has no information concerning whether any plastic glazing materials presently on the market fail to comply with the indoor aging test. Neither does the Commission have information on the effect on the industry of requiring materials to meet the indoor aging test that may not have previously been subjected to this requirement. The Commission requests comments and information from interested persons concerning the effect of retaining the present indoor aging test in the standard, and is particularly interested in obtaining information on the effect, if any, of restricting certain plastic glazing materials to outdoor use only.

Environmental Considerations

The Commission's environmental review procedures, 16 CFR 1021.5(b)(1), provide that an environmental review is generally not required for amendments to an existing standard that do not alter the principal purpose or effect of the standard. The partial revocation proposed below would not alter the principal purpose or effect of the standard for architectural glazing materials. The partial revocation will eliminate a test requirement of the standard and will permit the use of certain glazing materials which presently are or may be excluded from use in specified architectural products subject to the standard. The Commission does not foresee any environmental effects from the issuance of the partial revocation that would necessitate an environmental review. Consequently, preparation of a draft environmental impact statement is unnecessary.

Effective Date

The Consumer Product Safety Act (CPSA), 15 U.S.C. 2058(e), provides that a rule amending or revoking a consumer product safety rule shall specify the effective date, which shall not exceed 180 days from the date of publication by the Commission of the final rule, unless the Commission finds, for good cause, that a later effective data is in the public interest.

The Administrative Procedure Act, 5 U.S.C. 553(d), provides that a rule which relieves a restriction or grants an exemption may take effect immediately. It is the Commission's view that the partial revocation proposed below is such a rule that could be issued as a final rule to take effect immediately.

The Commission recognizes that any change in an existing standard on which the affected industry has relied in making business decisions can result in a degree of market disruption while production methods, inventories, marketing plans and other activities are adjusted to meet new conditions.

Setting a delayed effective date for such a change is one means of lessening the potential disruption by giving affected parties an opportunity to make appropriate adjustments before the change becomes effective. At the same time, a delayed effective date for a change which the Commission has determined is in the public interest could unnecessarily deprive consumers or others affected by the change of benefits which the Commission has determined they should receive.

In the present situation, the Commission has no reliable information concerning the potential market effects of issuing the partial revocation proposed below as a final rule either with an immediate or delayed effective date. The Commission therefore specifically solicits comments and information on this question. If any interested person believes a delayed effective date would be appropriate, the Commission would appreciate specific suggestions concerning the length of the delay.

Accordingly, the Commission gives notice that the effective date of any final rule may range from the date of publication to 180 days following publication of the final rule. The decision as to the effective date will be based on the Commission's evaluation of the comments and information received in response to this notice and other available information concerning the potential effects of various effective dates.

Withdrawal

By proposing the partial revocation set forth below, the Commission withdraws the October 3, 1977 proposal (42 FR 53798).

Proposal

In accordance with section 9(e) of the Consumer Product Safety Act (section 9(e), Pub. L. 92–573, 15 U.S.C. 2058(e)) and the Administrative Procedure Act (5 U.S.C. 553), the Commission proposes to eliminate the requirement for accelerated environmental durability testing of plastic glazing materials by making the following changes in Part 1201 of Title 16, Code of Federal Regulations:

§ 1201.4 [Amended]

1. In 16 CFR 1201.4(a)(2), the second sentence is revised to read as follows: "However, plastics (other than those intended only for indoor use), tempered glass, wired glass, and annealed glass are not required to be subjected to the accelerated environmental durability tests.

2. In 16 CFR 1201.4(a), Table 1, "Accelerated Tests", is revised to read as follows:

Table 1.—*Accelerated Tests (Applicable Paragraphs)*

Glazing material	Specimen	Test equipment	Exposure	Criteria for passing
Laminated glass	§ 1201.4(c)(1) and (c)(3)(i).	§ 1201.4(b)(3)(i)	§ 1201.4(d)(2)(i)	§ 1201.4(e)(2)(i)
Organic coated glass	§ 1201.4(c)(1) and (c)(3)(ii) B.	§ 1201.4(b(3)(ii)	§ 1201.4(d)(2)(ii)(B)	§ 1201.4(e)(2)(ii)(B)
Plastics (outdoor only)	Exempt			
Plastics (indoor and outdoor)	§ 1201.4(c)(1) and (c)(3)(iii).	§ 1201.4(b)(3)(iii)	§ 1201.4(d)(2)(iii)	§ 1201.4(e)(2)(ii)(C)
Tempered glass	Exempt			
Wired glass	Exempt			
Annealed glass	Exempt			

3. In 16 CFR 1201.4(c)(3), paragraph (ii)(A) is revoked and reserved.
4. In 16 CFR 1201.4(d)(2), paragraph (ii)(A) is revoked and reserved.
5. In 16 CFR 1201.4(e)(2), paragraph (ii)(A) is revoked and reserved.
6. In 16 CFR 1201.5(b), paragraph (b) is revoked and reserved.

(Sec. 9(e), Pub. L. 92-573 as amended, (15 U.S.C. 2058(e)) and 5 U.S.C. 553.)

Dated: September 21, 1979.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 79-29962 Filed 9-25-79; 8:45 am]

BILLING CODE 6355-01-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[24 CFR Part 570]

[Docket No. R-79-716]

Community Development Block Grants—Grant Closeout

AGENCY: Department of Housing and Urban Development.

ACTION: Notice of transmittal of interim rule to Congress under Section 7(o) of the Department of HUD Act.

SUMMARY: Recently enacted legislation authorizes Congress to review certain HUD rules for fifteen (15) calendar days of continuous session of Congress prior to each such rule's publication in the **Federal Register.** This Notice lists and summarizes for public information an interim rule which the Secretary is submitting to Congress for such review.

FOR FURTHER INFORMATION CONTACT: Burton Bloomberg, Director, Office of Regulations, Office of General Counsel, 451 7th Street, SW., Washington, D.C. 20410, (202) 755-6207.

SUPPLEMENTARY INFORMATION: Concurrently with issuance of this Notice, the Secretary is forwarding to the Chairmen and Ranking Minority Members of both the Senate Banking, Housing and Urban Affairs Committee and the House Banking, Finance and Urban Affairs Committee the following rulemaking document:

24 CFR Part 570—Community Development Block Grants—Grant Closeouts

This interim rule would amend Part 570, § 570.512 to expand the applicability of closeout procedures previously limited to general purpose discretionary grants made pursuant to Part 570, Subpart E. This amendment would make the grant closeout procedures applicable to all grants made pursuant to Title I of the Housing and Community Development Act of 1974. A new paragraph would be added to § 570.512 regarding termination, by the Secretary, of grants for cause.

(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., September 19, 1979.

Robert C. Embry,

Acting Secretary, Department of Housing and Urban Development.

[FR Doc. 79-29853 Filed 9-25-79; 8:45 am]

BILLING CODE 4210-01-M

Office of Assistant Secretary for Housing—Federal Housing Commissioner

[24 CFR Part 882]

[Docket No. R-79-697]

Section 8 Housing Assistance Payments Program—Existing Housing Elimination of Rent Reduction Incentive

AGENCY: Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Proposed rule.

SUMMARY: This rule would eliminate the Rent Reduction Incentive (Rent Credit). The regulations currently provide for a reduction in the Cross Family Contribution if an eligible family selects a unit for which the proposed contract rent, plus applicable allowances, is below the applicable Fair Market Rent (FMR) or such higher HUD-approved rent for a unit type or size. In addition to eliminating the Rent Credit this rule would also provide procedures for the gradual phasing out of this incentive for those families already receiving the Rent Credit. The elimination of the Rent Credit is considered vital in the effort to contain increases in Section 8 Existing Housing Program costs and to streamline the administration of the program.

DATES: Comments due: November 26, 1979.

ADDRESSES: Comments should refer to the docket number and date of publication and be sent to: Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C., 20410, 202-755-7603. This is not a toll-free number.

FOR FURTHER INFORMATION CONTACT: Cecelia D. McConnell, Existing Housing Division, Office of Existing Housing and Moderate Rehabilitation Programs, Department of Housing and Urban Development, Washington, D.C. 20410, 202-755-6596. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department is proposing to amend Section 882.115 to eliminate the Rent Credit. A discussion of the reasons for this change and the problems with the current Rent Credit is set forth below.

Problems with Current Rent Reduction Incentive

The purpose of the current rent reduction incentive provision in this Section 8 Existing Housing Program regulations was to encourage families to choose decent, safe, and sanitary units renting for less than the Fair Market Rent (FMR) and to allow the family to keep a portion of the difference between the actual rent and the FMR by a reduction (Rent Credit) in its required monthly Gross Family Contribution (GFC).

The Department has no evidence that the current Rent Credit achieves this purpose. The results of a survey of the Section 8 Program indicate that no more than 14 percent of the families understood the incentive system. Families who may have understood the Rent Credit were not renting below the FMR more often than those who did not understand it. About 46 percent of the families assisted under the Section 8 Existing Program were receiving the Rent Credit, and half of those receiving the Rent Credit did not move from the unit they lived in before applying to the program. The survey also found that assisted families were playing a small role in negotiating the terms of the Section 8 lease, including the amount of rent, since many factors which affect the availability of the rent for a unit are beyond their control.

Congress has also questioned the effectiveness of the Rent Credit. The Senate Appropriations Committee Report on the 1979 HUD Appropriations Bill expressed concern that so many families who did not move received a Rent Credit. The Committee Report directed the Department to eliminate the Rent Credit for families who do not move and reduced the HUD appropriation by their estimate of the savings which would result. Also, the General Accounting Office (GAO) has recommended that the Rent Credit should be abandoned for all families

since it appears to have a negligible effect on the number of families selecting cheaper housing. GAO believes that the costs and problems in establishing, administering, and monitoring the Rent Credit outweigh any savings to be made.

As a response to this survey and the concerns of the Senate Committee Report and GAO, HUD proposes to amend the Section 8 Existing Housing regulations to eliminate the Rent Credit. As of the effective date of this regulation the Rent Credit shall not be available for new participants. The Rent Credit will be eliminated for families now receiving it at the end of the stated lease term or when the family moves to another unit.

NEPA

HUD has made a finding of inapplicability under the National Environmental Policy Act of 1969 and HUD procedures. A copy is available for public inspection during regular business hours at the Office of the Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

Accordingly, 24 CFR, Part 882 is proposed to be revised as follows:

§ 882.102 [Amended]

1. In § 882.102, at the end of the definition of "Gross Family Contribution," eliminate the phrase "before the deduction of Rent Credit, where applicable."

2. In § 882.102, delete the definition of Rent Credit.

3. Revise § 882.115 to read:

§ 882.115 Rent Reduction Incentive.

As of the effective date of these regulations, no family entering the program may receive a Rent Credit. For any Family currently receiving a reduction in its Gross Family Contribution because the units selected by the family has a Gross Rent less than the Fair Market Rent or higher rent approved by HUD under § 882.106(a)(3), the rent reduction will be eliminated at the end of the stated lease term or when the family moves to another unit, whichever is earlier.

§ 882.116 [Amended]

4. In § 882.116(f), delete the phase "including the operation of the Rent Credit."

5. In § 882.116(g), delete the phrase "and Rent Credit, if any."

§ 882.209 [Amended]

6. In § 882.209(b)(8), delete the phrase "and the benefit of the Rent Credit for rents below the Fair Market Rent or such higher rent as approved by HUD for a unit size or type pursuant to § 882.106(a)(3)."

7. In § 882.209(c)(7), delete the phrase "and operation of the Rent Credit."

8. § 882.210(c) is revised to read:

§ 882.210 Requests for Lease Approval.

* * * * *

(c) *Amount of Rent Payable by Family to Owner.* The amount of the rent payable by the Family to the Owner shall be the amount of the Gross Family Contribution, or the amount of the Contribution minus the amount of any Allowance for Utilities and Other Services which the Owner does not provide. If the Gross Family Contribution is less than the Allowance, the PHA shall pay the difference directly to the Family.

(Sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)); sec. 5(b), U.S. Housing Act of 1937 (42 U.S.C. 1437c(b))

Issued at Washington, D.C., July 27, 1979.

Lawrence B. Simons,

Assistant Secretary for Housing-Federal Housing Commissioner.

[FR Doc. 79-29848 Filed 9-25-79; 8:45 am]

BILLING CODE 4210-01-M

Office of the Secretary

[24 CFR Part 888]

[Docket No. R-79-718]

Schedule D—Fair Market Rents for Mobile Home Spaces, Section 8 Existing Housing Program

AGENCY: Department of Housing and Urban Development.

ACTION: Notice of Transmittal of Interim Rule to Congress under Section 7(o) of the Department of HUD Act.

SUMMARY: Recently enacted legislation authorizes Congress to review certain HUD rules for fifteen (15) calendar days of continuous session of Congress prior to each such rule's publication in the **Federal Register.** This Notice lists and summarizes for public information an interim rule which the Secretary is submitting to Congress for such review.

FOR FURTHER INFORMATION CONTACT: Burton Bloomberg, Director, Office of Regulations, Office of General Counsel, 451 7th Street, SW., Washington, D.C. 20410 (202) 755-6207.

SUPPLEMENTARY INFORMATION: Concurrently with issuance of this Notice, the Secretary is forwarding to the Chairmen and Ranking Minority Members of both the Senate Banking, Housing and Urban Affairs Committee and the House Banking, Finance and Urban Affairs Committee the following rulemaking document:

24 CFR PART 888—SCHEDULE D—FAIR MARKET RENTS FOR MOBILE HOME SPACES—SECTION 8 EXISTING HOUSING PROGRAM

The rule established a Schedule of Fair Market Rents to be used by Public Housing Agencies (PHAs) in implementing 24 CFR Part 882, Subpart F—Special Assistance on Behalf of Mobile Home Owners.

(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., September 19, 1979.

Robert C. Embry, Jr.,

Acting Secretary, Department of Housing and Urban Development.

[FR Doc. 79-29845 Filed 9-25-79; 8:45 am]

BILLING CODE 4210-01-M

[24 CFR Part 3610]

[Docket No. R-79-715]

Neighborhood Self-Help Development Program—Program Requirements

AGENCY: Department of Housing and Urban Development.

ACTION: Notice of transmittal of interim rule to Congress under Section 7(o) of the Department of HUD Act.

SUMMARY: Recently enacted legislation authorizes Congress to review certain HUD rules for fifteen (15) calendar days of continuous session of Congress prior to each such rule's publication in the **Federal Register.** This Notice lists and summarizes for public information an interim rule which the Secretary is submitting to Congress for such review.

FOR FURTHER INFORMATION CONTACT: Burton Bloomberg, Director, Office of Regulations, Office of General Counsel, 451 7th Street SW., Washington, D.C. 20410 (202) 755-6207.

SUPPLEMENTARY INFORMATION: Concurrently with issuance of this Notice, the Secretary is forwarding to the Chairmen and Ranking Minority Members of both the Senate Banking, Housing and Urban Affairs Committee and the House Banking, Finance and Urban Affairs Committee the following rulemaking document:

24 CFR PART 3610—NEIGHBORHOOD SELF-HELP DEVELOPMENT PROGRAM—PROGRAM REQUIREMENTS

This interim rule would establish the procedures for the award of grants and other forms of assistance under the Neighborhood Self-Help Development Program. The Neighborhood Self-Help Development Act of 1978 authorizes the Department to make grants and provide other forms of assistance to neighborhood organizations to prepare and implement neighborhood revitalization projects in low- and moderate-income neighborhoods.

(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., September 19, 1979.

Robert C. Embry, Jr.,

Acting Secretary, Department of Housing and Urban Development.

[FR Doc. 79-29846 Filed 9-25-79; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

33 CFR Part 207

Navigable Waters; Restricted Area, Key West, Fla.

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Proposed rule.

SUMMARY: The U.S. Army Corps of Engineers has received a request from the Commander, U.S. Naval Air Station, Key West, Florida to amend the regulations which establish restricted areas in the Key West area. The amendments include the deletion of a portion of existing restricted area boundaries and the establishment of one new restricted area adjacent to the Boca Chica Naval Air Station, Florida. The changes are necessary to conform with the current situation in the Key West area.

DATE: Comments must be received by October 26, 1979.

ADDRESS: HQDA, DAEN-CWO-N, Washington, DC 20314.

FOR FURTHER INFORMATION CONTACT: Mr. Ralph T. Eppard, Telephone No (202) 272-0200.

SUPPLEMENTAL INFORMATION: Regulations have been promulgated by the Department of the Army in 33 CFR 207.173 and 207.173a to establish restricted areas at the U.S. Naval Base, Key West, Florida. The Commander of the Naval Air Station has requested that the restricted area under § 207.173 be disestablished and a new restricted area be established in certain portions of the waters adjacent to Boca Chica Key under § 207.173a.

Note.— The Corps of Engineers has determined that these regulations do not contain a major proposal requiring preparation of an inflation impact statement under Executive Order 11821 and OMB Circular A-107.

The Corps of Engineers proposes to amend the regulations in 33 CFR Part 207 by revoking § 207.173 and by revising and redesignating § 207.173a as set forth below:

§ 207.173 [Revoked]
§ 207.173a [Redesignated § 207.173]

Section 207.173 is revised to read as follows:

§ 207.173 Key West Harbor, at U.S. Naval Base, Key West, Fla.; naval restricted area.

(a) *The Areas:* (1) All waters within 100 yards of the Harry S. Truman Annex beginning at a point on the shore at latitude 24°32'45.3"N., longitude 81°47'51"W.; thence to a point 100 yards due south of the south end of Whitehead Street at latitude 24°32'42.3"N., longitude 81°47'51"W., and extending westerly paralleling the south shoreline of Harry S. Truman Annex to latitude 24°32'37.6"N., longitude 81°48'32" W., and thence to the shore at latitude 24°32'41"N., longitude 81°48'31"W. (Area 1).

(2) All waters within 100 yards of the Coast Guard Station and the westerly end of Trumbo Point Annex beginning at the shore at latitude 24°33'47.6"N., longitude 81°47'55.6"W.; thence westerly to latitude 24°33'48"N., longitude 81°48'00.9"W.; thence southerly to latitude 24°33'45.8"N., longitude 81°48'00.9"W., thence westerly to latitude 24°33'47"N., longitude 81°48'12"W.; thence northerly to latitude 24°34'00.6"N., longitude 81°48'10.6"W.; thence easterly to the bulkhead which forms the easterly end of slip between the Coast Guard Station and Pier D-3 at latitude 24°33'59.2"N., longitude 81°47'59.1"W. (Area 2).

(3) All water within 100 yards of Fleming Key (Area 3).

(4) All waters within 100 yards of a portion of the north shore of Trumbo Point Annex beginning at the shore at latitude 24°33'58"N., longitude 81°47'41.5"W.; thence northeasterly to latitude 24°34'00.9"N., longitude 81°47'37.7"W.; thence southeasterly to latitude 24°33'57.6"N., longitude 81°47'20"W.; thence southerly to the shore at latitude 24°33'54.7"N., and longitude 81°47'20.9"W. (Area 4).

(5) All waters within 100 yards of a portion of the southwest shore of the Naval Air Station and Boca Chica Key between a point at latitude 24°33'24"N., and longitude 81°42'30"W., and a point at latitude 24°33'54"N., and longitude 81°42'56"W. (Area 5).

(b) *The Regulations:* (1) Entering or crossing any of the restricted areas described in paragraph (a) of this section is prohibited except as follows: Privately owned vessels properly registered and bearing identification in accordance with Federal and/or State laws and regulations, and at night showing lights required by Federal laws and Coast Guard regulations or, if no constant lights are required, then a bright white light showing all around the horizon, may transit the following portion of the restricted areas:

(i) The channel about 75 yards in width extending from the northwest corner of a pier formerly identified as "Pier D-3 of Trumbo Point Annex" eastward beneath the Fleming Key Bridge along the north shore of Trumbo Point Annex.

(ii) A channel 150 feet in width which extends easterly from the main ship channel into Key West Bight, the northerly edge of which passes 25 feet south of the Trumbo Point Annex piers on the north side of the bight. While legitimate access of privately owned vessels to facilities of Key West Bight is unimpeded, it is prohibited to moor, anchor, or fish within 50 feet of any U.S. Government owned pier or craft.

(2) Stopping or landing by other than Government owned vessels and certain specifically authorized private craft in any of the restricted areas described in paragraph 4(a) of this section is prohibited.

(3) Vessels using the restricted channel areas described in paragraph (b)(1)(i) and (ii) of this section shall proceed at speeds commensurate with minimum wake.

(4) The regulations in this section shall be enforced by the Commanding Officer, Naval Air Station, Key West, Florida, and such agencies as he may designate.

Dated: September 13, 1979.

Forrest T. Gay III,

Colonel, Corps of Engineers, Executive Director, Engineer Staff.

[FR Doc. 79-29477 Filed 9-25-79; 8:45 am]

BILLING CODE 3710-92-M

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Parts 51 and 52]

[FRL 1329-3]

Approval and Promulgation of Implementation Plans; Prevention of Significant Deterioration; Public Hearing

AGENCY: Environmental Protection Agency.

ACTION: Notice of public hearing and period for submitting rebuttal and supplementary information.

SUMMARY: On July 20, 1979, EPA proposed to amend (1) the grandfather provisions of its regulations for the prevention of significant air quality deterioration (PSD), (2) the provision of those regulations which governs the extension and expiration of PSD permits, and (3) the provision which defines "major modifications". See 44 FR 42722. EPA will hold a public hearing on that proposal on October 9, 1979, in Eastport, Maine, at the time and address given below. After the completion of that hearing, EPA will reopen the rulemaking docket for 30 days for the submittal of rebuttal and supplementary information only.

DATES: *Public hearing.* EPA will hold the public hearing on October 9, 1979, at 7:30 p.m. (local time).

Rebuttal and Supplementary Information. The deadline for submitting material that rebuts or supplements any presentation at the hearing is November 8, 1979.

ADDRESSES: *Public hearing.* EPA will hold the public hearing at the Municipal Auditorium, Shead Memorial High School, High Street, Eastport, Maine.

Rebuttal and Supplementary Information. Such information should be sent (in duplicate, if possible) to the Central Docket Section (A-130), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, Attention: Docket No. A-79-23.

FOR FURTHER INFORMATION CONTACT: Peter H. Wyckoff, Attorney, Office of General Counsel, 401 M Street, SW., Washington, D.C. 20460. 202-755-0766.

SUPPLEMENTARY INFORMATION:

Public Hearing

On July 20, 1979, EPA proposed to amend certain provisions of its PSD regulations at 40 CFR 51.24 and 52.21(1978). The proposal appears at 44 FR 42722. Section 307(d) of the Clean Air Act, 42 USC 7607(d), governs the procedural aspects of that proposal. It requires EPA to "give interested persons an opportunity for the oral presentation of data, views, or arguments, in addition to an opportunity to make written submissions". To meet that requirement, EPA in the proposal asked anyone who wished a hearing to so notify the Administrator. In response, two persons who oppose the construction of a refinery in Eastport, Maine, demanded a hearing in Eastport. No one else requested a hearing. EPA therefore will hold a public hearing in Eastport, Maine, on October 9, 1979, at the time and place given above.

The hearing will be informal. A panel of EPA personnel will hear oral presentations. Each presentation should focus exclusively on one or more of the narrow issues raised by the proposal. There will be cross-examination and no requirement that any speaker be under oath. Each member of the panel may seek clarification or amplification of any presentation. The presiding officer of the panel may set a time limit for each presentation and may restrict any presentation that would be irrelevant or repetitious. A transcript of the hearing will be made and placed in the rulemaking docket.

Any person who wishes to speak at the hearing should so notify the presiding officer immediately before the hearing. The presiding officer will decide when and for how long the person may speak. Each speaker should bring extra copies of his or her presentation for the convenience of the hearing panel, the hearing reporter, the press and other participants. The hearing will be open to the public.

Rebuttal and Supplemental Information

Section 307(d) of the Act also requires EPA to "keep the record of [any hearing] open for thirty days after the completion of the [hearing] to provide an opportunity for the submission of rebuttal and supplementary information."

EPA therefore will accept until November 8, 1979, any material that rebuts or supplements any presentation at the hearing. Any such material should be sent to the Central Docket Section at the address given above. EPA will accept no other material, and will regard material which raises a new issue as neither rebutting nor supplementing a presentation.

(Secs. 101(b)(1), 110, 114, 160-69, 301(a) and 307(d) of the Clean Air Act, as amended (42 USC 7401(b)(1), 7410, 7414, 7470-79, 7601(a) and 7607(d).)

Dated: September 19, 1979.

Edward F. Tuerk,

Acting Assistant Administrator for Air, Noise and Radiation.

[FR Doc. 79-29905 Filed 9-25-79; 8:45 am]

BILLING CODE 6560-01-M

[40 CFR Parts 51 and 52]

[FRL 1328-6]

Emission Monitoring of Stationary Sources

AGENCY: Environmental Protection Agency.

ACTION: Extension of Comment Period.

SUMMARY: The deadline for submittal of comments on the advance notice of proposed rulemaking for emission monitoring of stationary sources, which was proposed on August 8, 1979 (44 FR 46481), is being extended from October 9, 1979 to December 10, 1979.

DATES: Comments must be received on or before December 10, 1979.

ADDRESSES: Comments should be submitted (in duplicate, if possible) to: Central Docket Section (A-130), Environmental Protection Agency, 401 M Street SW, Washington, DC 20460, Attention: Docket No. OAQPS-79-12.

Docket No. OAQPS-79-12, 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, DC 20460. The docket may be inspected between 8:00 a.m. and 4:00 p.m. on weekdays and a reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph Sableski, Environmental Protection Agency (MD-15), Research Triangle Park, North Carolina 27711; Phone: (919) 541-5437.

SUPPLEMENTARY INFORMATION: On August 8, 1979 (44 FR 46481), the Environmental Protection Agency gave advance notice of proposed rulemaking to develop regulations which will refine and expand certain portions of Title 40 of the *Code of Federal Regulations,* in particular, the continuous monitoring requirements of § 51.19(e). In addition, among other options, the Agency is contemplating taking actions which will expedite the implementation of the continuous monitoring requirements through the promulgation of requirements in 40 CFR Part 52, and the use of authority granted to EPA by Section 114 of the Clean Air Act.

EPA has received requests from industrial firms and utilities to extend the comment period by 60 days through December 10, 1979, in order that they may have sufficient time to respond. An

extension of this length is justified due to the complexity of the proposal.

Dated: September 20, 1979.

Edward F. Tuerk

Acting Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 79-29906 Filed 9-25-79; 8:45 am]

BILLING CODE 6560-01-M

[40 CFR Part 52]

[FRL 1328-4]

Approval and Promulgation of Implementation Plans Proposed Revision; Washington State Implementation Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Availability and advance Notice of Proposed Rulemaking.

SUMMARY: EPA announces today receipt of the Energy Facility Site Evaluation Council Regulations as a revision to the proposed Washington State Implementation Plan (SIP) for attainment and maintenance of National Ambient Air Quality Standards (NAAQS). These regulations supplement the Department of Ecology Regulations submitted by the Governor April 27, 1979. A Notice of Proposed Rulemaking describing this revision and the action that EPA intends to take regarding these proposed revisions will be published in the **Federal Register** at a later date. A second comment period for submittal of written comments will extend for thirty (30) days after the publication of the Notice of Proposed Rulemaking. Public comment is invited at this time in order to aid EPA in formulating the proposed rulemaking package.

DATE: Written comments are due by October 26, 1979.

ADDRESSES: Comments should be addressed to:

Laurie M. Kral, Air Programs Branch M/S 625, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, WA 98101.

The Energy Facility Site Evaluation Council regulations may be examined during normal business hours at the following locations:

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

Air Programs Branch, Environmental Protection Agency, Region X, 1200 Sixth Avenue, Seattle, WA 98101.

State of Washington, Department of Ecology, St. Martin's College, Lacey, WA 98504.

FOR FURTHER INFORMATION CONTACT: Richard F. White, Air Programs Branch M/S 625, Environmental Protection Agency, Region X, 1200 Sixth Avenue, Seattle, WA 98101, Telephone: (206) 442-1226, (FTS) 339-1226.

SUPPLEMENTAL INFORMATION: Section 172 of the Clean Air Act, as amended in August 1977, requires that State submit revisions to their implementation plans by January 1, 1979, to provide for the attainment and maintenance of the National Air Quality Standards (NAAQS) in areas designated nonattainment.

On April 4, 1979, EPA published in the **Federal Register** the General Preamble for Proposed Rulemaking on Approval of Plan Revisions for Nonattainment Areas (44 FR 20372). The General Preamble is hereby incorporated into this Advance Notice of Proposed Rulemaking.

The purpose of this Notice is to call the public's attention to the fact that the Energy Facility Site Evaluation Council regulations have been formally submitted to EPA as part of the Washington Implementation Plan. They are available for public inspection at the locations listed above. The public is encouraged to submit written comments regarding the proposed revision and thus participate in this rulemaking activity.

Those interested may wish to first read the General Preamble for Proposed Rulemaking published by EPA on April 4, 1979 (44 FR 20372) which identifies the major considerations that will guide EPA's evaluation of SIP revisions. A more detailed description of this revision will be published in the **Federal Register** at a later date as part of a Notice of Proposed Rulemaking.

(Section 110 and 172 of the Clean Air Act (42 U.S.C. 7410 and 7502).)

Dated: September 17, 1979.

Donald Dubois

Regional Administrator.

[FR Doc. 79-29909 Filed 9-25-79; 8:45 am]

BILLING CODE 6560-01-M

[40 CFR Part 65]

[FLL 1324-6]

Proposed Delayed Compliance Order for General Motors Corp.

AGENCY: U.S. Environmental Protection Agency.

ACTION: Proposed Rule.

SUMMARY: U.S. EPA proposes to issue an Administrative Order to General Motors Corporation (GMC). The Order requires the Company to bring boilers (the source) into compliance with AP-3-07 and AP-3-11, part of the federally approved Ohio State Implementation Plan (SIP). Because the Company is unable to comply with these regulations at this time, the proposed Order would establish an expeditious schedule requiring final compliance by July 1, 1981. Source compliance with the Order would preclude suits under the Federal enforcement and citizen suit provision of the Clean Air Act (Act) for violation of the SIP regulations covered by the Order.

The purpose of this notice is to invite public comment and to offer an opportunity to request a public hearing on U.S. EPA's proposed issuance of the Order.

DATES: Written comments must be received by October 26, 1979 and requests for a public hearing must be received by October 11, 1979. All requests for a public hearing should be accompanied by a statement of why the hearing would be beneficial and a text or summary of any proposed testimony to be offered at the hearing. If there is significant public interest in a hearing, it will be held after twenty-one days prior notice of the date, time, and place of the hearing has been given in this publication.

ADDRESSES: Comments and requests for a public hearing should be submitted to Director, Enforcement Division, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604. Material supporting the Order and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT: Ms. Anne Swofford, Attorney, Enforcement Division, U.S. ENVIRONMENTAL Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, at (312) 353-2082.

SUPPLEMENTARY INFORMATION: GMC owns Fisher Body Division facilities at Columbus, Elyria, Hamilton, and Mansfield, Ohio; New Departure Hyatt Bearings Division at Sandusky, Ohio and Packard Electric Division at Warren, Ohio. The proposed Order addresses emissions from boilers at all of these facilities which are subject to AP-3-07 and AP-3-11 of the Ohio Implementation Plan. The regulations limit the emissions of particulate matter and visible emissions and are part of the federally approved Ohio State Implementation Plan.

On November 29, 1978, GMC met with representatives of the U.S. EPA and proposed the use of a side stream separator, a new system for reducing particulate emissions from coal fired boilers, to meet the requirements of

Ohio Regulation AP-3-11 at 15 of its boilers at the following facilities: Fisher Body Division, Columbus—4 boilers, Fisher Body Division, Elyria—1 boiler, Fisher Body Division, Hamiliton—3 boiler, Fisher Body Division, Mansfield—3 boilers, New Departure Hyatt Bearings, Sandusky—3 boilers, and Packard Electric Division, Warren—1 boiler. After investigation, U.S. EPA determined that the side stream separator is a new means of emission limitation for control of particulate from industrial-sized spreader stoker boilers, that it will achieve continuous emission reduction equivalent to that required by AP-3-11 and AP-3-07 at substantial economic savings over conventional technology and that the issuaance of this Order is consistent with the policy and intent of Section 113(d)(4). The Order requires final compliance with the regulations by July 1, 1981, and the source has consented to its terms.

The proposed Order satisfies the applicable requirements of Section 113(d)(4) of the Act. If the Order is issued, source compliance with its terms would preclude further U.S. EPA enforcement action under Section 113 of the Act against the source for violations of the regulations covered by the Order during the period the Order is in effect. Enforcement against the source under the citizen suit provisions of the Act (Section 304) would be similarly precluded.

Comments received by the date specified above will be considered in determining whether U.S. EPA should issue the Order. Testimony given at any public hearing concerning the Order will also be considered. After the public comment period and any public hearing, the Administrator of U.S. EPA will publish in the **Federal Register** the Agency's final action on the Order in 40 CFR Part 65.

Dated: August 27, 1979.

John McGuire,

Regional Administrator Region V.

1. In consideration of the foregoing, it is proposed to amend 40 CFR Chapter I, as follows:

PART 65—DELAYED COMPLIANCE ORDERS

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

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

2. The text of the order reads as follows:

U.S. Environmental Protection Agency, Region V

In the Matter of: General Motors Corporation; Fisher Body Division, Columbus, Ohio; Fisher Body Division, Elyria, Ohio; Fisher Body Division, Hamilton, Ohio; Fisher Body Division, Mansfield, Ohio; New Departure Hyatt Bearings Division, Sandusky, Ohio; Packard Electric Division, Warren, Ohio.

Order No.

Proceeding Pursuant to Section 113(d)(4) and Section 114 of the Clean Air Act, as Amended [42 U.S.C. Section 7413(d) and 7414]

Introduction

This Order is issued this date pursuant to Section 113(d)(4) and Section 114 of the Clean Air Act, as amended, 42 U.S.C. Section 7401 *et seq.* (hereafter the "Act") and contains a schedule for compliance, interim control requirements, and reporting requirements. Public notice, opportunity for a public hearing, and thirty (30) days notice to the State of Ohio have been provided pursuant to Section 113(d)(1) of the Act.

Findings

1. On October 7, 1976, James O. McDonald, Director, Enforcement Division, Region V, United States Environmental Protection Agency (hereafter referred to as "U.S. EPA"), pursuant to authority duly delegated to him by the Administrator of the U.S. EPA, issued a Notice of Violation (hereafter "NOV") to the General Motors Corporation (hereafter "GMC") New Departure Hyatt Bearings Division pursuant to Section 113(a)(1) of the Act, 42 U.S.C. 7413(a)(1), for alleged violations of Ohio State Implementation Plan Regulations AP-3-07 and AP-3-11. On April 11, 1977, James O. McDonald issued a NOV to the General Motors Packard Electric Division for alleged violations of Ohio State Implementation Plan Regulations AP-3-07 and AP-3-11. Copies of said Notices were sent to the State of Ohio Environmental Protection Agency.

2. Ohio Regulation AP-3-07 limits the opacity of emissions from any stationary source.

3. Ohio Regulation AP-3-11 limits emissions of particulate matter which may be emitted into the atmosphere from fuel burning equipment.

4. In satisfaction of Section 113(a)(4) of the Act, an opportunity to confer with the Administrator's delegate was given to these sources on May 20, 1977 and November 16, 1976. At those conferences, GMC stated that it did not agree that a violation of Ohio Regulation AP-3-11 existed because both sources were exercising their statutory right under the Ohio State Implementation Plan approved by the U.S. EPA, namely they requested an adjudication hearing before the Director of the Ohio Environmental Protection Agency challenging his proposed denial of its permit to operate or alternatively for variances for the sources. This request for hearing sought a statutory variance from the emission limitations contained in AP-3-11 or, in the alternative a determination that the emission limitation contained in AP-3-11 was unreasonable and unlawful as applied to the subject boilers. On July 14, 1978, the Director of the Ohio EPA held, as a matter of law, that no variance could be granted as to particulate matter standards beyond April 15, 1977. Relief was therefore denied. This action was sustained by the Ohio Environmental Board of Review on December 14, 1978. On June 12, 1979, the Court of Appeals for Franklin County Ohio reversed the holdings of the Director and the EBR finding specifically that statutory variances could be granted consistent with the Ohio Revised Code and the Federal Clean Air Act. The matter has been remanded to the Director for action consistent with the opinion.

5. U.S. EPA has determined that said violations have continued beyond the thirtieth day after the date of the Enforcement Director's certification.

6. No notices of violation have been issued to the sources of Fisher Body Division, Columbus, Elyria, Mansfield, and Hamilton. Those sources were also parties to the same state proceeding seeking ultimate revisions to the State Implementation Plan. During the course of discussion with the U.S. EPA regarding the prior notice of violation and preliminary discussion as to the use of innovative technology, GMC and the U.S. EPA discussed the possibility of issuance of Orders to these sources. GMC agrees that this Order may be issued without the issuance of a NOV, any further opportunity to confer or a determination that a violation continued for thirty days, and waives any claim it may have in that regard.

7. On November 29, 1978, GMC met with representatives of the U.S. EPA and proposed the use of a side stream separator, a new system for reducing particulate emissions from coal-fired boilers, to meet the requirements of Ohio Regulation AP-3-11 at fifteen of its boilers at the following facilities:

a. Fisher Body Division, Columbus, Ohio—4 boilers

b. Fisher Body Division, Elyria, Ohio—1 boiler

c. Fisher Body Division, Hamilton, Ohio—3 boilers

d. Fisher Body Division, Mansfield, Ohio—3 boilers

e. New Departure Hyatt Bearings, Sandusky, Ohio—3 boilers

f. Packard Electric Division, Warren, Ohio—1 boiler

GMC requested from the EPA a detailed compliance Order for the time necessary to install and implement such innovative technology as provided by Congress in Section 113(d)(4) of the Clean Air Act.

8. It has been determined by the U.S. EPA that GMC is unable to immediately comply with Regulations AP-3-07 and AP-3-11 of the State of Ohio Implementation Plan.

9. After investigation, EPA has determined that:

a. The side stream separator is a new means of emission limitation for control of particulate from industrial-sized spreader stoker boilers;

b. this means of emission reduction has a substantial likelihood to achieve equivalent emission reductions as required by AP-3-11 at substantial economic savings over conventional technology;

c. such new means is not likely to be used without this Order;

d. compliance with the Ohio State Implementation Plan is impractical prior to or during installation of the new means; and,

e. that the issuance of this Order is consistent with the policy and intent of Section 113(d)(4).

Order

After a thorough investigation of all relevant facts, including public comment, it is determined that the schedule for compliance set forth in this Order is as expeditious as practicable, and that the terms of this Order comply with Section 113(d) of the Act. Therefore, it is hereby Agreed and Ordered that:

A. *Packard Electric Division, Warren, Ohio*

1. GMC shall bring boiler No. 3 at the Packard Electric Division, Warren, Ohio, into compliance with the emission limitation and standards contained in Ohio Implementation Plan Regulations AP-3-07 and AP-3-11 no later than July 1, 1981.

2. GMC shall install control equipment on boiler No. 3 sufficient to control emissions to a rate not greater than 0.16 lb/MMBTU.

3. GMC shall achieve compliance with Ohio Regulations AP-3-07 and AP-3-11 in accordance with the following schedule:

a. Complete bid evaluation and order equipment for Boiler No. 3—April 13, 1979

b. Complete installation engineering—May 28, 1979

c. Receive construction bids and obtain contractor—July 9, 1979

d. Complete equipment delivery—September 24, 1979

e. Begin installation—September 25, 1979

f. Complete installation and begin debugging—November 9, 1979

g. Begin test program period for emission control and equipment reliability—November 9, 1979

(1) Initial baseline emission testing

(2) Optimize removal efficiency under baseline conditions

(3) Determine removal efficiency relationship to variable boiler and system parameters

(4) Determine equipment reliability over duration of test program

(5) Stack tests

To be completed by—April, 30, 1980

h. Evaluation of test results and report to EPA—June 30, 1980

i. If compliance with Ohio Regulations AP-3-07 and AP-3-11 is demonstrated, certifiy compliance for boiler No. 3—June 30, 1980

j. In the event that the control plan specified in paragraphs (a) through (i) fails to achieve and demonstrate compliance with Ohio Regulations AP-3-07 and AP-3-11, submit specifications and preliminary drawings to U.S. EPA describing the steps to be taken to achieve compliance with the applicable particulate and visible emissions regulations—July 30, 1980

k. Negotiate and sign all necessary contracts for the emission control system—September 15, 1980

l. Commence construction or installation of emission control equipment—November 15, 1980

m. Complete construction or installation of emission control system—April 15, 1981

n. Stack test boiler No. 3—June 1, 1981

o. Submit test results, achieve and demonstrate compliance with AP-3-07 and AP-3-11—July 1, 1981

B. *Fisher Body Division, Columbus, Ohio*

1. GMC shall bring boilers Nos. 1, 2, 3, and 4 at the Fisher Body Division, Columbus, Ohio into compliance with the emission limitations and standards contained in Ohio Implementation Plan Regulations AP-3-07 and AP-3-11 no later than July 1, 1981.

2. GMC shall install equipment on boilers Nos. 1, 2, 3, and 4 sufficient to control emissions to a rate not greater than 0.15 lb/MMBTU. Such rate shall apply separately to each boiler.

3. GMC shall achieve compliance with Ohio Regulations AP-3-07 and AP-3-11 in accordance with the following schedule:

a. Complete bid evaluation, complete and order equipment for all boilers—April 15, 1979

b. Complete installation engineering—July 15, 1979

c. Receive construction bids and obtain contractor—September 1, 1979

d. Begin installation—September 15, 1979

e. Complete installation and begin debugging for test boiler No. 3—October 15, 1979

f. Complete installation and begin debugghing for boilers Nos. 1, 2 and 4—January 15, 1980

g. Begin test program period for test boiler No. 3 for emission control and equipment reliability—November 1, 1979

(1) Initial baseline emission testing

(2) Optimize removal efficiency under baseline conditions

(3) Determine removal efficiency and variable boiler and system parameter

(4) Determine equipment reliability over duration of test program

(5) Stack tests

To be completed by—April 30, 1980

h. Evaluation of test results and report to EPA—June 30, 1980

i. If compliance with Ohio Regulations AP-3-07 and AP-3-11 is demonstrated, certify compliance for all boilers to EPA. EPA will retain discretion to request stack tests on boilers Nos. 1, 2, and 4 for compliance demonstration—June 30, 1980

j. In the event that the control plan specified in paragraphs (a) through (i) fails to achieve and demonstrate compliance with Ohio Regulations AP-3-07 and AP-3-11, submit specifications and preliminary drawings to U.S. EPA describing the steps to be taken to achieve compliance with the applicable particulate and visible emissions regulations—July 30, 1980

k. Negotiate and sign all necessary contracts for the emission control system—September 15, 1980

l. Commence construction or installation of emission control equipment—November, 15, 1980

m. Complete construction or installation of emission control equipment—April 15, 1981

n. Stack test boiler No. 3—June 1, 1981

o. Submit test results, achieve and demonstrate compliance with AP-3-07 and AP-3-11. EPA will retain discretion to request stack tests on boilers Nos. 1, 2, and 4 for compliance demonstration—July 1, 1981

C. *Fisher Body Division, Elyria, Ohio*

1. GMC shall bring boiler No. 3 at the Fisher Body Division, Elyria, Ohio into compliance with the emission limitations and standards contained in Ohio Implementation Plan Regulations AP-3-07 and AP-3-11 no later than July 1, 1981.

2. GMC shall install control equipment on boiler No. 3 sufficient to control emissions to a rate not greater than 0.14 lb/MMBTU.

3. GMC shall achieve compliance with Ohio Regulations AP-3-07 and AP-3-11 in accordance with the following schedule:

a. Complete bid evaluation and order equipment for boiler No. 3—April 15, 1979

b. Complete installation engineering—August 1, 1979

c. Receive construction bids and obtain contractor—September 1, 1979

d. Complete equipment delivery—September 15, 1979

e. Begin installation—September 15, 1979

f. Complete installation and begin debugging—November 15, 1979

g. Begin test program period for emission control and equipment reliability—November 15, 1979

(1) Initial baseline emission testing

(2) Optimize removal efficiency under baseline conditions

(3) Determine removal efficiency and variable boiler and system parameter

(4) Determine equipment reliability over duration of test program

(5) Stack tests

To be completed by—April 30, 1980

h. Evaluation of test results and report to EPA—June 30, 1980

i. If compliance with Ohio Regulations AP-3-07 and AP-3-11 is demonstrated, certify compliance for boiler No. 3 to EPA.—June 30, 1980

j. In the event that the control plan specified in paragraphs (a) through (i) fails to achieve and demonstrate compliance with Ohio Regulations AP-3-07 and AP-3-11, submit specifications and preliminary drawings to U.S. EPA describing the steps to be taken to achieve compliance with the applicable particulate and visible emissions regulations—July 30, 1980

k. Negotiate and sign all necessary contracts for the emission control system—September 15, 1980

l. Commence construction or installation of emission control equipment—November 15, 1980

m. Complete construction or installation of emission control equipment—April 15, 1981

n. Stack test boiler No. 3—June 1, 1981

o. Submit test results, achieve and demonstrate compliance with AP-3-07 and AP-3-11—July 1, 1981

D. *Fisher Body Division, Hamilton, Ohio*

1. GMC shall bring boilers Nos. 1, 2, and 3 at the Fisher Body Division, Hamilton, Ohio into compliance with the emission limitations and standards contained in Ohio Implementation Plan Regulations AP-3-07 and AP-3-11 no later than July 1, 1981.

2. GMC shall install control equipment on boilers Nos. 1, 2, and 3 sufficient to control emissions to a rate not greater than 0.17 lb/MMBTU. Such rate shall apply separately to each boiler.

3. GMC shall achieve compliance with Ohio Regulations AP-3-07 and AP-3-11 in accordance with the following schedule:

a. Complete bid evaluation, complete and order equipment for all boilers—April 15, 1979

b. Complete installation engineering—August 1, 1979

c. Receive construction bids and obtain contractor—September 1, 1979

d. Begin installation—September 15, 1979

e. Complete installation and begin debugging for test boiler No. 1—October 15, 1979

f. Complete installation and begin debugging for boilers Nos. 2 and 3—January 15, 1980

g. Begin test program period for test boiler No. 1 for emission control and equipment reliability—December 1, 1979

(1) Initial baseline emission testing

(2) Optimize removal efficiency under baseline conditions

(3) Determine removal efficiency and variable boiler and system parameter

(4) Determine equipment reliability over duration of test program

(5) Stack tests

To be completed by—April 30, 1980

h. Evaluation of test results and report to EPA—June 30, 1980

i. If compliance is demonstrated, certify compliance for all boilers to EPA. EPA will retain discretion to request stack tests on boilers Nos. 2 and 3 for compliance demonstration—June 30, 1980

j. In the event that the control plan specified in paragraphs (a) through (i) fails to achieve and demonstrate compliance with Ohio Regulations AP-3-07 and AP-3-11, submit specifications and preliminary drawings to U.S. EPA describing the steps to be taken to achieve compliance with the applicable particulate and visible emissions regulations—July 30, 1980

k. Negotiate and sign all necessary contracts for the emission control system—September 15, 1980

l. Commence construction or installation of emission control equipment—November 15, 1980

m. Complete construction or installation of emission control equipment—April 15, 1981

n. Stack test boiler No. 1—June 1, 1981

o. Submit test results, achieve and demonstrate compliance with AP-3-07 and AP-3-11. EPA will retain discretion to request stack tests on boilers Nos. 2 and 3 for compliance demonstration—July 1, 1981

E. *Fisher Body Division, Mansfield, Ohio*

1. GMC shall bring boilers Nos. 1, 2, and 3 at the Fisher Body Division, Mansfield, Ohio, into compliance with the emission limitations and standards contained in Ohio Implementation Plan Regulations AP-3-07 and AP-3-11 no later than July 1, 1981.

2. GMC shall install control equipment on boilers Nos. 1, 2, and 3 sufficient to control emissions to a rate not greater than 0.16 lb/MMBTU. Such rate shall apply separately to each boiler.

3. GMC shall achieve compliance with Ohio Regulations AP-3-07 and AP-3-11 in accordance with the following schedule:

a. Complete bid evaluation, complete and order equipment for all boilers—April 15, 1979

b. Complete installation engineering—August 1, 1979

c. Receive construction bids and obtain contractor—September 1, 1979

d. Begin installation—September 15, 1979

e. Complete installation and begin debugging for test boiler No. 3—October 15, 1979

f. Complete installation and begin debugging for boilers Nos. 1 and 2—January 15, 1980

g. Begin test program period for test boiler No. 3 for emission control and equipment reliability—December 15, 1979

(1) Initial baseline emission testing

(2) Optimize removal efficiency under baseline conditions

(3) Determine removal efficiency and variable boiler and system parameter

(4) Determine equipment reliability over duration of test program

(5) Stack tests

To be completed by—April 30, 1980

h. Evaluation of test results and report to EPA—June 30, 1979

i. If compliance is demonstrated, certify compliance for all boilers to EPA. EPA will retain discretion to request stack tests on boilers Nos. 1 and 2 for compliance demonstration—June 30, 1980

j. In the event that the control plan specified in paragraphs (a) through (i) fails to achieve and demonstrate compliance with Ohio Regulations AP-3-07 and AP-3-11, submit specifications and preliminary drawings to U.S. EPA describing the steps to be taken to achieve compliance with the applicable particulate and visible emissions regulations—July 30, 1980

k. Negotiate and sign all necessary contracts for the emission control system—September 15, 1980

l. Commence construction or installation of emission control equipment—November 15, 1980

m. Complete construction or installation of emission control equipment—April 15, 1980

n. Stack test boiler No. 3—June 1, 1981

o. Submit test results, achieve and demonstrate compliance with AP-3-07 and AP-3-11. EPA will retain discretion to request stack tests on boilers Nos. 1 and 2 for compliance demonstration—July 1, 1981

F. *New Departure Hyatt Bearing Division, Sandusky, Ohio*

1. GMC shall bring boilers Nos. 1, 2, and 3 at the New Departure Hyatt Bearings Division, Sandusky, Ohio, into compliance with the emission limitations and standards contained in Ohio Implementation Plan Regulations AP-3-07 and AP-3-11 no later than July 1, 1981.

2. GMC shall install control equipment on boilers Nos. 1, 2, and 3 sufficient to control emissions to a rate not greater than 0.15 lb/MMBTU. Such rate shall apply separately to each boiler.

3. GMC shall achieve compliance with Ohio Regulations AP-3-07 and AP-3-11 in accordance with the following schedule:

a. Complete bid evaluation, complete and order equipment for all boilers—April 22, 1979

b. Complete installation engineering—July 1, 1979

c. Receive construction bids and obtain contractor—August 22, 1979

d. Begin installation—August 22, 1979

e. Complete installation and begin debugging for test boiler No. 3—November 30, 1979

f. Complete installation and begin debugging for boilers Nos. 1 and 2—December 15, 1979

g. Begin test program period for test boiler No. 3 for emission control and equipment reliability—November 30, 1979

h. (1) Initial baseline emission testing

(2) Optimize removal efficiency under baseline conditions

(3) Determine removal efficiency and variable boiler and system parameter

(4) Determine equipment reliability over duration of test program

(5) Stack tests

To be completed by—April 30, 1980

i. Evaluation of test results and report to EPA—June 30, 1980

j. If compliance is demonstrated, certify compliance for all boilers to EPA. EPA will retain discretion to request stack tests on boilers Nos. 1 and 2 for compliance demonstration—June 30, 1980

k. In the event that the control plan specified in paragraphs (a) through (j) fails to achieve and demonstrate compliance with Ohio Regulations AP-3-07 and AP-3-11, submit specifications and preliminary drawings to U.S. EPA describing the steps to be taken to achieve compliance with the applicable particulate and visible emissions regulations—July 30, 1980

l. Negotiate and sign all necessary contacts for the emission control system—September 15, 1980

m. Commence construction or installation of emission control equipment—November 15, 1980

n. Complete construction or installation of emission control equipment—April 15, 1981

o. Stack test boiler No. 3—June 1, 1981

p. Submit test results, achieve and demonstrate compliance with AP-3-07 and AP-3-11. EPA will retain discretion to request stack tests on boilers Nos. 1 and 2 for compliance demonstration—July 1, 1981

G. On a quarterly basis, beginning October 1, 1979, GMC shall notify U.S. EPA in writing of its compliance or noncompliance with any incremental step or final compliance date specified in this Order, and reasons therefor. The October 1, 1979 report will include a statement of compliance or noncompliance with all incremental steps included in this Order, commencing with April 13, 1979. If delay is anticipated in meeting any requirements of this Order, GMC shall immediately notify U.S. EPA in writing of the anticipated delay and reasons therefor. Notification to U.S. EPA of any anticipated delay does not excuse the delay.

All submittals and notifications to U.S. EPA, pursuant to this Order, shall be made to Eric Cohen, Chief, Air Compliance Section, Enforcement Division, Region V, U.S. EPA, 230 South Dearborn Street, Chicago, Illinois 60604. In addition, all submittals and notifications required in this Order shall simultaneously be transmitted to the appropriate Ohio EPA local office.

H. Upon completion of the installation, operation, and testing increments shown for each facility, GMC will present to the U.S.

EPA and the Ohio EPA all pertinent test results and data, including boiler operating parameters so as to allow each agency to evaluate the performance of the new system. At the same time, GMC will prepare a report for the U.S. EPA and the Ohio EPA (1) evaluating test results, (2) demonstrating compliance with AP–3–07 and AP–3–11 or noncompliance therewith, (3) describing why compliance was or was not achieved, (4) if compliance was achieved, describing the key operational and design factors that contributed to compliance and whether any other changes could be made to improve performance, and (5) if compliance is not achieved, describing the key operational and design factors explaining such noncompliance and an engineeering assessment as to whether ultimate compliance could be achieved and specifying operational and design parameters which can be instituted to achieve compliance. If GMC considers any information in the report to be confidential, all such information shall be placed in an appendix. The main body of the report shall contain all the non-confidential information and shall describe the sidestream separator and shall contain the emission test results. GMC agrees to waive any right to claim that information in the main body of the report is confidential.

I. Pursuant to section 113(d)(7) of the Act, during the period of this Order, GMC shall use the best practicable systems of emission reduction so as to minimize particulate emissions from each boiler and shall further comply with the requirements of the applicable implementation plan insofar as it is able to. Each facility shall immediately institute an operation and maintenance procedure which will result in the minimization of particulate matter emissions from all boilers on a day-to-day basis during the interim period proceeding final compliance. Until installation of the sidestream separator on each boiler, each source shall continue operation of the existing control equipment on all boilers so that particulate emissions do not exceed 0.30 pounds per million Btu input.

J. Pursuant to authority granted under § 114 of the Clean Air Act, GMC shall continue to calibrate, maintain and operate continuous opacity monitoring systems in each stack which serves each of the 15 boilers covered by this Order, in accordance with manufacturer's specifications. All monitoring data produced by the system shall be retained by the Company for a period of not less than 2 years. GMC shall quarterly submit to U.S. EPA and the Ohio EPA a written report of excess emissions beginning June 30, 1980 including the nature and cause of the excess emissions, if known, and corrective action taken. If no excess emissions were recorded, GMC shall so certify on a quarterly basis.

K. Nothing contained in these Findings or Order shall affect GMC's responsibility to comply with State or local laws or regulations or other Federal laws or regulations.

L. GMC is hereby notified that its failure to achieve final compliance by July 1, 1981, at any or all of the facilities covered by this Order may result in a requirement to pay a noncompliance penalty in accordance with Section 120 of the Act, 42 U.S.C. 7420. In the event of such failure, GMC will be formally notified, pursuant to Section 120(b)(3), 42 U.S.C. 7420(b)(3), and any regulations promulgated thereunder, of its noncompliance.

M. This Order shall be terminated in accordance with Section 113(d)(8) of the Act if the Administrator or his delegate determines on the record, after notice and hearing, that an inability to comply with Regulations AP–3–07 and AP–3–11 of the Ohio Implementation Plan no longer exists.

N. Violation of any requirement of this Order may result in one or more of the following actions:

1. Enforcement of such requirement pursuant to Section 113(a), (b), or (c) of the Act, 42 U.S.C. 7413(a), (b) or (c), including possible judicial action for an injunction and/or penalties and in appropriate cases, criminal prosecution.

2. Revocation of this Order, after notice and opportunity for a public hearing, and subsequent enforcement of Ohio Implementation Plan Regulations AP–3–07 and AP–3–11 in accordance with the preceeding paragraph.

3. If such violation occurs on or after July 1, 1979, notice of noncompliance and subsequent action pursuant to Section 120 of the Act.

O. By proceeding with this schedule, GMC is protected by Section 113(d)(10) against Federal enforcement action and citizen suits under Section 304 until July 1, 1981, and is exempted by virtue of Section 113(d)(4) from Section 120 noncompliance penalties where the Company is in compliance with the terms of such Order.

P. Nothing herein shall be construed to be a waiver by the Administrator of any rights or remedies under the Clean Air Act, including, but not limited to Section 303 of the Act, 42 U.S.C. Section 7503.

Q. The provisions of this Delayed Compliance Order shall apply and be binding upon the company, its officers, directors, agents, servants, employees, and any successors in interest. The company shall give notice of this Delayed Compliance Order to any successors in interest prior to transfer of ownership, and shall simultaneously verify to the U.S. EPA, Region V, Enforcement Division, and the Ohio EPA that such notice has been given.

R. In the event that any of the plants do not achieve compliance with stated emission limitations at the end of the first test period and EPA determines there is a reasonable engineering basis to believe compliance can be achieved with further modification to the side stream, EPA may extend the ultimate date of this Order to April 1, 1982, in order to allow for further testing. In such event, all increments of progress will be appropriately modified at that time.

S. GMC agrees to license the technology it owns on the side stream separate to responsible parties for a reasonable fee.

T. In the event that the Ohio Implementation Plan shall be substantially modified or amended during the period of time in which this Order is in effect so as to make the above-described control program inadequate or unnecessary to achieve compliance with such modified or amended Ohio State Implementation Plan, GMC and the U.S. EPA shall forthwith meet to discuss possible or appropriate modification of this Order as circumstances shall then require. No discussion shall be necessary until U.S. EPA approves any proposed revisions to the Ohio State Implementation Plan. Any such discussions shall not operate so as to amend or modify the obligations and undertakings herein contained pending the issuance of any amending or modifying Order.

U. This Order shall become effective upon final promulgation in the **Federal Register.**

Dated:_____

Administrator, U.S. Environmental Protection Agency.

GMC has reviewed this Order, consents to the terms and conditions of this Order, and believes it to be a reasonable means by which the sources can achieve final compliance with Ohio Regulations AP–3–07 and AP–3–11.

General Motors Corporation

Charles A. Rowley,

Plant Manager, New Departure Hyatt Bearings Division, Sandusky, Ohio.

W. C. Wehmer,

Director, Manufacturing Services, Packages Electric Division, Warren, Ohio.

H. R. Lambert,

Plant Manager, Fisher Body Division, Columbus, Ohio.

R. H. Enskat,

Plant Manager, Fisher Body Division, Mansfield, Ohio.

H. H. Linz,

Plant Manager, Fisher Body Division, Elyria, Ohio.

A. W. Harvey,

Plant Manager, Fisher Body Division, Hamilton, Ohio.

[FR Doc. 79–29908 Filed 9–25–79; 8:45 am]

BILLING CODE 6560–01

[40 CFR Parts 414 and 416]

[FRL 1328–7]

Self-Monitoring and Process Wastewater in Organic Chemicals Manufacturing and Plastic Industries; Extension of Comment Period

AGENCY: Environmental Protection Agency.

ACTION: Extension of comment period.

SUMMARY: On Friday, August 10, 1979 EPA disclosed its intention to require plants which manufacture specific chemicals and plastic materials to monitor their wastewater streams. Several interested parties have contacted Ms. Maria Irizarry stating that the 30 day time period was inadequate to prepare substantive comments.

EPA recognizes that appearance of the notice coincided with the summer vacation season and that key personnel may not have been available to assist in evaluating the impact of the program.

DATE: The comment period is hereby extended to October 12, 1979.

ADDRESS: Written comments may be submitted to the Environmental Protection Agency, 401 M Street S.W., Washington, D.C. 20460. Attention: Distribution Officer, WH-552.

FOR FURTHER INFORMATION CONTACT: Paul D. Fahrenthold, Effluent Guidelines Division (WH-552), Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460. Telephone (202) 426-2497.

Dated: September 21, 1979.

James N. Smith,

Acting Assistant Administrator for Water and Waste Management.

[FR Doc. 79-29904 Filed 9-25-79; 8:45 am]

BILLING CODE 6560-01-M

[40 CFR Part 425]

[FRL 1328-5]

Leather Tanning and Finishing Industry Point Source Category; Availability of Technical and Economic Development Documents and Initiation of Comment Period

AGENCY: Environmental Protection Agency.

ACTION: Notice of Availability and Initiation of Comment Period.

SUMMARY: EPA proposed regulations to limit effluent discharge to waters of the United States and introduction of pollutants into publicly owned treatment works from leather tanning and finishing facilities on July 2, 1979 (44 FR 38746).

EPA announces today that documents setting forth technical and economic conclusions and bases for the regulations, entitled *Development Document for Proposed Effluent Limitations Guidelines, New Source Performance Standards, and Pretreatment Standards for the Leather Tanning and Finishing Point Source Category*, and *Economic Impact Analysis of Proposed Effleuent Limitations Guidelines, New Source Performance Standards and Pretreatment Standards for the Leather Tanning and Finishing Point Source Category*, have been published and are available for public review and comment.

DATES: EPA also announces that the comment period for the proposed regulation will end November 26, 1979.

ADDRESS: Send comments to: Mr. Donald F. Anderson, Effluent Guidelines Division (WH-552), Environmental Protection Agency, 401 M St. SW, Washington, D.C. 20460. Attention: Proposed Leather Tanning Rules.

FOR FURTHER INFORMATION CONTACT: Technical information and copies of the development document may be obtained from Mr. Donald F. Anderson, at the address listed above, or call (202) 426-2707. Economic impact information and copies of the economic analysis may be obtained from Ms. Jean Noroian, Water Economics Branch, (WH-586), Environmental Protection Agency, 401 M St. SW, Washington, D.C. 20460, or call (202) 426-2617.

Dated: September 18, 1979.

Swep T. Davis,

Acting Assistant Administrator for Water and Waste Management.

[FR Doc. 79-29907 Filed 9-25-79; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[BC Docket No. 79-180; RM-3133; RM-3159]

FM Broadcast Stations in Athens and New Boston, Ohio, and Greenup and Vanceburg, Ky.; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Order.

SUMMARY: Action here extends the time for filing comments and reply comments in BC Docket No. 79-180.

DATES: Comments must be filed on or before October 2, 1979, and reply comments on or before October 23, 1979.

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

FOR FURTHER INFORMATION CONTACT: Louis C. Stephens, Broadcast Bureau, (202) 632-6302.

SUPPLEMENTARY INFORMATION:

Adopted: September 18, 1979.

Released: September 19, 1979.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Athens and New Boston, Ohio, and Greenup and Vanceburg, Ky.), BC Docket No. 79-180, RM-3133, RM-3159, 44 FR 44573, July 30, 1979.

New Boston Broadcasting Corporation, one of the interested parties, has petitioned for extension of the date for filing comments until October 2, 1979, in order to permit completion of site studies which are needed to meet spacing problems raised by the pending FM channel assignment proposals.

2. New Boston states that counsel for other parties known to be interested (licensees of WPAY, WNXT, WKKS, WXTQ and Greenup Broadcasting) have consented to the extension.

3. We find in these circumstances good cause for granting the extension. Accordingly, under authority found in Sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, the time for filing comments in this proceeding is extended to October 2, 1979, and the time for filing reply comments is extended to October 23, 1979.

Federal Communications Commission.

Richard J. Shiben,

Chief, Broadcast Bureau.

[FR Doc. 79-29857 Filed 9-25-79; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Chapter VI]

North Pacific Fishery Management Council; Public Hearing

AGENCY: National Oceanic and Atmospheric Administration/ Commerce.

ACTION: Public hearing.

SUMMARY: The North Pacific Fishery Management Council will conduct a public hearing on: (1) Limited entry into the Halibut Fishery; (2) Policies of the Gulf of Alaska Groundfish Fishery Management Plan—directed domestic sablefish fisheries and trawl issues; (3) Proposed Amendments to the High Seas Salmon Fishery (Troll) off the Coast of Alaska East of 175° East Longitude Fishery Management Plan—prohibition of handtrolling in the FCZ; and (4) Amendments to the Tanner Crab Fishery Management Plan.

DATES: The North Pacific Fishery Management Council will conduct a public hearing on the above named subjects on October 3, 1979, from 9:30 a.m. to 5 p.m. at the Centennial Building, Harbor Drive, Sitka, Alaska.

ADDRESS: Send comments to: Chairman, North Pacific Fishery Management Council, P.O. Box 3136DT, Anchorage, Alaska 99510. Individuals wishing to comment in person may appear before the Council on October 3, 1979.

FOR FURTHER INFORMATION CONTACT:
North Pacific Fishery Management Council, P.O. Box 3136DT, Anchorage, Alaska 99510, Telephone: (907) 274–4563.

SUPPLEMENTAL INFORMATION: (1) Limited entry into the Halibut Fishery. Comments are invited on whether limited entry should be imposed on the halibut fishery, dates limited entry should be effective, and whether a moratorium on licenses for 1980 should be set, which agency should develop the limited entry scheme, and which agency should enforce it. (2) Policies of the Gulf of Alaska Groundfish FMP. Comments are requested on whether the sablefish fishery should be a special directed longline species or part of a mixed trawl fishery, whether the domestic trawling off Southeast Alaska should be more regulated, and whether joint ventures on Pacific ocean perch, pollock, and cod be encouraged off Southeast Alaska. (3) Proposed Amendments to the High Seas Salmon Fishery Off the Coast of Alaska East of 175° East Longitude FMP. Comments are requested on whether a ban on handtrolling should be instituted in the Fishery Coastal Zone, for the following areas: Waters bounded by a line projected west of Cape Spencer at 58°12'45" N., 136°39'00" N., to a point at 58°12'00" N., 137°7'30" W., thence to a point at 58°21'00" N., 139°48'00" W., then east to the mouth of the Dangerous River at 59°21'00" N., 139°48'00" W., the troll season should be from April 15 thru June 30, except that coho salmon may be taken from June 15 thru June 30. In waters bounded by a line projected west from the mouth of the Dangerous River at 58°21'00" N., 139°19'00" W., to a point at 58°44'00" N., 141°22'05" W., then east to Stikagi Bluffs at 58°44'00" N., 140°58'00" W., the following regulations would be in effect: (a) The season for troll gear will be from April 15 thru September 20, except that coho salmon may be taken from June 15 thru September 20. (b) From the first Monday in July thru September 20 the weekly fishing period for troll gear will be from 12:01 p.m. Monday thru 12:00 Noon Friday. Comments are also requested on whether to limit a maximum of four lines to be fished from a troll vessel; whether to maintain the status quo on limited entry, reduce the number of power trollers, or allow more power trollers to fish in the FCZ. (4) Amendments to the Tanner Crab Fishery Management Plan. Comments are requested on the following proposed Amendments to the FMP: (A) Increase the expected domestic annual harvest estimate for the Bering Sea for 1980 and determine probable areas of operation; (B) Greatly reduce, maybe eliminate the foreign Tanner crab fishery in the Bering Sea; (C) Comments requested on Alaska Department of Fish and Game proposals to record deadloss on fish tickets, close the Bering Sea Tanner crab, *C. opilio*, season earlier than September 3rd, reduce Kodiak Tanner crab, *C. bairdi*, OY to 10–25,000 lbs. and reduce the Bering Sea Tanner crab, *C. bairdi* OY to 17–51,000,000 lbs.

Dated: September 20, 1979.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 79-29770 Filed 9-25-79; 8:45 am]
BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 44, No. 188
Wednesday, September 26, 1979

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Nezperce National Forest Plan, Idaho County, Idaho, et. al.; Intent To Prepare Environmental Statements

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, will prepare Environmental Statements for proposed Forest Land and Resource Management Plans for the Nezperce, Clearwater, and Idaho Panhandle National Forests. The management plan for each Forest will encompass the entire Forest of 2,242,572 acres (Nezperce National Forest), 1,838,549 acres (Clearwater National Forest) and 2,499,689 acres (Idaho Panhandle National Forests).

Preparation of the plans will follow direction outlined in the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended by the National Forest Management Act of 1976, including the Secretary's Regulations provided therein.

The resulting plans will provide for multiple use and sustained yield of products and services from the Nezperce, Clearwater, and Idaho Panhandle National Forests. The plans will guide all natural resource management activities and establish management standards and guidelines. They will determine resource management practices, harvesting levels and procedures under the principles of multiple use and sustained yield, and the availability and suitability of lands for resource management.

Each Forest Plan will be selected from among representative alternatives which will include at least:

a. A no change in existing resource outputs alternative;

b. A range of alternatives that displays possible outputs of resources available at each of several expenditure levels; and

c. Alternatives designed to resolve the identified major public issues and management concerns.

Public participation will be an integral part of the planning process. "Scoping" meetings to identify issues to be addressed will be held early in the process. Times and places for these meetings will be announced by notices in area newspapers, news releases to news media, and brochures mailed to other agencies, organizations, and individuals known to have interest in management of the Nezperce, Clearwater, or Idaho Panhandle National Forests.

Tom Coston, Regional Forester, is the responsible official for these plans.

Further information about the planning and Environmental Impact Statement process, or comments on the Notice of Intent should be directed to:

Ed Laven, Forest Planning Staff Officer, Nezperce National Forest, 319 E. Main, Grangeville, ID 83530, telephone (208) 983–1950.

John Underwood, Forest Planning Staff Officer, Clearwater National Forest, Route 4, Orofino, ID 83544, telephone (208) 476–4541.

Gerald House, Forest Planning Team Leader, Idaho Panhandle National Forests, 1201 Ironwood Drive, Coeur d'Alene, ID 83814, telephone (208) 667–2561.

The estimated dates for filing draft Environmental Impact Statements are: Nezperce, October 1980; Clearwater, April 1981; and Idaho Panhandle, April 1981; and for filing Final Environmental Statements: Nezperce, March 1981; Clearwater, October 1981; and Idaho Panhandle, January 1982.

Dated: September 17, 1979.

James E. Reid,

Acting Regional Forester.

[FR Doc. 79-29774 Filed 9-25-79; 8:45 am]

BILLING CODE 3410-11-M

Land and Resource Management Plan, Klamath National Forest, Siskiyou County, Calif., Jackson County, Oregon; Intent to Prepare an Environmental Impact Statement

The USDA–Forest Service will prepare an environmental impact statement for the forest plan for the Klamath National Forest.

This forest plan is one of eighteen currently being developed in the Pacific Southwest Region. The development of these several forest plans and the regional plan is starting simultaneously in order to facilitate the identification of issues to be addressed. Forest planning will be completed after adoption of a regional plan.

This forest plan will provide policy and program direction for all National Forest System lands under the administration of the Forest Supervisor.

The Forest Plan will:

(a) Briefly describe the major public issues and management concerns,

(b) Briefly describe the lands and resources of the Klamath National Forest,

(c) Identify the goals and objectives for management,

(d) Describe the expected types and amounts of goods, services, or uses,

(e) Identify the proposed vicinity, timing, standards, and guidelines for proposed implementation of management activities,

(f) Identify monitoring and evaluation criteria,

(g) Refer to information used in plan development, and

(h) Identify the persons who participated in the development of the plan, including a summary of their qualifications.

The issues expected to be discussed in the development of this plan include, but are not limited to:

(a) The kinds and amounts of goods produced, the services to be provided and the uses to be permitted on the National Forest System lands,

(b) The costs and benefits of providing these goods and services, and

(c) The physical, biological, economic and social effects associated with the production of goods and services.

The Forest plan will be selected from a range of alternatives which will include at least:

(a) A "no action" alternative which represents continuation of the present management direction,

(b) One or more alternatives formulated to respond to major public issues and management concerns,

(c) One or more alternatives formulated to respond to the recreational opportunities, including wilderness option for RARE II further planning areas,

(d) One or more alternatives formulated to investigate the effects of management for anadromous fisheries

and watershed protection on other forest resources.

(e) One or more alternatives formulated to investigate opportunities for departure from even flow non-declining timber yield.

As an early step in the planning, Federal, State, and local agencies, organizations, and individuals who may be interested in, or affected by, the adopted plan, will be invited to participate in:

(a) Identification of the issues to be addressed,

(b) Identification of those issues to be analyzed in depth, and

(c) Elimination from detailed study those issues which are not significant or which have been covered by prior environmental review, or are not within the scope of this Forest Plan.

To accomplish this, the Klamath National Forest will be sending, to those people currently on the Forest mailing list an initial draft of Forest issues, concerns and opportunities. Comments on this initial draft are requested in writing. In addition, some organization representatives and other individuals with known high interest will be contacted directly soliciting written comment. Additions to the mailing list will be added upon request.

Written comments about these issues are encouraged. To be most useful, they should be received by the Klamath National Forest before January 7, 1980. The kinds of additional public participation opportunities are being developed as part of a detailed Forest Work Plan. It will vary as the planning progresses and will be responsive to the issues and concerns identified.

The estimated date for distribution of the draft environmental impact statement is April 1981. Following a three month public review period, a final environmental impact statement will be prepared and distributed in approximately October 1981.

For further information about the planning project, or the availability of the environmental impact statements, or other documents relevant to the planning process, contact: Lewis G. Manhart, Land Management Planning Officer, Klamath National Forest, 1215 S. Main Street, Yreka, California 96097, 916–842–2741.

Dated: September 19, 1979.

Zane G. Smith, Jr.,

Regional Forester, Pacific Southwest Region.

[FR Doc. 79-29864 Filed 9-25-79; 8:45 am]

BILLING CODE 3410-11-M

Soil Conservation Service

Lower Otter and Dead Creeks Watershed, Vermont and Little River Watershed, South Carolina; Authorization for Watershed Planning

Concerned State Conservationists of the Soil Conservation Service have been authorized to provide planning assistance to local organizations for the indicated watersheds. The State Conservationists may proceed with investigations and surveys as necessary to develop watershed plans under authority of the Watershed Protection and Flood Prevention Act, Pub. L. 83–566, and in accordance with requirements of the National Environmental Policy Act of 1969, Pub. L. 91–190.

Persons interested in these projects may contact the State Conservationists listed below:

Lower Otter and Dead Creeks Watershed, Addison County, Vermont State Conservationist—Coy A. Garrett, Soil Conservation Service, 1 Burlington Square, Suite 205, Burlington, Vermont 05401; 802/862–6501 ext. 6261.

Little River Watershed, Laurens County, South Carolina State Conservationists—George E. Huey, Soil Conservation Service, 240 Stoneridge Drive, Columbia, South Carolina 29210; 803/765–5681.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program)

Dated: September 20, 1979.

Joseph W. Haas,

Assistant Administrator for Water Resource.

[FR Doc. 79-29865 Filed 9-25-79; 8:45 am]

BILLING CODE 3410-16-M

Twentyfive Mile Stream Watershed, Maine; Intent Not to File an Environmental Impact Statement for Deauthorization of Federal Funding of the Twentyfive Mile Stream Watershed.

Pusuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the deauthorization of Federal funding of the Twentyfive Mile Stream Watershed, Waldo, Kennebec, Penobscot, and Somerset Counties, Maine.

The environmental assessment of this action indicates that deauthorization of Federal funding of the project will not cause significant local, regional or national impacts on the environment. As a result of these findings, Mr. Eddie L. Wood, State Conservationist, has determined that the preparation and review of an environmental impact statement is not needed for this action.

The watershed project, which included a combination of land treatment and structural measures, will not be completed and will not contribute to soil and water conservation, watershed protection or flood prevention of the area.

This notice of intent not to file an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment is on file and may be reviewed by interested parties at the Soil Conservation Service, USDA Office Building, University of Maine, Orono, Maine 04473; 207–866–2132.

An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy request at the above address.

No administrative action on implementation of this proposal will be taken until November 26, 1979.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program—Public Law 83–566, 16 USC 1001–1008)

Joseph W. Haas,

Assistant Administrator for Water Resources, Soil Conservation Service.

September 18, 1979.

[FR Doc. 79-29866 Filed 9-25-79; 8:45 am]

BILLING CODE 3410-16-M

Upper Black Bear Creek Watershed Project, Oklahoma; Finding of No Significant Impact

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Upper Black Bear Creek Watershed critical area treatment measures in Noble, Garfield, and Pawnee Counties, Oklahoma.

The environmental assessment of this federally-assisted action indicates that the measures will not cause significant adverse, local, regional, or national impacts on the environment. As a result of these findings, Mr. Roland R. Willis, State Conservationist, has determined that the preparation and review of an

environmental impact statement is not needed for these measures.

The planned critical area treatment will include small grade stabilization structures, diversions, critical area plantings, shaping and sodding, and grassed waterways.

The finding of no significant impact has been forwarded to the Council on Environmental Quality. The basic data developed during the environmental assessment are on files and may be reviewed by interested parties through the Soil Conservation Service, Farm Road and Brumley Street, Stillwater, Oklahoma 74074, telephone number (405) 624–4360. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests.

No administrative action on implementation of the proposal will be taken until October 26, 1979.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program—Public Law 83–566, 16 U.S.C. 1001–1008)

Dated: September 19, 1979.

Joseph W. Haas,

Assistant Administrator for Water Resources, Soil Conservation Service.

[FR Doc. 79–29867 Filed 9–25–79; 8:45 am]

BILLING CODE 3410–16–M

ARMS CONTROL AND DISARMAMENT AGENCY

General Advisory Committee; Meeting

Notice is hereby given in accordance with section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I, (the Act) and paragraph 8b of Office of Management and Budget Circular No. A–63 (Revised March 27, 1974) (the OMB Circular), that a meeting of the General Advisory Committee (GAC) is scheduled to be held on October 11, 1979 from 10 a.m. to 6 p.m. and on October 12, 1979 from 8:30 a.m. to 12: 30 p.m. at 2201 C Street, NW., Washington, D.C., in Room 7516.

The purpose of the meeting is for the GAC to receive briefings and hold discussions concerning arms control and related issues which will involve national security matters classified in accordance with Executive Order 12065, dated June 28, 1978.

The meeting will be closed to the public in accordance with the determination of September 17, 1979 made by the Director of the U.S. Arms Control and Disarmament Agency pursuant to Section 10(d) of the Act and paragraph 8d(2) of the OMB Circular that the meeting will be concerned with matters of the type described in 5 U.S.C. 553(b)(1). This determination was made pursuant to a delegation of authority from the Office of Management and Budget dated June 25, 1973, issued under the authority of Executive Order 11686 dated October 7, 1972 and continued by Executive Order 11769 dated February 21, 1974.

Dated: September 19, 1979.

Charles R. Oleszycki,

Advisory Committee Management Officer.

[FR Doc. 79–29805 Filed 9–25–79; 8:45 am]

BILLING CODE 6820–32–M

CIVIL AERONAUTICS BOARD

[Docket 36634; Order 79–9–103]

Anchorage-Seattle/Portland Authority Proceeding

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 20th day of September 1979.

By Order 79–3–60, March 13, 1979, issued in the *Northern Tier Show-Cause Proceeding*, we indicated that the issue of authority between Anchorage, on the one hand, and Seattle and Portland, on the other, would be excluded from consideration because it was involved in an ongoing formal proceeding, the *West Coast-Alaska Investigation*, Docket 30170. In Order 79–8–160, August 31, 1979, we made final our tentative findings and conclusions in Order 79–3–60 and stated that we would deal with the Anchorage-Seattle/Portland markets in a separate order.

We have now issued our decision in the *West Coast-Alaska* case, Orders 79–4–36 and 79–7–125, in which we awarded multiple authority, *inter alia*, between Anchorage and Seattle/Portland. In view of our findings there, we have decided to invite interested carriers to apply for authority in the two markets, and we will issue a final order granting the authority to any fit, willing and able applicants whose fitness, willingness and ability can be established by officially noticeable data.[1] We give all potential applicants 15 days from the date of service of this order to file applications, motions to consolidate with the proceeding we are instituting in Docket 36634, and the required data.[2]

Accordingly, 1. We institute the *Anchorage-Seattle/Portland Authority Proceeding*, Docket 36634;

2. Carriers desiring this authority should file, by October 9, 1979, applications, motions to consolidate, and the data set forth in footnote 2, in Docket 36634; and

3. We will serve a copy of this order upon all certificated carriers; the City of Anchorage; the City of Seattle; the City of Portland; Manager, Anchorage International Airport; Manager, Seattle-Tacoma International Airport; Manager, Portland International Airport; Alaska Transportation Commission; Washington State Aeronautics Commission; and Oregon State Department of Transportation, Aeronautics Division.

We will publish this order in the **Federal Register.**

All Members concurred.

By the Civil Aeronautics Board.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79–29879 Filed 9–25–79; 8:45 am]

BILLING CODE 6320–01–M

[Order 79–9–105]

Atlanta-Phoenix/Tucson Show-Cause Proceeding

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause (79–9–105).

SUMMARY: The Board is proposing to grant Atlanta-Phoenix/Tucson authority to Eastern Air Lines, Atlanta-Phoenix authority to Western Air Lines and the authority in issue to any other fit, willing and able applicant, the fitness of which can be established by officially noticeable material. The complete text of this order is available as noted below.

DATES: All interested persons having objection to the Board issuing an order making final the tentative findings and conclusions shall file, by October 25, 1979, a statement of objections together with a summary of testimony, statistical data, and other material expected to be relied upon to support the stated

[1] Officially noticeable data consist of that material filed under subsection 302.24(m) of our Procedural Regulations. Applicants whose fitness cannot be so established must make a showing of fitness, as well as deal with any questions under sections 408 and 409 of the Act. Should such applications be filed, we will then consider how to deal with them procedurally.

[2] They should submit an illustrative schedule of service in the markets at issue, which shows all points that they might choose to serve, the type and capacity of the equipment they would likely use and the elapsed trip time of flights in block hours over the segments. For the markets at issue only, they should also provide an environmental evaluation as required by Part 312 of our Regulations, and an estimate of the gallons of fuel to be consumed in the first year of operations in the markets if they instituted the proposed service, as well as a statement on the availability of the required fuel.

objections. Such filings shall be served upon all parties listed below.

ADDRESSES: Objections to issuance of a final order should be filed in the Dockets Section, Civil Aeronautics Board, Washington, D.C. 20428, in Docket 36636, which we have entitled the *Atlanta-Phoenix/Tucson Show-Cause Proceeding.*

In addition, copies of such filings should be served on Eastern Air Lines, Western Air Lines, the Mayors of Atlanta, Phoenix and Tucson, the Managers of Hartsfield-Atlanta International Airport, Sky Harbor International Airport and Tucson International Airport, the Bureau of Aeronautics of the Georgia Department of Transporation and the Aeronautics Division of the Arizona Department of Transporation.

FOR FURTHER INFORMATION CONTACT: Philip J. Reinke, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673–5105.

SUPPLEMENTARY INFORMATION: The complete text of Order 79–9–105 is available from the Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. Persons outside the metropolitan area may send a postcard request for Order 79–9–105 to the Distribution Section, Civil Aeronautics Board, Washington, D.C 20428.

By the Civil Aeronautics Board: September 20, 1979.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79–29882 Filed 9–25–79; 8:45 am]

BILLING CODE 6320–01–M

[Order 79–9–127; Docket 35285]

Bordaire Ltd.; Foreign Air Carrier Permit

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause: Order 79–9–127.

SUMMARY: The Board proposes to approve the following application:

Applicant: Bordaire Limited.
Application Date: April 9, 1979.
Docket: 35285.
Authority Sought: Foreign air carrier permit authorizing small aircraft charters between points in Canada and points in the United States.

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 October 16, 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 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 issue the proposed permit or certificate.

ADDRESSES FOR OBJECTIONS:

Docket 35285, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.
Phillips, McKillop, Attn: L. G. Phillips, P.O. Box 491, 237 Church Street, Fort Frances, Ontario, Canada P9A 3M8.

To get a copy of the complete order, request it from the C.A.B. Distribution Section, Room 516, 1825 Connecticut Ave., NW 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: September 20, 1979.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79–29885 Filed 9–25–79; 8:45 am]

BILLING CODE 6320–01–M

[Order 79–9–128]

National Airline Commission T/A Air Niugini; Foreign Air Carrier Permit

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause: Order 79–9–128.

SUMMARY: The Board proposes to approve the following application:

Applicant: National Airline Commission T/A Air Niugini.
Application Date: April 5, 1979.
Docket: 35236.
Authority Sought: Foreign air carrier permit to engage in foreign air transportation of persons, property and mail between Papua New Guinea and Honolulu, Hawaii and between Papua New Guinea and Guam.

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 October 16, 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 Papua New Guinea 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 issue the proposed permit or certificate.

ADDRESSES FOR OBJECTIONS:

Docket 35236, Docket Section: Civil Aeronautics Board, Washington, D.C. 20428.

Air Niugini, c/o Robert T. Murphy, 300 Farragut Building, 900 Seventeenth Street, N.W., Washington, D.C. 20006.

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: The Regulatory Affairs Division of the Bureau of International Aviation, Civil Aeronautics Board; (202) 673–5880.

By the Civil Aeronautics Board: September 20, 1979.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79–29886 Filed 9–25–79; 8:45 am]

BILLING CODE 6320–01–M

[Docket 79–9–114]

Overseas National Airways, Inc.; Proposal to Revoke the All-Cargo Air Service Certificate

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause (79–9–114).

SUMMARY: The Board is proposing to revoke the All-Cargo Air Service Certificate of Overseas National Airways, Inc. for non-compliance with certificate conditions regarding the filing of an insurance certificate in accordance with section 291.22 of the Board's Economic Regulations. (The complete text of this order is available as noted below.)

DATES: All interested persons having objections to the Board issuing an order making final the tentative finding, shall file with the Board and serve upon the carrier, no later than October 24, 1979, a statement of objections, together with a summary of testimony, statistical data,

and such evidence to be relied upon to support the statement of objections.

ADDRESSES: Objections or additional data should be filed in Docket 32346, and sent to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

FOR FURTHER INFORMATION CONTACT: John McCamant, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428 (202) 673-5082.

SUPPLEMENTARY INFORMATION: In the event no objections are filed, the Secretary of the Board will enter an order making final our tentative finding and revoking the All-Cargo Air Service Certificate of Overseas National Airways.

The complet text of Order 79-9-114 is available from our Distribution Section, Room 516, 1825 Connecticut Avenue, N.W, Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 79-9-114 to the Distribution Section, Civil Aeronautics Board, Washington, D.C. 20428.

By the Civil Aeronautics Board: September 20, 1979.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79-29884 Filed 9-25-79; 8:45 am]

BILLING CODE 6320-01-M

[Order 79-9-130; Docket 31932]

Pacific Western Airlines, Ltd.; Order To Show Cause

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause: Order 79-9-130.

SUMMARY: The Board proposes to approve the following application:

Applicant: Pacific Western Airlines, Ltd.

Application Date: December 29, 1977. Docket 31932.

Authority Sought: Renewal and amendment of foreign air carrier permit to operate Fifth Freedom charters.

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 October 16, 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 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 issue the proposed permit or certificate.

ADDRESSES FOR OBJECTIONS:

Docket 31932. Docket Section: Civil Aeronautics Board, Washington, D.C. 20428.

Applicant: Pacific Western Airlines, Ltd., c/o David B. Ortman, Suite 210, 1750 New York Avenue, NW., Washington, D.C. 20006.

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: C. Robert Mallalieu, Jr. Bureau of International Aviation, Civil Aeronautics Board; (202) 673-5407

By the Civil Aeronautics Board: September 20, 1979.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79-29887 Filed 9-25-79; 8:45 am]

BILLING CODE 6320-01-M

[Order 79--9-109]

Pittsburgh-Las Vegas Nonstop Air Route Authority

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order 79-9-109.

SUMMARY: The Board is proposing to award Pittsburgh-Las Vegas nonstop air route authority under section 401 of the Federal Aviation Act of 1958, as amended, to USAir (formerly Alleghency Airlines), Western 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 October 26, 1979, a statement of objections, together with a summary of testimony, statistical data, and other material expected to be relied upon to support the stated objections.

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 October 11, 1979.

ADDRESSES: Objections or Additional Data should be filed in Docket 25242, Docket Section, Civil Aeronautics Board, Washington, D.C., 20428.

FOR FURTHER INFORMATION CONTACT: James F. Adley, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C., 20428, (202) 673-5412.

SUPPLEMENTARY INFORMATION: Objections should be served upon the following persons: United Air Lines, USAir, Western Air Lines, the City of Pittsburgh and the City of Las Vegas.

The complete text of Order 79-09-109 is available from the Distribution Section, Room 516, Civil Aeronautics Board, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 79-9-109 to that address.

By the Civil Aeronautics Board: September 20, 1979.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 79-29883 Filed 9-25-79; 8:45 am]

BILLING CODE 6320-01-M

COMMISSION ON CIVIL RIGHTS

Rhode Island Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Rhode Island Advisory Committee (SAC) of the Commission will convene at 4:30p and will end at 6:30p, on October 16, 1979, at Central Congregational Church, 296 Angell Street, Providence, Rhode Island.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the New England Regional Office of the Commission, 55 Summer Street, 8th Floor, Boston Massachusetts 02110.

The purpose of this meeting is to present update on juvenile justice; discuss program planning for FY 80 and SAC Regional Conference.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., September 21, 1979.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 79-29842 Filed 9-25-79; 8:45 am]

BILLING CODE 6335-01-M

Vermont Advisory Committee; Amended Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights that a planning meeting of the Vermont Advisory Committee (SAC) of the Commission originally scheduled for October 15, 1979, at Montpelier, Vermont (FR Doc. 79–29180, page 54531) has been changed.

The meeting will now be held October 18, 1979. The time and place will remain the same.

Dated at Washington, D.C., September 21, 1979.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 79–29843 Filed 9–25–79; 8:30 am]

BILLING CODE 6335–01–M

DEPARTMENT OF COMMERCE

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 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.

Patent 4,147,858: Fluorocarbon Ether Bibenzoxazole Oligomers containing Reactive Acetylenic Terminal Groups, filed July 19, 1978; patented April 3, 1979; not available NTIS.

Patent 4,147,868: Acetylene-Substituted Aromatic Benzils and Acetylene-Terminated Quinoxaline Compositions, filed January 19, 1978; patented April 3, 1979; not available NTIS.

Patent 4,147,995: Foil Moderated Radioactive Preionization System for Gas Lasers, filed August 19, 1977; patented April 3, 1979; not available NTIS.

Patent 4,148,050: Radiation Dose Rate Hardened Light Detector, filed January 3, 1979; patented April 3, 1979; not available NTIS.

Patent 4,149,016: Perfluoroethers, filed November 16, 1977; patented April 10, 1979; not available NTIS.

Patent 4,149,884: High Specific Strength Polycrystalline Titanium-Based Alloys,filed June 30, 1978; patented April 17, 1979; not available NTIS.

Patent 4,151,358: Ethynyl-Substituted Bis-Naphthalimides, filed January 19, 1978; patented April 24, 1979; not available NTIS.

Patent 4,151,478: Nonlinearly Variable Grain Apparatus, filed January 3, 1978; patented April 24, 1979; not available NTIS.

Patent 4,151,539: Junction-Storage JFET Bucket-Brigade Structure, filed December 23, 1977; patented April 24, 1979; not available NTIS.

U.S. Department of the Navy, Assistant Chief for Patents, Office of Naval Research, Code 302, Arlington, Va. 22217.

Patent application 6–005–635: Electrochromic Optical Mask and Method of Fabrication, filed January 22, 1979.

Patent application 6–008,820: Collective Particle Accelerator, Filed February 2, 1979.

Patent application 6–010,859: Silicon Barrier Josephson Junction Configuration, filed February 9, 1979.

Patent application 6–013,093: Three Dimensional Integrated Circuits, filed February 21, 1979.

Patent application 6–024,136: Neutral Beam Sustained Astron Reactor, filed March 26, 1979.

Patent application 6–024,235: Solar Energy Heat-Storage Tank, filed March 26, 1979.

Patent application 6–027,691: V3Ga Composite Superconductor; filed April 6, 1979.

Patent application 965,755: Laser Device with Intraresonator Harmonic Generator, filed December 4, 1978.

Patent 4,124,368: Insensitive Ammonium Nitrate, filed October 1, 1976; patented November 7, 1978; not available NTIS.

Patent 4,124,452: Distillation Technique for Removal of UDMH from Water, filed May 22, 1978; patented November 7, 1978; not available NTIS.

Patent 4,125,725: Phenylated Carboxyquinoxalines, filed June 3, 1977; patented November 14, 1978; not available NTIS.

Patent 4,125,893: Integrated Refractive Effects Prediction System, filed March 25, 1977; patented November 14, 1978; not available NTIS.

Patent 4,126,732: Surface Passivation of IV–VI Semiconductors with As2S3, filed August 16, 1977; patented November 21, 1978; not available NTIS.

Patent 4,138,401: (3,2-g) Pyranoquinoline Derivatives, filed March 29, 1976; patented February 6, 1979; not available NTIS.

Patent 4,140,912: Atmospheric Radon Monitor, filed July 25, 1977; patented February 20, 1979; not available NTIS.

Patent 4,143,336: Xenon Bromide (XeBr) Excimer Laser, filed March 3, 1976; patented March 6, 1979; not available NTIS.

[FR Doc. 79–29775 Filed 9–25–79; 8:45 am]

BILLING CODE 3510–04–M

COUNCIL ON ENVIRONMENTAL QUALITY

Third Progress Report on Agency Implementing Procedures Under the National Environmental Policy Act

AGENCY: Council on Environmental Quality.

ACTION: Information Only: Publication of Third Progress Report on Agency Implementing Procedures Under the National Environmental Policy Act.

SUMMARY: In response to President Carter's Executive Order 11991, on November 29, 1978, the Council on Environmental Quality issued regulations implementing the procedural provisions of the National Environmental Policy Act ("NEPA"). (43 FR 55978–56007; 40 CFR 1500–08) Section 1507.3 of the regulations provides that each agency of the Federal Government shall have adopted procedures to supplement the regulations by July 30, 1979. The Council has indicated to Federal agencies its intention to publish progress reports on agency efforts to develop implementing procedures under the NEPA regulations. The purpose of these progress reports, the third of which appears below, is to provide an update on where agencies stand in this process and to inform interested persons of when to expect the publication of proposed procedures for their review and comment.

FOR FURTHER INFORMATION CONTACT: Nicholas C. Yost, General Counsel, Council on Environmental Quality, 722 Jackson Place, N.W., Washington, D.C. 20006; 202–395–5750.

Third Progress Report on Agency Implementing Procedures Under the National Environmental Policy Act

At the direction of President Carter (Executive Order 11991), on November 29, 1978, the Council on Environmental Quality issued regulations implementing the procedural provisions of the National Environmental Policy Act ("NEPA"). These regulations appear at

Volume 43 of the **Federal Register**, pages 55978–56007 and in forthcoming revisions to Volume 40 of the Code of Federal Regulations, §§ 1500–1508. Their purpose is to reduce paperwork and delay associated with the environmental review process and to foster environmental quality through better decisions under NEPA.

Section 1507.3 of the NEPA regulations provides that each agency of the Federal government shall adopt procedures to supplement the regulations. The purpose of agency "implementing procedures," as they are called, is to translate the broad standards of the Council's regulations into practical action in Federal planning and decisionmaking. Agency procedures will provide government personnel with additional, more specific direction for implementing the procedural provisions of NEPA, and will inform the public and State and local officials of how the NEPA regulations will be applied to individual Federal programs and activities.

In the course of developing implementing procedures, agencies are required to consult with the Council and to publish proposed procedures in the **Federal Register** for public review and comment. Proposed procedures must be revised as necessary to respond to the ideas and suggestions made during the comment period. Thereafter, agencies are required to submit the proposed final version of their procedures for 30 days review by the Council for conformity with the Act and the NEPA regulations. After making such changes as are indicated by the Council's review, agencies are required to promulgate their final procedures. Although CEQ's regulations required agencies to publish their procedures by July 30, a number of Federal agencies did not meet this deadline.

The Council published its first progress report on agency implementation procedures on May 7, 1979, and its second progress report on July 23, 1979. (44 FR 26781–82; 44 FR 43037–38.) The third progress report appears below. The Council hopes that concerned members of the public will review and comment upon agency procedures to insure that the reforms required by President Carter and the Council's regulations are implemented. Agencies preparing implementing procedures are listed under one of the following four categories:

Category #1: Final Procedures Have Been Published

This category includes agencies whose final procedures have appeared in the **Federal Register.**

Central Intelligence Agency, 44 FR 45431 (Aug. 2, 1979).
Department of Agriculture, 44 FR 44802 (July 30, 1979): Animal and Plant Health Inspection Service, 44 FR 50381 (August 28, 1979) [correction 44 FR 51272 (August 31, 1979)]; Forest Service, 44 FR 44718 (July 30, 1979); Soil Conservation Service, 44 FR 50576 (August 29, 1979)
Department of Defense, 44 FR 46841 (August 9, 1979)
Export-Import Bank, 44 FR 50810 (August 30, 1979)
International Communications Agency, 44 FR 45489 (August 2, 1979)
Marine Mammal Commission, 44 FR 52837 (September 11, 1979)
National Aeronautics and Space Administration, 44 FR 44485 (July 30) [correction: 44 FR 49650 (August 24, 1979)]
Overseas Private Investment Corporation, 44 FR 51385 (August 31, 1979) [NEPA Procedures are contained in this agency's procedures implementing Executive Order 12114]

Category #2: Proposed Procedures Have Been Published

The category includes agencies whose proposed procedures have appeared in the **Federal Register.** Those agencies whose final procedures are expected within 30 days are marked with a single asterisk (*); those expected within 60 days by a double asterisk (**).

Advisory Council on Historic Preservation, 44 FR 40653 (July 12, 1979)*
Civil Aeronautics Board, 44 FR 45637 (August 3, 1979)
Department of Agriculture: Agriculture Stabilization and Conservation Service, 44 FR 44167 (July 27, 1979) [correction: 44 FR 45631 (August 3)]; Rural Electrification Administration, 44 FR 28383 (May 15, 1979)*
Department of Defense: Department of the Air Force, 44 FR 44118 (July 26, 1979)*; Department of the Army, Corps of Engineers, 44 FR 38292 (June 29, 1979)*
Department of Energy, 44 FR 42136 (July 18, 1979): Federal Energy Regulatory Commission, 44 FR 50052 (August 27, 1979)*
Department of Housing and Urban Development: Community Development Block Grant Program, 44 FR 45568 (August 2, 1979)*
Department of the Interior, 44 FR 40436 (July 10, 1979): Bureau of Reclamation, 44 FR 47627 (August 14, 1979); Heritage Conservation and Recreation Service, 44 FR 49523 (August 23, 1979)
Department of Justice, 44 FR 43751 (July 26, 1979):* Drug Enforcement Agency, 44 FR 43754 (July 26, 1979):* Immigration and Naturalization Service, 44 FR 43754 (July 26, 1979);* Bureau of Prisons, 44 FR 43753 (July 26, 1979)*
Department of Transportation, 44 FR 31341 (May 31, 1979):* Coast Guard 44 FR 37098 (June 25, 1979)*; Federal Aviation Administration, 44 FR 32094 (June 4, 1979)*; Federal Railroad Administration, 44 FR 40174 (July 9, 1979)*
Department of Treasury, 44 FR 39692 (July 6, 1979)*
Environmental Protection Agency, 44 FR 35158 (June 18, 1979)*
Federal Communications Commission, 44 FR 38913 (July 3, 1979)**
Federal Maritime Commission, 44 FR 29122 (May 18, 1979)
Federal Trade Commission, 44 FR 42712 (July 20, 1979)
General Services Administration, 44 FR 33485 (June 11, 1979): Public Buildings Program, 44 FR 27473 (May 10, 1979)
National Capital Planning Commission, 44 FR 33185 (June 8, 1979)*
National Science Foundation, 44 FR 46901 (August 9, 1979)**
Pennsylvania Avenue Development Corporation, 44 FR 45925 (August 6, 1979)
Postal Service, 44 FR 36991 (June 25, 1979) [Addition—44 FR 52262 (September 7, 1979)]*
Small Business Administration, 44 FR 45002 (July 31, 1979)*
Tennessee Valley Authority, 44 FR 39679 (July 6, 1979)*
Veterans Administration, 44 FR 48281 (August 17, 1979)*
Water Resources Council, 44 FR 43749 (July 26, 1979)**

Category #3: Anticipate Publication of Proposed Procedures by October 10

This category includes agencies that are expected to publish proposed procedures in the **Federal Register** by October 10, 1979.

ACTION
Agency for International Development
Department of Agriculture: Science and Education Administration
Department of Commerce: National Oceanic and Atmospheric Administration
Department of Defense: Department of the Army; Department of the Navy
Department of Health, Education, and Welfare: Food and Drug Administration
Department of Housing and Urban Development
Department of Labor
Department of State
Federal Emergency Management Agency
International Boundary and Water Commission (U.S. Section)
Nuclear Regulatory Commission

Category #4: Publication of Proposed Procedures Delayed Beyond October 10, 1979

This category includes agencies that are *not* expected to publish proposed procedures in the **Federal Register** by October 10, 1979.

Appalachian Regional Commission
Arms Control and Disarmament Agency
Community Services Administration
Consumer Product Safety Commission
Department of Agriculture: Farmers Home Administration
Department of Commerce: Economic Development Administration
Department of the Interior: Bureau of Indian Affairs; Bureau of Land Management; Bureau of Mines; Fish and Wildlife Service; Geological Survey; National

Park Service; Office of Surface Mining Reclamation and Control
Department of Justice: Law Enforcement Assistance Administration
Department of Transportation: Federal Highway Administration; National Highway Traffic Safety Administration; Urban Mass Transportation Administration; Saint Lawrence Seaway Corporation
Farm Credit Administration
Federal Deposit Insurance Corporation
Federal Home Loan Bank Board
Federal Reserve System
Federal Savings and Loan Insurance Corporation
Interstate Commerce Commission
METRO
National Credit Union Administration
Securities and Exchange Commission

The development of agency implementing procedures is a critical stage in Federal efforts to reform the NEPA process. These procedures must, of course, be consistent with the Council's regulations and provide the means for reducing paperwork and delay and producing better decisions in agency planning and decisionmaking.

Interested persons will have the opportunity to make their suggestions for improving agency procedures when they are published in the **Federal Register** in proposed form. Broad public participation at this crucial juncture could go a long way toward ensuring that the goals of the NEPA regulations are widely implemented in the day-to-day activities of government.

Nicholas C. Yost,

General Counsel.

September 20, 1979.

[FR Doc. 79-29796 Filed 9-25-79; 8:45 am]

BILLING CODE 3125-01-M

Progress Report on Agency Procedures Implementing Executive Order 12114, "Environmental Effects Abroad of Major Federal Actions" (January 4, 1979)

September 21, 1979.

AGENCY: Council on Environmental Quality, Executive Office of the President.

ACTION: Information Only: Publication of First Progress Report on Agency Procedures Implementing Executive Order 12114, "Environmental Effects Abroad of Major Federal Actions."

SUMMARY: On January 4, 1979, President Carter issued Executive Order 12114 entitled "Environmental Effects Abroad of Major Federal Actions." Executive Order 12114 requires all federal agencies taking major federal actions outside the U.S. which are encompassed by and not exempted from the Order, to have in effect procedures implementing the Order within 8 months after January 4, 1979 (i.e., by September 4, 1979). The Order requires agencies to consult with the Council on Environmental Quality and the Department of State before putting their implementing procedures in effect. The Council has previously published certain explanatory documents concerning implementation of EO 12114 (44 FR 18722, March 29, 1979). The purpose of this progress report is to provide an update on where affected agencies stand in this process.

FOR FURTHER INFORMATION CONTACT: Nicholas C. Yost, General Counsel, Council on Environmental Quality, 722 Jackson Place, N.W., Washington, D.C. 20006; (202) 395-5750.

Progress Report on Agency Procedures Implementing EO 12114

The progress report lists federal agencies in two categories. In Category 1 are agencies that have published proposed or final procedures implementing Executive Order 12114. Category 2 lists agencies that have prepared draft procedures or are in the process of developing such procedures, and contains an estimated time such procedures will be published in the **Federal Register.**

Category 1—Federal Agencies That Have Published Proposed or Final Procedures Implementing EO 12114

Department of Defense—Final Procedures issued April 12, 1979 (44 FR 21786)
Export-Import Bank of the United States—Final* Procedures issued August 30, 1979 (44 FR 50813)
Overseas Private Investment Corporation—Final* Procedures issued August 31, 1979 (44 FR 51385)
Department of Energy—Proposed Guidelines issued September 6, 1979 (44 FR 52146)
Department of Transportation—See proposed NEPA procedures (DOT Order 5610.1C) issued May 31, 1979 (44 FR 31341), Paragraph 16
National Aeronautics and Space Administration—See Final NEPA procedures § 1216.321 issued July 30, 1979 (44 FR 44490-44491)

Category 2—Federal Agencies Scheduled To Publish Procedures Implementing EO 12114 in the Near Future

Department of State—
(1) Draft procedures implementing EO 12114 (except nuclear actions) awaiting final approval
(2) Draft "Unified Procedures Applicable To Major Federal Actions Relating To Nuclear Activities Subject To Executive Order 12114" awaiting final approval
Agency for International Development—Proposed Amendments to AID Environmental Procedures awaiting final approval
Department of Commerce—Draft Proposed Procedures awaiting final approval
National Oceanic and Atmospheric Administration—Draft NEPA Procedures (incorporating procedures implementing EO 12114)
Environmental Protection Agency—Draft Procedures implementing EO 12114 (to be incorporated as Subpart J to EPA NEPA regulations) awaiting final approval
Department of Agriculture—Amendments (containing procedures implementing EO 12114) to departmental NEPA procedures are under preparation. These amendments are expected to be published in final in the near future.
Department of Treasury—Draft Procedures implementing EO 12114 are under preparation. These procedures are expected to be published in the near future.
Department of Interior—Draft Procedures implementing EO 12114 are under preparation. These procedures are expected to be published in the near future.

Nicholas C. Yost,

General Counsel.

September 21, 1979.

[FR Doc. 79-29890 Filed 9-25-79; 8:45 am]

BILLING CODE 3125-01-M

*Although not published in proposed form for public review and comment, the preamble provides an opportunity for public comment on final procedures.

DEPARTMENT OF DEFENSE

Corps of Engineers

Intent To Prepare a Draft Environmental Impact Statement (DEIS)

AGENCY: U.S Army Corps of Engineers, DOD.

ACTION: Notice of Intent to Prepare a Draft Environmental Impact Statement (DEIS)

SUMMARY: Intent to Prepare a Draft Environmental Impact Statement (DEIS) for a permit application for a proposed dredge and fill operation by the State of Alabama, Department of Mental Health, for the construction of a barge canal and appurtenances for unloading facilities on the Black Warrior River, River Mile 342.73, Tuscaloosa County, Alabama.

1. *Description of Proposed Action:* The applicant proposes to perform mechanical excavation and hydraulic dredging for the purpose of constructing a barge channel of a proposed industrial complex located on Warrior River, River Mile 342.7, near the City of Tuscaloosa, Alabama. The proposed barge canal will be approximately 300 feet wide by 3,600 feet long to a depth of −10 feet below ordinary high water which also includes a turning basin 600 feet by 600 feet square at the northern section of the canal. Approximately four million cubic yards of sandy-clayey material will be removed from the proposed barge

channel and used for fill and levee material to protect the surrounding site of 460 acres from being inundated by a potential 100-year flood as shown on the attached plans. Sheetpiling will be placed along perimeter of canal landward of proposed waterfront structures to control erosion of the bank. Subject structures will be designed to facilitate loading and unloading barges servicing proposed process and fabricating industries to be located within the site area. Sanitary wastes will be discharged into the City of Tuscaloosa's sewer system. Future maintenance dredging disposal areas have been set aside as shown on attached drawings and have a combined area of 15 acres and will accommodate approximately 250,000 cubic yards of advance maintenance material. Appropriate erosion control measures will be utilized on all cuts to minimize erosion and sloughing of slopes of subject cut areas. A soil reconnaissance survey has been completed by the applicant and is on file for review in the District Office during regular working hours. The overall acreage for the proposed industrial park is approximately 2,300 acres. The facilities will be served by a railspur from I.C.G. Railroad and highway access to U.S. Highway 82, immediately to the north of site.

2. *Alternative to the Proposed Action:* The alternative to the proposed action is "no action." Additional alternatives may be identified during the scoping process.

3. *Description of the Scoping Process:* Public involvement to date on the permit application has involved circulation of Public Notice No. AL78-00221-F on August 7, 1978. The scoping process, as outlined by the Council on Environmental Quality in the June 29, 1979, **Federal Register**, National Environmental Policy Act-Regulations, will be utilized to involve Federal, State and local agencies and other interested persons. Significant issues to be addressed in the EIS will be identified through the scoping process.

4. *Scoping Meeting:* The time, date and location of the scoping meeting have tentatively been set for 1300 hours, September 17, 1979, at the Mobile Municipal Auditorium, Mobile, Alabama, in Room 3.

5. *DEIS Preparation:* It is estimated that the DEIS will be available to the public in the summner of 1980.

ADDRESS: Questions about the proposed action and DEIS can be answered by: Mr. James B. Hildreth, PD-EE U.S. Army Engineer District, Mobile, P.O. Box 2288, Mobile, AL, 36628.

Dated: September 6, 1979.

Robert H. Ryan,

Colonel, EN District Engineer.

[FR Doc. 79-29773 Filed 9-25-79; 8:45 am]

BILLING CODE 3710-CR-M

Intent To Prepare a Draft Environmental Impact Statement for a Proposed Maintenance Dredging, Snagging and Clearing and Lock Operation in the Hudson River, N.Y.

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Notice of Intent to Prepare a Draft Environmental Impact Statement.

SUMMARY: 1. Description of Proposed Action—Maintenance Dredging and snagging and clearing in the Hudson River from NYC to Waterford and operation of the Federal Lock at Troy, New York.

2. Reasonable Alternatives—Potentially, various dredged material disposal sites in the individual reaches that need to be dredged.

3. Scoping Process—

a. Public Involvement—Contact will be made with those agencies, groups or individuals who are the standard commentators or who have shown an interest in Hudson River dredging. Any others who are interested in supplying input to DEIS should contact EIS coordinator listed below.

b. Significant Issues Requiring In-depth Analysis—Disposal site characteristics (value of, stability, occurrence of endangered species, proximity to valuable resources, archeological resources).

c. Assignments—None Anticipated.

d. Environmental review and consultation—Review will be as outlined in Corps Engineering Regulation 200-2-2 (DRAFT) dated 22 June 1979. Possible additional permits required, New York Water Quality Certificates and/or fresh water wetlands permits.

4. Scoping Meeting will be held October 17, 1979, at 10:00, location 26 Federal Plaza, New York, NY 10007.

5. Estimated date of statement availability: March, 1981.

Address: Project Manager, Charles Bruno, Attn: NANOP-N, Tel. No. (212) 264-0175. EIS Coordinator, Robert Will, Attn: NANEN-E, Tel. No. (212) 264-4662. U.S. Army Engineer District, New York, 26 Federal Plaza, New York, NY 10007.

Dated: September 19, 1979.

P. A. DeScenza,

Chief, Engineering Division.

[FR Doc. 79-29874 Filed 9-25-79; 8:45 am]

BILLING CODE 3710-06-M

Department of the Navy

Naval Discharge Review Board; Hearing Locations

In November 1975, the Naval Discharge Review Board began to convene and conduct prescheduled discharge review hearings for a number of days each quarter in locations outside of the Washington, D.C. area. The cities in which these hearings are scheduled are determined in part by the concentration of applicants in a geographical area.

The following Naval Discharge Review Board itinerary for October 1979 thru February 1980 has been approved, but remains subject to modification if required:

October 1979, Chicago, IL, Minneapolis, MN.
November 1979, Salt Lake City, UT, San Diego, CA, San Francisco, CA.
December 1979, Salt Lake City, UT, San Diego, CA, San Francisco, CA.
January 1980, Atlanta, GA, New Orleans, LA, Tampa, FL.
February 1980, Portland, OR, San Francisco, CA.

The foregoing schedule supersedes the schedule published in the **Federal Register** for Friday, August 10, 1979.

Any former member of the Navy or Marine Corps who desires a discharge review, either in Washington, D.C., or in a city nearer to his or her residence, should file an application with the Navy Discharge Review Board using DD Form 293. If a personal appearance is requested, the petitioner should indicate on the application which location is preferred. Application forms (DD 293) may be obtained from, and the completed application should be mailed to, the following address: Naval Discharge Review Board, Suite 910, 801 North Randolph Street, Arlington, Virginia 22203.

Notice is hereby given that, since the foregoing itinerary is subject to modification and since, following receipt of a new application, the Naval Discharge Review Board must obtain the applicant's military records before a hearing may be scheduled, the submission of an application to the Naval Discharge Review Board is not tantamount to scheduling a hearing. Applicants and/or their representatives will be notified by mail of the date and place of their hearing when a personal appearance has been requested.

For further information concerning the Naval Discharge Review Board, contact: Captain John G. Shaw, U.S. Navy, Executive Secretary, Naval Discharge Review Board, Suite 910, 801 North Randolph Street, Arlington, Virginia 22203, (202) 696–4881.

Dated: September 17, 1979.

P.B. Walker,

Captain, JAGC, U.S. Navy, Deputy Assistant Judge Advocate General (Administrative Law).

[FR Doc. 79–29776 Filed 9–25–79; 8:45 am]

BILLING CODE 3810–70–M

Reestablishment of Long Beach Naval Station as a Pacific Fleet Homeport; decision

Pursuant to the provisions of the regulations implementing the procedural provisions of the National Environmental Policy Act. (Part 1505.2 of title 40, Code of Federal Regulations), the Department of the Navy announces its decision to reestablish the Long Beach, California, Naval Station as a Pacific Fleet Homeport.

The decision to reopen the Long Beach Naval Station as an active homeport will mean that approximately 9,000 military and civilian personnel and their dependents, plus 27 ships are to be ordered to Long Beach to coincide with the regular overhaul and new construction programs. Alternatives considered were no action and relocation of ships to other Pacific Coast ports. Long Beach was the environmentally preferable alternative as the facility that could easily accommondate the ships without major military construction. The existence of docks and supporting activities at Long Beach were influencing factors. As with other ports, the Navy has multiple programs to minimize environmental harm especially in the areas of waste disposal and oil pollution abatement. Monitoring to specifically identify air quality parameters will be accomplished as the Los Angeles Basin does note increased levels of pollution under adverse meteorological conditions.

For further information concerning this decision, contact: Mr. Edward W. Johnson, Environmental Protection and Occupational Safety and Health Division of the Office of the Deputy Chief of Naval Operations (Logistics), Room BD 766, Pentagon Washington, D.C. 20350, Telephone no. (202) 697–3668.

Dated: September 21, 1979.

P. B. Walker,

Captain, JAGC, U.S. Navy, Deputy Assistant Judge Advocate General (Administrative Law).

[FR Doc. 79–29900 Filed 9–25–79; 8:45 am]

BILLING CODE 3810–71–M

Office of the Secretary

The Privacy Act of 1974; Deletions and Addition of Records Systems

AGENCY: Office of the Secretary of Defense (OSD).

ACTION: Notice of four deletions and one proposed new system of records under the Privacy Act of 1974.

SUMMARY: The Office of the Secretary of Defense proposes adding a new system of records to its inventory identified as DWHS P36, entitled: "Award Records for Military-Office of the Secretary of Defense (OSD) Personnel". The record system is published in its entirety below. This makes obsolete four existing records systems also identified below as deleted.

DATES: The new system shall become effective as proposed without further notice on October 26, 1979, unless comments are received on or before October 26, 1979, which would result in a contrary determination and require republication for further comments.

ADDRESS: Send comments to the System Manager identified in the record system.

FOR FURTHER INFORMATION CONTACT: Mr. James S. Nash, Chief, Records Management Division, Room 5C315, Pentagon, Washington, D.C. 20301, telephone 202–695–0970.

SUPPLEMENTARY INFORMATION: The Office of the Secretary of Defense record system notices inventory as prescribed by the Privacy Act of 1974, P.L. 93–579 (5 U.S.C. 552a) have been published in the **Federal Register** as follows:

FR Doc. 77–28255 (42 FR 50731) September 28, 1977
FR Doc. 78–25891 (43 FR 42375) September 20, 1978
FR Doc. 78–34821 (43 FR 58405) December 14, 1978
FR Doc. 78–35943 (43 FR 60331) December 27, 1978
FR Doc. 79–8786 (44 FR 17780) March 23, 1979
FR Doc. 79–11351 (44 FR 22143) April 13, 1979
FR Doc. 79–15267 (44 FR 28706) May 16, 1979
FR Doc. 79–17755 (44 FR 32724) June 7, 1979
FR Doc. 79–20389 (44 FR 38967) July 3, 1979
FR Doc. 79–26595 (44 FR 50081) August 27, 1979
FR Doc. 79–27756 (44 FR 52017) September 6, 1979
FR Doc. 79–28093 (44 FR 52714) September 10, 1979

The Office of the Secretary of Defense has submitted a new system report on August 23, 1979, for the proposed new record system under the provisions of 5 U.S.C. 552a(o) of the Privacy Act of 1974 which requires advance notice.

H. E. Lofdahl,

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

September 21, 1979.

Deletions

The following Office of the Secretary of Defense (OSD) systems of records are deleted:

DWHS P15

System name:

Department of Defense Distinguished Service Medal Files (43 FR 42424, September 20, 1978).

Reason:

This system will be replaced by the new system (DWHS P36) published below.

DWHS P16

System name:

Joint Service Commendation Medal Recommendations File (43 FR 42424, September 20, 1978).

Reason:

This system will be replaced by the new system (DWHS P36) published below.

DWHS P31

System name:

Department of Defense Superior Service Medal (43 FR 42431, September 20, 1978).

Reason:

This system will be replaced by the new system (DWHS P36) published below.

DWHS P35

System name:

Defense Meritorious Service Medal Files (44 FR 38989, July 3, 1979).

Reason:

This system will be replaced by the new system (DWHS P36) published below.

DWHS P36

System name:

Award records for military-Office of the Secretary of Defense (OSD) personnel.

System location:

Directorate for Personnel and Security, Washington Headquarters Services, Department of Defense, Room 3B347, Pentagon, Washington, D.C. 20301.

Categories of individuals covered by the system:

Military personnel recommended for Defense medals.

Categories of records in the system:

Master log, copy of approved award signed by the Secretary of Defense, which contains the name, grade, Social Security Number, duty title, duty activity and period of assignment.

Authority for maintenance of the system:

5 USC 301; 10 USC 1121; Executive Orders 11904 and 12019.

Routine uses of records maintained in the system, including categories of users and the purpose of such uses:

Internal users, uses, and purposes:

Military Personnel Division—To insure that certificate, citation, and medal are obtained and transmitted to the individual receiving the award.

External users, uses, and purposes:

See Office of the Secretary of Defense (OSD) Blanket Routine Uses at the head of this Component's published system notices.

Policies and practices for storing, retrieving, assessing, retaining, and disposing of records in the system:

Storage:

Metal five drawer legal size file cabinet with lock.

Retrievability:

Filed by case number with a master log.

Safeguards:

Building has security guards. File is maintained in an area which is secured during nonworking hours.

Retention and disposal:

OSD Award records are transferred to Washington National Records Center (WNRC) after three years, then destroyed when fifteen (15) years old. The appropriate Service files a record in the individual's personnel folder.

System manager(s) and address:

Director of Personnel and Security, WHS, Room 3B347, Pentagon, Washington, D.C. 20301.

Notification procedure:

Information may be obtained from: Directorate for Personnel and Security, Washington Headquarters Services (WHS), Department of Defense, Room 3B347, Pentagon, Washington, D.C. 20301, Telephone: 202–697–5271.

Record access procedures:

Requests from individuals should be addressed to the above System Manager.

Contesting Record procedures:

The Agency's rules for access to records and for contesting contents and appealing initial determinations by the individual concerned are contained in 32 CFR 286b and OSD Administrative Instruction No. 81.

Record source categories:

Recommendations received from various Department of Defense related activities.

Systems exempted from certain provisions of the act:

None.

[FR Doc. 79–29913 Filed 9–25–79; 8:45 am]

BILLING CODE 3810–70–M

DOD Advisory Group on Electron Devices; Advisory Committee Meeting

Working Group A (Mainly Microwave Devices) of the DoD Advisory Group on Electron Devices (AGED) will meet in closed session October 17, 1979 at 201 Varick Street, 9th Floor, New York, NY 10014.

The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group A meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. The microwave device area includes programs on developments and research related to microwave tubes, solid state microwave, electronic warfare devices, millimeter wave devices, and passive devices. The review will include classified program details throughout.

In accordance with 5 U.S.C. App. 1, section 10(d) (1976), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. § 552b(c) (1) (1976), and that accordingly, this meeting will be closed to the public.

September 19, 1979.

H.E. Lofdahl,

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

[FR Doc. 79–29777 Filed 9–25–79; 8:45 am]

BILLING CODE 3810–70–M

DOD Advisory Group on Electron Devices; Advisory Committee Meeting

Working Group C (Mainly Imaging and Display) of the DoD Advisory Group on Electron Devices (AGED) will meet in closed session October 30, 1979, at 201 Varick Street, 9th floor, New York, NY 10014.

The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group C meeting will be limited to review of research and development programs which the Military Departments propose to initiate with industry, universities or in their laboratories. This special device area includes such programs as infrared and night vision sensors. The review will include classified program details throughout.

In accordance with 5 U.S.C. App. 1, section 10(d) (1976), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1976), and that accordingly, this meeting will be closed to the public.

September 19, 1979.

H. E. Lofdahl,

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

[FR Doc. 79–29778 Filed 9–25–79; 8:45 am]

BILLING CODE 3810–70–M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[ERA Case Nos. 52101–6085–01–77 and 52101–6085–02–77]

Northern Indiana Public Service Co., Request for Classification

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of request for classification.

SUMMARY: On June 4, 1979, Northern Indiana Public Service Company (NIPSCO) requested the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) to classify R. M. Schahfer Generating Station Units 16A and 16B (Schahfer 16A and 16B) as an existing facility pursuant to Section 515.6 of the Revised Interim Rule to Permit Classification of Certain Powerplants and Installations as Existing Facilities (Revised Interim Rule) issued by ERA on March 15, 1979 (44 FR 17464), and pursuant to the provisions of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA). FUA imposes certain statutory prohibitions against the use of natural gas and petroleum by new and existing electric powerplants. ERA's decision in this matter will determine whether Schahfer 16A and 16B are new or existing powerplants. The prohibitions which apply to existing powerplants are different from those which apply to new powerplants. (Although NIPSCO filed separate requests with ERA for classification of Schahfer 16A and 16B as existing facilities, the requests have been consolidated for analysis by ERA since the costs pertaining to the two units' commonly shared auxiliary and fuel supply facilities are inseparable.)

The purpose of this Notice is to invite interested persons to submit written comments on this matter prior to the issuance of a final decision by ERA. In accordance with Section 515.26 of the Revised Interim Rule, no public hearings will be held.

DATES: Written comments are due on or before October 17, 1979.

ADDRESSES: Ten copies of written comments shall be submitted to: Department of Energy, Case Control Unit, Box 4629, Room 2313, 2000 M Street NW., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT: William L. Webb (Office of Public Information), Economic Regulatory Administration, Department of Energy, 2000 M Street NW., Room B–110, Washington, D.C. 20461, PHone (202) 634–2170.

James W. Workman, Acting Director, Division of Existing Facilities Conversion, Economic Regulatory Administration, Department of Energy, 2000 M Street NW., Washington, D.C. 20461, Phone (202) 254–7450.

G. Randolph Comstock, Deputy Assistant General Counsel for Coal Regulations, Department of Energy, 12th and Pennsylvania Avenue NW., Room 7134, Washington, D.C. 20461, Phone (202) 633–8814.

Robert L. Davies, Acting Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, 2000 M Street NW., Room 3128L, Washington, D.C. 20461, Phone (202) 254–7442.

SUPPLEMENTARY INFORMATION: Northern Indiana Public Service Company (NIPSCO) is a corporation organized under the laws of the State of Indiana. NIPSCO supplies electric service in 21 counties in the northern third of Indiana.

NIPSCO stated that it executed contracts in July 1978, for the construction of two 75 MW, peak-shaving oil-fired turbine-generators, to be known as R. M. Schahfer Generating Station Units 16A and 16B (Schahfer 16A and 16B) in Jasper County, Indiana, and that commercial operation is scheduled for June 1979.

On June 4, 1979, pursuant to ERA's Revised Interim Rule to Permit Classification of Certain Powerplants and Installations as Existing Facilities (Revised Interim Rule) issued by ERA on March 15, 1979, NIPSCO requested that ERA classify Schahfer 16A and 16B as "existing" facilities.

In accordance with Section 515.6 of ERA's Revised Interim Rule a powerplant will be classified as existing if the cancellation, rescheduling or modification of the construction or acquisition of a powerplant would result in a substantial financial penalty or an adverse effect on the electric system reliability. NIPSCO supported its request for classification by providing evidence in support of their claim that it would suffer a substantial financial penalty if Schahfer 16A and 16B were not permitted to proceed as oil-burning facilities. A summary of the evidence requirements and NIPSCO's response to those requirements follows:

Substantial financial penalty—Pursuant to Section 515.6(a) of the Revised Interim Rule, ERA will classify a facility as existing upon a demonstration that at least 25 percent of the total projected project cost as of November 9, 1978, was expended in nonrecoverable outlays as of November 9, 1978.

In response to the evidence requirements of Section 515.7(b)(1) of the Revised Interim Rule, NIPSCO provided the following information:

Schahfer 16A and 16B

Total projected project costs as of November 9, 1978—$32,151,000.

Total project expenditures, including obligation and cancellation charges, as of November 9, 1978—$25,267,000.

Total recoverable expenditures—$2,966,000.

Total nonrecoverable outlays including penalty charges for obligations and cancellations—$23,301,000.

Nonrecoverable outlays percentage of total project expenditures as of November 9, 1978—72 percent.

ERA hereby invites all interested persons to submit written comments on this matter.

The public file, containing NIPSCO's request for classification and supporting materials is available for inspection upon request at: ERA, Room B–110, 2000 M Street NW., Washington, D.C. 20461, Monday–Friday, 8:00 a.m.–4:30 p.m.

Issued in Washington, D.C., on September 19, 1979.

Robert L. Davies,

Acting Assistant administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 79–29878 Filed 9–25–79; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1328–3]

Huron River Steel Co., Sandusky, Ohio; Final Determination

In the matter of the applicability of Title I, Part C of the Clean Air Act (Act), as amended, 42 U.S.C. 7401 *et seq.*, and the Federal regulations promulgated thereunder at 40 CFR 52.21 (43 FR 26388, June 19, 1978) for Prevention of Significant Deterioration of Air Quality (PSD), to Huron River Steel Company, Sandusky, Ohio.

On May 15, 1978, Huron River Steel Company submitted an application to the United States Environmental Protection Agency (U.S. EPA), Region V office, for an approval to construct a steel mill. Additional information was submitted by the Company on July 21, 1978. The application was submitted pursuant to the regulations for PSD.

On September 8, 1978, Huron River Steel Company was notified that its application was complete and preliminary approval was granted.

On October 9, 1978, U.S. EPA published notice of its decision to grant a preliminary approval to Huron Steel Company. No comments or requests for a public hearing were received.

After review and analysis of all materials submitted by Huron River Steel Company the Company was notified on November 24, 1978, that U.S. EPA had determined that the proposed new construction in Sandusky, Ohio, would be utilizing the best available control technology and that emissions from the facility will not adversely impact air quality, as required by Section 165 of the Act.

This approval to construct does not relieve Huron River Steel Company of the responsibility to comply with the control strategy and all local, State and Federal regulations which are part of the applicable State Implementation Plan, as well as all other applicable Federal, State and local requirements.

This determination may now be considered final agency action which is locally applicable under Section 307(b)(1) of the Act and therefore a petition for review may be filed in the U.S. Court of Appeals for the Seventh Circuit by any appropriate party. In accordance with Section 307(b)(1), petitions for review must be filed sixty days from the date of this notice.

For further information contact Eric Cohen, Chief, Compliance Section, Region V, U.S. EPA, 230 South Dearborn Street, Chicago, Illinois 60604. (312) 353–2090.

John McGuire,

Regional Administrator Region V.

U.S. Environmental Protection Agency—Region V

In the matter of Huron River Steel Co.; proceeding pursuant to the Clean Air Act, as amended, EPA–5–A–79–2.

Authority

The approval to construct is issued pursuant to the Clean Air Act, as amended, 42 U.S.C. 7401 *et seq.*, (the Act), and the Federal regulations promulgated thereunder at 40 CFR 52.21 for the Prevention of Significant Deterioration of Air Quality (PSD).

Findings

1. The Huron River Steel Company (HRS) proposes to construct a steel mill consisting of an electric arc furnace, scrap handling facilities, lime handling facilities, a boiler, a casting and rolling plant and slag processing equipment. The mill is proposed for a site near Sandusky in Erie County, Ohio.

2. Erie County is a Class II area as determined pursuant to Section 162 of the Act and has been designated as a nonattainment area for particulate matter by the State of Ohio pursuant to Section 107 of the Act.

3. The proposed steel mill is subject to the requirements of 40 CFR 52.21 and the applicable sections of the Act. The mill is not subject to the requirements of the Interpretive Ruling (41 FR 55524–30) because the allowable rate of particulate matter emissions from the proposed mill is less than 100 tons per year.

4. HRS submitted to the U.S. Environmental Protection Agency (U.S. EPA) an application for approval to construct the proposed steel mill on May 15, 1978. On June 13, 1978, HRS was notified that their application was deficient. On June 21, 1978, HRS submitted additional information to U.S. EPA. On September 21, 1978, the application was determined to be complete and preliminary approval was granted.

5. On October 9, 1978, U.S. EPA published notice in the Sandusky Register, seeking written comments from the public on HRS's application and U.S. EPA's review and preliminary approval. There were no public comments and no requests for a public hearing.

6. After review of all the materials submitted by HRS, U.S. EPA has determined that emissions from the operation of the proposed steel mill will be reduced by application of the best available control technology and that emissions from the mill will not adversely impact air quality.

7. The electric arc furnace at the steel mill will meet a particulate emission limit at least as restrictive as the Federal Standard of Performance for Electric Arc Furnaces, 40 CFR Part 60, Subpart AA.

Conditions

8. Emissions from the positive pressure baghouse designed to control emissions from the electric arc furnace operation, melt shop, caster building, and tundish shall not exceed 0.0052 grains per dry standard cubic foot nor exit from this device at three percent opacity or greater.

9. There shall not be any visible emissions of particulate matter from any building or operation on the premises of HRS.

Conditions 8 and 9 are based upon the application of best available control technology as required by Section 165 of the Act.

10. HRS shall inform U.S. EPA of its start-up date at least one month in advance of that date.

11. HRS must install at least two transmissometers to monitor any row of discharge cowls and:

a. HRS must select one of the following alternatives:

1. Monitor all four rows of discharge cowls or,

2. Permanently install monitors on two preselected rows of discharge cowls and agree to increase the number of monitors if, in the opinion of Region V, it is warranted by operating conditions.

12. HRS shall submit monitoring reports to U.S. EPA in conformance with the requirements of 40 CFR 60.7(c) and 40 CFR 60.273(b).

13. HRS must construct and operate the proposed steel mill in accordance with the descriptions presented in their application for approval to construct. Any change in the proposed steel mill might alter U.S. EPA's conclusions and therefore, any changes in the steel mill must receive prior written authorization from U.S. EPA.

Approval

14. Approval to construct the steel mill is hereby granted to the Huron River Steel Company subject to the conditions expressed herein and consistent with the materials and data included in the application filed by the Company. Any departure from the conditions of this approval or the terms expressed in the application must receive the prior written authorization of U.S. EPA.

15. This approval to construct does not relieve HRS of the responsibility to comply with the control strategy and all local, State and Federal regulations which are part of the applicable State Implementation Plan, as well as all other applicable Federal, State and local requirements.

16. A copy of this approval has been forwarded to the Sandusky Library Association, West Adams and Columbus, Sandusky, Ohio, for public inspection.

Dated: November 24, 1978.

John McGuire,

Regional Administrator.

[FR Doc. 79–29896 Filed 9–25–79; 8:45 am]

BILLING CODE 6560–01–M

[FRL 1328–8]

Greeley, Colo.; Intent to Prepare a Draft Environmental Impact Statement

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Notice of Intent to prepare a supplemental draft environmental impact statement (EIS).

SUMMARY: To fulfill the requirements of Section 102(2)(C) of the National Environmental Policy Act, EPA has identified a need to prepare an EIS and therefore issues this Notice of Intent pursuant to 40 CFR 1501.7.

FOR FURTHER INFORMATION CONTACT: Mr. Gary Johnson, Environmental Evaluation Branch, U.S. Environmental Protection Agency, Region VIII, 1860 Lincoln Street, Denver, Colorado 80295. Telephone: (Commercial) 303–837–4831, (FTS) 8–327–4831.

SUPPLEMENTARY INFORMATION:

1. Description of proposed action: The EPA action would be the approval of a facilities plan and the issuance of grant monies pursuant to Section 201 of the Clean Water Act for the design and construction of wastewater treatment facilities for the city of Greeley located in Weld County, Colorado.

2. Public and private participation in the EIS process: Full participation by interested Federal, State and local agencies as well as other interested private organizations and parties is invited. The public will be involved to the maximum extent possible and is encouraged to participate in the planning process.

3. Scoping: The EPA Region VIII will be holding a meeting to discuss the alternatives relating to the scope of the draft EIS. For additional information, contact the person indicated above. Public notice will be given prior to all subsequent meetings.

4. Timing: EPA estimates the supplemental draft EIS will be available for public review and comment around November 1979.

5. Requests for copies of draft EIS: All interested parties are encouraged to submit their name and address to the person indicated above for inclusion on

the distribution list for the draft EIS and related public notices.

Dated: September 19, 1979.

William N. Hedeman,

Director, Office of Environmental Review.

[FR Doc. 79-29899 Filed 9-25-79; 8:45 am]

BILLING CODE 6560-01-M

[OTS-51002; FRL 1329-2]

Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA, or the Agency).

ACTION: Receipt of Premanufacture Notices.

SUMMARY: Section 5(a)(1)(A) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import. Section 5(d)(2) requires EPA to publish a summary of each PMN in the **Federal Register.** This Notice announces receipt of two PMN's and provides a summary of each.

DATE: Persons who wish to file written comments on a specific chemical substance should submit their comments no later than 30 days before the applicable notice review period ends.

ADDRESS: Written comments should bear the PMN number of the particular chemical substance, and should be submitted in triplicate, if possible, to the Document Control Officer (TS-793), Office of Toxic Substances, EPA, 401 M Street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Mr. Scott Flamm, Premanufacturing Review Division (TS-794), Office of Toxic Substances, EPA, Washington, D.C. 20460, telephone: 202/426-2601.

SUPPLEMENTARY INFORMATION: Under Section 5 of TSCA, any person who intends to manufacture or import a new chemical substance must submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under Section 8(b) of TSCA. On May 15, 1979, EPA announced the availability of the Initial Inventory, and identified June 1, 1979, as the official publication date (44 FR 28559). The Section 5 requirements became effective on July 1, 1979.

A PMN must include the information listed in Section 5(d)(1) of TSCA. Under Section 5(d)(2) subject to Section 14, EPA must publish in the **Federal Register** information on the identity and uses of the substance, as well as a description of any test data submitted under Section 5(b). In addition, EPA has decided that the Section 5(d)(2) notice will include a description of any other test data submitted with the PMN, plus the identity of the manufacturer, when possible.

Publication of the Section 5(d)(2) notice is subject to Section 14 concerning disclosure of confidential data. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identify, EPA will publish a generic name if the submitter provides one. If no generic name is provided, EPA will develop one and publish an amended notice after providing due notice to the submitter. EPA immediately will review confidentiality claims for chemical identity and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, after complying with applicable procedures, the Agency will place the information in the public file and will publish an amended notice of the information that should have been in the original **Federal Register** notice.

Once EPA receives a PMN, the Agency normally has 90 days to review it (Section 5(a)(1)). The Section 5(d)(2) **Federal Register** notice indicates the date when the review period ends for each PMN. Under Section 5(c), EPA may for good cause extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the **Federal Register.**

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When manufacture begins, the submitter must report to EPA and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, anyone may manufacture it without providing EPA notice under Section 5(a)(1)(A).

EPA has proposed Premanufacture Notification Requirements and Review Procedures (44 FR 2242, January 10, 1979). These requirements are not yet in effect. Interested persons should consult the Agency's Interim Policy (44 FR 28564, May 15, 1979) for guidance concerning premanufacturing requirements prior to the effective date of the premanufacture rules and forms. In particular, see the section entitled "Notice in the **Federal Register**" on p. 28567 of the Interim Policy.

Authority: Section 5 of the Toxic Substances Control Act (90 Stat. 2012; 15 U.S.C. 2604).

Dated: September 21, 1979.

John P. DeKany,

Deputy Assistant Administrator for Chemical Control.

I. PMN No. 5AHQ-0979-0022

Close of review period: December 17, 1979.

Manufacturer's identity: Uniroyal Chemical Co., Uniroyal, Inc., Elm Street, Naugatuck, Connecticut 06770.

New Chemical Substance: The generic name of the substance for this PMN is potassium salt of a polyfunctional aliphatic acid oligomer. The company claims the specific chemical identity to be confidential.

Uses: The substance is intended to be sold in bulk containers and to be used as a disperant for pigment slurries which are utlimately used in such industries as paint and paper. These pigments are typically inorganic colorants and inert additives, such as titanium dioxide, calcium carbonate and clays.

Data Submitted: The company submitted the following data concerning physical and chemical properties: The substance is defined as the potassium salt of a polyfunctional aliphatic acid oligomer which is a nonvolatile polymer. The product is highly soluble in water and will be marketed as an aqueous solution. It is essentially neutral, having a pH of about 7.5.

Data submitted for a 25 percent solution of a similar chemical substance (sodium salt of a polyfunctional aliphatic acid oligomer) which has been in commercial production for several years showed on acute oral LD_{50} of over 20(ml)/kg. This product was also shown to be "not an irritant to rabbit skin" and only a "mild transient irritant to the rabbit eye."

Below is a comparison of indicators of environmental pollution for this material and related chemicals.

Comparison of Indicators of Environmental Pollution

	Sodium salt	Potassium salt	Ammonium salt
Chemical Oxygen Demand (COD) (mg/l)[1]	3273	3057	3309
Biological Oxygen Demand (BOD) (mg/l)[1]	300	300	300
Microbiological Senstivity Test (MST)[1]	Negative	Negative	Negative
pH[1]	8.2	7.4	7.6

[1] 1% solution of final product.

The company indicates that fish toxicity data are being obtained for this compound and will submitted at a later date.

II. PMN No. 5AHQ-0979-0023

Close of Review Period: December 17, 1979.

Manufacturer's Identify: Uniroyal Chemical Co., Uniroyal, Inc., Elm Street, Naugatuck, Connecticut 06770.

New Chemical Substance: The generic name of the substance for this PMN is ammonium salt of a polyfunctional aliphatic acid oligomer. The company claims the specific chemical identity to be confidential.

Uses: The substance is intended to be sold in bulk containers and to be used as a disperant for pigment slurries which are ultimately used in such industries as paint

and paper. These pigments are typically inorganic colorants and inert additives, such as titanium dioxide, calcium carbonate and clays.

Data Submitted: The company submitted the following data concerning physical and chemical properties: The substance is defined as the ammonium salt of a polyfunctional aliphatic acid oligomer which is a nonvolatile polymer. The product is highly soluble in water and will be marketed as an aqueous solution. It is essentially neutral, having a pH of about 7.5.

Data submitted for a 25 percent solution of a similar chemical substance (sodium salt of a polyfunctional aliphatic acid oligomer) which has been in commercial production for several years showed an acute oral LD_{50} of over 20(ml)/kg. This product was also shown to be "not an irritant to rabbit skin" and only a "mild transient irritant to the rabbit eye."

Below is a comparison of indicators of environmental pollution for this material and for related chemicals.

Comparison of Indicators of Environmental Pollution

	Sodium salt	Potassium salt	Ammonium salt
Chemical Oxygen Demand (COD) (mg/l)[1]	3273	3057	3309
Biological Oxygen Demand (BOD) (mg/l)[1]	300	300	300
Microbiological Sensitivity Test (MST)[1]	Negative	Negative	Negative
pH[1]	8.2	7.4	7.6

[1] 1% solution of final product.

The company indicates that fish toxicity data are being obtained for this compound and will submitted at a later date.

The reports on which data are based and other nonconfidential information concerning this notice are available in the public record in the Office of Toxic Substances Reading Room from 9:00 a.m. to 5:00 p.m. on working days (Room E-447, 401 M Street, SW., Washington, D.C. 20460.

[FR Doc. 79-29897 Filed 9-25-79; 8:45 am]

BILLING CODE 6560-01-M

[OTS-50007; FRL 1329-1]

Transfer of TSCA Inventory Forms to Subcontractor; Data Transfer

AGENCY: Environmental Protection Agency (EPA), Office of Toxic Substances.

ACTION: Notice of Data Transfer.

SUMMARY: EPA's contractor, Chemical Abstracts Service (CAS), a division of the American Chemical Society, has entered into a subcontract with the Micrographics Division of Anacomp, Inc. for the microfilming of approximately 100,000 Inventory Reporting Forms A, B, and C. Some of the information on these forms has been claimed as confidential by the submitting companies.

DATE: The microfilming of the Inventory Reporting Forms will begin no sooner than October 10, 1979.

FOR FURTHER INFORMATION CONTACT: John B. Ritch, Jr., Director, Industry Assistance Office, Office of Toxic Substances (TS-793), Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460. The toll-free telephone number is 800-424-9065. In Washington, DC, please call 554-1404.

SUPPLEMENTARY INFORMATION: Under Section 8(a) of TSCA and the Inventory Reporting Regulations, 40 CFR 710, manufacturers and importers of chemical substances reported information, including confidential business information, for the chemical substance inventory. The original reporting forms have been kept in a secure area at the CAS facility in Columbus, Ohio. To facilitate handling of the information on the forms, EPA, through CAS's subcontractor Micrographics Division of Anacomp, Inc. of Columbus, Ohio, will microfilm the forms. CAS will then continue to maintain in secure storage the original forms and one microfiche copy. The original microfiche and a second copy will be forwarded to the Chemical Information Division at EPA Headquarters and will be placed in secure facilities.

Duplication of the original microfiche images will be performed by Anacomp, under the supervision of a CAS employee, at Anacomp's facilities. All other work under this subcontract will be performed at CAS facilities. Anacomp shall return to CAS all documents, includeing all microimages and all waste material, whether original or in process.

This subcontract is entered into in accordance with Prime Contract #68-01-4684 between the American Chemical Society and the United States Environmental Protection Agency.

Pursuant to 40 CFR 2.306(j), it has been determined that it is necessary for Anacomp to be furnished these forms in order to satisfactorily perform its work under this subcontract.

Pursuant to the EPA/TSCA Confidential Business Information Security Manual, Anacomp has been authorized to have access to this information. A security plan for Anacomp has been approved, and EPA's Security and Inspection Division has conducted the required inspection of the Anacomp facilities and found them to be in compliance with the requirements of the TSCA Confidential Business Information Security Manual.

Anacomp is required to treat all TSCA Confidential Business Information in accordance with the requirements of that Manual.

Statutory authority: Section 8 of TSCA (Pub. L. 94-469, 90 Stat. 2003, 15 U.S.C. 2601 *et seq.*)

Dated: September 18, 1979.

Marilyn C. Bracken,

Deputy Assistant Administrator, Program Integration and Information.

[FR Doc. 79-29896 Filed 9-25-79; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL COMMUNICATIONS COMMISSION

KUNO, FM, Inc., et al; Applications for Construction Permits; Memorandum Opinion and Order

Adopted: September 10, 1979.

Released: September 19, 1979.

In the matter of applications of KUNO, FM, INC., Corpus Christi, Texas; Req: 99.1 MHz, Channel 256 100 kW (H&V), 750 feet; BC Docket No. 79-223, File No. BPH-10,114; Big "C" Broadcasting Corporation, Corpus Christi, Texas; Req: 99.1 MHz, Channel 256 100 kW (H&V), 932 feet; BC Docket No. 79-224, File No. BPH-10,644; A. V. Bamford, Corpus Christi, Texas; Req: 99.1 MHz, Channel 256, 100 kW (H&V), 894 feet; BC Docket No. 79-225, File No. BPH-10,649; Radio KCCT, Inc., Corpus Christi, Texas; Req: 99.1 MHz, Channel 256, 100 kW (H&V), 750 feet; BC Docket No. 79-226, File No. BPH-10,654; for construction permits

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned mutually exclusive applications of KUNO, FM, Inc. (KUNO), Big "C" Broadcasting Corporation (Big "C"), A.V. Bamford (Bamford) and Radio KCCT, Inc. (KCCT.) [1]

[1] On January 4, 1979, the staff issued deficiency letters to each of the applicants, indicating that requested information should be submitted in amendment form within 30 days. On January 31, 1979, counsel for Bamford requested an extension of time until March 1, 1979. On March 1, 1979, Bamford's counsel filed a further request for extension of time until March 6, 1979 to respond to the deficiency letter. On March 13, 1979, counsel for Bamford tendered for filing an amendment signed by counsel, with a request for waiver of the certification rules. In support, Bamford's counsel cited delay in the mails and express mail between the applicant in California and counsel in Washington, D.C. On March 16, 1979, counsel for Bamford tendered for filing the amendment executed by Mr. Bamford. Counsel for KCCT opposed Bamford's March 1, 1979 further request for extension of time. Inasmuch as the workload of the staff prevented processing of the application amendments during the relatively brief period requested, and Bamford has submitted the properly executed amendment, DCCT's request for dismissal of the Bamford application will be denied, Bamford's request for extension of time will be

Footnotes continued on next page

2. A review of KUNO's application reveals two deficiencies with regard to our certification requirements which necessitate the specification of an improper certification issue. We note that Section I, Page 2, and Section IV–A, Page 6 of FCC Form 301, are certified by John F. Robards, Vice President and General Manager, under date of June 23, 1976. However, Section V–B, Page 2, and Section V–G of the same application are certified by Donald G. Everist, consulting engineer, under date of June 28, 1976. Section I, Page 2 of FCC Form 301 requires that the certification portion of the application "not be dated and signed until all Sections and Exhibits have been prepared and attached." Accordingly, we are specifying an issue to permit KUNO to clarify the circumstances surrounding the preparation of its application.

3. Analysis of the financial data submitted by Bamford reveals that $34,015 will be required to construct the proposed station and operate for three months, itemized as follows:

Equipment lease down payment	$3,106
Equipment lease payments with interest	4,659
Land (lease)	1,250
Building	3,000
Miscellaneous	10,500
Operating costs . . . (three months)	11,500
Total	34,015

Bamford plans to finance construction and operation with the following funds: $13,933.76 in cash and a bank loan of $25,000. Although the applicant shows a checking account balance of $13,933.76 as of February 23, 1979, Bamford did not submit a current balance sheet. The balance sheet as of July 7, 1977, filed in Exhibit 2 of the original application showed cash on hand and in banks in excess of $12,000 and marketable securities ($5,000 Pan American Airways bond and 300 shares of Signor Corporation) worth at least $10,000. However, the balance sheet disclosed current liabilities in the amount of $14,200. Thus Banford's cash ($13,933.76) and securities ($10,000), when offset against current liabilities ($14,200), leaves $9,733.76 in quick assets available. In addition, the bank commitment does not contain terms of interest, repayment and collateral as required by Paragraph 4(e) of Section III of the Form. Accordingly, Bamford has established the availability of only $9,733.76 to meet anticipated costs of $34,015 and a limited financial issue will be specified.

4. Analysis of the financial data submitted by KCCT reveals that $122,654 will be required to construct and operate the proposed station for three months itemized as follows:

Equipment	$82,284
Miscellaneous	17,120
Operating Costs (three months)	23,250
Total	122,654

KCCT plans to finance construction and operation with the following funds: cash on hand and in banks, $13,000, and loan from Frost National Bank, San Antonio, Texas, $275,000. However, the bank's loan commitment letter expired on July 7, 1977. Therefore, a limited financial issue will be specified.

5. Bamford's survey of community leaders of other areas to be served omitted the communities of Kingsville, Alice, Robstown, Portland, Arkansas Pass, Sinton and Mathis. Since the staff's letter to Bamford overlooked this deficiency, we will not specify an issue at this time. However, to assure that the applicant's ascertainment effort adequately reflects the problems and needs of its proposed service area and is in substantial compliance with the Commission's *Primer on Ascertainment of Community Problems by Broadcast Applicants*, we will afford Bamford an opportunity to amend its application within fifteen days of the release of this order to include community leader surveys from the aforementioned areas. See *Processing of Contested Broadcast Applicants*, 44 FR 34947, published June 18, 1979, 45 RR 2 . 1220, paras. 47–55.

6. KCCT proposes predominantly Spanish language programming and Bamford proposes 50% Black and Hispanic programming, while the other applicants propose general market programming. However, neither KCCT nor Bamford have made a predesignation showing that their respective proposed formats are not available in the particular market in a substantial amount.[2] Accordingly, in accordance with the Commission's Memorandum Opinion and Order, *George E. Cameron Jr., Communications (KROQ)*, FCC 79–206, 71 FCC 2d 460 (1979), neither applicant would receive a preference in its specialized format and inquiry at hearing on this score is unnecessary.

7. Recognizing that its proposed 3.16 mV/m contour will encompass the entire population of Corpus Christi but not the entire area within the legal boundaries of the city, as depicted on a map obtained from the Department of Planning and Urban Development of the city on May 13, 1977, Big "C" requests a waiver of the principal community coverage provisions of Section 73.315(a) of the Commission's Rules. In support, Big "C" states that the small area of Corpus Christi that lies outside the proposed 3.16 mV/m contour consists of the extreme eastern portion of the water of Corpus Christi Bay and unoccupied mud flats on the western side of Mustang Island. Our review of the other mutually extensive applications indicates that extension of the city limits of Corpus Christi as depicted by Big "C" results in similar principal community coverage deficiencies for each of the proposals. Since the area of Corpus Christi situated outside the proposed 3.16 mV/m contour consists entirely of water and uninhabited land, the proposals are in substantial compliance with the rule, and the matter need not be explored in hearing.

8. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

9. Accordingly, it is ordered, that A. V. Bamford's request for extension of time to file an amendment responsive to the Commission's deficiency letter is granted, the amendment is accepted, and A. V. Bamford's request for waiver of the application certification rules is dismissed as moot.

10. It is further ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

(1) To determine whether the application of KUNO, FM, Inc. was properly certified and executed in accordance with Commission requirements, and the effect thereof, it any, on the applicant's basic qualifications to be a Commission licensee.

(2) To determine with respect to A. V. Bamford:

(a) The source and availability of additional funds over and above the $9,733.76 indicated; and

(b) Whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

(3) To determine with respect to Radio KCCT, Inc.:

Footnotes continued from last page
granted and the amendment accepted, and his request for waiver of the certification rules will be dismissed as moot.

[2] Bamford states only that it would be the only FM station in Corpus Christi offering a 50% Black and Hispanic and 50% progressive country format. Bamford application, Section IV–A, Paragraph 17. This falls short of the required showing of an absence of such programming in a substantial amount in the particular market.

(a) The source and availability of additional funds over and above the $13,000 indicated; and

(b) Whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

(4) To determine which of the proposals would, on a comparative basis, best serve the public interest.

11. It is further ordered, that, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

12. It is further ordered, that the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594 of the Commission's Rules, give notive of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission.

Richard J. Shiben,

Chief, Broadcast Bureau.

[FR Doc. 79-29858 Filed 9-25-79; 8:45 am]

BILLING CODE 6712-01-M

GENERAL SERVICES ADMINISTRATION

[D-79-1]

Delegation of Authority to the Chairman of the Federal Home Loan Bank Board

1. *Purpose.* This delegation confers upon the Chairman of the Federal Home Loan Bank Board any and all authority of the Administrator of General Services under the Public Buildings Cooperative Use Act of 1976 (40 U.S.C. 490(a) (16)) to outlease commercial space at the Bank Board's Headquarters Building, 1700 G Street, NW., Washington, D.C.

2. *Effective date.* This delegation of authority is effective immediately.

3. *Delegation.* (a) Pursuant to the authority vested in me by the Public Buildings Cooperative Use Act of 1976, the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 486(d)), the Public Building Act of 1959, as amended (40 U.S.C. 490(a)(16)), and the Federal Home Loan Bank Act of 1932, as amended (12 U.S.C. 1438(c)(4)), authority is delegated to the Chairman of the Federal Home Loan Bank Board to outlease the commercial space in the Federal Home Loan Bank Board's Headquarter Building, 1700 G Street, NW., Washington, D.C.

(b) The Chairman of the Federal Home Loan Bank Board may redelegate this authority to any official, officer or employee of the Federal Home Loan Bank Board.

(c) This authority shall be exercised in accordance with the authorities set forth in subparagraph (a), above, and, where appropriate, the National Environmental Policy Act of 1969, section 106 of the National Historic Preservation Act of 1966, and the Federal Property and Administrative Services Act of 1949, as amended, and all other applicable statutes, regulations, and guidlines.

Dated: September 14, 1979.

R. G. Freeman III,

Administrator of General Services.

[FR Doc. 79-29779 Filed 9-25-79; 8:45 am]

BILLING CODE 6820-23-M

[GSA Bulletin FPR 37, Federal Procurement, Supplement 1]

Companies Not in Compliance With the Voluntary Wage and Price Standards

September 14, 1979.

1. *Purpose.* This supplement adds an additional company to the list of companies that have been determined to be in noncompliance with the Voluntary Wage and Price Standards formulated pursuant to Executive Order 12092.

2. *Expiration date.* This bulletin contains information of a continuing nature and will remain in effect until cancelled.

3. *Substance.* The following company is added to the companies listed in paragraph 4 of GSA Bulletin FPR 37, dated August 17, 1979:

Effective August 7, 1979

Laclede Steel Company, Equitable Building, St. Louis, Missouri 63102.

Pete Kayafas,

Acting Assistant Administrator for Acquisition Policy.

[FR Doc. 79-29780 Filed 9-25-79; 8:45 am]

BILLING CODE 6820-61-M

Public Buildings Service

Meeting on Consolidating Federal Agency Locations

The General Service Administration, in accordance with the National Environmental Policy Act of 1969 as amended, and the regulations issued by the Council of Environmental Quality, November 29, 1978, proposes to conduct a Program Environmental Impact Statement (PEIS) on the central business area of Atlanta, Georgia. The PEIS will evaluate the environmental consequences of consolidating Federal agencies in the CBA in an existing building, Federally leased constructed building, or the rehabilitation and readaptive use of a historic, architecturally or culturally significant building.

A meeting to discuss the consolidation of Federal agencies will be held on September 28, 1979, beginning at 10:00 a.m. in the L. D. Strom Auditorium, Richard B. Russell Federal Building and Courthouse, 75 Spring Street, S.W., Atlanta, Georgia 30303.

Interested persons will have an opportunity to express their views as to the effects of consolidating Federal agencies in the central business area of Atlanta, Georgia. Written statements will be accepted.

For additional information contact: General Services Administration, Attn.: Mr. William H. Capes (4PG), 75 Spring Street, S.W., Atlanta, GA 30303, Telephone: (404) 221-3080.

Wesley L. Johnson, Jr.,

Regional Administrator.

[FR Doc. 79-29937 Filed 9-25-79; 8:45 am]

BILLING CODE 6820-23-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health

Animal Resources Review Committee; Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Animal Resources Review Committee, Division of Research Resources, November 7, 1979, Room 104, Building 14G, National Institutes of Health, Bethesda, Maryland 20205.

The meeting will be open to the public on November 7 from 8:30 a.m. to 10:00 a.m., during which time there will be a brief staff presentation on the current status of the Animal Resources Program. The Committee will select future meeting dates. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552b(c)(4) and 552(c)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on November 7 from 11:00 a.m. to adjournment for the review, discussion, and evaluation of individual grant applications submitted to the Laboratory Animal Sciences Program. These applications and discussions could reveal confidential trade secrets

or commercial property such as patentable material and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. James Augustine, Information Officer, Division of Research Resources, Room 5B39, Bldg. 31, National Institutes of Health, Bethesda, Maryland 20205, (301) 496–5545, will provide summaries of the meeting and rosters of the Committee members. Dr. Dennis O. Johnsen, Executive Secretary of the Animal Resources Review Committee, Room 5B55, Bldg. 31, National Institutes of Health, Bethesda, Maryland 20205, (301) 496–5175, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Programs No. 13.306, National Institutes of Health)

Dated: September 20, 1979.

Suzanne L. Fremeau,

NIH Committee Management Officer.

[FR Doc. 79–29816 Filed 9–25–79; 8:45 am]

BILLING CODE 4110–08–M

Biomedical Library Review Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Biomedical Library Review Committee, National Library of Medicine, on November 13–14, 1979, convening each day at 8:30 a.m. in the Board Room of the National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland, to adjournment on November 14.

This meeting will be open to the public from 8:30 to 11:00 a.m on November 13 for the discussion of administrative reports and program developments. Attendance by the public will be limited to space available.

In accordance with provisions set forth in section 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and section 10(d) of Pub.L. 92–463, the meeting will be closed to the public from 11:00 a.m. on November 13 to adjournment on November 14 for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Roger W. Dahlen, Executive Secretary of the Committee, and Chief, Division of Biomedical Information Support, Extramural Programs, National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland 20209, telephone number: 301–496–4191, will provide summaries of the meeting, rosters of the committee members, and other information pertaining to the meeting.

(Catalog of Federal Domestic Assistance Program No. 13.879—National Institutes of Health.)

Dated: September 20, 1979.

[FR Doc. 79–29817 Filed 9–25–79; 8:45 am]

BILLING CODE 4110–08–M

Board of Scientific Counselors; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Heart, Lung, and Blood Institute Board of Scientific Counselors, November 29 and 30, 1979, National Institutes of Health, Building 10, Room 7N214. This meeting will be open to the public from 9:00 a.m. to 5:00 p.m. on November 29 and from 9:00 a.m. to 12 noon on November 30 for discussion of the general trends in research relating to cardiovascular, pulmonary and certain hematologic diseases. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in section 552b(c)(6), Title 5, U.S. Code section 10(d) of Pub. L. 92–463, the meeting will be closed to the public from 1:30 p.m. to adjournment November 30 for the review, discussion, and evaluation of individual programs and projects conducted by the National Institutes of Health, including consideration of personnel qualifications and performance, the competence of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 5A03, National Institutes of Health, Bethesda, Maryland 20205, phone (301) 496–4236, will provide summaries of the meeting and rosters of the Board members. Substantive program information may be obtained from Dr. Jack Orloff, Director, Division of Intramural Research, NHLBI, NIH Building 10, Room 7N214, phone (301) 496–2116.

Dated: September 20, 1979.

Suzanne L. Fremeau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 79–29820 Filed 9–25–79; 8:45 am]

BILLING CODE 4110–08–M

Cancer Control and Rehabilitation Advisory Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Cancer Control and Rehabilitation Advisory Committee, National Cancer Institute, October 22, 1979, Building 31—A Wing, Conference Room 4, National Institutes of Health, Bethesda, Maryland 20205.

The entire meeting will be open to the public from 9:00 a.m. to adjournment, to review planning for several projects planned for funding in fiscal year 1980. Attendance by the public will be limited to space available.

Mrs. Marjorie F. Early, Committee Management Officer, National Cancer Institute, Building 31, Room 4B43, National Institutes of Health, Bethesda, Maryland 20205 (301/496–5708) will provide summaries of the meeting and rosters of committee members, upon request.

Mr. H. C. Noyes, Acting Executive Secretary, National Cancer Institute, Blair Building, Room 720, Silver Spring, Maryland 20910 (301/427–8636) will furnish substantive program information.

Dated: September 20, 1979.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

[FR Doc. 79–29813 Filed 9–25–79; 8:45 am]

BILLING CODE 4110–08–M

Genetic Basis of Disease Review Committee; Meeting

Purusant to Pub. L. 92–463, notice is hereby given of the meeting of the Genetic Basis of Disease Review Committee, National Institute of General Medical Sciences on November 19–20, 1979, 9 a.m. Conference Room 7, Building 31C, National Institute of Health, Bethesda, Maryland.

This meeting will be open to the public on November 19 from 9 a.m. to 11 a.m. for opening remarks and discussion of procedural matters and issues relevant to the Genetics Program. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Title 5, U.S. Code 552(b)(c)(6), the meeting will be closed to the public on November 19 from 11 a.m. to 5 p.m., and November 20 from 9 a.m. until adjournment, for the review, discussion, and evaluation of institutional training grant applications in genetics. These applications and the discussions could disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy.

Mr. Paul Deming, Public Information Officer, NIGMS, Westwood Building, Room 9A12, Bethesda, Maryland 20205, telephone (301) 496–7301, will furnish summary minutes of the meeting and a roster of committee members.

Mrs. Mary L. Wolff, Executive Secretary, Genetic Basis of Disease Review Committee, National Institute of General Medical Sciences, Room 953 Westwood Building, telephone (301) 496–7585, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program 13–862, General Medical Sciences Genetics Program)

Dated: September 20, 1979.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

[FR Doc. 79–29819 Filed 9–25–79; 8:45 am]

BILLING CODE 4110–08–M

Maternal and Child Health Research Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Maternal and Child Health Research Committee, National Institute of Child Health and Human Development, on November 15–16, 1979, in the Landow Building, Conference Room E, first floor, 7910 Woodmont Avenue, Bethesda, Maryland.

This meeting will be open to the public on November 15 from 9:00 a.m. to 10:30 a.m. to discuss items relative to the Committee's activities including announcements by the Director, Deputy Director, Associate Director for Scientific Review and the Chiefs of the Human Learning and Behavior and the Clinical Nutrition and Early Development Branches and the Executive Secretary of the Committee. Concept clearance for contract programs of the Center for Research for Mothers and Children will be discussed. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Title 5, U.S. Code 552(c)(4) and 522(c)(6) and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on November 15 from 10:30 a.m. to adjournment on November 16 for the review, discussion and evaluation of individual grant applications.

The applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mrs. Marjorie Neff, Committee Management Officer, NICHD, Building 31, Room 2A–04, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496–1848, will provide a summary of the meeting and a roster of committee members. Dr. Jane Showacre, Executive Secretary, Maternal and Child Health Research Committee, NICHD, Landow Building, Room 7C16, National Institutes of Health, Bethesda, Maryland, Area Code 301, 496–1696, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.865, National Institutes of Health)

Dated: September 20, 1979.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

[FR Doc. 79–29818 Filed 9–25–79; 8:45 am]

BILLING CODE 4110–08–M

National Advisory Eye Council; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Advisory Eye Council, National Eye Institute, October 25 and 26, 1979, Building 31, Conference Room 9, National Institutes of Health, Bethesda, Maryland.

This meeting will be open to the public from 9:00 a.m. until noon on Thursday, October 25, for opening remarks by the Director, National Eye Institute, discussion of procedural matters, and presentations by the extramural staff of the National Eye Institute. It will again be open to the public from 1:30 p.m. until adjournment on Friday, October 26, for a meeting of the Vision Research Program Planning Subcommittee of the National Advisory Eye Council. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Public Law 92–463, the meeting will be closed to the public from 1:00 p.m. for the remainder of the day on Thursday, October 25, and from 8:30 a.m. until noon on Friday, October 26, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable materials, and personal information concerning individuals associated with the applications, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. Julian Morris, Chief, Office of Scientific Reports and Program Planning, National Eye Institute, Building 31, Room 6A–25, AC 301/496–5248, will provide summaries of meetings and rosters of committee members.

Dr. Ronald G. Geller, Associate Director for Extramural and Collaborative Programs, National Eye Institute, Building 31, Room 6A–04, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.867, 13.868, 13.869, 13.870, and 13.871, National Institutes of Health)

Dated: September 20, 1979.

Suzanne L. Fremeau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 79–29814 Filed 9–25–79; 8:45 am]

BILLING CODE 4110–08–M

Transplantation Biology and Immunology Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Transplantation Biology and Immunology Committee, National Institute of Allergy and Infectious Diseases on November 2, 1979, National Institutes of Health, Building 31, Conference Room 8, Bethesda, Maryland.

This meeting will be open to the public from 8:30 a.m. to 12:30 p.m. on November 2, 1979 to discuss program policies and issues. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in section 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code section 10(d) of Pub. L. 92–463, the meeting of the Committee will be closed to the public on November 2, 1979 from 1:00 p.m. until 5:00 p.m., for the review, discussion, and evaluation of individual grant applications and contract proposals. These applications, proposals, and discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications and proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. Robert L. Schreiber, Chief, Office of Research Reporting and Public Response, NIAID, Building 31, Room 7A32, National Institutes of Health, Bethesda, Maryland 20205, telephone (301) 496–5717, will provide summaries of the meeting, and rosters of the Committee members.

Dr. Harley G. Sheffield, Executive Secretary, Transplantation Biology and Immunology Committee, NIAID, NIH Westwood Building, Room 706,

telephone (301) 496–7966 will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.855, National Institutes of Heath.)

Dated: September 20, 1979.

Suzanne L. Fremeau,

Committee Management Officer, NIH.

[FR Doc. 79-29815 Filed 9-25-79; 8:45 am]

BILLING CODE 4110-08-M

Board of Scientific Counselors; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Institute of Arthritis, Metabolism, and Digestive Diseases, October 19–20, 1979, National Institutes of Health, Building 2, Room 102, Bethesda, Maryland 20205.

This meeting will be open to the public from 9:30 a.m. to 4:30 p.m. on October 19, and from 9:00–11:00 a.m. on October 20, and will be devoted to scientific presentations by various laboratories of the NIAMDD intramural research. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, United States Code and Section 10(d) of Pub. L. 92–463, the meeting will be closed to the public from 4:30 p.m. to closing on October 19, and from 11:00 a.m. to adjournment on October 20, for the review, discussion, and evaluation of individual programs and projects conducted by the National Institutes of Health, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. James N. Fordham, Office of Scientific and Technical Reports, NIAMDD, National Institutes of Health, Building 31, Room 9A04, Bethesda, Maryland 20205, (301) 496–3583, will provide summaries of the meeting and rosters of the members.

Dated: September 20, 1979.

Suzanne L. Fremeau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 79-29812 Filed 9-25-79; 8:45 am]

BILLING CODE 4110-08-M

Clinical Trails Review Committee; Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the Clinical Trials Review Committee, National Heart, Lung, and Blood Institute, October 11–12, 1979, at the Boston Park Plaza Hotel, 64 Arlington Street, Boston, Massaachusetts at 8:00 p.m. on October 11, 1979.

This meeting will be open to the public from 8:00 p.m. to 9:00 p.m. on October 11, 1979, to discuss adminstrative details and to hear a report concerning the current status of the National Heart, Lung, and Blood Institute. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, United States Code and Section 10(d) of Pub. L. 902–463, the meetings will be closed to the public on October 11, 1979, from 9:00 p.m. toi adjournment on October 12, 1979, for the review, discussion and evaluation of an individual grant application. This application and the discussion could reveal personal information concerning individual assoicated with the application, disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, NHLBI, National Institutes of Health, Building 31, Room 4A–21, phone (301) 496–4236, will provide summaries of the meetings and rosters of committee members. Dr. Fred P. Heydrick, Chief, Research Contracts Review Section, Division of Extramural Affairs, NHLBI, Westwood Building, Room 548B, phone (301) 496–7363, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.837, National Institutes of Health)

Dated: September 20, 1979.

Suzanne L. Fremeau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 79-29806 Filed 9-25-79; 8:45 am]

BILLING CODE 4110-08-M

National Advisory Allergy and Infectious Diseases Council; Amended Notice of Meeting

Notice is hereby given of changes in the meeting dates and times of the "closed" and "open" portions of the National Advisory Allergy and Infectious Diseases Council, National Institute of Allergy and Infectious Diseases, which was published in the **Federal Register** on August 29, 1979 (44 FR 50659).

The Subcommittee on Manpower Development scheduled for October 22 at 2:00 p.m. has bee cancelled. The full Council meeting will be open to the public on October 23 from 9:00 a.m. until 9:30 a.m., and from 1:30 p.m. until recess, and on October 24 from 9:00 a.m. until 11:00 a.m.

The meeting will be closed to the public on October 23 from 9:30 a.m. until 1:30 p.m., and on October 24 from 11:00 until adjournment.

(Catalog of Federal Domestic Assistance Program Nos. 13.855 and 13.856, National Institutes of Health.)

Dated: September 11, 1979.

Suzanne L. Fremeau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 79-29810 Filed 9-28-79; 8:45 am]

BILLING CODE 4110-08-M

NIH Public Advisory Committee; Renewal

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92–463, 86 Stat. 770–77a6), the National Institutes of Health announces the renewal by the Secretary, HEW, with the concurrence of the Office of Management and Budget Committee Management Secretariat, of the following committees:

Bio-Psychology Study Section
Immunobiology Study Section
Neurology A Study Section
Surgery, Anesthesiology and Trauma Study Section
Toxicology Study Section
Research Manpower Review Committee

Authority for the above committees will expire on June 30, 1981, unless the Secretary formally determines that continuance is in the public interest.

Dated: September 14, 1979.

Donald S. Fredrickson,

Director, National Institutes of Health.

[FR Doc. 79-29811 Filed 9-25-79; 8:45 am]

BILLING CODE 4110-08-M

Office of the Assistant Secretary for Health

Intent To Grant Exclusive Patent License

Pursuant to § 6.3, 45 CFR, Part 6, and 41 CFR 101–4, notice is hereby given of intent to grant to Cardiassist Corporation an exclusive license to manufacture, use, and sell an invention of Clarence Dennis entitled "Process and Apparatus for Pressurizing Lower Extremities of a Patient During Ventricular Diastole," the license to be limited in scope, however, to the use of a liquid fluid for pressurizing the device. The device, using other pressurizing fluids, such as a gas, will remain available for nonexclusive licensing. A copy of United States Patent No. 3,303,841 may be obtained from the United States Patent and Trademark Office or by written request submitted to the Acting Chief of the Patent Branch,

Department of Health, Education, and Welfare, Room 5A03 Westwood Building, National Institutes of Health, Bethesda, Maryland 20205.

The proposed license will have a duration of five (5) years from the date of first commercial sale, may be royalty-bearing, and will contain other terms and conditions to be negotiated by the parties in accordance with Department of Health, Education, and Welfare patent regulations. The Department of Health, Education, and Welfare will grant the license unless, within sixty (60) days of this Notice, the Assistant Secretary for Health receives in writing, addressed to him at 330 Independence Avenue, SW., Washington, D.C. 20201, any of the following, together with supporting documents:

(1) A statement from any person setting forth reasons why it would not be in the best interest of the United States to grant the proposed license; or

(2) An application for a nonexclusive license to manufacture or sell the invention in the United States is submitted in accordance with 41 CFR 101–4–104–2, and the application states that applicant has already brought the invention to practical application, or is likely to bring the invention to practical application expeditiously.

(45 CFR 6.3 and 41 CFR 101–4)

Dated: September 19, 1979.

Julius B. Richmond,

Assistant Secretary for Health.

[FR Doc. 79–29801 Filed 9–25–79; 8:45 am]

BILLING CODE 4110–85–M

Office of the Assistant Secretary for Education

Data Acquisition Activities

AGENCY: Office of the Assistant Secretary for Education, Department of Health, Education, and Welfare.

ACTION: Notice of Data Acquisition Activities Involving Educational Agencies and Institutions.

SUMMARY: The paperwork control requirements in Section 400A of the General Education Provisions Act, added by Pub. L. 95–561, require public announcement of certain data requests that Federal agencies address to educational agencies and institutions. The Education Division of HEW proposes to collect the data described below from educational agencies or institutions during School Year 1979–80.

FOR FURTHER INFORMATION CONTACT: Mrs. Elizabeth M. Proctor, FEDAC Staff, 400 Maryland Avenue, S.W., Washington, D.C. 20202 Phone (202) 245–1022.

SUPPLEMENTARY INFORMATION: Under the Paperwork Control Amendments of 1978, section 400A of the General Education Provisions Act, the Secretary of Health, Education, and Welfare is responsible for reviewing and approving collection of information and data acquisition activities of all Federal agencies (1) Whenever the respondents are primarily educational agencies or institutions; and

(2) Whenever the purpose of the activities is to request information needed for the management of, or the formulation of, policy related to Federal education programs or research or evaluation studies related to the implementation of Federal education programs. The Secretary has delegated authority to the Assistant Secretary for Education.

We published interim FEDAC review procedures on August 8, 1979 (44 FR 46535), which are now effective. However, we are accepting public comments on the procedures until October 9 and we and the Federal Education Data Acquisition Council will decide if any changes are necessary based on any comments we receive.

One requirement is that "no information or data will be requested of any educational agency or institution unless that request has been approved and publicly announced by the February 15 immediately preceding the beginning of the new school year, unless there is an urgent need for this information or a very unusual circumstance exists regarding it." Since this requirement was not enacted until November, 1978, Federal agencies were unable to comply with it fully for data to be collected in School Year 1979–80 (the plan would have had to be announced by February, 1979). I determine an unusual circumstance exists regarding the data activities listed below because of the recent enactment of new review requirements.

Descriptions of proposed data acquisition activities for School Year 1979–80 are being published for comment. Most of these data acquisition activities were also listed—but not described in as much detail—in the **Federal Register** of February 15, 1979. Other activities previously approved were also in that list.

Each agency or institution subject to the request for the data, its representative organizations, or any member of the public, may comment on the proposed data acquisition activity. The Federal Education Data Acquisition Council Staff accepts comments at the above address. Comments should refer to the specific sponsoring agency and form number and they must be received on or before October 26, 1979.

I ask the affected educational agencies and institutions to cooperate in the following data collection activities that are being reviewed by the Federal Education Data Acquisition Council (FEDAC) Staff.

Dated: September 19, 1979.

Mary F. Berry,

Assistant Secretary for Education.

The proposed data collection activities are:

Description of a Proposed Collection of Information and Data Acquisition Activity

(a) Title of Proposed Activity

Application for Comprehensive Program of the Fund for the Improvement of Postsecondary Education.

(b) Agency/Bureau/Office

Office of the Assistant Secretary for Education/Fund for the Improvement of Postsecondary Education.

(c) Agengy Form Number

ASE 0001.

(d) Legislative Authority for This Activity

Pub. L. 92–318, Sec. 301(a) (2) 20 U.S.C. 1221d "Subject to the provisions of subsection (b), the Secretary is authorized to make grants and contracts with, institutions of postsecondary education (including combinations of such institutions) and other public and private educational institutions and agencies (except that no grant shall be made to an educational institution or agency other than a non-profit institution or agency) to improve postsecondary educational opportunities by providing assistance to such educational institutions and agencies for * * *".

(e) Concise Description of the Proposed Activity

The Comprehensive Program is an annual grant competition designed to solicit applications from postsecondary education institutions which propose to improve educational practice. The information requested is necessary to make decisions about which applications will receive grant awards.

(f) Voluntary/Obligatory Nature of Response

Voluntary.

(g) Justification of How Information Collection Will be Used

To determine how grants will be awarded.

(h) Data Acquisition Plan

(1) Method of Collection: Mail.
(2) Time of collection: January, 1980.
(3) Frequency: Annual.

(i) Timetable for Dissemination of the Collected Data

No dissemination of the data. Grant awards made in July.

(j) Respondents

(1) Type: Colleges and Universities.
(2) Estimated number by type: Preapplication: 1100; Application: 250.
(3) Estimated average man-hours per respondent: Preapplication: 11; Application: 80.
(1) Type: Non-profit organizations.
(2) Estimated Number by Type: Preapplication: 200; Application: 50.
Estimated average man-hours per respondent: Preapplication: 11; Application: 80.
(1) Type: Organizations other than schools or colleges.
(2) Estimated number by type: Preapplication: 200; Application: 50.
(3) Estimated average man-hours per respondent: Preapplication: 11; Application: 80.

(k) Estimated Costs and Person-Hours to the Respondents (Total)

Costs: $400, 500 hours: Preapplication: 16,500; Application: 28,000.

(l) Estimated Costs to the Federal Agency to Collect, Process and Analyze the Data (Contract, S&E)

$160,000.

(m) A List of the Specific Data To Be Collected From Each Type of Respondent

Institution name and address and type.
Contact person address and phone.
Federal identification number.
Type and number of clients benefiting from program.
Proposal title and abstract and narrative.
Federal funds requested.
Duration of project.
Budget detail on salaries and wages, benefits, consultants, travel, materials, and supplies, equipment, production and other expenses.

(n) Name and Address of Individual or Office from Which a Copy of the Data Instrument May Be Obtained

Fund for the Improvement of Postsecondary Education, 400 Maryland Avenue, SW., Room 3123, Washington, D.C. 20202.

Description of a Proposed Collection of Information and Data Acquisition Activity

(a) Title of Proposed Activity

The National Vocational Education Data Reporting and Accounting Systems.

(b) Agency/Bureau/Office

National Center for Education Statistics.

(c) Agency Form Number

NCES 2404, 2404–1, 2404–2, 2404–5, 2404–6, 2404–7, 2404–8.

(d) Legislative Authority for the Activity

"* * * National Center for Education Statistics shall design, implement and operate this information system. This system shall include information resulting from the evaluations required to be conducted by Sec. 112 Pub. L. 94–482 and other information on vocational" "(A) students (including information of their race and sex)," "(B) programs," "(C) program completers and leavers," "(D) staff," "(E) facilities, and (F) expenditures." (Sec. 161 (a) of Pub. L. 94–482)

(e) Concise Description of the Proposed Activity

This activity will develop the comprehensive vocational education data system mandated by the statute cited above.

(f) Voluntary/Obligatory Nature of Response

Required to obtain or maintain benefits.

(g) Justification of How Information Collected Will be Used

All Information collected will be used to prepare the Commissioner's Annual Report to Congress on the status of Vocational Education, and for planning and monitoring vocational education programs at the Federal, State and Local levels as mandated.

(h) Data Acquisition Plan

(1) Method of collection: Mail.
(2) Time of collection: November 15, 1980.
(3) Frequency: Annually.
(4) Method(s) of analysis: Regression analysis and multivariate analysis, and descriptive analysis.

(i) Timetable for Dissemination of the Collected Data

January 15, 1981—Numerical Data only July 1, 1981—Tabular format for Commissioner's Annual Report.

(j) Respondents

(1) Type: State Boards for Vocational Education.
(2) Estimated number by type: 57 (universe).
(3) Estimated average person-hours response time per type of respondent: 2150
(1) Type: Former Students.
(2) Estimated number by type: 336,000 (universe or sample).
(3) Estimated average person-hours response time per type of respondent: 0.17.
(1) Type: Employers.
(2) Estimated number by type: 75,000 (universe or sample).
(3) Estimated average person-hours response time per type of respondent: 0.07.

(k) Estimated Costs and Person-Hours to the Respondents (total)

(1) Person Hours—184,920.
(2) Dollars—$25 to $50 M (all respondents).

(l) Estimated Cost to the Federal Agency To Collect, Process and Analyze the Data

$250,000.

(m) A List of the Specific Data To Be Collected From Each Type of Respondent

(1) Unduplicated enrollments in occupational preparation programs involved in VEDS follow-up activities by program for: Enrollment during the year by Race/Ethnic Group by sex, level, Adult-Short Term, Special Needs, Cooperative Vocational Education and Student terminations.
(2) Unduplicated enrollments in Other Occupational Preparation and Support Programs not involved in VEDS follow-up activities by programs for: Enrollment during year by Race-Ethnic Group by Sex, level, Adult-Short Terms, Special Needs, Handicapped students in separate facilities.
(3) Total number of instructional staff by program area assignment by: Total headcount (by sex, Race/Ethnic category).
(4) Total support and supervisory staff by Race/Ethnic category.
(5) Expenditures on Vocational Education by legislative purpose.
(6) Number of persons who benefited from expenditures.
(7) Follow-up of Completers and Leavers: Education and Employment

status. Employer and Supervisor. Job title and duties. Job relateness to training. Current hourly salary. Employer rating and training.

(8) Employment status of completers/leavers: by program, racial/ethnic, designation by sex and by handicapped condition

(9) Field of employment and average salary of completers/leavers by program.

(10) Average employer rating by program, by racial/ethnic designation by sex and by program level by completion status.

(n) Name and Address of Individual or Office From Which a Copy of the Full Plan and the Data Instrument(s) may be obtained

Dr. Robert L. Morgan, ASE/NCES/DPVES/SDAB/VEDS, 400 Maryland Avenue, S.W., Room 3073, Washington, D.C. 20202.

Description of Proposed Collection of Information and Data Acquisition Activity

(a) Title of Proposed Activity

National Evaluation of the PUSH for Excellence (PUSH–EXCEL) project.

(b) Agency/Bureau/Office

National Institue of Education.

(c) Agency Form Number

NIE Form #198.

(d) Legislative Authority for the Activity

"(2) the Institute shall, in accordance with the provisions of this section, seek to improve education in the United States through concentrating the resources of the Institute on the following priority research and development needs * * *.

(A) Improvement in student achievement in the basic educational skills, including reading and mathematics * * *.

(C) Improving the ability of schools to meet their responsibilities to provide equal educational opportunites for students of limited English-speaking ability, women, and students who are socially, economically, or educationally disadvantaged * * *.

(E) Improved dissemination of the results of, and knowledge gained from, educational research and development, including assistance to educational agencies and institutions in the application of such results and knowledge * * *.

(1) In order to carry out the objectives of the Institute, the Director is authorized, through the Institute, to conduct and disseminate the findings of educational research" * * * (Pub. L. 92–318. Sec. 405, General Education Provisions Act, as amended, 20 U.S.C. 1221e).

(e) Concise Description of the Proposed Activity

The purpose of the proposed evaluation is twofold: To learn from the PUSH–EXCEL experience about how to deal with some extraordinarily severe problems in our nation's schools, and to be of use to PUSH–EXCEL in its efforts to deal with those problems.

(f) Voluntary/Obligatory Nature of Response

Voluntary.

(g) Justification of How Information Collected Will Be Used

The data will be used by the contractor to evaluate the PUSH For Excellence Project. It is anticipated that the reported results of the evaluation study will enable state and local education agencies, public and private agencies funding the program, community groups, and consumers of the program (parents, students), to make informed decisions about future support of the program.

(h) Data Acquisition Plan

(1) Method of Collection: Questionnaire, interview, observation, and compilation from archive records.

(2) Time of collection: Summer and fall for the two school years , 1979–80 and 1980–81.

(3) Frequency: Semi-annually for 600 students. Annually for 600 students, 600 parents and 120 teachers.

(4) Method of Analysis: Both qualitative and quantitative analyses will be performed as appropriate. Time series analyses will be applied to certain critical variables.

(i) Time Table for Dissemination of the Collected Data

The contractor will convey the results of the evaluation study to NIE in these major reports, on the dates shown:

Semi-Annual Technical Reports—December 1979, 1980, 1981.

Annual Technical Report—August 1980, 1981.

Final Report of the Evaluation—February 1982.

Executive Summary of the Final Report—February 1982.

The reports will be distributed by the contractor according to a Dissemination Plan submitted to NIE.

Respondents

(1) Type: Students (standard questionnaire).

(2) Number: 600.

(3) Estimated average person-hours per type of respondent: Average = .25 hrs.; Total = 150 hours.

(1) Type: Students (intensive interview).

(2) Number: 600.

(3) Estimated average person-hours per type of respondent: Average = .50 hrs. (semi-annually), total = 600 hrs.

(1) Type: Parents.

(2) Number: 600.

(3) Estimated average person-hours per type of respondent: Average = .50 hrs., total = 300 hrs.

(1) Type: Teachers.

(2) Number: 120.

(3) Estimated average person-hours per type of respondent: Average = .50 hrs.; total = 60 hrs.

(k) Cost of the Respondent in Dollars and person-hours

(1) Type: Student (standard questionnire).

(2) Cost/person hour: None.

(3) Total cost: none.

(1) Type: Student (intensive interview).

(2) Cost/person hour: None.

(3) Total cost: None.

(1) Type: Parent.

(2) Cost/person hour: None.

(3) Total cost: None.

(1) Type: Teacher.

(2) Cost/person hour: $4.00 (Estimated per 1/2 hr. per year).

(3) Total cost: 120 respondents x $8.00/hr. = $960.00.

(l) Cost to the Federal Agency to Collect, Process and Analyze the Data

$63,000 per year (Estimated).
$126,000 Total (Estimated).

(m) A List to the Specific Data To Be Collected

Students—The 600 students to be interviewed in individual sessions will be asked to provide information on in-school and out-of-school activities, expectations and aspirations, relationships with peers, and attitudes toward school. For the 600 students completing the self-report questionnaire, data on participation in the program and other school activities, attitudes toward school, and level of academic effort will be collected. The contractor intends to use archival data for basic impact measures (attendance, grades and test scores, etc.), for the 1,200 students.

Parents—These respondents will be asked to provide information on their involvement in the program and the school and their efforts to encourage their children to achieve. Information on family characteristics will also be requested.

Teachers—The teacher interviews will seek information on the impact of the program on the school, and preceptions of students and the school environment.

(n) Name and Address of Individual or Officer From Which Copies of the Data Instruments May Be Obtained

Further information may be obtained from: Dr. Norman Gold, Project Officer, NIE Teaching and Learning Program, 1200 19th Street, NW., Stop 9, Washington, D.C. 20208, (202) 254–6271.

(o) Multi-Year Approval

Multi-year approval is requested.

Description of Proposed Collection of Information and Data Acquisition Activity

(a) Title of Proposed Activity

ERIC Cost and Usage Study.

(b) Agency/Bureau/Office

National Institute of Education.

(c) Agency Form Number

NIE Form 215.

(d) Legislative Authority for the Activity

"The Institute shall, in accordance with the provisions of this section seek to improve education in the United States through concentrating the resources of the Institute on the following priority research and development needs * * *

"(E) Improved dissemination of the results of, and knowledge gained from, educational research and development, including assistance to educational agencies and institutions in the application of such results and knowledge * * *

"In order to carry out the objectives of the Institute, the Director is authorized, through the Institute, to conduct education research; collect and disseminate the findings of educational research; train individuals in educational research; assist and foster such research, collection, dissemination, or training through grants, or technical assistance to, or jointly financed cooperative arrangements with, public or private organizations, institutions, agencies, or individuals; * * *". (Pub. L. 92–318, Sec. 405, General Education Provisions Act, as amended, 20 U.S.C. 1221e)

(e) Concise Description of the Proposed Activity

Background—The Educational Resources Information Center (ERIC) is a citation based bibliographic information system designed to serve researchers, practitioners and members of the general public interested in the field of education. Since its inception in 1966, ERIC has received substantial Federal support. The system currently receives such support as well as central management and policy from the Information Resources (IR) Division of the Program on Dissemination and Improvement of Practice (DIP) in the National Institute of Education (NIE).

Study—The rapid growth of ERIC, newly available opportunities in information technology, shifts in public needs for information, and the fact that ERIC receives substantial public support dictate that existing practice and policies undergo frequent review and analysis. To meet this need, the Research and Educational Practice (REP) program of DIP at NIE is sponsoring a series of interrelated studies of information technology and the ERIC system.

The proposed study will focus on *cost* associated with providing and utilizing ERIC products and services and *usage* frequencies and patterns for the system. There will be four major tasks:

(1) The development of a data collection design and procedure, (2) the development of a data collection plan and schedule, (3) the conduct and management of data collection activities, and (4) the preparation of final reports.

It is anticipated that the study will collect data from ERIC producers (e.g., clearinghouses, the ERIC Facility, EDRS, etc.), from ERIC distributors and retailers (e.g., libraries, colleges and universities, information search services, etc.) and end users of ERIC information. Methods for data collection will most likely include questionnaires, interviews, and examination of archive materials and records.

(f) Voluntary/Obligatory Nature or Response

Voluntary.

(g) How Information To Be Collected Will Be Used

The data gathered in the study will serve as a data base for studies of the ERIC System. It is anticipated that the data and related studies will be useful to a host of policy makers; including Central ERIC staff, the National Council on Educational Research, budget and policy staff in the Office of the Assistant Secretary for Education and Congress. Specific uses of the data will include long range planning and ERIC policy analyses.

(h) Data Acquisition Plan

(1) Method of collection: Questionnaire, interview, checklist and observation, compilation from archive records.

(2) Time of collection: Summer and Fall of 1980; sites to be selected by contractor.

(3) Frequency: Annual, one-time-only.

(4) Method(s) of analysis: Logical analysis and presentation as descriptive statistics and tables.

(i) Timetable for Dissemination of the Collected Data

Original data will be used to generate internal studies and reports for the Spring of 1981.

(j) Respondents

(1) Type: Producers of ERIC products and services.

(2) Number: Universe (approximately 20).

(3) Estimated average person-hours per respondent: 1.50.

(1) Type: Retailers/Distributors of ERIC products and services.

(2) Number: Sample (estimate 60 to 100).

(3) Estimated adverage person-hours per respondent: .50.

(1) Type: ERIC end users/customers.

(2) Number: Sample (Estimate 100 to 300).

(3) Estimated adverage person-hours per respondent: .10.

(k) Cost of the Respondent in Dollars and Person-Hours

(1) Type: Producers of ERIC products and services.

(2) Cost/person hour: $12.00 (Estimated).

(3) Total cost: 20 respondents × 1.5 hours each = $360.

(1) Type: Retailers/Distributors of ERIC products and services.

(2) Cost/person hour: $15.00 (Estimated).

(3) Total cost: 80 respondents × .50 hours each = $600.

(1) Type: ERIC end Users/Customers.

(2) Cost/person hour: $5.00.

(3) Total cost: 200 respondents × .10 hours each = $100.

(l) Cost to the Federal Agency to Collect, Process and Analyze the Data $275,000 (Estimated).

(m) A List of the Specific Data to be Collected

Producers of ERIC Products and Services.—Producers will be surveyed regarding the various costs they incur to produce and disseminate different types of ERIC products and services. ERIC clearinghouses will also be asked to provide usage information about products and services disseminated directly to customers.

Retailers/Distributors of ERIC Products and Services. This category

includes colleges and universities, libraries, information search services and others who distribute ERIC products and services to the consuming public. They will be asked to provide information about the costs they incur to acquire ERIC resources as well as costs incurred to distribute such. Information about different types and sources of financial support will also be requested. In addition, these distributors will be asked to provide or assist in the collection of usage data.

ERIC End Users/Customers.—These individuals will be asked to provide information about themselves, about how and why they are using various ERIC items, to furnish information about which products and services they utilize.

(n) Name and Address of Individual or Officer From Which Copies of the Data Instrument(s) May Be Obtained

Further information may be obtained from Joseph Heinmiller, Project Officer, Program for Dissemination and Improvement for Practice, REP, National Institute of Education, Washington, D.C. 20208. Area Code 202–254–9519.

Description of a Proposed Collection of Information and Data Acquisition Activity

(a) Title of Proposed Activity

1980–81 Student Eligibility Report (Basic Educational Opportunity Grant Program).

(b) Agency/Bureau/Office

U.S. Office of Education/Bureau of Student Financial Assistance Division of Policy and Program Development.

(c) Agency Form Number

OE 255–1.

(d) Legislative Authority for This Activity

"The Commissioner shall pay to each student who has been accepted for enrollment in, or is in good standing at, an institution of higher education (according to the prescribed standards, regulations, and practices of that institution) for each academic year during which that student is in attendance at that institution, as an undergraduate, a basic grant in the amount for which that student is eligible * * *" (20 U.S.C. 1070a) Pub. L. 92–318, Sec. 411(a)(1).

"In order to receive a Basic Educational Opportunity Grant for an academic year a student must apply for such a grant by submitting an official 'Student Eligibility Report' to the institution in which he is enrolled." (CFR 190.76)

(e) Concise Description of Proposed Activity

The Basic Grant Program is one which provides entitlement grants to eligible students at the postsecondary institution of their choice. Eligibility is determined by means of a formula which considers financial and other family data supplied by the student and/or his parents. The Student Eligibility Report displays the results of the formula, the student eligibility index, and serves as the notification document which must be taken to the school to receive payment. Basic Grant awards are disbursed by the institution to all eligible students. There is no institutional funding ceiling. The institution calculates the amount of an award based on the student's cost at that institution. These and the other items collected, which all relate to the amount of the student's award, are filled in Section 3 of the SER and forwarded to the Office of Education as an integral part of the funding and fund-accounting process. For example, the institution's expenditures must equal the sum of all disbursed awards. No student can be paid without an SER on file at the institution.

(f) Voluntary/Obligatory Nature of Response

Required to obtain benefit.

(g) Justification of how Information Collected Will Be Used

1. Program Management: to determine the eligibility of a student for a BEOG award and the amount of the award; accountability to USOE an DFAFS for funds expended by institutions to recipients of BEOG awards.

2. Evaluation: Information is not collected specifically for the purpose of program evaluation. However, ancillary uses of the collected data include evaluation of program effectiveness in terms of population reached by analyzing recipient characteristics and level of awards to various cohorts of that population. Recipient records are matched with their application records to provide correlation of complete financial and family with award and institutional data.

3. General research: Data which is compiled for evaluation purposes is also disseminated to other government agencies, State and private education associations, institutions and the general public upon request.

(h) Data Acquistions Plan

1. Method of collection: Mail.
2. Time of collection: Throughout 1980–81 Academic Year.
3. Frequency: Once.
4. Method(s) of Analysis: Research (not accounting) data is aggregated on the national level by student, institutional and award characteristics (e.g., income by type and control; expenditures by state; award levels by type of institution). Only tabulations of descriptive data are to be reported.

(i) Timetable for Dissemination of the Collected Data

An End of Year Report is disseminated annually in the December following the close of the academic year. For 1980–81, this would be December 1981.

(j) Respondents

1. Type: Financial Aid Officers
2. Estimated number: 5,000
3. Estimated Average person-hours Response time per respondent: .5 hour.

(k) Estimated Costs and Person-Hours to the Respondents (Total)

1. Total person-hours: 1,250,000.
2. Dollar costs: $5 million.

(l) Estimated Costs to the Federal Agency to Collect, Process and Analyze the Data

Costs: $2 million.

(m) Information To Be Collected

Total Student Cost.
Eligibility Index.
Scheduled BEOG Award
Expected Disbursement.
Date Enrolled.
Expected Number of Months in School (7/80–6/81).
Enrollment Status.
BEOG ID Number.

(n) Contact Person From Whom Data Instrument May Be Obtained

Mr. Greg Blair, BSFA/Division of Policy and Program Development, ROB 3, Room 4318, 7th and D Street, SW., Washington, D.C. 20202

Description of a Proposed Collection of Information and Data Acquisiton Activity

(a) Title of Proposed Activity

Standard Application for Community Education.

(b) Agency/Bureau/Office

Office of Education, Bureau of Occupational and Adult Education, Community Education Program.

(c) Agency Form Number

OE Form 453

(d) Legislative Authority for the Activity

Title VIII, Community Schools and Comprehensive Community Education

Sec. 810 "(b) No grant may be made under the provisions of this section unless an application is made to the Commissioner at such time, in such manner and containing or accompanied by such information, as the Commissioner may reasonably require." (Pub. L. 95–561 (20 U.S.C. 3281)).

(e) Concise Description of the Proposed Activity

Solicitation for applications for funding under the Community Schools and Comprehensive Community Education Act of 1978.

(f) Voluntary/Obligatory Nature of Response

Required to obtain benefits.

(g) Justification of How Information Collected Will Be Used

The information collected will be used to decide which applicants will receive awards.

(h) Data Acquisition Plan

(1) Method of collection: Mail.
(2) Time of collection: January, 1980.
(3) Frequency: Annually.
(4) Method(s) of analysis: Field Reader and staff review.

(i) Timetable for Dissemination of the Collected Data

Awards to be completed by September 1980.

(j) Respondents

(1) Type: Local educational agencies.
(2) Estimated Number: 400.
(3) Estimated average person-hours per respondent: 20.
(1) Type: Public Agencies and Nonprofit private organization.
(2) Estimated number: 300.
(3) Estimated average person-hours per respondent: 20.
(1) Type: Institutes of Higher Education.
(2) Estimated Number: 100.
(3) Estimated average person-hours per respondent: 20.
(1) Type: State educational agencies.
(2) Estimated Number: 56.
(3) Estimated average person-hours per respondent: 20.

(k) Cost to the Respondent in Dollars and Person-Hours

80 hours/$1,000.

(l) Cost to the Federal Agency To Collect, Process and Analyze the Data

$40,000.

(m) List of the Specific Data To Be Collected

I. Identifying data—applicants name, project title, etc.

II. Approval information—related assistance on project, if any.

III. Project budget—budget summary, budget by categories, forecasted cash needs, estimates of Federal funds needed for balance of project, direct and indirect charges.

IV. Narrative (Conforming to Review Criteria EDGAR 100a.202–206)

A. (1) Plan of Operation.
(2) Personnel and Cost Effectiveness.
(3) Evaluation Plan.
(4) Resources.

B. In the local educational agency category the following additional information in addition to item A above, is to be collected (conforming to Review Criteria 45 CFR S160c.35).

(1) Quality of Programming.
(2) Potential for Advancing Community Education.
(3) Evaluation and Potential for Replication.

C. State educational agencies applying under the Public Agencies and Nonprofit private organizations category must supply, in addition to item A above, the following information (conforming to Review Criteria 45 CFR 160c.45).

(1) Quality of State level activities.
(2) Quality of Technical assistance.
(3) National Impact.

D. Public Agencies and Nonprofit private organizations applying under this category must supply, in addition to item A above, the following information (conforming to Review Criteria 45 CFR 160c.46).

(1) Client Involvement.
(2) Potential for Advancing Community Education.
(3) Dissemination Plan.

E. Applicants applying in the Institutions of Higher Education category must supply, in addition to item A above, the following information (conforming to Review Criteria 45 CFR 160c.65).

(1) Quality of Project.
(2) Training Knowledge.
(3) Client Involvement.
(4) Potential for Advancing Community Education.
(5) Dissemination Plan.

V. Assurances.

A. Compliance with all pertinent regulations, policies, guidelines, and requirements.

B. Applicant is legally authorized to apply; will prohibit employees from using positions for private gain; will give Comptroller General access to project records; will comply with grantor's special requirements; will insure that project facilities do not appear on Environmental Protection Agency's list of Violating Facilities.

C. Specific compliance with: Title VI of Civil Rights Act of 1964; Uniform Relocation Assistance and Real Properties Acquisition Act of 1970; Hatch Act; Federal Fair Labor Standards Act; Flood Disaster Protection Act of 1973; Sec. 102(a); National Historic Preservation Act of 1966 (as amended in Executive Order 11593), Sec. 106; and Archaeological and Historic Preservation Act of 1966.

(n) Name and Address of Individual or Office From Which Copies of the Data Instrument(s) May Be Obtained

Martha S. Methee, Bureau of Occupational and Adult Education, Community Education Branch, U.S. Office of Education, Room 5622, ROB #3, 400 Maryland Avenue, SW., Washington, D.C. 20202.

Description of a Proposed Collection of Information and Data Acquisition Activity

(a) Title of Proposed Activity

Application for Strengthening Research Library Resources Program.

(b) Agency/Bureau/Office

U.S. Office of Education, Bureau of Elementary and Secondary Education, Office of Libraries and Learning Resources.

(c) Agency Form Number

OE–592.

(d) Legislative Authority for This Activity

"Sec. 231(b) It is the purpose of this part to promote research and education of higher quality throughout the United States by providing financial assistance to major research libraries."

"Sec. 235(b) Not more than 150 institutions may receive a grant under this part." (20 U.S.C. 1041–1046) Pub. L. 80–329; amended 10/12/76.

(e) Concise Description of the Proposed Activity

Solicitation of applications for a grant award under the Strengthening Research Library Resources Program.

(f) Voluntary/Obligatory Nature of Response

Required to obtain or maintain benefits.

(g) How Information To Be Collected Will be Used

Information elicited will be used to determine institutional eligibility, the amount of the grant award, the length of the grant award (i.e., up to three years potential renewal), and adherence to published program funding criteria.

(h) Data Acquisition Plan

1. Method of collection: Mail.
2. Time of collection: Spring.
3. Frequency: Annually.
4. Method of Analysis: Not applicable.

(i) Timetable for Dissemination of the Collected Data

Not applicable.

(j) Respondents

a. Type: Institutions of higher education, independent research libraries, and other public or private nonprofit libraries.
b. Number 100.
c. Estimated Average Man-hours Per Respondent: 16.

(k) Estimated Costs and Person-Hours to the Respondents (total)

Costs: Not Applicable—Person-Hours: 1600.

(l) Estimated Costs to the Federal Agency To Collect, Process, and Analyze the Data (Contract, S and E)

$21,000.

(m) Information To Be Collected

For all respondents, the following information will be obtained:
a. The standard face page for Federal applications (SF–424) will be used for Part I;
b. A budget outline page will be used for Part II;
c. A narrative statement will be used to elicit information which will establish eligibility and describe the nature of the project.

(n) Name and Address of Individual or Office From Which Copies of the Data Instrument(s) May Be Obtained

Frank A. Stevens, Bureau of Elementary and Secondary Education, U.S. Office of Education, Room 3622, ROB #3, 400 Maryland Avenue, SW., Washington, D.C. 20202.

Description of a Proposed Collection of Information and Data Acquisition Activity

(a) Title of Proposed Activity

Financial Status and Performance Reports for:
13.406—College Library Resources.
13.468—Library Training.
13.518—Equipment and Materials To Improve Undergraduate Instruction.
13.576—Strengthening Research Library Resources.

(b) Agency/Bureau/Office

U.S. Office of Education, Bureau of Elementary and Secondary Education, Office of Libraries and Learning Resources.

(c) Agency Form Number

OE–606.

(d) Legislative Authority for This Activity

"Sec. 201(a) The Commissioner shall carry out a program of financial assistance to assist and encourage institutions of higher education in the acquisition of library resources, including law library resources." (20 U.S.C. 1021) (Pub. L. 89–329, as amended) (45 CFR 131)
"Sec. 201(b) The Commissioner shall carry out a program of financial assistance to assist with and encourage research and training persons in librarianship, including law librarianship." (20 U.S.C. 1021) (Pub. L. 89–329, as amended) (45 CFR Part 132)
"Sec. 601(a) The purpose of this part is to improve the quality of classroom instruction in selected subject areas in institutions of higher education." (20 U.S.C. 1121) (Pub. L. 89–329, as amended) (45 CFR Part 171)
"Sec. 231(b) It is the purpose of this part to promote research and education of higher quality throughout the United States by providing financial assistance to major research libraries."
"Sec. 235(b) Not more than 150 institutions may receive a grant under this part." (20 U.S.C. 1041–1046) (Pub. L. 89–329, as amended) (45 CFR Part 136)

(e) Concise Description of the Proposed Activity

This is a program management instrument and constitutes the required final report of expenditures for grant funds and final programmatic narrative information. The report results in the return of unused or disallowed grant funds and provides necessary data used in program assessment and special internal reports.

(f) Voluntary/Obligatory Nature of Response

Required to obtain or maintain benefits.

(g) Justification of How Information Collected Will Be Used

For 13.406 information will verify expenditures of the grant funds within the period of grant award and return of unobligated balances.
For 13.518 information will be used to determine adherence to statutory maintenance-of-effort and matching grant requirements. Information will verify all expenditures of grant funds within the period of grant award and return of unobligated balances.
For 13.468 and 13.576 information will be used to determine and verify all expenditures of grant funds within the period of grant award and return of unobligated balances. Inasmuch as these programs require the completion of a specific project or training program a performance report is required to verify adherence to the approved plan of operation and to provide information relative to the operation and success of the program.

(h) Data Acquisition Plan

a. Method of Collection: Mail.
b. Time of Collection: 90 Days after completion of grant award period.
c. Frequency: Annually.

(i) Timetable for Dissemination of the Collected Data

Approximately one year following data collection.

(j) Respondents

For 13.406: a. Type: Institutions of higher education.
b. Number: 2,650.
c. Estimated average man-hours per respondent: 4.
For 13.468: a. Type: Institutions of higher education and other library agencies.
b. Number: 60.
c. Estimated average man-hours per respondent: 8.
For 13.518: a. Type: Institutions of higher education.
b. Number: 800.
c. Estimated average man-hours per respondent: 8.
For 13.576: a. Type: Institutions of higher education, independent research libraries, and other public or private nonprofit libraries.
b. Number: 200.
c. Estimated average man-hours per respondent: 16.

(k) Estimated Costs and Person-Hours to the Respondents

$176,000: 20,680 hours.

(l) Estimated Costs to the Federal Agency To Collect, Process and Analyze the Data

$100,500—S & E.

(m) A List of the Specific Data To Be Collected From Each Type of Respondent

All respondents report financial information as required on Standard Form 269 consisting of: total outlays this report period; net outlays to date; total Federal share of outlays; total unliquidated obligations; Federal share of unliquidated obligations; total Federal share of outlays and unliquidated obligations; total cumulative amount of Federal funds authorized and, unobligated balance of Federal funds.

Respondents under 13.468 and 13.576 provide a Performance Report as outlined: a. Any major changes or revisions in the program with respect to educational activities, staffing, and budgeting; b. Fellowships—information as to employment placements by job level and type of library; c. Traineeships—pertinent information as to special internship, field work, and study-travel activities; d. Institutes—project director's internal evaluation and if applicable, external evaluations.

Respondents under 13.518 provide a Supplementary Financial Table consisting of verification of the maintenance-of-effort requirement. a. Actual base expenditures for the preceding fiscal year and second preceding fiscal year; b. Actual full-time equivalent number of students base expenditures per FTE for the preceding fiscal year and the second preceding fiscal year, and a yes or no question as to whether a waiver was previously requested.

(n) Name and Address of Individual or Office From Which a Copy of the Full Plan and the Data Instrument(s) May Be Obtained

Frank A. Stevens, Branch Chief, OE/BESE/OLLR/DLP, Library Education & Postsecondary Resources Branch, 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Description of a Proposed Collection of Information and Data Acquisition Activity

(a) Title of Proposed Activity

Interviews to Validate the Usefulness and Practicality of a Monograph on Measuring the Impact of Vocational Education Demonstration Projects.

(b) Agency/Bureau/Office

Office of Education, Bureau of Occupational and Adult Education.

(c) Agency Form Number

OE Form 711.

(d) Legislative Authority for This Activity

"Section 171(a). Funds reserved to the Commissioner * * * shall be used * * * for contracts * * * for—

(1) activities authorized by section 131 (applied research and development in vocational education) * * *".

(Pub. L. 94–482, Title II, Section 202; 20 U.S.C. 2401).

(e) Concise Description of the Proposed Activity

Because of findings made in several studies conducted by such organizations as the GAO and the NAS that vocational education demonstration projects funded by OE have not had documented, widespread impact, significant additions to the Vocational Act of 1963 were incorporated into the Educational Amendments of 1976 (Pub. L. 94–482). These amendments include a sharpened demand for specific, identifiable benefits to result from R & D expenditures. At several points the new legislation requires that grants and contracts be made only when the applicant demonstrates a reasonable probability that improved products or practices will result which will be used in a substantial number of classroom or other learning situations within five years after the termination of the award.

In response to the legislative mandate, a study was funded to develop criteria to measure the effectiveness of vocational education demonstration projects and to suggest methods for improving their impact. One result of this study will be a monograph for improving and measuring impact. This monograph will discuss the criteria, documentation, and standards which have been specified as defining acceptable evidence of impact. The monograph will also discuss required roles and accomplishments of project planners, implementers, monitors evaluators, and disseminators in achieving success and improved impact as measured by the parameters of acceptable evidence. In preparing the monograph, a literature review was conducted to establish the state of the art, and panel of experts was established to review and provide input to each study product. As a further check on the validity of the monograph, eight demonstration projects were selected on which case studies will be prepared. The purpose of the case studies will be (1) to assess whether successful projects have collected, or could collect, the types of data specified in the study; (2) to determine whether these procedures do actually lead to success.

(f) Voluntary/Obligatory Nature of Response

Voluntary.

(g) How Information Collected Will Be Used

Information collected will be used to validate or revise a monograph now being developed. The monograph is being designed to help program administrators measure the impact of demonstration projects in vocational education.

(h) Data Acquisition Plan

(1) Method of Collection: Interview by telephone or on site.

(2) Time of Collection: Interviews will be conducted in Fall 1979.

(3) Frequency: One time.

(4) Method of analysis: The case studies will be used both individually and collectively to validate the monograph. Since the validation process will be more qualitative than quantitative in nature, a rigorous statistical analysis of the data is neither required nor appropriate. In revising the monograph, the experiences of the demonstration projects and adapting organizations reflected in the case studies and the conclusions resulting from a synthesis of their findings will be utilized.

(i) Timetable for Dissemination of the Collected Data

The monograph to be prepared as the major product of this study will be submitted to the U.S. Office of Education before the end of the eighteenth project month, or March 31, 1980. The case studies, which are supportive documents, are to be submitted to USOE by the end of the sixteenth project month, or January 31, 1980. Ten copies of the case study report will be delivered while 225 copies of the monograph will be produced. Two hundred of the 225 copies will be used in conducting training workshops for Federal, State, and local personnel charged with administering vocational education programs or projects; 25 will be delivered to USOE. In addition, the contractor will arrange to publish and sell the monograph or have it published and sold on a cost recovery basis under public domain or under USOE's copyright guidelines of November 6, 1973 (38 FR 213).

(j) Respondents

1. Type: Local Education Agencies (LEA's).

2. Number: 80.

3. Estimated average person-hours per respondent: 0.5.

(k) Estimated Costs and Person-Hours to the Respondent (Total)

$680.00; 40 hours.

(l) Cost to the Federal Agency To Collect, Process, and Analyze the Data

$10,787.

(m) A List of the Specific Data To Be Collected

(1) The process through which the LEA learned about a specified educational innovation and decided to adopt or adapt it.

(2) Components of the specified innovation which were adopted or adapted, and at what level.

(3) Components of the specified innovation which were not adopted or adapted and the reason for their not being adopted or adapted.

(4) The nature of the innovation (or components of the innovation) finally adopted or adapted.

(5) The level and scope of the impact of the innovation on the adopting or adapting LEA.

(6) The extent to which the adopting or adapting LEA has evaluated the innovation's success in meeting the needs of the LEA and the results of the evaluation.

(7) The nature of the help offered the adopting or adapting district by the developers or disseminators of the innovation and the relative value of that help to successful adopting or adaption.

(8) Whether the innovation has, to the knowledge of the respondent, been adopted or adapted elsewhere.

(n) Name and Address of the Individual or Office From Which Copies of the Data Instrument(s) May Be Obtained

Joyce Cook, Bureau of Occupational and Adult Education, U.S. Office of Education, Room 5652, ROB–3, 400 Maryland Avenue., SW., Washington, D.C. 20202.

Description of a Proposed Collection of Information and Data Acquisition Activity

(a) Title of Proposed Activity

Regional Rural Roundtable Discussion Guide.

(b) Agency/Bureau/Office

U.S. Office of Education, Region VII and BESE.

(c) Agency Form Number

OE 718.

(d) Legislative Authority for the Activity

Sec. 403. (a)(2)(B). "The regional offices shall serve as centers for the dissemination of information about the activities of the agencies in the Education Division and provide technical assistance to State and local educational agencies, institutions of higher education, and other educational agencies, institutions, and organizations and to individuals and other groups having an interest in Federal education activities." (20 U.S.C. 1221c), Pub. L. 92–318 as amended.

Under Section 405(b)(1), "The National Institute of Education was established with the express authority to carry out the policy of * * *" (a)(2)(i). "help to solve or to alleviate the problems of, and promote the reform and renewal of American education, * * *" Pub. L. 92–318. General Education Provisions Act, as amended (20 U.S.C. 1221e(b)(1)).

(e) Concise Description of the Proposed Activity

Solicit responses/comments to (28) twenty-eight Rural Education Recommendations (Rural Roundtable Discussion Guide) for validation of acceptance/rejection by rural individuals.

(f) Voluntary/Obligatory Nature of Response

Voluntary.

(g) Justification of How Information Collected Will Be Used

Information collected will be used for policy considerations and recommendations for subsequent regulations concerning rural education.

(h) Data Acquisition Plan

(1) Method of Collection: Mail and handcarried to Regional Rural Roundtables.

(2) Time of Collection: September, 1979.

(3) Frequency: One time.

(4) Method(s) of Analysis: USOE Region VII staff review.

(i) Timetable for Dissemination of the Collected Data

Analysis should be available for dissemination in November, 1979.

(j) Respondents

(1) Type: Rural Eduation Organization members.

(2) Estimated Number by Type: 350.

(3) Estimated average person-hours response time per type of respondent: .5.

(1) Type: Rural Education Organization or Education Organization with Rural Component.

(2) Estimated Number by Type: 300.

(3) Estimated average person-hours response time per type of respondent: .5.

(1) Type: State departments of education.

(2) Estimated Number by Type: 50.

(3) Estimated average person-hours response time per type of respondent: .5.

(1) Type: General Rural Organizations.

(2) Estimated Number by Type: 200.

(3) Estimated average person-hours response time per type of respondent: .5.

(k) Estimated Costs and Person-Hours to the Respondents (Total)

450 person-hours; costs: $22,500.

(l) Estimated Costs to the Federal Agency To Collect, Process and Analyze the Data (S and E)

$16,900.

(m) List of the Specific Data To Be Collected From Each Type of Respondent

The data to be collected during the Regional Rural Roundtables are reactions and comments about twenty-eight recommendations relative to the role of USOE Bureau of Elementary and Secondary Education Programs and services to rural schools. The recommendations fall into six major categories as follows:

(1) Equity and Quality for Rural Education.

(2) Linking Rural Development and Rural Education.

(3) Delivery of Services to Rural Education.

(4) Data Collection and Research.

(5) Vocational and Career Training in Rural Areas.

(6) Energy and Rural Education.

Description of a Proposed Collection of Information and Data Acquisition Activity

(a) Title of Proposed Activity

Higher Education Cost Containment Study.

(b) Agency/Bureau/Office

U.S. Office of Education/Region VII, Kansas City, Mo.

(c) Agency Form Number

OE Form 730.

(d) Legislative Authority for the Activity

Sec. 403. (a)(2)(B). "The regional offices shall serve as centers for the dissemination of information about the activities of the agencies in the Education Division and provide technical assistance to State and local educational agencies, institutions of higher education, and other educational agencies, institutions, and organizations and to individuals and other groups having an interest in Federal education activities." (20 U.S.C. 1221c), Pub. L. 92–318 as amended.

(e) Concise Description of the Proposed Activity

Solicit responses from 35 institutions of higher education in Region VII for the purpose of determining what impact federal policy and legislation have on higher education costs, and what barriers exist that prevent cost reduction.

(f) Voluntary/Obligatory Nature of Response

Voluntary.

(g) Justification of How Information Will Be Used

The information collected will be used to minimize any adverse impact caused by requirements of federal policy and legislation by recommending remedial measures that will reduce the burden of financial costs to institutions of higher education and increase cost effectiveness.

(h) Data Aquisition Plan

(1) Method of Collection: Personal Interview.
(2) Time of Collection: October 79.
(3) Frequency: One time.
(4) Method(s) of Analysis: OE staff and contractors.

(i) Timetable for Dissemination of Collected Data

Final report is expected to be submitted in December 1979.

(j) Respondents

(1) Type: Business managers from institutions of higher education (Region VII).
(2) Estimated Number by Type: 35.
(3) Estimated average person-hours response time per type of respondent: 6.

(k) Estimated Costs and Person-hours to the Respondents (Total)

$2,205: 210 person hours.

(l) Estimated Costs to the Federal Agency to Collect, Process and Analyze the Data (Total)

Contract: *$16,000*; Salaries and expenses: *$4,500.*

(m) List of Specific Data To Be Collected

I. Identifying data—name of institution of higher education.
II. Answers to the four questions listed below will be requested in conjunction with a variety of budget functions:
(1) What were expenditures for fiscal years 1975, 1976, 1977 and 1978 (to be extracted from HEGIS Survey)?
(2) What factors caused increase in expenditures?
(3) What impediments were encountered to limit or restrain increase?
(4) What cost-saving ideas were employed to limit or contain increases?
A. Education and general: In each of the following categories:
(1) Instruction.
(2) Research.
(3) Public Service.
(4) Academic Support.
(5) Academic Support Libraries.
(6) Student Services.
(7) Institutional Support.
(8) Operation and Maintenance of Plant.
B. Scholarships and fellowships: (1) Number of awards from Unrestricted Funds.
(2) Number of Awards from Restricted Funds.
C. Other: (1) Number of Education and General Mandatory Transfer.
(2) Total Educational and General Expenditures and number of Mandatory Transfer.
(3) Expenditures on Auxiliary Enterprises.
(4) Expenditures on Hospitals.
(5) Expenditures on Independent Operations.
(6) Total Current Funds Expenditures and number of Mandatory Transfers
III. The structured interview deals with issues that were addressed in the Higher Education Cost Containment Study. The Business Managers of the institutions will respond if there is a problem in increased cost as a result of inflation; technological change; declining enrollment; high cost students; increased personnel costs; and energy costs. In each of their responses the Institutions Business Managers will indicate whether these problems are reasons for exceptional increases in costs; what the degree of increase is, if any; and what factors and/or reasons there are that explain the increase.

A subsequent portion of the structured interview deals with the costs that are directly related to federal policy. For example, deferred operating costs, referred to in the above cost containment study, are related to inflation and interest rates; listing of operational costs and degree of cost is related to governance questions and the affect of local, State and Federal support.

Cost saving possibilities are at the heart of the structured interview, in that the sample respondent institutions report on any cost saving techniques and the effectiveness of the techniques utilized. The above cost containment study speaks to the point of each institution discovering barriers to cost containment and implementing certain cost-cutting techniques.

The structured interview concludes by asking the respondents the general question of what Federal, State and local government regulations and policies affect costs at their institutions. Also, this section, the respondents identify specific laws and policies that act adversely in the implementation of cost-cutting procedures. The enrollment data requested is to be utilized for the stratification and analysis of the 35 institutions in the sample.

(n) Name and Address of Individual or Office From Which a Copy of the Full Plan and the Data Instrument(s) May Be Obtained

Dr. Harold L. Blackburn, Regional Commissioner for Educational Programs, 601 E. 12th St., Room 360, Kansas City, Missouri 64106 and Dr. Freeman Beets, Director, Educational Services Division, 601 E. 12th St., Room 360, Kansas City, Missouri 64106; telephone AC 816/758-2276.

Description of a Proposed Collection of Information and Data Acquisition Activity

(a) Title of Proposed Activity

Institutional Release of Funds/Request for Additional Funds under the Supplemental Educational Opportunity Grants, College Work-Study, and/or National Direct Student Loan Programs.

(b) Agency/Bureau/Office

Office of Education/Bureau of Student Financial Assistance/Division of Program Operations.

(c) Agency Form Number

OE Form 1286.

(d) Legislative Authority for This Activity

The Supplemental Educational Opportunity Grants statute states that, "funds allocated to an institution for initial grants which the institution anticipates will not be used by the end of the period for which such funds were made available may be reallocated on an equitable basis to other institutions in that State." Pub. L. 95-205 (20 U.S.C. 1070b-3), CFR 176.4(b).

The College Work-Study statute states that "funds allocated to an institution which the institution anticipates will not be used by the end of the period for which the funds were made available may be reallocated on an equitable basis to other institutions in that State." Pub. L. 95-205 (42 U.S.C. 2756), CFR 175.4(b).

The National Direct Student Loan statute states that "if an institution * * * projects that it will not use a portion of its allocation by the end of the period for which those funds were made available, the amount * * * will be restored as part of the State apportionment. When the aggregate of funds restored to a State's apportionment becomes sufficient to increase significantly the amount of Federal capital contributions that can be awarded to other institutions within the

State, those funds will be awarded to other institutions in that State * * *." Pub. L. 95–480 (20 U.S.C. 1087bb), CFR 144.4(b).

(e) Concise Description of the Proposed Activity

Data Activity is used to request additional funds and/or release unused funds under the Supplemental Educational Opportunity Grants, College-Work-Study, and/or National Direct Student Loan Programs.

(f) Voluntary/Obligatory Nature of Response

Required to obtain benefit.

(g) How Information Collected Will Be Used

The information will be used to identify those institutions that are unable to utilize all of their Federal funds in either the Supplemental Educational Opportunity Grants, College Work-Study, and/or National Direct Student Loan Programs during the award period, and the amounts, if any, that they are willing to release. The information will also be used to identify those institutions with additional need for funds in either or both programs.

(h) Data Acquisition Plan

1. Method of Collection: Mail.
2. Time of Collection: Fall.
3. Frequency: Annually.
4. Method of Analysis: Not Applicable.

(i) Timetable for Dissemination of the Collected Data

Not Applicable.

(j) Respondents

1. Type: Institutions of Higher Education.
2. Number: 2,500.
3. Estimated Average Person-hours Response Time Per Type of Respondent: 2.

(k) Estimated Costs and Person-Hours to the Respondents (Total)

Costs: $25,000; Person-Hours: 5,000.

(l) Estimated Costs to the Federal Agency To Collect, Process, and Analyze the Data (Contract, (S&E))

$23,000.

(m) A List of the Specific Data To Be Collected

The amount of Federal funds to be released for the Supplemental Educational Opportunity Grants, College Work-Study, and/or National Direct Student Loan Programs. The amount of additional Federal funds requested for the SEOG, CWS, and/or NDSL programs.

(n) Name and Address of Individual or Office From Which Copies of the Data Instrument(s) May Be Obtained

Robert R. Coates, Bureau of Student Financial Assistance, Division of Program Operations, U.S. Office of Education, Room 4642, ROB No. 3, 400 Maryland Avenue, SW., Washington, D.C. 20202.

Description of a Proposed Collection of Information and Data Acquisition Activity

(a) Title of Proposed Activity

Application for School Assistance in Federally Affected Areas; and Instructions to Applications.

(b) Agency/Bureau/Office

U.S. Office of Education, Bureau of Elementary and Secondary Education, State and Local Educational Programs, Division of School Assistance in Federally Affected Areas.

(c) Agency Form Number

OE Form 4019 (RSF–1).

(d) Legislative Authority for the Activity

Sec. 5(a)(1) "Any local educational agency desiring to receive the payments to which it is entitled for any fiscal year under sections 2, 3, or 4 shall submit an application therefore through the State educational agency of the State in which such agency is located to the Commissioner. Such applications shall be submitted at such time, in such form, and containing such information as the Commissioner may reasonably requre to determine whether such agency is entitled to a payment under any of such sections and the amount of such payment." Pub. L. 874, 81st Congress, (20 U.S.C. 240). Title I.

(e) Concise Description of the Proposed Activity

The Application for School Assistance in Federally Affected Areas enables local education agencies to apply for funds under the provisions of the Act.

(f) Voluntary/Obligatory Nature of Response

Voluntary.

(g) Justification of How Information Collected Will Be Used

The basic information supplied by the applicant on OE Form 4019 (RSF–1) is used for the purpose of computing the entitlement due the LEA.

(h) Data Acquisition Plan

(1) Method of collection: All data necessary to compute the applicant's entitlement for payment is provided by the applicant in OE Form 4019(RSF–1)(any required supporting statements become part of the applicant form.)

(2) Time of collection: The applicant is required to file the applicantion with the Commissioner by January 31 of the school year for which assistance is sought.

(3) Frequency: Annually.

(4) Method(s) of analysis: The basic payment is formula-based. Following preliminary screening the data in the applications are key-taped to permit automatic data processing. This process includes producing receipt and production control reports, property validation reports, and worksheets. The analyst staff of Maintenance and Operations Branch reviews this ADP output for conformance with the provisions of the Act. If all requirements are met, payment is recommended. More detailed analysis procedures are required where the applicant elects to apply under more complicated Sections of the Act requiring additional data.

(i) Timetable for Dissemination of the Collected Data

The collected data results in an entitlement for payment for the eligible school district being made by June 30 of the school year for which assistance is sought.

(j) Respondents

(1) Type: Local educational agencies.

(2) Estimated number by type: Approximately 5000.

(3) Estimated average person-hours response time per type of respondent: Approximately 12 person-hours.

(k) Estimated Costs and Person-Hours to the Respondents (Total)

Approximately 60,000 person-hours. Costs: $300,000

(l) Estimated Costs to the Federal Agency To Collect, Process and Analyze the Data

$1,800,000.

(m) A List of the Specific Data To Be Collected From Each Type of Respondent

(1) Number of federally connected children claimed against each eligible Federal property.

(2) Total school district membership as of the survey date.

(3) Actual average daily attendance or average daily membership of the preceding school year.

(4) Total current expenditures.

(5) Applicants for higher local contribution rates submit list of five comparable districts with 2nd year preceding attendance, fiscal and pupil service data.

(6) Applicants for assistance under Section 3(d)(2)(B) and Section 4 submit list of five comparable districts with current year attendance, fiscal and pupil service data.

(7) Applicants for assistance under Sections 2, 3(d) (2)(B) and (4) submit financial burden effort data for 2nd year preceding, and current fiscal year.

(8) Applicants for assistance under Section 4(a) supply data relating to the number of pupils admitted to school for the first time in current school year, whose parents migrated into the district on or after February 1 of the preceding year and are presently employed on eligible Federal activity.

Note.—The bulk of Pub. L. 81–874 applicants apply under the provisions of Section 3 only and submit only data explained in the first four items above.

(n) Name and Address of Individual or Office From Which a Copy of the Full Plan and the Data Instrument(s) May Be Obtained

William L. Stormer, Director, Division of School Assistance in Federally Affected Areas, Room 2071, 400 Maryland Avenue, SW., Washington, D.C. 20202.

Description of a Proposed Collection of Information and Data Acquisition Activity

(a) Title of Proposed Activity

Fiscal Year 1981/82/83 State Plan for Part B of the Education of the Handicapped Act, as amended by Pub. L. 94–142.

(b) Agency/Bureau/Office

U.S. Office of Education/Bureau of Education for the Handicapped/Division of Assistance to States.

(c) Agency Form Number

OE FORM 9055

(d) Legislative Authority for This Activity

States which desire to participate in this program must submit a State plan. Section 612 and Section 613 of Pub. L. 94–142 constitute the authority for this activity. Section 612 addresses the conditions of eligibility a state must meet in order to qualify for assistance and Section 613 deals with State Plan requirements.

Section 612 sets forth the conditions which must be met regarding: a handicapped child's right to education; the full service goal and plan; the timelines for providing a free appropriate public education; the requirement to identify, locate, and evaluate handicapped children; the confidentiality requirement; the requirement for public participation; the priorities for use of Federal funds; the requirement to maintain Individualized Education Programs for each child; requirements to provide for Procedural Safeguards; the requirement to educate handicapped children in the Least Restrictive Environment; the requirement to assure that testing and evaluation are non-discriminatory; the responsibility of the State educational agency for educational programs for handicapped children; and State assurances with regard to this program.

Section 613 sets forth the requirements for a state plan, including: the proper use of Title VI, Part B program funds; use of Federal funds from other sources; procedures for personnel development; procedures for disseminating significant information; private school placement; private school participation; State educational agency standards for the education of handicapped children; recovery of funds used erroneously; public control of program funds; reports and records required for use by the U.S. Commissioer of Education; State administration of funds (commingling/supplanting/excess cost); State fiscal control of funds and accounting procedures; State evaluation of program effectiveness; and the establishment of a State Advisory Panel on special education.

(e) Description of the Proposed Activity

Program Management—The State Plan is the application submitted to the Commissioner of Education from each State desiring to receive grants under Part B of the Education for All Handicapped Children Act of 1975. The State Plan includes submission statements and assurances; in addition, States must submit for the implementation of Pub. L. 94–142, and a description of the use of Part B funds.

The submission statements and certification by the officer of the State educational agency (SEA) authorized to submit the plan show: (1) The plan has been adopted by the SEA, (2) that the plan will be the basis for operation and administration of the activities to be carried out in that State as required under Part B of 94–142, (3) that the SEA has authority under State law to submit the plan and to administer or to supervise the administration of the plan, and (4) that all plan provisions are consistent with State law.

The information will be used as the basis for determining: (1) Grant eligibility for each State, (2) compliance review and enforcement, and (3) the kind of technical assistance that may be needed. The information will also be used to identify State and national needs on services required to meet appropriate public education goal for handicapped children (Pub. L. 94–142, Section 613(a)(12)(A)); and to "provide to the appropriate committees of each House of Congress and to the general public * * * programmatic information * * *." (Pub. L. 94–142, Sec. 618(b)(1)). In summary, the information collected will be primarily used for determination of grant awards, compliance monitoring, accountability to the Commissioner and technical assistance requirements (Sec. 613(a) of Pub. L. 94–142).

(f) Voluntary/Obligatory Nature of Response

Required to obtain benefits.

(g) Data Acquisition Plan

a. Method of collection: Mail.

b. Time of collection: Spring, 1980.

c. Frequency: Triennial.

d. Method of analysis: Education Program Specialists (3) evaluate the State plan.

(h) Timetable for Dissemination of the Collected Data

January, 1981.

(i) Respondents

a. Type: State Education Agencies.

b. Number: 58.

c. Estimated average person-hours per respondent: 30 hours/State.

(j) Cost to the Respondent in Dollars

$450/State.

(k) Cost to the Federal Agency to Collect, Process and Analyze the Data

Included in normal operational budget.

(l) List of the Specific Data To Be Collected

The requirements for the FY–1981/82/83 State Plan are based entirely on the Rules and Regulations for Title VI, Part B, published August 23, 1977. (45 CFR 121a)

The information will be collected from State education agenices for the Title VI, Part B program in the form of a submission statement with program assurances, updates to State procedures, descriptions of ongoing program activities (use of funds and the Comprehensive System of Personnel

Development), and statistical information.

Under the authority of Pub. L. 94–142, the assurances and other statements will be signed by an authorized official of the State Education Agency certifying that all of the assurances and provisions listed will be met within the State. (45 CFR 121a.112(a), 121a.137, 121a.138, 121a.142, 121a.143, 121a.145, 121a.147, 121a.150, 121a.382);

The narrative portions of the State plan require descriptions of State policies and procedures for implementation of the Act. Each annual program plan must include policies and procedures which:

1. Insure public hearings, adequate notice of such hearings, and an opportunity for comment prior to the adoption of the State plan. (45 CFR 121a.120)

2. Show that all handicapped children within the mandated age ranges and timelines have the right to a free appropriate public education. (45 CFR 121a.121–122)

3. Insure that the State has a goal of providing full educational opportunity to all handicapped children aged birth through twenty-one. (45 CFR 121a.123)

4. Insures that each SEA and local educational agency (LEA) shall use funds under Part B of the Act (1) to provide free appropriate public education to handicapped children who are not receiving any education, and (2) to provide free appropriate education to handicapped children within each disability with the most severe handicaps who are receiving some but not all of the special education and related services needed. (45 CFR 121a.127)

5. Insure that all handicapped children, regardless of the severity of their handicap, and who are in need of special education and related services are idenified, located, and evaluated. (45 CFR 121a.128)

6. Assures the protection of the confidentiality of any personally identifiable data, information, and records collected or maintained by State and local educational agencies. (45 CFR 121a.129)

7. Show that each local educational agency in the State establishes, reviews, revises and maintains records of the individualized education program for each handicapped child. (45 CFR 121a.130)

8. Shows that each State and local education agency shall provide procedural safeguards to handcapped children and their parents with respect to the provision of a free appropriate public education. (45 CFR 121a.131)

9. Insure (1) that to the extent appropriate, handicapped children, including children in public or private institutions or other care facilities, are educated with children who are not handicapped, and (2) that special classes, separate schooling or other removal of handicapped children from the regular educational environment occurs only when the nature or severity of the handicap is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. (45 CFR 121a.132)

10. Insure that testing and evaluation materials and procedures used for the purposes of evaluation and placement of handicapped children must be selected and administered so as not to be racially or culturally discriminatory. (45 CFR 121a.133)

11. Assure that the State educational agency is responsible that the requirements of the Act are carried out for all educational programs within the State. (45 CFR 121a.134)

12. The SEA follows in insuring the SEA's and LEA's are (1) effectively implementing the procedural safeguards, and (2) using Part B funds properly and efficiently. (45 CFR 121a.135)

13. The SEA follows to inform each State and local agency of its responsibility for insuring effective implementation of procedural safeguards for the handicapped children served by that State or local agency. (45 CFR 121a.136)

14. Insure the development and implementation of a comprehensive system of personnel development. (45 CFR 121a.139)

15. Insures that provision is made for the participation of those children in the program assisted or carried out under Part B of Pub. L. 94–142 by providing those children who are enrolled in regular or special private school, special education and related services. (45 CFR 121a.140)

16. Insure that a handicapped child who is placed in or referred to a private school or facility by the SEA or LEA (1) is provided with special education and related services, (2) has all of the rights of a handicapped child who is served by a public agency. (45 CFR 121a.140, .401, .405)

17. Insure that the State seeks to recover any funds provided under Part B of the Act for services to a child who is determined to be erroneously classified as eligible to be counted. (45 CFR 121a.141)

18. Insure that the SEA does not take any final action with respect to an application submitted by an LEA before giving the LEA reasonable notice and an opportunity for a hearing. (45 CFR 121a.144)

19. Provide for evaluation of the effectiveness of programs in meeting the educational needs of handicapped children. (45 CFR 121a.146)

20. Include information about the State's use of EHA–B funds. (45 CFR 121a.148)

21. Describe the use of Part B funds. (45 CFR 121a.149)

22. Include a description of direct services the SEA will provide. (45 CFR 121a.151)

All of the above policies and procedures are necessary to show that the States are (1) eligible to receive a grant award, and (2) in compliance with Pub. L. 94–142 and Section 504 of the Rehabilitation Act of 1973.

A program description is required for activities concerned with the Comprehensive System of Personnel Development which must be ongoing in a State which accepts Part B funding. The description of the State's system for training personnel includes a statistical table which must be updated every 3 years. This table is the only statistical information in the State plan. (45 CFR 121a.120, .127, .128, .139).

(m) Name and Address of Individual or Office From Which Copies of the Data Instrument(s) May Be Obtained

State Plan Office, Bureau of Education for the Handicapped, Division of Assistance to States, 400 Maryland Aveune, S.W., Washington, D.C. 20202.

Description of a Proposed Collection of Information and Data Acquisition Activity

(a) Title of Proposed Activity

Program Administrative Review System.

(b) Agency/Bureau/Office

U.S. Office of Education/Bureau of Education for the Handicapped.

(c) Agency Form Number

OE Form 9066.

(d) Legislative Authority for This Activity

"Whenever the Commissioner * * * finds—(1) that there has been a failure to comply substantially with any provision of Section 612 or Section 613 or, (2) that in the administration of the State Plan there is a failure to comply with any provision of this part or with any requirements set forth in the application of a local education agency or intermediate education unit approved by the State Plan, the Commissioner * * * shall * * withhold

further payments * * *" (Pub. L. 94–142, Part B, Section 616(a); 20 U.S.C. 1401–1402; 35 CFR Part 121a).

(e) Concise Description of the Proposed Activity

On-site Program Adminstrative Reviews are conducted in each State and territory every other year. Interviews are conducted with persons responsible for or concerned with the provision of special education and related services to handicapped children (see No. 10 below). Interviews are conducted in fifteen sites throughout a State or territory; they are also conducted in the State Education Agency. State level personnel, parent, teacher, and advocacy group representatives are interiewed on an advanced visit of three-days duration. This visit is followed within four weeks by a full week of interviewing in fifteen sites. At least eight sites will be local education agencies, at least four sites will be State Operated Programs, and least one site will be a private school in to which handicapped children have been places by a public agency. The advance visit is conducted by the State Plan Officer for the given State. The full-week visit is conducted by a team of five to seven education program specialists, one of whom is the State Plan officer.

(f) Voluntary/Obligatory Nature of Response

Required to obtain or maintain benefits.

(g) Justification of How Information Collected Will Be Used

a. *Program Management:* The Division of Assistance to States, Bureau of Education for the Handicapped is charged with the responsibility for the administration of the Education of the Handicapped Act, Part B, as amended by Pub. L. 94–142. The Information collected through this activity is necessary to fulfill the monitoring requirements of this statute. Further, it is essential to document that handicapped children in institutions and day programs receiving Pub. L. 89–313 funds are also receiving the benefits required by Pub. L. 94–142.

b. *Evaluation:* The Division of Assistance to States will use the information collected as the basis for the development of Program Administrative Review reports for each State and territory reviewed. The information will permit the Bureau to (1) assess the implementation of each State's current Annual Program Plan; (2) monitor State compliance with specific provisions of federal statutes; (3) provide data for the Annual Report to Congress.

(h) Data Acquisition Plan

(1) Method of Collection: Personal Interview and Document Review (by BEH staff).

(2) Time of collection: Throughout the fiscal year from October through May.

(3) Frequency: Biennial.

(4) Method(s) of analysis: Each of the requirements for Pub. L. 94–142 (see #13) has specific compliance criteria associated with it. Interviewers seek evidence confirming that all compliance criteria are being met; that policies are in place, and procedures are being implemented. Through interviews, document reviews, and on-site observations, BEH staff determines the compliance status of each site on each requirement. This information is summarized across sites for a given State. From this summary a Program Administrative Review report is written in which, for each requirement, the number of sites which are in compliance and which are out of compliance are reported. For all requirements for which evidence of non-compliance exists, corrective actions are specified.

(i) Timetable for Dissemination of the Collected Data

As indicated in (h) above, a Program Administrative Review Report is written for each State visited. This report is disseminated in draft form within one month after the site visit, and in final form no later than two months after the site visit.

(j) Respondents

(1) Type: SEA administrators, LEA administrators, administrators of institutions, administrators of private schools, representatives of parent organizations, representatives of teacher organizations, representatives of advocacy organizations, representatives of private school organizations, and members of State Advisory panels.

b. Estimated number by type: SEA———3; LEA———3.

Institution—2; Private School—2.

Parent Representatives—3 per State; Teacher Representatives—3 per State.

Advocacy Group Representatives—3 per State.

Private School Organization Representatives—3 per State.

Members of the State Advisory Panel—3 per State.

c. Estimated Average person-hours response time per type of respondent: SEA—3 hours; LEA—1.5 hours.

Institution Administrator—2 hours; Private School Administrator—1 hour.

Parent Representative—.5 hour; Teacher Representative—.5 hours.

Advocacy Representative—.5 hour; Private School Representative—.5 hour; State Advisory Panel Member—.5 hour.

(k) Estimated Costs and Person-Hours to the Respondent (Total)

$700 per State (based on the respondents in each state); 30 person hours.

(l) Cost to the Federal Agency to Collect, Process and Analyze the Data

$80,000.

(m) A List of the Specific Data To Be Collected From Each Type of Respondent

Information will be collected with the use of seven interview guides: A SEA Interview Guide, a LEA Interview Guide, a State Operated Program Interview Guide, a State Advisory Panel Interview Guide, a Parent Groups Interview Guide, a Teacher Groups Interview Guide, and a Private School Interview Guide. Each guide addresses specific administrative and programmatic requirements of Pub. L. 94–142. For each requirement specific compliance criteria must be confirmed through the interviewing process. The requirements are listed below:

Full Education Opportunity Goal (Pub. L. 94–142, Section 612).

Right to Education Policy (Pub. L. 94–142, Section 612).

Child Identification, Location, and Evaluation (Pub. L. 94–142, Section 612).

Protection in Evaluation Procedures (Pub. L. 94–142, Section 612).

Individualized Education Program (Pub. L. 94–142, Section 612).

Related Services (Pub. L. 94–142, Section 612).

Due Process (Pub. L. 94–142, Section 612).

Confidentiality (Pub. L. 94–142, Section 612).

Least Restrictive Environment (Pub. L. 94–142, Section 612).

Monitoring (Pub. L. 94–142, Section 612).

State Annual Program Plan (Pub. L. 94–142, Section 612).

Local Applications (Pub. L. 94–142, Section 612).

Priorities (Pub. L. 94–142, Section 612).

Administration of Funds by LEAs (Pub. L. 94–142, Section 612).

Private School Placements (Pub. L. 94–142, Section 612 and 613).

Private School Participation (Pub. L. 94–142, Section 612 and 613).

Comprehensive System of Personnel Development (Pub. L. 94–142, Section 613).

Complaint Management System (Pub. L. 94–142, Rules and Regulations, Section 121a.602).

Title IV C, Set Aside (ESEA, Title IV–C, Section 432).

Vocational Education, Set Aside (Vocational Education Act of 1963, Section 122).

Early Childhood Incentive Grants (Pub. L. 94–142, Section 619).

State Advisory Panel (Pub. L. 94–142, Section 613 and 615).

Children to Receive Benefits (ESEA, Title I, Section 305).

Agency Eligibility (ESEA, Title I, Section 305).

Application Requirements (ESEA, Title I, Section 305).

Supervision (ESEA, Title I, Section 305).

Program Monitoring (ESEA, Title I, Section 305).

Fiscal Monitoring (ESEA, Title I, Section 305).

(n) Name and Address of Individual or Office From Which a Copy Of The Full Plan and the Data Instrument(s) May Be Obtained

Jerry Vlasak, Chief, Administrative Review Section, Bureau of Education for the Handicapped, 400 Maryland Avenue, SW., Donohoe Building, Washington, D.C. 20202.

[FR Doc. 79–29828 Filed 9–25–79; 8:45 am]

BILLING CODE 4110–89–M

Office of the Secretary

Meeting of the Secretary's Advisory Committee on the Rights and Responsibilities of Women

The Secretary's Advisory Committee on the Rights and Responsibilities of Women, which is established to provide advice to the Secretary of Health, Education, and Welfare on the impact of the policies, programs and activities of the Department on the Status of women will meet on Thursday, October 25, 1979, from 10:00 a.m. to 5:00 p.m., in Room 525–A, Hubert H. Humphrey Building, 200 Independence Avenue, S.W., and on Friday, October 26, 1979, from 9:00 a.m. to 3:00 p.m. in Room 4137 North Building, 330 Independence Avenue, S.W., Washington, D.C. The agenda will include reports from the task forces dealing with family policy, Title IX, national health insurance, reproductive technology and adolescent pregnancy.

Further information on the Committee may be obtained from: Cheryl Yamamoto, Executive Secretary, telephone 202–245–8454. These meetings are open to the public.

Dated: September 20, 1979.

Cheryl Yamamoto,

Executive Secretary, Secretary's Advisory Committee on the Rights and Responsibilities of Women.

[FR Doc. 79–29803 Filed 9–25–79; 8:45 am]

BILLING CODE 4110–12–M

Meeting of the Secretary's Advisory Committee on the Rights and Responsibilities of Women

The Secretary's Advisory Committee on the Rights and Responsibilities of Women, which is established to provide advice to the Secretary of Health, Education, and Welfare on the impact of the policies, programs and activities of the Department on the status of women will hold its Health Task Force meeting on Wednesday, October 24, 1979 from 10:00 a.m. to 5:00 p.m. The meeting will be held in Room 727–A, Hubert H. Humphrey Building, 200 Independence Avenue, S.W., Washington, D.C. The agenda will include discussion and briefings on National Health Insurance, adolescent pregnancy (focus on prevention and education) and issues concerning reproductive technology, including use of fetal monitoring.

Further information on the Committee may be obtained from: Cheryl Yamamoto, Executive Secretary, telephone 202–245–8454. These meetings are open to the public.

Dated: September 20, 1979.

Cheryl Yamamoto,

Executive Secretary, Secretary's Advisory Committee on the Rights and Responsibilities of Women.

[FR Doc. 79–29804 Filed 9–25–79; 8:45 am]

BILLING CODE 4110–12–M

Office of the General Counsel; Statement of Organization, Functions and Delegation of Authority

This notice amends the Statement of Organization, Functions and Delegation of Authority for the Department of Health, Education, and Welfare Chapter AG "OGC" (34 FR 17032, June 28, 1973, as amended at 42 FR 42716, August 24, 1977). The notice reflects the reorganization of OGC by the abolishment of the Inspector General Division and the incorporation of the duties of that Division into the functions of the Business and Administrative Law Division.

Section AG.18 *Divisions in the Office of the General Counsel* is amended to delete the words "Inspector General Division."

Section AG.22 A.1 *Divisions in the Office of the General Counsel* is amended to read as follows:

Section AG.22 *Divisions in the Office of the General Counsel.*

A. The Divisions in the Office of the General Counsel, under the direction of an Assistant General Counsel, have the following responsibilities:

1. *Business and Administrative Law Division.* The Business and Administrative Law Division shall be responsible for:

a. Legal services on business management activities and administrative operations throughout the Department, including procurement, contracting, personnel, patents, copyrights, budget, appropriations, employment, compensation, travel, and claims by and against the Department.

b. Legal services for the Department's surplus property, civil defense, and security programs.

c. Liaison with the Comptroller General.

d. Legal services under the National Environmental Policy Act.

e. Liaison with the Department of Justice on administration of the Freedom of Information Act.

f. Counseling employees who request advice on or interpretation of standards of conduct.

g. Under the direction of the Deputy Assistant General Counsel (Inspector General), the provision of legal services to the Office of Inspector General.

Section AG.22 *Divisions in the Office of the General Counsel* is further amended to delete subsection AG.22.A.9 *Inspector General Division.*

Dated: September 20, 1979.

Frederick M. Bohen,

Assistant Secretary for Management and Budget.

[FR Doc. 79–29802 Filed 9–25–79; 8:45 am]

BILLING CODE 4110–12–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Community Planning and Development

[Docket No. N–79–937]

Small Cities Discretionary Grants Under the Community Development Block Grant Program; Dates for Submission of Preapplications

AGENCY: Department of Housing and Urban Development.

ACTION: Amendment to Notice.

SUMMARY: Because of the devastation caused by Hurricane Frederic in the States of Alabama and Mississippi, the cities in those states are unable to meet the originally established deadline filing dates for preapplications for the Small

cities program. Therefore, HUD is amending the Notice of the dates for submission of preapplications to HUD Area Offices for the Small Cities Discretionary Grant Program under the Community Development Block Grant Program for Fiscal Year 1980, published in the **Federal Register** July 20, 1979, at 44 FR 42787, to read as follows:

Final Date for Submission

Region IV	No earlier than—	No later than—
Alabama	Oct. 15, 1979	Oct. 29, 1979
Mississippi	Oct. 22, 1979	Nov. 5, 1979

FOR FURTHER INFORMATION CONTACT: Mr. James N. Forsberg, Small Cities Program Division, Office of Community Planning and Development of Housing and Urban Development, Washington, D.C. 20410, 202–755–6322.

SUPPLEMENTAL INFORMATION: Notice is hereby given that in accordance with 24 CFR 570.420(h)(2) the Department of Housing and Urban Development (HUD) has established dates for submission of preapplications for Small Cities Discretionary Grants to be accepted by HUD for Fiscal Year 1980.

For applicants from both metropolitan and nonmetropolitan areas, the earliest and latest date for submission are the dates established above for each State. Preapplications for funding under the Single Purpose and Comprehensive Grant provisions of the Small Cities Discretionary Grant program will be accepted only during the designated time period.

Applicants are hereby advised to submit their preapplications for Single Purpose Grants pursuant to 24 CFR 570.429, or their preapplication for Comprehensive Grants pursuant to 24 CFR 570.425, to the appropriate HUD Area Office serving the applicant's jurisdiction.

Issued at Washington, D.C., September 19, 1979.

Robert C. Embry, Jr.,

Assistant Secretary for Community Planning and Development.

[FR Doc. 79-29799 Filed 9-25-79; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM 38191]

New Mexico; Application

September 14, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for two 4½-inch natural gas pipeline right-of-way across the following land:

New Mexico Principal Meridian, New Mexico

T. 19 S., R. 33 E.,
Sec. 17, E½SW¼;
Sec. 20, E½NW¼, NE¼SW¼ and W½SE¼;
Sec. 29, W½NE¼ and NW¼SE¼.

These pipelines will convey natural gas across 2.289 miles of public land in Lea County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

Fred E. Padilla,

Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-29781 Filed 9-25-79; 8:45 am]

BILLING CODE 4310-84-M

[NM 38155]

New Mexico; Application

September 17, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for one 6⅝-inch natural gas pipeline right-of-way across the following land:

New Mexico Principal Meridian, New Mexico

T. 31 N., R. 12 W.,
Sec. 17, W½NE¼, N½SE¼ and SE¼SE¼;
Sec. 20, E½NE¼;
Sec. 29, NE¼NE¼.

This pipeline will convey natural gas across 1.703 miles of public land in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107.

Raul E. Martinez,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-29782 Filed 9-25-79; 8:45 am]

BILLING CODE 4310-84-M

[NM 38216]

New Mexico; Application

September 17, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for one 4½-inch natural gas pipeline right-of-way across the following land:

New Mexico Prinicpal Meridian, New Mexico

T. 27 N., R. 6 W.,
Sec. 19, E½SE¼;
Sec. 30, NE¼NE¼.

This pipeline will convey natural gas across .419 of a mile of public land in Rio Arriba County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, New Mexico 87107.

Raul E. Martinez,

Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc. 79-29783 Filed 9-25-79; 8:45 am]

BILLING CODE 4310-84-M

Burley District Grazing Advisory Board; Meeting

In accordance with Pub. L. 92–463, the Federal Advisory Committee Act, and Pub. L. 94–579, the Federal Land Policy and Management Act, notice is hereby given that the Burley District Grazing Advisory Board will meet on November 5, 1979.

The meeting will begin at 9:00 a.m. in the conference Room of Bureau of Land Management Office at 200 South Oakley Highway, Burley, Idaho.

The agenda for the meeting will include:

(1) Review Goose Creek AMP relating to the Idaho Rangeland Committee's findings.
(2) Expenditure of range betterment and advisory board funds for range improvements.
(3) Forthcoming elections.
(4) Set date for next meeting.

The meeting is open to the public. Interested persons may make oral statements to the Board between 2:00 p.m. and 3:30 p.m. or they may file written statements for the Board's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, Route 3, Box 1, Burley, Idaho 83318, by November 1, 1979. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the district manager.

Summary minutes of the Board meeting will be maintained in the District Office and will be available for public inspection and reproductions (during regular business hours 7:45 a.m. to 4:30 p.m., Monday through Friday) within 30 days following the meeting.

Dated: September 18, 1979.

Nick James Cozakos,

District Manager.

[FR Doc. 79-29875 Filed 9-25-79; 8:45 am]

BILLING CODE 4310-84-M

Montana; Proposed Decision on Intensive Wilderness Inventory Butte District; Overthrust Belt

This proposed decision is issued under the authority of Section 603 of the Federal Land Policy and Management Act of October 21, 1976, and under the guidelines provided in Step 5 of the Wilderness Inventory Handbook of September 27, 1978, issued by the U.S. Department of the Interior, Bureau of Land Management.

The Secretary of the Interior has directed that the wilderness inventory of all inventory units within the "Overthrust Belt" (a geologic formation with high oil and gas potential) be completed by December 31, 1979.

The entire Butte Bureau of Land Management (BLM) District is located within the Overthrust Belt in western Montana. The Butte District has forty-eight wilderness intensive inventory units as described in the **Federal Register** notice of August 16, 1979. The intensive inventory of these units has been completed. This notice is an announcement of the proposed wilderness study area decision.

A 75-day public comment period will begin September 24, 1979, and conclude December 7, 1979. The public is invited to review the proposed decisions and make comments to the Montana State Director, Bureau of Land Management, P.O. Box 30157, Billings, Montana 59107.

The proposed decision has identified twenty inventory units described below, which are believed to possess wilderness characteristics as set forth in Section 2(c) of the 1964 Wilderness Act and which are therefore proposed to become wilderness study areas (WSA's). These units are:

Butte District:

MT-076-001—Ruby Mountain, 26,357 acres.
MT-076-002—Blacktail Mountains, 19,189 acres.
MT-076-004—Big Spring Gulch, 30,998 acres.
MT-076-007—East Fork Blacktail Deer Creek, 6,180 acres.
MT-076-022—Hidden Pasture Creek, 15,475 acres.
MT-076-025—McCartney Mountain/Sandy Hollow, 16,380 acres.
MT-076-028—Henneberry Ridge, 10,111 acres.
MT-076-034—Farlin Creek, 1,260 acres.
MT-076-063—Tobacco Root Tackons, 1,640 acres.
MT-076-069—Axolotl Lakes, 7,140 acres.
MT-076-079—Madison Tackons, 1,509 acres.
MT-075-102—Blind Horse Creek, 4,927 acres.
MT-075-105—Chute Mountain, 3,085 acres.
MT-075-106—Deep Creek/Battle Creek, 3,086 acres.
MT-075-110—Beaver Meadows, 640 acres.
MT-075-114—Elkhorn, 3,585 acres.
MT-075-133—Yellowstone River Island, 53 acres.
MT-074-151a—Hoodoo Mountain, 11,522 acres.
MT-074-151b—Gallagher Creek, 5,927 acres.
MT-074-155—Quigg West, 520 acres.

The following twenty-eight wilderness inventory units have been determined not to possess wilderness characteristics as set forth in section 2(c) of the 1964 Wilderness act and are, therefore, proposed to be dropped from further consideration under the wilderness review process, and released from the constraints of interim management as specified in section 603(c) of the Federal Land Policy and Management Act.

Butte District:

MT-076-003—Blacktail Mountains, West, 2,130 acres.
MT-076-006—White Hills South, 8,850 acres.
MT-076-008—Basin Creek North, 17,960 acres.
MT-076-009—Antelope Flats, 14,020 acres.
MT-076-010—Basin Creek South, 10815 acres.
MT-076-011—Lima Reservoir, 5,360 acres.
MT-076-015—Red Rocks Refuge North, 440 acres.
MT-076-024—Camp Creek South, 7,200 acres.
MT-076-026—Bell/Limekiln Canyons, 13,740 acres.
MT-076-029—Bachelor Mountain, 13,000 acres.
MT-076-031—Cold Spring Creek, 7,100 acres.
MT-076-033—Garret Hill, 1,120 acres.
MT-076-042—Red Rock River Islands #2, 3 acres.
MT-076-043—Red Rock River Islands #1, no island exists.
MT-076-047—Jimmy New Creek, 6,275 acres.
MT-076-051—Maiden Rock Islands, 1 acre.
MT-076-054—Nez Perce Hollow, 12,743 acres.
MT-076-059—Block Mountain, 6,700 acres.
MT-076-070—Sweetwater, 7,749 acres.
MT-076-071—Elk Gulch, 10,292 acres.
MT-075-107—North Fork of Sun River, 196 acres.
MT-075-115—Black Sage, 5,926 acres.
MT-075-123—Missouri River Island, 22 acres.
MT-075-124—Missouri River Island, 12 acres.
MT-075-125—Missouri River Island, 5 acres.
MT-075-126—Missouri River Island, 17 acres.
MT-075-134—Yellowstone River Island, 23 acres.
MT-075-138—Missouri River Island, 40 acres.

Changes From Initial Inventory Decision Announcement. Some of the smaller inventory units contiguous to Forest Service Rare II areas placed in a further planning category have been grouped under the same inventory unit numbers. These units are: MT-076-079, MT-076-080, MT-076-081, MT-076-082, MT-076-084 which are now MT-076-079, Madison Tackons; MT-076-063, and MT-076-064 are now MT-076-063, Tobacco Root Tackons.

Units MT-076-073 and MT-076-074 have been dropped from the inventory procedures since they are not adjacent to a Forest Service Rare II further planning area as the Beaverhead National Forest has set the boundaries for 1-013.

Unit MT-074-151 was found to be two units, both larger than 5,000 acres. They are now MT-074-151a, Hoodoo Mountain, and MT-074-151b, Gallagher Creek.

Units MT-076-023 and 022 were found to be one unit during field inventory; they are now MT-076-022, Hidden Pasture Creek.

Units MT-076-026 and MT-076-027 were found to be one unit during field inventory; they are now MT-076-026, Bell/Limekiln Canyons.

Additional Information Available. Copies of wilderness characteristics narrative summaries and a 1 : 500,000 scale map showing the Montana BLM Overthrust Belt lands affected, may be obtained by writing the BLM offices listed below. In addition, detailed wilderness characteristics narratives (not summaries) are available for review at the Butte District Office and Headwaters, Garnet and Dillon

Resource Area Offices. These locations are as follows:

Office of Public Affairs, Montana State Office, Bureau of Land Management, 222 North 32d Street, P.O. Box 30157, Billings, Montana 59107.
Butte District Office, 106 N. Parkmont (Industrial Park), Butte, Montana 59701.
Headwaters Resource Area, 106 N. Parkmont (Industrial Park), Butte, Montana 59701.
Garnet Resource Area, 1819 Holborn Avenue, Missoula, Montana 59801.
Dillon Resource Area, 730 N. Montana Street, Dillon, Montana 59725.

To facilitate public review and comment on this proposal, the following schedule of public meetings is established:

Public Meetings

October 15, 1979—Village Red Lion Motor Inn, Russell Room, Missoula, Montana, 7 p.m.
October 16, 1979—Drummond Public School, Drummond, Montana, 7 p.m.
October 16, 1979—All Purpose Room-cafeteria, Sheridan Public School, Sheridan, Montana, 7 p.m.
October 17, 1979—St. Rose Family Center, Dillon, Montana, 7 p.m.
October 18, 1979—Multi-Purpose Room, Lima Public School, Lima, Montana, 7 p.m.
October 22, 1979—Butte District Office, 106 N. Parkmont (Industrial Park), Butte, Montana, 7 p.m.
October 23, 1979—Topper Motel, 1235 N. 7th, Bozeman, Montana, 7 p.m.
October 24, 1979—Travelodge, Rimini Room, Helena, Montana, 7 p.m.
October 29, 1979—Heritage Inn, Venice-Paris Room, Great Falls, Montana, 7 p.m.
October 30, 1979—Public Library, Choteau, Montana, 7 p.m.

Upon completion of the 75-day public comment period and analysis of public comments, a final wilderness study area decision will be announced through Montana media sources and the **Federal Register.**

Edwin Zaidlicz,

State Director.

[FR Doc. 79-29876 Filed 9-25-79; 8:45 am]

BILLING CODE 4310-84-M

[NM 28093]

New Mexico; Request for Public Comment

September 19, 1979.

U.S. Department of the Interior, Bureau of Land Management, New Mexico State Office, P.O. Box 1449, Santa Fe, New Mexico 87501. The Bureau of Land Management requests public comment on the fair market value of certain coal resources it proposes to offer for competitive lease sale.

The coal resource to be evaluated consists of underground reserves in the following described land located approximately three miles northeast of Fruitland, New Mexico:

T. 30 N., R. 15 W., NMPM, San Juan County
Sec. 13: S½;
Sec. 14: S½;
Sec. 23: All;
Sec. 24: All;
Sec. 25: All;
Sec. 26: All;
Sec. 35: Lots 1, 2, 3, 4, N½, N½S½.
Containing 3,855.60 acres.

The estimated total underground recoverable reserves in the upper coal bed are 25,846,367 short tons. The coal quality is as follows: BTU—9,290/lb.; Sulfur—.58%, and Ash—24.8%. The upper coal bed averages 6 feet thick over 3,840 acres. The estimated total underground recoverable reserves in the lower coal bed are 49,906,856 short tons. The coal quality is as follows: BUT—10,221/lb.; Sulfur—.99%, and Ash—17.65%. The lower coal bed averages 15 feet thick over 3,840 acres of the described lands.

The public is invited to submit written comments concerning the fair market value of the coal resource to the Bureau of Land Management and the U.S. Geological Survey. Public comments will be utilized in establishing fair market value for the coal resources in the described lands.

Comments should address specific factors related to fair market value including, but not limited to: the quantity and quality of the coal resource, the price that the mined coal would bring in the market place, the cost of producing the coal, the probable timing and rate of production, the interest rate at which anticipated income streams would be discounted, depreciation and other accounting factors, the expected rate of industry return, the value of the surface estate (if private surface), and the mining method or methods which would achieve maximum economic recovery of the coal. Documentation of similar market transactions, including location, terms, and conditions, may also be submitted at this time.

These comments will be considered in the final determination of fair market value as determined in accordance with 30 CFR 211.63 and 43 CFR 3422.1-2. Should any information submitted as comments be considered to be proprietary by the commenter, the information should be labeled as such and stated in the first page of the submission. Comments should be sent to both the State Director, New Mexico State Office, Bureau of Land Management, P.O. Box 1449, Santa Fe, New Mexico 87501, and to the Regional Conservation Manager, Conservation Division, Geological Survey, P.O. Box 25046, Denver Federal Center, Denver Colorado 80225, to arrive no later than October 24, 1979.

Larry L. Woodard,

Acting State Director.

[FR Doc. 79-29880 Filed 9-25-79; 8:45 am]

BILLING CODE 4310-84-M

[NM 38268, 38269 and 38270]

New Mexico; Applications

September 19, 1979.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Phillips Petroleum Company has applied for three 4½-inch natural gas pipeline rights-of-way across the following lands:

New Mexico Principal Meridian, New Mexico

T. 17 S., R. 27 E.,
Sec. 24, SW¼NE¼.
T. 16 S., R. 29 E.,
Sec. 4, SW¼SE¼.
T. 19 S., R. 34 E.,
Sec. 6, SE¼SW¼;
Sec. 7, W½NE¼ and NE¼NW¼.

These pipelines will convey natural gas across 0.759 of a mile of public lands in Eddy and Lea Counties, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

Bill J. Warner,

Acting Chief, Division of Technical Services.

[FR Doc. 79-29877 Filed 9-25-79; 8:45 am]

BILLING CODE 4310-84-M

Office of the Secretary

[INT FES 79-43]

Grand Junction Grazing Management; Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of Interior has prepared an environmental statement on grazing management in the Grand Junction Resource Area. The proposal includes implementing 78 new grazing plans or allotment management plans (AMPs), fully implementing 8 partially completed AMPs and continuing present management on 3 AMPs. Less intensive grazing management would be applied

to 88 allotments and livestock grazing would be eliminated on 2 additional allotments.

The environmental statement analyzes the impacts that would result from management of livestock grazing and additional range improvement projects such as fences, livestock watering facilities, and vegetation treatment. The proposal is scheduled for implementation over an 8-year period.

Copies of the draft statement are available for inspection at the following locations:

Bureau of Land Management, Office of Public Affairs, Room 5619, Interior Building, 18th and C Streets, NW., Washington, D.C. 20240 (Phone: 202-343-4151).
Bureau of Land Management, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202 (Phone: 303-837-4481).
Bureau of Land Management, Grand Junction District Office, 764 Horizon Drive, Grand Junction, Colorado 81501 (Phone: 303-243-6552).
Bureau of Land Management, Glenwood Springs Resource Area, 5629 Highway 6 & 24, Glenwood Springs, Colorado 81601 (Phone 303-945-2341).

Public Libraries

Mesa County Public Library, 530 Grand Avenue, Grand Junction, Colorado 81501.
Mesa College Library, Grand Junction, Colorado 81501.
Glenwood Springs Public Library, 806 Cooper, Glenwood Springs, Colorado 81601.
Conservation Library, Denver Public Library, 1357 Broadway, Denver, Colorado 80206.

County Courthouses

Garfield County, Glenwood Springs, Colorado 81601.
Mesa County, Grand Junction, Colorado 81501.

Single copies of the final statement can be obtained from the District Manager, Grand Junction District Office; or the State Director, Colorado State Office, at the addresses listed above.

Dated: September 20, 1979.

Larry E. Meierotto,

Assistant Secretary.

[FR Doc. 79-29840 Filed 9-25-79; 8:45 am]

BILLING CODE 4310-84-M

[INT FES 79-43]

Grazing Management Program for Caliente Area of Nevada; Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for the Caliente grazing area in Lincoln County, Nevada.

The Caliente grazing proposal involves allocation of 74,293 AUMs of forage to livestock, period-of-use for each class of livestock, allocation of forage to meet management goals for wildlife and wild horses (15,104 and 5,956 AUMs, respectively), implementation of intensive grazing management on 65 allotments (27 AMP areas), 12 non-AMP allotments, nine allotments which will not have domestic livestock grazing allowed, proper grazing treatments for each allotment, and necessary range improvements needed to fully implement the grazing systems.

The final environmental statement incorporates comments received on the draft environmental statement which was made available to the public May 25, 1979. The draft statement was the subject of public hearings held in Caliente, Nevada, on July 10, 1979; St. George, Utah, on July 11, 1979; and Las Vegas, Nevada, on July 12, 1979.

Copies of the final environmental statement are available on request by writing the Las Vegas District Manager, Bureau of Land Management, P. O. Box 5400, Las Vegas, Nevada 89102.

Public reading copies will be available for review at the following locations:

Office of Public Affairs, Bureau of Land Management, Interior Building, 18th and C Streets N.W., Washington, D.C. 20240, Telephone: (202) 343-5717.
Nevada State Office, Bureau of Land Management, Room 3008, Federal Building, 300 Booth Street, Reno, Nevada 89509, Telephone: (702) 784-5311.
Battle Mountain District Office, Bureau of Land Management, North 2nd and South Scott Streets, Battle Mountain, Nevada 89820, Telephone: (702) 635-5181.
Carson City District Office, Bureau of Land Management, 1050 E. Williams Street, Carson City, Nevada 89701, Telephone: (702) 882-1631.
Elko District Office, Bureau of Land Management, 2002 Idaho Street, Elko, Nevada 89801, Telephone: (702) 738-4071.
Ely District Office, Bureau of Land Management, Star Route 5, Box 1, Ely, Nevada 89301, Telephone: (702) 289-4865.
Las Vegas District Office, Bureau of Land Management, P. O. Box 5400, 4765 West Vegas Drive, Las Vegas, Nevada 89102, Telephone: (702) 385-6403.
Winnemucca District Office, Bureau of Land Management, 705 East 4th Street, Winnemucca, Nevada 89445, Telephone: (702) 623-3676.
Boulder City Library, 539 California Street, Boulder City, Nevada 89005.
Cedar City Public Library, 136 W. Center, Cedar City, Utah 84720.
Clark County Library, 1401 E. Flamingo Road, Las Vegas, Nevada 89109.
Lincoln County Library, Box 248, Pioche, Nevada 89043.
Lincoln County Library, Caliente Branch, Box 306, Caliente, Nevada 89008.
Las Vegas Public Library, 1726 E. Charleston Boulevard, Las Vegas, Nevada 89104.
St. George Public Library, 55 West Tabernacle, St. George, Utah 84770.
University of Nevada, Reno, Getchell Library, Reno, Nevada 89507.
University of Nevada, Las Vegas Library, 4505 Maryland Parkway, Las Vegas, Nevada 89154.
Washoe County Library, 301 S. Center Street, Reno, Nevada 89505.
White Pine County Library, Courthouse Plaza, Ely, Nevada 89301.

Dated: September 17, 1979

James W. Curlin,

Deputy Assistant Secretary of the Interior.

[FR Doc. 79-29841 Filed 9-25-79; 8:45 am]

BILLING CODE 4310-84-M

Bureau of Reclamation

Contract Negotiations With Wenatchee Heights Reclamation District, Wash.; Intent To Begin Repayment Contract Negotiations

The Department of the Interior, through the Bureau of Reclamation, intends to open negotiations to amend the August 31, 1977, repayment contract with the Wenatchee Heights Reclamation District, Wenatchee, Washington. That contract, as amended May 26, 1978, was executed under the authority of the Emergency Drought Act of April 7, 1977 (91 Stat. 36), as amended. The proposed amendment will defer the time for payment of installments under that contract, pursuant to the Act of September 21, 1959 (73 Stat. 584).

Pursuant to the Emergency Drought Act and the 1977 contract, funds in the amount of $571,648.28 were expended to construct and operate emergency water supply facilities that were needed to avoid crop losses during the severe drought of 1977. The 1977 contract provided that those funds would be repaid by the district over a 10-year period beginning in 1978. The district has repaid $83,202.13 and is essentially current in its payments to the United States; however, it has requested deferment of the semiannual installment due December 1979 and a longer repayment period due to greatly increased costs and other circumstances that developed after the repayment arrangements were made.

The public may observe any negotiating sessions. Advance notice of such meetings, if any, will be furnished on request. Requests must be in writing and must specify that the requesting party is interested in the proposed Wenatchee Heights Reclamation District contract. Inquiries should be addressed to the Regional Director, attention code

440, Bureau of Reclamation, 550 West Fort Street, Box 043, Boise, Idhao 83724.

A proposed draft contract will be made available for public review. Thereafter, a 30-day period will be allowed for receipt of written comments from the public.

For further information on scheduled negotiating sessions and copies of the proposed contract form, please contact: Ms. Patricia Gallagher, Bureau of Reclamation, Repayment and Statistics Branch, Division of Water, Power and Lands, 550 West Fort Street, Box 043, Boise, Idaho 83724, telephone (208) 384–1160.

Dated: September 18, 1979.

Clifford I. Barrett,

Assistant Commissioner of Reclamation.

[FR Doc. 79-29521 Filed 9-25-79; 8:45 am]

BILLING CODE 4310-09-M

INTERNATIONAL TRADE COMMISSION

[TA-201-41]

Certain Fish; Correction of Notice of Investigation

Notice is hereby given that the notice of investigation and hearing in the above investigation inadvertently excluded item 110.55 of the Tariff Schedules of the United States from the product description of the fish covered by the investigation. The notice of investigation is hereby corrected to include item 110.55 of the Tariff Schedules of the United States in the product scope of the investigation.

The notice of investigation and hearing was published in the **Federal Register** of September 12, 1979 (44 FR 53112).

By order of the Commission.

Issued: September 20, 1979.

Kenneth Mason,

Secretary.

[FR Doc. 79-29911 Filed 9-25-79; 8:45 am]

BILLING CODE 7020-02-M

[225-1]

Competitive Status of Certain Benzenoid Chemical Imports From Switzerland and the European Community

AGENCY: United States International Trade Commission.

ACTION: Notice is hereby given that the United States International Trade Commission, following receipt on August 10, 1979, of a request from the Special Representative for Trade Negotiations, has instituted an investigation under Section 225 of the Trade Agreements Act of 1979 with respect to the dutiable status of certain benzenoid chemical imports.

EFFECTIVE DATE: September 18, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. D. F. McCarthy, Office of Industries ((202)523–0492) or Mr. Holm Kappler, Office of Nomenclature, Valuation, and Related Activities ((202)523–0362), United States International Trade Commission, 701 E Street, NW., Washington, D.C. 20436.

SUPPLEMENTARY INFORMATION: The Trade Agreements Act of 1979 (the Act) contains a new tariff nomenclature for benzenoid chemicals with rates of duty adjusted to reflect the adoption by the United States of a revised system of customs valuation based principally upon transaction value. Under section 225 of the Act the President is authorized to proclaim a modification of the article descriptions in subparts B and C of part 1 of Schedule 4 of the Tariff Schedules of the United States in order to transfer articles within those provisions. The President may not make any such modification unless the Commission determines that—

(1) the chemical or product was not valued for customs purposes on the basis of American selling price upon entry into the United States during a period determined by the Commission to be representative, and

(2) a rate of duty provided for in such subparts, other than the rate of duty that would apply but for this section, is more appropriate and representative for such chemical or product.

The Commission is reviewing a list of certain benzenoid chemicals notified to the United States by Switzerland and the European Community with regard to the U.S. customs treatment of each chemical during 1976, 1977, and 1978. The Commission will publish its preliminary determinations with respect to this list of benzenoid chemicals for public comment on or about November 5, 1979.

COMPLETION DATE: The Commission plans to complete its study and report its findings to the President and the Special Representative for Trade Negotiations not later than December 12, 1979.

Issued: September 20, 1979.

By order of the Commission.

Kenneth R. Mason,

Secretary.

[FR Doc. 79-29912 Filed 9-25-79; 8:45 am]

BILLING CODE 7020-02-M

DEPARTMENT OF JUSTICE

U.S. v. Bethlehem Steel Corp.; Proposed Consent Decree in Action To Enjoin Discharge of Air Pollutants

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that a proposed consent decree in *United States* v. *Bethlehem Steel Corporation* was lodged with the United States District Court for the Western District of Pennsylvania on September 6, 1979. The proposed decree provides that Bethlehem Steel will construct a new electric arc furnace melt shop at its Johnstown, Pennsylvania plant by December 31, 1982, and it will shut down by that date the existing coke battery No. 18, blast furnace, open hearth furnaces and sinter plants. The decree would require the posting of financial performance guarantees and compliance by the existing sources at the plant with emission and operating limitations until shut-down.

The Department of Justice will receive on or before October 26, 1979, written comments relating to the proposed judgment. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and refer to *United States* v. *Bethlehem Steel Corporation*, D. J. Reference No. 90–5–2–1–191.

The proposed consent decree may be examined at the office of the United States Attorney, Western District of Pennsylvania, 633 U.S.P.O. and Courthouse, 7th Avenue and Grant Street, Pittsburgh, Pennsylvania 15219, at the Environmental Protection Agency, Region III, Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106, and at the Pollution Control Section, Land and Natural Resources Division, Department of Justice (Room 2625), Ninth Street and Pennsylvania Avenue NW., Washington, D.C. 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Pollution Control Section, Land and Natural Resources Division, Department of Justice.

James W. Moorman,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 79-29784 Filed 9-25-79; 8:45 am]

BILLING CODE 4410-01-M

Drug Enforcement Administration

Controlled Substances; Establishment of 1980 Aggregate Production Quota for Hydromorphone

Section 306 of the Controlled Substances Act (21 U.S.C. 826) requires that the Attorney General establish aggregate production quotas for all controlled substances in Schedules I and II. This responsibility has been delegated to the Administrator of the Drug Enforcement Administration by § 0.100 of Title 28 of the Code of Federal Regulations.

On July 20, 1979, a notice of the proposed aggregate production quota for hydromorphone for 1980 was published in the **Federal Register** (44 FR 42799). All interested parties were invited to comment on or object to the proposed aggregate production quotas on or before August 23, 1979. One comment was received from Knoll Pharmaceutical Company of Whippany, New Jersey.

In their comment, Knoll stated that they provided almost the entire supply of hydromorphone (Dilaudid) for medical purposes in the United States. Because of a growing awareness of physicians of the legitimate use of hydromorphone and the development of new products, Knoll is concerned that a reduction in quota to reduce abuse will serve only to limit the availability of hydromorphone to physicians and patients who actually need these products. Therefore, although Knoll agrees with DEA that abuse of hydromorphone should be reduced, they feel quota reductions would be inappropriate.

No other comments and no requests for hearing were received. Pursuant to § 1303.11(c) of Title 21 of the Code of Federal Regulations, the Administrator of the Drug Enforcement Administration has deemed, in his sole discretion, that hearings relative to the above comment are not necessary at this time.

Therefore, under the authority vested in the Attorney General by Section 306 of the Controlled Substances Act of 1970 (21 U.S.C. 826), and delegated to the Administrator of the Drug Enforcement Administration by § 0.100 of Title 28 of the Code of Federal Regulations, the Administrator of the Drug Enforcement Administration hereby orders that the aggregate production quota for hydromorphone be established at 122,000 grams, expressed as anhydrous base.

DEA will review the above established quota early in 1980 to take into consideration actual 1979 sales and actual December 31, 1979 inventories as well as other information which might be available to DEA. At that time, DEA will again consider those comments received in response to the proposal of July 20, 1979. In addition, it is expected that results of the study undertaken by DEA to determine the extent of hydromorphone abuse and diversion will be available for consideration.

This order is effective September 26, 1979.

Dated: September 20, 1979.

Peter B. Bensinger,

Administrator, Drug Enforcement Administration.

[FR Doc. 79-29850 Filed 9-25-79; 8:45 am]

BILLING CODE 4410-09-M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-317 and 50-318]

Baltimore Gas & Electric Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 41 and 23 to Facility Operating Licenses Nos. DPR-53 and DPR-69, issued to Baltimore Gas and Electric Company, which revised the licenses for operation of the Calvert Cliffs Nuclear Power Plant, Units Nos. 1 and 2 (the facilities) located in Calvert County, Maryland. The amendments will become effective 20 days from the date of publication of this notice of issuance (October 16, 1979) unless a hearing has been requested.

The amendments add license conditions pertaining to the completion of facility modifications to improve the fire protection program.

The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the licensee's submittals dated March 15, 1977, July 11 and October 20, 1978, March 22, April 19, August 6, 17, and 29, 1979, (2) Amendments Nos. 41 and 23 to License Nos. DPR-53 and DPR-69, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Calvert County Library, Prince Frederick, Maryland. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 14th day of September 1979.

For the Nuclear Regulatory Commission.

Robert W. Reid,

Chief, Operating Reactors Branch #4, Division of Operating Reactors.

[FR Doc. 79-29832 Filed 9-25-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-320]

Metropolitan Edison Co., et al., (Three Mile Island Nuclear Station, Unit 2); Delay in Issuance of Order for Modification of License

On July 20, 1979 the Director, Office of Nuclear Reactor Regulation issued an Order suspending the licensee's authority to operate this facility and directing that, pending further order, the licensee maintain the facility in a shutdown condition in accordance with the approved operating and contingency procedures. The Order further provided that a subsequent order would be issued within about thirty (30) days addressing (1) the imposition of new and/or revised Technical Specifications setting forth appropriate license conditions and (2) the time in which the licensee may file an answer and persons affected by the Order may request a hearing in this matter.

By further Order, dated August 20, 1979, the period of time in which to issue the contemplated Order was extended for an additional thirty (30) days due to the fact that the new and/or revised Technical Specifications had not yet been completed. These Technical Specifications are still in the process of finalization. Accordingly, an additional period of time will be required for finalization of these Technical Specifications and issuance of the Order imposing the modified Technical Specifications.

Dated at Bethesda, Maryland this 20th day of September, 1979.

For the Nuclear Regulatory Commission.

Harold R. Denton,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 79-29833 Filed 9-25-79; 8:45 am]

BILLING CODE 7590-01-M

[Dockets Nos. 50-277 and 50-278]

Philadelphia Electric Co., et al.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 61 and 61 to Facility Operating License Nos. DPR-44 and DPR-56, issued to Philadelphia Electric Company, Public Service Electric and Gas Company, Delmarva Power and Light Company, and Atlantic City Electric Company, which revised Technical Specifications for operation of the Peach Bottom Atomic Power Station, Units Nos. 2 and 3 (the facility) located in York County, Pennsylvania. The amendments are effective as of the date of issuance.

The amendments (1) revise the Administrative Controls section of the Technical Specifications to require the qualifications of the Supervisor-Health Physics to meet or exceed the qualifications set forth in Regulatory Guide 1.8, September 1975, (2) revise the membership of the Plant Operations Review Committee and the figure depicting the Organization for Conduct of Plant Operations to reflect changes in plant organization and (3) correct a typographical error in the Table of Primary Containment Isolation Valves to indicate that the Oxygen Analyzer System is isolated on a Group 3 Isolation signal.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the applications for amendments dated May 8 and August 21, 1979, Amendment Nos. 61 and 61 to License Nos. DPR-44 and DPR-56, and (3) the Commission's letter dated September 20, 1979. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pennsylvania. A copy of itmes (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 20th day of September 1979.

For the Nuclear Regulatory Commission.

Thomas A. Ippolito,

Chief, Operating Reactors Branch No. 3, Division of Operating Reactors.

[FR Doc. 79-29834 Filed 9-25-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-280 and 50-281]

Virginia Electric & Power Co.; Issuance of Amendment to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment Nos. 54 and 53 to Facility Operating License Nos. DPR-32 and DPR-37, issued to Virginia Electric and Power Company, which revised the license for operation of the Surry Power Station, Unit Nos. 1 and 2 (the facilities) located in Surry County, Virginia. The amendments will become effective twenty days from the date of publication of this notice of issuance unless a hearing has been requested.

The amendments add license conditions pertaining to the completion of facility modifications to improve the fire protection program.

The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter 1, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact appraisal need not be prepared in connection with issuance of these amendments.

For further details with respect to this action, see (1) the licensee's submittals dated November 18, 1976, April 5, July 1, 14, 1977, March 6, April 17, 24, May 25, July 21, August 11, 1978, August 17, and September 7, 1979, (2) Amendment Nos 54 and 53 to License Nos. DPR-32 and DPR-37, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room 1717 H Street, N.W., Washington, D.C. and at the Swem Library, College of William and Mary, Williamsburg, Virginia 23185. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 19th day of September, 1979.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc. 79-29836 filed 9-25-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-29]

Yankee Atomic Electric Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 59 to Facility Operating License No. DPR-3, issued to Yankee Atomic Electric Company (the licensee), which revised the Technical Specifications for operation of the Yankee Nuclear Power Station (Yankee-Rowe) (the facility) located in Rowe, Franklin County, Massachusetts. The amendment is effective as of its date of issuance.

The amendment incorporates limiting conditions and surveillance requirements for assurance of proper operation of the reactor cooling system overpressure protection system.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this statement.

For further details with respect to this action, see (1) the application for amendment dated June 5, 1978 (Proposed Change No. 161), (2) Amendment No. 59 to License No. DPR-3, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Greenfield Community College, 1 College Drive, Greenfield, Massachusetts 01301. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 14th day of September, 1979.

For the Nuclear Regulatory Commission.

Thomas V. Wambach,

Acting Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

[FR Doc. 79-29837 Filed 9-25-79: 8:45 am]

BILLING CODE 7590-01-M

[Docket No. PRM-20-12]

Louis Ray Urciuolo; Denial of Petition for Rulemaking To Change the Definition of "Radiation Area"

Please take notice that a petition for rulemaking to the Nuclear Regulatory Commission (NRC) has been denied. The petition was submitted by a letter dated October 17, 1978, from Louis Ray Urciuolo who requested the NRC to amend its regulations in 10 CFR Part 20, "Standards for Protection Against Radiation." This petition has been denied by the Executive Director for Operations in accordance with 10 CFR § 1.40(o).

Mr. Urciuolo indicated that § 20.105, "Permissible levels of radiation in unrestricted areas," implies that restrictions may be necessary in any area where radiation levels could exceed either 2 millirems in an hour, 100 millirems in 7 consecutive days, or is likely to exceed 500 millirems in a year. He petitioned the NRC to amend the definition of "radiation area" set forth in § 20.202(b)(2), to specify dose rates comparable to § 20.105 rather than the 5 millirems in an hour and 100 millirems in any 5 consecutive days currently specified in § 20.202(b)(2). The proposed change would require any area that could not qualify as an unrestricted area to be posted as a radiation area. Mr. Urciuolo offers three bases for his petition:

1. Under present requirements, an area may require restriction due to the presence of radiation, but that area may not necessarily be required to be posted with a warning. Any area which is restricted because of the presence of an increased hazard level should be posted with a sign that will warn or instruct any individual entering the area of the hazard involved. This should be consistent with OSHA 29 CFR 1910.145(a), (b), and (c).

2. This proposition better illustrates the close interrelationship between a restricted area and a radiation area. It simplifies understanding of this interrelationship by removing unnecessary complicating differences between the two definitions.

3. The proposed change would provide, as a byproduct, more complete posting and, thus, be consistent with the spirit of 10 CFR 19.12.

A notice of filing of petition, Docket No. PRM-20-12, was published in the **Federal Register** on November 30, 1978 (43 FR 56108) [1]. The comment period expired January 29, 1979. Eight persons submitted comments; five opposed the petitioned change and three favored the change. Those commenting favorably on the petition stated that the differences between the definition of radiation area and the dose rate permitted in unrestricted areas has confused some persons. The NRC staff has concluded that these problems result from failure to understand the relationship between control requirements of 10 CFR Parts 19 and 20. Detailed discussion of these relationships follows. The arguments presented by commenters opposing the petitioned change basically were similar to those of the NRC staff and are set forth below.

Historically, § 20.105, "Permissible levels of radiation in unrestricted areas", was deliberately worded differently from the definition of radiation area set forth in § 20.202(b)(2). The underlying philosophy was that, because licensees cannot control the activities of individuals in (unrestricted) areas outside of the licensees control, the regulations should be expressed in terms of limitations on the levels of radiation and the concentrations of radioactive material in effluents that licensees may permit to be released to unrestricted areas. These radiation levels and effluent concentrations were derived such that, with assumed probabilities, including full-time occupancy (7 days per week), it would be unlikely that any individual in the population would receive doses greater than 10 percent of the occupational dose-limiting standards recommended by the International Commission on Radiological Protection (ICRP), the National Council on Radiation Protection and Measurements (NCRP), and the Federal Radiation Council (FRC). The FRC function is now part of the responsibility of the Environmental Protection Agency.

The NRC's regulations in 10 CFR Part 20 provide for the control of personnel exposures to radiation and radioactive material through the establishment of five different types of areas with varying degrees of prescribed protection.

There are two basic types of areas, unrestricted and restricted; within restricted areas there may be radiation areas, high radiation areas, and airborne radioactivity areas.

An unrestricted area is one that is not controlled by the licensee for purposes of radiation protection. However, permissible levels of radiation in unrestricted areas are specified (§ 20.105, and listed above), as are concentrations of radioactive material that may be released in effluents to unrestricted areas. If one or more of the limits is likely to be exceeded, the affected area must be classified as a restricted area.

A restricted area is any area access to which is controlled by the licensee for purposes of radiation protection. Within a restricted area a graduated scale of protective measures is imposed according to the degree of hazard present. Included in these protective measures are requirements for caution signs for the types of areas mentioned above.

A radiation area is one in which the dose to personnel could exceed 5 millirems in 1 hour or 100 millirems in any 5 consecutive days, and must be posted with a sign or signs bearing the radiation symbol and the words CAUTION—RADIATION AREA. If the dose could exceed 100 millirems in 1 hour, the area must be classified as a high radiation area, must be posted with a sign or signs bearing the radiation symbol and the words Caution—High Radiation Area, and additional controls imposed.

An airborne radioactivity area is one in which the concentration of airborne radioactive material exceed specified limits. These areas must be posted with a sign or signs bearing the radiation symbol and the words Caution—

[1] Then designated as "Pan American World Airways, Inc."

Airborne Radioactivity Area. In addition, any area in which radioactive materials exceeding specified limits are used or stored must be posted with a sign or signs bearing the radiation symbol and the words Caution—Radioactive Materials.

In their simplest form, these area designations envision a restricted area, defined for example by a fence for access control, and a building and rooms within posted as radiation areas, high radiation areas, etc. If operations planned by a licensee could result in dose rates outside of the fence that may exceed one or more of the limits established for unrestricted areas (§ 20.105), the licensee must either modify the operations or the facilities in which they are to be conducted to reduce the dose rates, or take steps to restrict the additional area in which the dose rates may exist. The regulations in 10 CFR Part 20 recognize the practicality of establishing a restricted area and controlling access of purposes of radiation protection at some physical barrier that may be remote from the radioactive material and any associated radiation dose rates. Inside of the restricted area there may exist dose rates above 2 millirems per hour without further required posting until dose rates reach 5 millirems per hour at which time the area must be posted as a radiation area. Inside of the radiation area dose rates may exist above 5 millirems per hour without additional posting until dose rates reach 100 millirems per hour at which time the area must be posted as a high radiation area and other controls imposed.

Posting of areas is only one of the controls licensees are required to establish at and within the restricted areas. The individuals entering the licensee's restricted area are to be subject to the licensee's control, must be instructed commensurate with the risk (§ 19.12, 10 CFR Part 19), must be monitored according to § 20.202, and the individuals' doses mainatined as low as is reasonably achievable as well as below the dose-limiting standards specified in §§ 20.101 and 20.104, 10 CFR Part 20. These controls ensure that individuals are aware of their entry into a restricted area. The NRC staff believes that the additional measure of posting signs at the restricted area boundary is unnecessary. As an individual progressive inside of a licensee's restricted area, the regulations provide for progressive levels of posting for radiation areas and high radiation areas and for varying degrees of control by alarms and interlocked devices that prevent entry until the dose rates are reduced or automatically reduce the dose rates present.

If the petitioned changes were made to the definition of radiation area, licensees would be required to post at lower instantaneous dose rates than at present, that is, at 2 millirems rather than 5 millirems per hour. Posting would also be required at lower steady-state dose rates because the petitioned change would specify 100 millirems in any 7 rather than 5 consecutive days, that is at 0.6 rather than 0.8 millirems per hour, even though a majority of workers are on the job 5 days a week. It would appear that these changes would result in only very small improvement in radiation protection practices and very little or no reduction in radiation doses to workers. Indeed, the petitioned change would be counterproductive for it would have the disadvantage of eliminating the requirement for positing of any warning signs inside of the restricted area until dose rates reached 100 millirems per hour. The NRC staff is concerned that this could result in unnecessary exposure of workers. Further, as noted by persons commenting on the petition, those installations constructed to meet 5 millirems per hour requirements may require structural modifications in order to meet a 2 millirems per hour requirements.

The petitioned amendment to the regulations in 10 CFR Part 20 would require establishment and posting of the restricted area boundary at the point where the dose rate equals that permitted in unrestricted areas. The staff does not consider such action desirable because it would not recognize the practicality of establishing the restricted area at some physical barrier that may be remote from the areas in which radiation dose rates exist, or necessary in view of the other controls licensees are required to impose at the boundary of the restricted area.

The petitioner referred to OSHA's regulations in § 1910.145, 29 CFR 1910, that call for the provision of warning signs to "define specific hazards of a nature such that failure to designate them may lead to accidental injury to workers or the public." However; OSHA's specific regulations dealing with ionizing radiation in § 1910.96, 29 CFR 1910, contain definitions of radiation area, unrestricted and restricted areas, and posting and labeling requirements that are the same as those in 10 CFR Part 20. Therefore, in this area, the NRC's regulations are considered to be consistent with OSHA's regulations.

After careful consideration of the petition and the public comments, the staff has concluded that the petition should be denied, principally because there does not appear to be any reduction in risk associated with the petitioned change. Indeed, there is a potential for unnecessary exposure of workers as a result of less posting under the petitioned change. Further, there is a potential for increase in cost to the industry associated with backfitting facilities, changing present positing, and instructing workers as to the significance of the petitioned posting. There is also the recognized cost to the NRC and other regulatory agencies to change their regulations and implement the changes.

In view of the foregoing, the petition for rulemaking filed by Mr. Urciuolo on October 17, 1978, is hereby denied. Copies of the petition for rulemaking, the comments thereon, and the NRC's letter of denial are available for public inspection in the NRC's Public Document Room at 1717 H Street, N.W., Washington, D.C.

Dated at Bethesda, Md. this 12th day of September, 1979.

For the Nuclear Regulatory Commission.

Lee V. Gossick,

Executive Director for Operations.

[FR Doc. 79-29835 Filed 9-25-79; 8:45 am]

BILLING CODE 7590-01-M

[NUREG-0610]

Draft Emergency Action Level Guidelines for Nuclear Power Plants; Availability

In connection with the Nuclear Regulatory Commission's ongoing effort to review emergency preparedness capabilities around operating nuclear power plants, the Office of Nuclear Reactor Regulation has developed draft Emergency Action Level Guidelines. These guidelines are for interim use during the initial phases of the Nuclear Regulatory Commission's effort to promptly improve emergency preparedness at operating nuclear power plants.

Four classes of Emergency Action Levels are established in the guidelines to replace the classes in Regulatory Guide 1.101. These classes are Notification of Unusual Event, Alert, Site Emergency, and General Emergency. The guidelines provide associated examples of initiating conditions for each of the classes.

Public comments are being solicited on these draft guidelines. Comments should be sent to the Secretary of the Commission, U. S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service

Branch. All comments received by December 1, 1979 will be considered by the Commission.

Copies of the draft guidelines will be available for public inspection at the NRC Public Document Room at 1717 H Street, NW., Washington, D.C. 20555. Requests for single copies of NUREG–0610 should be made in writing to the U. S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Technical Information and Document Control. Telephone requests cannot be accommodated.

Dated at Bethesda, Md. this 19th day of September, 1979.

For the U.S. Nuclear Regulatory Commission,

Harold R. Denton,

Director, Office of Nuclear Reactor Regulation.

[FR Doc. 79–29839 Filed 9–25–79; 8:45 am]

BILLING CODE 7590–01–M

Draft Regulatory Guide; Issuance and Availability

The Nuclear Regulatory Commission has issued for public comment a draft of a proposed revision to a guide in its Regulatory Guide Series together with a draft of the associated value/impact statement. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

The draft, temporarily identified by its task number, RS 908–5, is proposed Revision 2 to Regulatory Guide 1.94 and is entitled "Quality Assurance Requirements for Installation, Inspection, and Testing of Structural Concrete, Structural Steel, Soils, and Foundations During the Construction Phase of Nuclear Power Plants." It describes a method for meeting quality assurance requirements for installation, inspection, and testing of structural concrete, structural steel, soils, and foundations during the construction phase of all types of nuclear power plants. This guide will endorse ANSI/ASME N45.2.5–1978, "Supplementary Quality Assurance Requirements for Installation, Inspection, and Testing of Structural Concrete, Structural Steel, Soils and Foundations During the Contruction Phase of Nuclear Power Plants."

This draft guide and the associated value/impact statement are being issued to involve the public in the early stages of the development of a regulatory position in this area. They have not received complete staff review, have not been reviewed by the NRC Regulatory Requirements Review Committee, and do not represent an official NRC staff position.

Public comments are being solicited on both drafts, the guide (including any implementation schedule) and the draft value/impact statement. Comments on the draft value/impact statement should be accompanied by supporting data. Comments on both drafts should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch, by November 23, 1979.

Although a time limit is given for comments on these drafts, comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. Requests for single copies of draft guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future draft guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Technical Information and Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 18th day of September 1979.

For the Nuclear Regulatory Commission.

Guy A. Arlotto,

Director, Division of Engineering Standards, Office of Standards Development.

[FR Doc. 79–29838 Filed 9–25–79; 8:45 am]

BILLING CODE 7590–01–M

INTERSTATE COMMERCE COMMISSION

[Notice No. 134]

Assignment of Hearing—Correction

AB–6 (Sub-60F), Burlington Northern, Inc. Abandoment near St. Joseph MO, and Humeston, IA, in Buchana, Andrew, DeKalb, Gentry and Harrison Counties MO and Decatur and Wayne Counties, IA appearing on page 50426, August 28, 1979 is corrected as follows:

AB–6 (Sub-60F), Burlington Northern, INC. Abandonment near St. Joseph MO, and Humeston, IA, in Buchana, Andrew, DeKalb, Gentry and Harrison Counties MO and Decatur and Wayne Counties, IA now being assigned for hearing on October 15, 1979 (1 week), at Bethany, MO (instead of Chicago, IL)—location of hearing room will be by subsequent notice.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79–29830 Filed 9–25–79; 8:45 am]

BILLING CODE 7035–01–M

Motor Carrier Temporary Authority Applications

Correction

In FR Doc. 79–23657, published at page 45283, on Wednesday, August 1, 1979, on page 45284, in the second column, in the first paragraph reading "MC 14252 (Sub 67TA)", in the fourteenth line, "LA" should be corrected to read "IA."

BILLING CODE 1505–01–M

[Volume No. 105]

Permanent Authority Decisions; Decision-Notice

Correction

In FR Doc. 79–21513, published at page 40761, on Thursday, July 12, 1979, the following corrections should be made:

1. On page 40763, in the first column, in the last paragraph reading "MC 4963 (Sub-64F)", in the ninth line "irregular" should be corrected to read "regular";

2. On page 40771, in the third column, at the end of the document the "File Line" was inadvertently omitted, and should be added to read as follows:

[FR Doc. 79–21513; Filed 7–11–79; 8:45 am]

BILLING CODE 1505–01–M

Released Rates Application No. MC–1480

AGENCY: Interstate Commerce Commission

ACTION: Notice. Released Rates Application No. MC–1480.

SUMMARY: National Motor Freight Traffic Association wants to amend Released Rate Order Nos. MC–342 and MC–359 applying on drugs, medicines and toilet preparations to increase the carriers' liability from 50 cents per pound to $1.10 per pound. However, the carriers also propose to reduce their liability for partial loss or damage from the released value per pound multiplied

by the *total weight* of the commodity shipped, to the released value multiplied by the weight of the *distribution package*. Further, Applicant wants to extend these liability limitations to less-than-truckload *commodity* rates in addition to less-than-truckload *class* rates.

ADDRESSES: Anyone seeking copies of this application should contact: Mr. William W. Pugh, NMFTA, 1616 P St. NW., Washington, D.C. 20036

FOR FURTHER INFORMATION CONTACT: Max Pieper, Unit Supervisor, Bureau of Traffic, Interstate Commerce Commission, Washington, D.C. 20423 telephone (202) 275–7553.

SUPPLEMENTARY INFORMATION: Relief is sought from 49 USC 10730, formerly Section 20(11) of the Interstate Commerce Act, for and on behalf of carriers parties to the National Motor Freight Classification.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79-29831 Filed 9-25-79; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-12 (Sub-No. 20)]

Southern Pacific Transportation Co. Findings on Abandonment of its Line of Railroad in Victoria, Goliad, Bee, San Patricio, Jim Wells, Brooks and Hidalgo Counties, TX; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a decision decided October 26, 1978, and the decision of the Commission, Division 2, acting as an Appellate Division, served May 24, 1979, as modified, adopted the report and order of the Administrative Law Judge, which is administratively final, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in AB–36 (Sub-No. 2), *Oregon Short Line Railroad Co.-Abandonment Goshen*, 360 I.C.C. 91 (1979), and further that applicant shall not sell, lease, exchange or otherwise dispose of the right-of-way underlying the track, all bridges, and all culverts on the line for a period of 180 days following issuance of the certificate permitting abandonment unless such property has first been offered upon reasonable terms to responsible public authorities or other responsible persons interested in acquiring the property for public use, the present and future public convenience and necessity permit the abandonment by the Southern Pacific Transportation Company of that portion of its railroad consisting of a part of the Alice sub division extending from (a) milepost 106.57 near Fannin-Goliad County to milepost 145.0 near Beeville, Bee County, TX, approximately 38.43 miles. (b) From milepost 1.0 near Skidmore-Bee County to milepost 40.9 near Alice, Jim Wells County, TX, approximately 39.9 miles. (c) Extending from milepost 80.2 near Falfurrias, Brooks County, to milepost 138.9 near Edenburg, Hidalgo County, TX, approximately 58.7 miles. A certificate of abandonment will be issued to the Southern Pacific Transportation Company based on the above-described finding of abandonment, 30 days after publication of this notice, unless within 30 days from the date of publication, the Commission further finds that:

(1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and

(2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postpond for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operation agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the invovled rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the **Federal Register** on March 31, 1976, at 41 FR 13691, as amended by publication of May 10, 1978, at 43 FR 20072. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced decision.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79-29829 Filed 9-25-79; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Applications

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the **Federal Register** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **Federal Register.** One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

[Notice No. 158]

August 29, 1979.

MC 200 (Sub-381TA), filed July 18, 1979. Applicant: RISS INTERNATIONAL CORPORATION, 903 Grand Ave., Kansas City, MO 64106. Representative: H. Lynn Davis (same address as above). *Plastic containers*, from Middletown, DE to Union, MO, for 180 days. Supporting shipper(s): Hercules Incorporated, 910

Market St., Wilmington, DE 19899. Send protests to: Vernon V. Coble, D/S, ICC, Room 600, Federal Bldg., 911 Walnut St., Kansas City, MO 64106.

MC 730 (Sub-458TA), filed July 19, 1979. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 25 North Via Monte, Walnut Creek, CA 94595. Representative: Edgar E. Reddick (same address as applicant). *Tractors, with or without attachments and parts thereof,* between facilities of J. I. Case Company at or near Burlington, IA on the one hand and, on the other, points in the U.S. located east of the Mississippi River and AR, OK, LA and TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): J. I. Case Company, 700 State Street, Racine WI 53404. Send protests to: A. J. Rodriguez, 211 Main Street, Suite 500, San Francisco, CA 94105.

MC 2421 (Sub-26TA), filed July 26, 1979. Applicant: NEWTON TRANSPORTATION COMPANY, INC., P.O. Box 678, Lenoir, NC 28645. Representative: Charles H. Keller (same address as above). *Canned goods, not frozen,* from the facilities of Brooks Foods, Division of Curtice Burns, Inc. in Mount Summit, IN to points in NC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Brooks Foods Division of Curtice-Burns, Inc., Rt. 36, Mt. Summit, IN 47361. Send protests to: Sheila Reece, Transportation Assistant, 800 Briar Creek Rd.—Rm. CC516, Charlotte, NC 28205.

MC 4941 (Sub-58TA), filed July 19, 1979. Applicant: QUINN FREIGHT LINES, INC., 1093 North Montello Street, Brockton, MA 02403. Representative: Russell S. Callahan (same address as applicant). *Paper and paper products* from the facilities of Union Camp Corporation at or near Richmond, VA to points in CT, DE, ME, MD, MA, NH, NJ, NY, OH, PA, RI, VT, WV and DC. For 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Union Camp Corporation, 1600 Valley Road, Wayne, NJ 07470. Send protests to: John B. Thomas, District Supervisor, Interstate Commerce Commission, 150 Causeway Street, Room 501, Boston, MA 02114.

MC 4941 (Sub-65TA), filed July 19, 1979. Applicant: QUINN FREIGHT LINES, INC., 1093 North Montello Street, Brockton, MA 02403. Representative: Russell S. Callahan (same address as applicant). *Acids and chemicals (except in bulk)* from the facilities of Sobin Chemicals, Inc. at Newark, NJ to points in IL, IN, MI and OH. For 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Sobin Chemicals, Inc., 1900 Prudential Tower, Boston, MA 02199. Send protests to: John B. Thomas, I.C.C., 150 Causeway Street, Boston, MA 02114.

MC 6031 (Sub-56TA), filed July 16, 1979. Applicant: BARRY TRANSFER & STORAGE CO., 120 E. National Ave., Milwaukee, WI 53204. Representative: Wm. C. Dineen, 710 N. Plakinton Ave., Milwaukee, WI 53203. Contract carrier; irregular routes; *Coke* from Milwaukee, WI to points in the Chicago, IL Commercial Zone, and East Dubuque, Moline, North Aurora, Plano, Peoria, Rock Falls, Rockford and South Beloit, IL; Bloomfield, Davenport, and Fairfield, IA; Iron Mountain and Marquette, MI; Mankato and Winona, MN, and points in the Minneapolis-St. Paul, MN Commercial Zone, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Milwaukee Solvey Coke Co., 332 S. Michigan Ave., Chicago, IL 60604. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 8771 (Sub-57TA), filed July 26, 1979. Applicant: SAW MILL SUPPLY, INC., 1018 Saw Mill River Road, Yonkers, NY 10710. Representative: John R. Sims, Jr., 915 Pennsylvania Bldg., 425–13th St., N.W., Washington, D.C. 20004. *Tractors and/or tractor excavating, grading and loading attachments,* from Deerfield, IL, to points and places in the Continental United States; for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Fiat-Allis Construction Machinery, Inc., 500 Lake Cook Road, Deerfield, IL, 60015. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

MC 22311 (Sub-21TA), filed June 21, 1979. Applicant: A. LINE, INC., P.O. Box 765, Hammond, IN 46325. Representative: Marvin Mickow (address same as applicant). *Aluminum and aluminum articles,* from the facilities of Kaiser Aluminum Corp., Ravenswood, WV to points in IL, IN, MI, MO, OH and WI for 180 days. Supporting shipper(s): Kaiser Aluminum & Chemical Corp., P.O. Box 98, Ravenswood, WV 26164. Send protests to: Annie Booker, TA, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 33641 (Sub-145TA) (correction), filed May 25, 1979, previously noticed in the Federal Register issue of September 5, 1979. Applicant: IML FREIGHT, INC., P.O. Box 30277, Salt Lake City, UT 84125. Representative: Martin J. Rosen, 256 Montgomery Street, San Francisco, CA 94104. *Common carrier*-regular route: *General Commodities,* except those of unusual value, classes A & B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Denver, CO, and Houston, TX: from Denver, CO, over U.S. Hwy 287 to Ft. Worth, TX, then over Interstate Hwy 20 to Dallas TX, then over Interstate Hwy 45 to Houston, TX, and return over the same route, serving the intermediate points of Ft. Worth and Dallas, TX, and also the commerical zones of Houston, Dallas, and Ft. Worth, TX, for 180 days. Applicant intends to tack the above requested authority with existing authority. Applicant also intends to interline with another carrier at Houston, Dallas and Fort Worth, TX. Supporting shipper(s): There are 98 shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

Note.—The purpose of this republication is to indicate the tacking and interlining possibilities.

MC 47171 (Sub-736TA), filed July 24, 1979. Applicant: COOPER MOTOR LINES, INC., P.O. Box 2820, Greenville, SC 29602. Representative: Harris G. Andrews, (same address as applicant). *Malt beverages and related advertising materials,* from Albany, GA to points in AL, FL, MS, NC, LA, SC, TN and VA; and (2) *Materials, equipment and supplies used in the manufacture of malt beverages* from the above named destination states to points in GA, for 180 days.Supporting shipper(s): Miller Brewing Company, 3939 W. Highland Blvd., Milwaukee, WI 53208. Send protests to: E. E. Strotheid, D/S, ICC, Rm. 302, 1400 Bldg., 1400 Pickens St., Columbia, SC 29201.

MC 52460 (Sub-254TA), filed July 23, 1979. Applicant: ELLEX TRANSPORTATION, INC., P.O. Box 9637, 1420 West 35th Street, Tulsa, OK 74107. Representative: Wilburn L. Williamson,615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. *Residual fuel oil,* from Hosston, LA, to Tulsa Port of Catoosa, OK, for 180 days. An underlying ETA seeks 90 days authority.Supporting shipper(s): Mid Region Petroleum Company, Inc., P.O. Box 35385, Tulsa, OK 74135. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 52460 (Sub-255TA), filed July 27, 1979. Applicant: ELLEX TRANSPORTATION, INC., P.O. Box 9637, Tulsa, OK 74107. Representative: Wilburn L. Williamson, Suite615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112.

Coffee and coffee products, from the facilities of The Proctor & Gamble Distributing Company and the Folger Coffee Company, at New Orleans, LA, to points in TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Proctor & Gamble Distributing Company, P.O. Box 599, Cincinnati, OH 45201. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 60271 (Sub-9TA), filed July 23, 1979. Applicant: HARPER TRUCK LINE, INC., P.O. Box 288, Monroe, LA 71201. Representative: Wilbur C. Littleton (same address as applicant). *Canned goods, oil* in packages, *shortening and matches*, from Harvey, LA to points in AR, LA, and MS for 180 days. Underlying ETA sought corresponding authority for 90 days. Supporting shipper(s): Hunt-Wesson Foods, Inc., P.O. Box 61770, New Orleans, LA 70161. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 68100 (Sub-31TA), filed July 23, 1979. Applicant: D. P. BONHAM TRANSFER, INC., 318 South Adeline, P.O. Drawer G, Bartlesville, OK 74003. Representative: Larry E. Gregg, 641 Harrison Street, Tokepa, KS 66603. *Plastic pipe, plastic conduit, vinyl plastic sidings, and extruded plastic products, fittings and accessories*, from the facilities of Vinylplex, Inc., at or near Pasadena, TX, to points in AR, IA, KS, LA, MS, MO, NE, ND, OK, and SD, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Vinylplex, Inc., P.O. Box 431, Pittsburg, KS 66762. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 68860 (Sub-42TA), filed July 25, 1979. Applicant: RUSSELL TRANSFER, INC., 5259 Aviation Drive, N.W., Roanoke, VA 24012. Representative: Liniel G. Gregory, Jr. (same address as above). (1) *Malt beverages and related advertising materials*, from Albany, GA to points in the states of AL, FL, KY, LA, MS, and TN and (2) *Supplies and equipment used in the manufacture, sale and distribution of malt beverages* and *return empty malt beverage containers* (except commodities in bulk) from points in the states of AL, FL, KY, LA, MS, MO, NC, OK, PA, SC, TN, TX, VA, WV, to Albany, GA for 180 days. Supporting shipper(s): Miller Brewing Company, 3939 West Highland Boulevard, Milwaukee, WI 53208. Send protests to: Charles F. Myers, DS, ICC, Room 10, 502 Federal Bldg., 400 North 8th Street, Richmond, VA 23240.

MC 70151 (Sub-57TA), filed June 22, 1979. Applicant: UNITED TRUCKING SERVICE INC., 8505 West Warren Avenue, Dearborn, MI 48126. Representative: LaVergne L. Adsit, 8505 West Warren Avenue, Dearborn, MI 48126. Common Carrier, by motor vehicle, over regular routes transporting: *General Commodities* (except those of unusual value, Class A and B explosives, household goods, as described by the Commission, commodities in bulk and commodities requiring special equipment): (I) A. Between Lansing, MI and Muskegon: from Lansing, over I–96 to Muskegon and return over the same route serving all intermediate points and the off route point of Lyons, MI; B. Between Junction U.S. Hwy 27 with I94 and Junction I94 with U.S. Hwy 20: from Junction U.S. Hwy 27 with I94 and over to Junction U.S. Hwy 20 with I94 and return over the same route serving all intermediate points. C. Between Muskegon, MI and Junction U.S. Hwy 31 with I94: From Muskegon, MI over U.S. Hwy 31 to Junction with U.S. Hwy 31 with I94 and return over the same route serving all intermediate points. D. Between Grand Rapids, MI and Junction IN Hwy 13 with U.S. Hwy 20: from Grand Rapids, MI over U.S. Hwy 131 to Junction U.S. Hwy 131 with IN Hwy 13, then over IN 13 to Junction with U.S. Hwy 20 and return over the same route serving all intermediate points. (II) A. Between Junction U.S. Hwy 20 with I 65 and Indianapolis, IN: from Junction U.S. Hwy 20 with I 65 over I 65 to Indianapolis, and return over the same route serving all intermediate points. B. Between Junction U.S. Hwy 27 with U.S. Hwy 20 and Chicago, IL: from Junction U.S. Hwy 27 with U.S. Hwy 20 over U.S. Hwy 20 to Chicago and return over the same route serving all intermediate points. C. Between South Bend, IN and junction U.S. Hwy 31 and U.S. Hwy 24: from South Bend, IN over U.S. Hwy 31 to Junction U.S. Hwy 31 with U.S. Hwy 24 and return over the same route serving all intermediate points. For 180 days. Supporting shipper(s): There are approximately 160 shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: C. R. Flemming, D/S, I.C.C., 225 Federal Building, Lansing, MI 48933.

MC 109891 (Sub-45TA), filed July 18, 1979. Applicant: INFINGER TRANSPORTATION COMPANY, INC., P.O. Box 7398, Charleston Heights, SC 29405. Representative: Frank B. Hand, Jr., P.O. Drawer C, Berryville, VA 22611. (1) *Paper, paper products and woodpulp (except in bulk)*, from the facilities of Bowater Corporation at or near Catawba, SC, to FL and GA; and (2) *Materials, equipment and supplies used in the manufacture and distribution of paper, paper products and woodpulp (except in bulk)*, from FL and GA to the facilities of Bowater Carolina Corportation at or near Catawba, SC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Bowater Carolina Corporation, P.O. Box 7, Catawba, SC 29704. Send protests to: E. E. Strotheid, D/S, ICC, Rm. 302, 1400 Bldg., 1400 Pickens St., Columbia, SC 29201.

MC 110841 (Sub-20TA), filed July 20, 1979. Applicant: PORT NORRIS EXPRESS CO., INC., 28 South High Street, Port Norris, NJ 18349. Representative: William P. Jackson, Jr., 3426 North Washington Boulevard, Arlington, VA 22210. *Silica sand and silica products* from the facilities of or utilized by Ottawa Silica Company at or near North Stonington, CT to points in DE, IL, IN, ME, MD, MA, MI, NH, NJ, NY, OH, PA, RI, VT, VA, WV and DC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ottawa Silica Company, P.O. Box 577, Ottawa, IL 61350. Send protests to: Joel Morrows, DS, ICC, 744 Broad Street, Room 522, Newark, NJ 07102.

MC 111310 (Sub-52TA), filed July 20, 1979. Applicant: BEER TRANSIT, INC., P.O. Box 352, Black River Falls, WI 54615. Representative: Wayne Wilson, 150 E. Gilman St., Madison, WI 53703. *(1) Meat, meat products, 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 MCC 209,766 (except commodities in bulk) from Norwalk, WI to points in IL & IN; (2) *Materials, equipment and supplies used in the manufacture and distribution of the commodities described in Part (1)* from points in IL & IN to Norwalk, WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers(s): Pine Valley Meats, Inc., Rt. 71, Norwalk, WI 54648. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 111401 (Sub-582TA), filed July 27, 1979. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Blvd., P.O. Box 632, Enid, OK 73701. Representative: Victor R. Comstock (same address as applicant). *Lubricating oils*, in bulk, in tank vehicles, from Kansas City, KS, to points in UT, for 180 days. An unlerlying ETA seeks 90 days authority. Supporting shippers(s): Phillips Petroleum Company, 146 Phillips Building Annex, Bartlesville, OK 74004. Send protests to: Connie Stanley, ICC,

Rm 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 111401 (Sub-583TA), filed July 27, 1979. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Blvd., P.O. Box 632, Enid, OK 73701. Representative: Victor R. Comstock (same address as applicant). *Liquid cleaning compound,* in bulk, in tank vehicles, from Indianapolis, IN, to Tulsa, OK, for 180 days. Supporting shippers(s): Brulin & Company, Inc., 2920 Martindale, Indianapolis, IN 40206. Send protests to: Connie Stanley, ICC, Rm 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 112520 (Sub-375TA), filed July 27, 1979. Applicant: McKENZIE TANK LINES, INC., P.O. Box 1200, Tallahassee, FL 32302. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. *Pulp mill liquid and pulp mill products and waste products derived from Kraft Paper Process* from Pine Bluff, AR and Texarkana, TX to the facilities of Arizona Chemical Co. at Springhill, LA for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers(s): Arizona Chemical Company, Wayne, NJ 07470. Send protests to: Jean King, TA, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 112750 (Sub-352TA), filed July 30, 1979. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, NY 11042. Representative: Elizabeth L. Henoch (same address as applicant). *Contract carrier,* irregualr routes: *Commerical papers, documents and written instuments (except currency and negotiable securities) as are used in the business of banks and banking institutions,* between Louisville, KY, on the one hand, and, on the other, points in IN, on and north of US Interstate Hwy 40; for 180 days; and underlying ETA seeks 90 days authority. Supporting shipper(s): First National Bank of Louisville, First National Tower, 101 South Fifth, Louisville, KY 40232. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

MC 115651 (Sub-64TA), filed July 24, 1979. Applicant: KANEY TRANSPORTATION, INC., 7222 Cunningham Rd., P.O. Box 39, Rockford, IL 61105. Representative: E. Stephen Heisley, 666 11th St., Washington, D.C. 20001. *Liquified petroleum gas,* from (1) Lemont, IL to points in IN, and (2) Dubuque, IA to points in IL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Northern Propane Gas Co., 2223 Dodge St., Omaha, NE 68102. Send protests to: Annie Booker, TA, Rm. 1386, 219 S. Dearborn St., Chicago, IL 60604.

MC 115841 (Sub-731TA), filed July 24, 1979. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 9041 Executive Park Drive, Suite 110, Bldg. 100, Knoxville, TN 37919. Representative: D. R. Beeler (same address as applicant). *(1) Such merchandise as is dealt in by discount and variety stores (except foodstuffs, furniture & commodities in bulk), and (2) Foodstuffs (except in bulk) and furniture in mixed loads with the commodities in (1) above,* from Charlotte, NC to Los Angeles, CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): K-Mart Corporation, 3100 W. Big Beaver Road, Troy, MI 48084. Send protests to: Glenda Kuss, TA, ICC, Suite A–422, U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 115841 (Sub-732TA), filed July 25, 1979. Applicant: COLONIAL REGRIGERATED TRANSPORTATION, INC., 9041 Executive Park Drive, Suite 110, Bldg. 100, Knoxville, TN 37919. Representative: D. R. Beeler (same address as applicant). *Fresh, frozen and canned meats,* from Wilson, NC to Baltimore, MD; Philadelphia & Lancaster, PA; Pennsauken & Secaucus, NJ; New York & Albany, NY; Boston & Springfield, MA; & Windsor Locks, CT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Dinner Bell Foods, P.O. Box 1639, Wilson, NC 27893. Send protests to: Glenda Kuss, Suite A–422, 801 Broadway, Nashville, TN 37203.

MC 117730 (Sub-68TA), filed July 25, 1979. Applicant: KOUBENEC MOTOR SERVICE, INC., Route 47, Huntley, IL 60142. Representative: Stephen Loeb, Suite 2027, 33 North LaSalle Street, Chicago, IL 60602. (1) *Meats, meat products, meat by-products, articles distributed by meat packinghouses and dairy products,* and (2) *Foodstuffs,* When moving in mixed loads with the commodities in (1) above (except commodities in bulk), in vehicles equipped with mechanical refrigeration, (a) from the facitlities of Oscar Mayer & Co., Inc. at Beardstown, IL to the facilities of Oscar Mayer & Co., Inc. at Goodlettsville, TN, and (b) from the facitlities of Oscar Mayer & Co., Inc. at Goodlettsville, TN to Davenport, IA, Chicago, IL and Madison, WI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Oscar Mayer & Co., P.O. Box 7188, Madison, WI 53707. Send protests to: Annie Booker, TA, ICC, 219 South Dearborn Street, Rm. 1386, Chicago, IL 60604.

MC 118831 (Sub-18TA), filed July 26, 1979. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 7007, High Point, NC 27264. Representative: Ben H. Keller III, P.O. Box 7007, High Point, NC 27264. *Cleaning compounds* from Winder, GA to Chicago, IL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Westvaco Corporation, P.O. Box 643, Winder, GA 30680. Send protests to: Sheila Reece, Transportation Assistant, 800 Briar Creek Rd.—Rm CC516, Charlotte, NC 28205.

MC 119630 (Sub-26TA), filed July 19, 1979. Applicant: VAN TASSEL, INC., 5th & Grand, Pittsburg, KS 66762. Representative: Dean Williamson, Suite 615—East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. *Plastic pipe, plastic conduit, vinyl plastic siding, extruded plastic products and fittings and accessories for such commodities,* from facilities of Vinylplex, Inc., at or near Pasadena, TX to points in the U.S., for 180 days, common, irregular. An underlying ETA seeks 90 days authority. Supporting shipper(s): Vinylplex, Inc., P.O. Box 431, Pittsburg KS 66762. Send protests to: M. E. Taylor, DS, ICC, 101 Litwin Bldg., Wichita, KS 67202.

MC 119741 (Sub-227TA), filed July 18, 1979. Applicant: GREEN FIELD TRANSPORT COMPANY, INC., P.O. Box 1235, Ft. Dodge, IA 50501. Representative: D. L. Robson, P.O. Box 1235, Ft. Dodge, IA 50501. *Foodstuffs* (except in bulk, in tank vehicles), from the facilities of Shedd-Bartush Foods, Inc. at or near Louisville, KY to points in AL, AZ, AR, CA, CO, CT, DE, DC, FL, GA, IL, IN, IA, KS, LA, MD, MA, MI, MS, MO, NE, NJ, NM, NY, NC, OH, OK, PA, RI, SC, TN, TX, VA, WV, and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Shedd-Bartush Foods, Inc., 2440 South Floyd Street, Louisville, KY 40217. Send protests to: Herbert W. Allen, D/S, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 120751 (Sub-4TA), filed July 25, 1979. Applicant: J. L. CARTAGE & WAREHOUSE, INC., P.O. Box B, Lagrange Park, IL 60525. Representative: William H. Towle, 180 North LaSalle Street, Chicago, IL 60601. (1) *Such commodities as are usually manufactured or dealt in by manufacturers of heat treating equipment,* from the facilities of Ipsen Industries, Inc., at Rockford, IL, to points in the U.S. (except AK, HI and IL) and (2) *General commodities* (except those of unusual value, classes A and B explosives and household goods as defined by the Commission) between points in Cook, Will, Kendall, Kane,

DuPage and Lake Counties, IL and between Cook, Will, Kendall, Kane, DuPage and Lake Counties, IL, on the one hand, and, on the other, points in IL, for 180 days. Supporting shipper(s): Ipsen Industries Inc., P.O. Box 6266, Rockford, IL 61125. Send protests to: Annie Booker, TA, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 121060 (Sub-116TA), filed July 19, 1979. Applicant: ARROW TRUCK LINES, INC., P.O. Box 1416, Birmingham, AL 35201. Representative: Mr. William P. Jackson, Jr., 3426 North Washington Blvd., P.O. Box 1240, Arlington, VA 22210. *Composition board*, from the facilities of Champion International Corporation at or near Oxford, MS, to points in KY, IL, IN, IA, MI, MN, MO, OH, PA, WI, GA, NC, and SC. An underlying ETA seeks 90 days authority. Supporting shipper(s): Champion International Corporation, Knightsbridge Drive, Hamilton, OH 45020. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616, 2121 Building, Birmingham, AL 35203.

MC 121060 (Sub-117TA), filed July 23, 1979. Applicant: ARROW TRUCK LINES, INC., P.O. Box 1416, Birmingham, AL 35201. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210. *Such commodities as are manufactured or distributed by a manufacturer of paper and paper products* (except in bulk), (1) between the facilities of or utilized by Scott Paper Company at or near Mobile, AL; Chicago, IL; Fond du Lac, Green Bay, Oconto Falls and Marinette, WI; (2) from facilities of or utilized by Scott Paper Company at Mobile, AL to points in IL, MI, IN, KY and TN; and (3) from the facilities of or utilized by Scott Paper Company at Atlanta, GA, to facilities of or utilized by Scott Paper Company in Mobile, AL, for 180 days. An ETA seeks 90 days authority. Supporting shipper(s): Scott Paper Company, Scott Plaza One, Philadelphia, PA 19113. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616, 2121 Building, Birmingham, AL 35203.

MC 124711 (Sub-97TA), filed July 26, 1979. Applicant: BECKER CORPORATION, P.O. Box 1050, El Dorado, KS 67042. Representative: David B. Schneider, P.O. Box 1540, Edmond, OK 73034. *Lubricating oils*, in bulk, in tank vehicles, from Kansas City, KS to points in UT and WY, for 180 days. 90-day ETA filed simultaneously. Supporting shipper(s): Phillips Petroleum Company, 146 Phillips Bldg. Annex, Bartlesville, OK 74004. Send protests to: M. E. Taylor, DS, ICC, 101 Litwin Bldg., Wichita, KS 67202.

MC 125691 (Sub-4TA), filed July 20, 1979. Applicant: MICHAEL J. FITZGIBBON d.b.a. FITZ FREIGHT TRANSFER, P.O. Box 1144, Miami, OK 74354. Representative: David Cherry, P.O. Box 1540, Edmond, OK 73034. *Meats, meat products and meat by-products, and articles distributed by meat packing houses*, as described in Sections A & C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from Rockville, MO, to Oklahoma City, OK, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): George A. Hormel & Co., P.O. Box 800, Austin, MN 55912. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 125780 (Sub-5TA), filed June 25, 1979. Applicant: DON TRIPP TRUCKING, P.O. Box 38, Lolo, MT 59847. Representative: Sam E. Haddon, First National Bank Bldg., Missoula, MT 59801. Contract carrier-irregular routes: *Asphalt roofing* from Minneapolis, MN to Missoula, MT, for 180 days. Supporting shipper(s): Exchange Lumber Co., P.O. Box 8288, Missoula, MT 59807. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 127651 (Sub-52TA), filed May 9, 1979. Applicant: EVERETT G. ROEHL, INC., East 29th St., Box 7, Marshfield, WI 54449. Representative: Richard Westley, 4506 Regent St., Suite 100, Madison, WI 53705. *Iron and steel articles* from Chicago, IL and points in its Commercial Zone to facilities of Sam Bloom Iron & Metal Co., Minneapolis, MN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Sam Bloom Iron & Metal Co., 1502 N. 2nd St., Minneapolis, MN 55411. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 127651 (Sub-54TA), filed June 8, 1979. Applicant: EVERETT G. ROEHL, INC., East 29th St., Box 7, Marshfield, WI 54449. Representative: Richard Westley, 4506 Regent St., Suite 100, Madison, WI 53705. *Iron and steel articles* from Chicago, IL and points in its Commercial Zone to points in MN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Viking Materials, Inc., 7900 Xerxes Ave., S, Bloomington, MN 55431. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 127651 (Sub-55TA), filed June 21, 1979. Applicant: EVERETT G. ROEHL, INC., East 29th St., Box 7, Marshfield, WI 54449. Representative: Richard Westley, 4506 Regent St., Suite 100, Madison, WI 53705. *Iron and steel articles* from Chicago, IL and points in its Commercial Zone to the facilities of Loed Corp., Wausau, WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Loed Corp., 738 S. 10th Ave., P.O. Box 1247 Wausau, WI 54401. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 127651 (Sub-56TA), filed July 9, 1979. Applicant: EVERETT G. ROEHL, INC., East 29th St., Box 7, Marshfield, WI 54449. Representative: Richard Westley, 4506 Regent St., Suite 100, Madison, WI 53705. *Steel coils* from Chicago, IL and points in its Commercial Zone to facilities of Eclipse Mfg. Co. at or near Sheboygan, WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Eclipse Mfg. Co., 1828 Oakland Ave., Sheboygan, WI 53081. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 127651 (Sub-57TA), filed July 27, 1979. Applicant: EVERETT G. ROEHL, INC., East 29th St., Box 7, Marshfield, WI 54449. Representative: Richard Westley, 4506 Regent St., Suite 100, Madison, WI 53705. *Lumber and compressed wood products* from facilities of Weyerhaeuser Co. at or near Marshfield and Independence, WI and St. Paul, MN; the facilities of Neumann Wood Processors, Inc. at or near LaCrosse, WI and the facilities of Robt. Herbst & Assoc. at or near Elk Mound, WI to points in IL, IN, IA, MI, MN, NO & WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Weyerhaeuser Co., 100 S. Wacker Dr., Chicago, IL 60606. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 127820 (Sub-12TA), filed July 16, 1979. Applicant: TRANS-SERVICE, INC., 1943 S. Lawn Extension, Coshocton, OH 43812. Representative: Taylor C. Burneson, 1631 Northwest Professional Plaza, Columbus, OH 43220. Contract carrier, irregular routes: *Gloves, parts of gloves, clothing treated with protective substances, and materials, supplies, and equipment used in the manufacture and packaging of the aforesaid products*, between Tarboro, NC, on the one hand, and, on the other, Haynesville, LA, and Coshocton, OH, under continuing contract(s) with Becton, Dickinson and Company, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Becton, Dickinson & Co., Stanley St., Rutherford, NJ. Send

protests to: D/S, ICC, 101 N. 7th St., Philadephia, PA 19106.

MC 127840 (Sub-122TA), filed July 23, 1979. Applicant: MONTGOMERY TANK LINES, INC., 17550 Fritz Dr., Lansing, IL 60438. Representative: William H. Towle, 180 N. LaSalle St., Chicago, IL 60601. *Animal fats and vegetable blends*, from the facilities of Wilson Foods Corp., at Oklahoma City, OK, to all points in the State of TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Wilson Foods Corp., 4545 Lincoln Blvd., Oklahoma City, OK 73105. Send protests to: David Hunt, TA, Rm. 1386, 219 S. Dearborn St., Chicago, IL 60604.

MC 128270 (Sub-42TA), filed July 19, 1979. Applicant: REDIEHS INTERSTATE, INC., 1477 Ripley St., East Gary, IN. Representative: Richard A. Kerwin, 180 N. LaSalle St., Chicago, IL 60601. *Iron and steel articles and materials, equipment, and supplies* used in the manufacture of same, between Union, MO, on the one hand, and on the other, points in the states of IN, IL, WI, IA, TX, OK, KS, AR, KY, LA, MI, OH, MN, CO, AL, and MS for 180 days. An ETA has been granted for 90 days. Supporting shipper(s): Maverick Tube Company, P.O. Box 696, Union, MO 63084. Send protests to: Dave Hunt, T/A, 219 South Dearborn St., Room 1386, Chicago, IL 60604.

MC 128270 (Sub-43TA), filed July 25, 1979. Applicant: REDIEHS INTERSTATE, INC., 1477 Ripley Street, East Gary, IN 46405. Representative: Richard Kerwin, 180 North LaSalle Street, Chicago, IL 60601. *Railway car wheels, iron or steel, loose or mounted on axles, with or without bearings*, from the plantsite of Griffin Wheel Company, Keokuk, IA to points in MN, KS, NB, MO, IL, WI and IN for 180 days. An underlying ETA was granted for 90 days authority. Supporting shipper(s): Griffin Wheel Company, Division of AMSTED Industries, Inc., 200 West Monroe Street, Chicago, IL 60606. Send protests to: Annie Booker, TA, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 128860 (Sub-17TA), filed July 18, 1979. Applicant: LARRY'S EXPRESS, INC., 720 Lake St., Tomah, WI 54660. Representative: James Spiegel, 6425 Odana Rd., Madison, WI 53719. *Contract carrier; irregular routes; Malt beverages and related advertising materials, premiums, and malt beverage dispensing equipment* in mixed loads with malt beverages from Evansville, IN and Frankenmuth, MI to points in IA, MN, MO, WI and the UP of MI and (2) from Baltimore, MD to Newport, KY and Evansville, IN, restricted to transportation to be performed under a continuing contract(s) with G. Heileman Brewing Co., Inc., La Crosse, WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): G. Heileman Brewing Co., Inc., 925 S. Third St., LaCrosse, WI 54601. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 129410 (Sub-23TA), filed July 20, 1979. Applicant: ROBERT BONCOSKY, INC., 4811 Tile Line Road, Crystal Lake, IL 60014. Representative: Carl Steiner, 39 South LaSalle Street, Chicago, IL 60603. *Contract Carrier*, irregular routes, *liquid sugar and blends thereof*, in bulk, in tank vehicles, from the facilities of Revere Sugar Corporation, Chicago, IL to points in IA, MI, MO, OH, KS, KY, NE, MN and PA for 180 days. An underlying ETA was granted for 90 days authority. Supporting shipper(s): Revere Sugar Corporation, 330 East North Water Street, Chicago, IL 60611. Send protests to: Annie Booker, TA, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 129480 (Sub-42TA), filed June 25, 1979. Applicant: TRI-LINE EXPRESSWAYS, LTD., 550—71st Avenue SE, Calgary, AB, Canada T2H OS6. Representative: Richard S. Mandelson, 1600 Lincoln Center Bldg., 1660 Lincoln St., Denver, CO 80264. *Farm machinery* from Madison, SD to the International Boundary line between the U.S. and Canada, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Gehl Company, 915 SW 7th St., Madison, SD 57042. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 133630 (Sub-6TA), filed July 24, 1979. Applicant: KING BROS. TRUCKING, INC., Rural Route 2, Ashkum, IL 60911. Representative: Edward D McNamara, Jr., 907 South Fourth, Springfield, IL 62703. *Crushed Stone*, from Newton County, IN to Ford County, IL for 180 days. Supporting shipper(s): Lehigh Paving Co., P.O. Box 231, Paxton, IL 60957. Send protests to: Annie Booker, TA, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 134201 (Sub-12TA), filed July 27, 1979. Applicant: JAMES V. PALMER, d.b.a. JIM PALMER TRUCKING, 3515 Hiway 10 West, Missoula, MT 59801. Representative: James V. Palmer (same address as applicant). *Contract carrier*, irregular routes: (1) *Building materials and cement pipe containing asbestos fibre*, from the plantsite of Johns-Manville Sales Corp. at or near Waukegan, IL to points in ID, MN, MT, ND, OR, SD, WA, and WY; (2) *plastic pipe* from the plantsite of Johns-Manville Sales Corp. at or near Wilton, IA to points in ID, MT, ND, OR, SD, WA and WY; and (3) *insulation board* from the plantsite of Johns-Manville Perlite Corp. at or near Rockdale, IL to points in ID, MN, MT, ND, SD and WY. Restriction: Restricted to a transportation service to be performed under a continuing contract(s) with the Johns-Manville Sales Corp. of Oak Brook, IL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Johns-Manville Sales Corp., 2222 Kensington Ct., Oak Brook, IL 60521. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Bilings, MT 59101.

MC 135070 (Sub-92TA), filed July 26, 1979. Applicant: JAY LINES, INC., P.O. Box 30180, Amarillo, TX 79120. Representative: Gailyn Larsen, P.O. Box 82816, Lincoln, NE. *Bakers yeast and related ingredients* from the facilities of Anheuser Busch, Inc., at or near Bakersfield, CA to Corpus Christi, Houston, and San Antonio, TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Anheuser Busch, Inc., 721 Pestalozzi, St. Louis, MO 63118. Send protests to: Martha A. Powell, TA, Room 9A27 Federal Bldg., 819 Taylor St., Fort Worth, TX 76102.

MC 135070 (Sub-93TA), filed July 26, 1979. Applicant: JAY LINES, INC., 720 N. Grand—P.O. Box 30180, Amarillo, TX 79120. Representative: Charlene C. Marler, 720 N. Grand, Amarillo, TX 79120. *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses* from the facilities of Vernon Calhoun Packing Co., at or near Palestine, TX to points in TN, PA, NY, OH, MO, IA, GA, and IL, for 180 days. Supporting shipper(s): Vernon Calhoun Packing Co., P.O. Box 709, Palestine, TX 75801. Send protests to: Martha A. Powell, TCS, Room 9A27, Federal Bldg., 819 Taylor St., Fort Worth, TX 76102.

MC 135410 (Sub-84TA), filed July 26, 1979. Applicant: COURTNEY J. MUNSON, d.b.a. MUNSON TRUCKING, P.O. Box 266, Monmouth, IL 61462. Representative: Daniel O. Hands, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. *Meats and packinghouse products*, from the facilities of Briggs & Co., a subsidiary of Wilson Foods Corp., at Landover, MD to IA, KS, MN, MO, MN, NE, and WI for 180 days. An underlying ETA seeking 90 days authority was filed. Supporting shipper(s): Wilson Foods Corporation, 4545 Lincoln Blvd., Oklahoma City, OH 73105. Send protests to: Annie Booker, TA, ICC, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 135410 (Sub-85TA), filed July 26, 1979. Applicant: COURTNEY J. MUNSON, d.b.a. MUNSON TRUCKING, P.O. Box 266, Monmouth, IL 61462. Representative: Daniel O. Hands, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. *Such merchandise as is dealt in by wholesale food and drug outlets,* from the facilities of Proctor & Gamble Company at/near Cape Girardeau, Neelys Landing and St. Louis, MO to points in IL, IN, IA and OH for 190 days. An underlying ETA seeking 90 days operating authority has been filed. Supporting shipper(s): The Proctor & Gamble Company, P.O. Box 599, Cincinnati, OH 45201. Send protests to: Annie Brooker, TA, Interstate Commerce Commission, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 135430 (Sub-3TA), filed July 23, 1979. Applicant: LEAVITTS FREIGHT SERVICE, INC., 3855 Marcola Road, Springfield, OR 97477. Representative: David C. White, 2400 S.W. 4th Avenue, Portland, OR 97201, 503–226–6491. Contract, irregular, *Treated Poles* from points in Washington and Yamhill counties, OR to points in AZ, ID, and WA, under contract with North Pacific Lumber Company for 180 days. Supporting shipper(s): North Pacific Lumber Company, P.O. Box 3915, Portland, OR 97208. Send protests to: A. E. Odoms, DS, ICC, 114 Pioneer Courthouse, 555 S.W. Yamhill Street, Portland, OR 97204.

MC 135821 (Sub-4TA), filed June 20, 1979. Applicant: MADELINE MILESTONE, 4233 Leiper St., Phila., PA 19124. Representative: Anthony Witlin, 710 Two Penn Center Plaza, Phila., PA 19102. *Contract carrier:* Irregular routes: *Carpeting, padding, and all related materials used in sale,* Between the plant site of General Felt Industries, Inc., at Phila., Pa, and Pts. in MD and DC commercial zone, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): General Felt Industries, Inc., Park 80 Plaza West, Saddlebrook, NJ 07662. Send protests to: I.C.C., Fed Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 136220 (Sub-82TA), filed July 26, 1979. Applicant: SULLIVAN'S TRUCKING COMPANY, INC., P.O. Box 2164, Ponca City, OK 74601. Representative: G. Timothy Armstrong, 200 North Choctaw, P.O. Box 24, El Reno, OK 73036. *Fishmeal,* in bulk, in dump vehicles, (1) from Ft. Smith and Van Buren, AR, to Watts and Westville, OK; and (2) from Watts and Westville, OK, to Springdale and Fayetteville, AR, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Wilbur-Ellis Co., 1000 Plaza West Bldg., Little Rock, AR 72201. Send protests to: Connie Stanley, ICC, Rm. 240, 215 NW. 3rd, Oklahoma City, OK 73102.

MC 136511 (Sub-71TA), filed July 2, 1979. Applicant: VIRGINIA APPALACHIAN LUMBER CORP., 9640 Tiberlake Rd., Lynchburg, VA 23502. Representative: Lester R. Gutman, 805 McLachlen Bank Bldg., 666 Eleventh St., N.W., Washington, DC 20001. *Foodstuffs (except in bulk) in vehicles equipped with mechanical refrigeration* from the facilities of Kraft, Inc., at Allentown, PA, to points in West Virginia and from the facilities of Kraft, Inc., at Philadelphia, PA to points in North Carolina and Virginia for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Kraft, Inc., 500 Peshtigo Court, Chicago, IL 60690. Send protests to: I.C.C., Fed, Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 136511 (Sub-72TA), filed July 2, 1979. Applicant: VIRGINIA APPALACHIAN LUMBER CORP., 9640 Timberlake Rd., Lynchburg, VA 24502. Representative: Dwight L. Koerber, Jr., 805 McLachlen Bank Bldg., 666 Eleventh St., NW., Washington, DC 20001. *Salad dressing* from Wichita, KS to Fredricksburg, VA, Atlanta, GA and Orlando, FL for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Clorox Co., 1221 Broadway, Oakland, CA 94612. Send protests to: I.C.C. Fed. Res., Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MA 138741 (Sub-85TA), filed July 26, 1979. Applicant: AMERICAN CENTRAL TRANSPORT, INC., 2005 N. Broadway, Joliet, IL 60435. Representative: Tom B. Kretsinger, 20 E. Franklin, Liberty, MO 64068. *Iron and steel articles,* from the facilities of Southwest Steel Supply at Madison, IL to points in IN, IA, KY, MO, & TN for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Southwest Steel Supply, 3401 Morgan, St. Louis, MO 63116. Send protests to: Cheryl Livingston, TA., 219 S. Dearborn, Rm 1386, Chicago, IL 60604.

MC 138741 (Sub-86TA), filed July 26, 1979. Applicant: AMERICAN CENTRAL TRANSPORT, INC., 2005 N. Broadway, Joliet, IL 60435. Representative: Tom B. Kretsinger, 20 E. Franklin, Liberty, MO 64068. *Roofing, building and insulating materials,* from the facilities of CertainTeed Corp. at Kansas City, MO to points in KS, NE and OK; and between the facilities of CertainTeed Corp. at Kansas City, MO and its facilities at Dallas, TX; and from the facilities of CertainTeed Corp. at Dallas, TX to points in AR, LA, OK and TN for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s) Shelter Materials Group CertainTeed Corp., P.O. Box 860, Valley Forge, PA 19482. Send protests to: Cheryl Livingston, TA., 219 S. Dearborn, Rm 1386, Chicago, IL 60604.

MC 139380 (Sub-4TA), filed July 23, 1979. Applicant: STIDHAM TRUCKING, INC., POB 308 /Oregon and Payne Lane, Yreka, CA 96097. Representative: Michael J. O'Neill (same address as applicant), PH: (916) 842–4161. *Wine, Champagne, Brandy and Vermouth* from Modesto, CA to Boise, ID, Reno, NV, Tacoma and Seattle, WA and points within their respective commercial zones, for 180 days. Supporting shipper(s): E & J Gallo Winery, POB 1130, Modesto, CA 95353. Send protests to: A. J. Rodriguez, 211 Main Street, Suite 500, San Francisco, CA 94105.

MC 141921 (Sub-63TA), filed July 10, 1979. Applicant: SAV-ON TRANSPORTATION, INC., 143 Frontage Road, Manchester, NH 03108. Representative: John A. Sykas (same address as applicant). *Malt beverages, pallets, empty containers, separators, and related advertising material,* between Columbus, OH and VT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Anheuser Busch, Inc., D.W. Highway, Merrimack, NH 03054. Send protests to: Ross J. Seymour, DS, ICC, Room 3, 6 Loudon Road, Concord, NH 03301.

MC 141921 (Sub-64TA), filed June 25, 1979. Applicant: SAV-ON TRANSPORTATION, INC., 143 Frontage Road, Manchester, NH 03108. Representative: John A. Sykas (same address as applicant). *Candy and confectionery products,* from Chicago, IL, to points in CT, MA, NJ, and NY; and from Hackettstown, NJ, to points in IL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): M & M Mars, Inc., High Street, Hackettstown, NJ 07840. Send protests to: Ross J. Seymour, DS, ICC, Room 3, 6 Loudon Road, Concord, NH 03301.

MC 142891 (Sub-7TA), filed July 18, 1979. Applicant: A & H, INC., P.O. Box 346, Footville, WI 53537. Representative: Thomas Beener, One World Trade Center, NY, NY 10048. *Cheese and cheese products* (except in bulk) in vehicles equipped with mechanical refrigeration units from facilities of Grande Cheese at Brownsville, WI to points in CA, NV, UT, AL, TN, WV, GA, & FL, for 180 days. Supporting shipper(s): Grande Cheese Co., Box 67, Rt. 1, Brownsville, WI 53006. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 143291 (Sub-2TA), filed July 25, 1979. Applicant: RAYLS BROS.

TRANSFER, INC., Box 342, North Dixie Highway, Hoopeston, IL 60942. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. *Canned goods,* (except in bulk) and supplies and materials used in the selling, distribution and manufacture of canned goods between Mayville, WI and Princeville and Hoopeston, IL on the one hand, and points in IL, IN, LA, KY, MI, MO, MN, OH, and WI on the other for 180 days. (Restricted to movements originating or terminating at the plant sites of Joan of Arc Company, Inc. located at Mayville, WI, Hoopeston and Princeville, IL). An underlying ETA was granted for 90 days authority. Supporting shipper(s): Joan of Arc Company, Inc., 2231 West Altorfer Drive, Peoria, IL 61614. Send protests to: Annie Booker, TA, 319 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 143621 (Sub-29TA), filed June 26, 1979. Applicant: TENNESSEE STEEL HAULERS, INC., 901 5th Avenue North, P.O. Box 5748, Nashville, TN 37208. Representative: Sidney T. Stanley (same address as applicant). *Iron and steel articles* (1) from the plant site of Tennessee Forging Steel Corp at or near Harriman, TN to the states of LA, MS, AL, GA, TN, AR, MO, IL, OH, IN, MI, and KY and (2) from the plant site of Tennessee Forging Steel Corp., Newport, AR to the states of LA, MS, AL, GA, TN, AR, MO, IL, OH, IN, MI, and KY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Tennessee Forging Steel Corporation, Harriman, TN 37748. Send protests to: Glenda Kuss, TA, ICC, Suite A-422, U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 144330 (Sub-78TA), filed July 26, 1979. Applicant: UTAH CARRIERS, INC., P.O. Box 1218 Freeport Center, Clearfield, UT 84016. Representative: Charles D. Midkiff (same address as applicant). *Plastic pipe, pipe fittings, conduits, building materials and supplies used in the installation thereof* from Shingle Springs, CA to points in CO, ID, & UT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): CertainTeed Corporation, 1400 Union Meeting, Blue Bell, PA 19422. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 144630 (Sub-24TA), filed April 3, 1979. Applicant: STOOPS EXPRESS, INC., 2239 Malibu Court, Anderson, IN 46011. Representative: Donald W. Smith, Suite 945, 9000 Keystone Crossing, Indianapolis, IN 46240. *Bananas,* from Charleston, SC and Tampa, FL, to points in IL, IN, KY, MI, OH, and TN, for 180 days. Supporting shipper: Del Monte Banana Company, 1201 Brickell Ave., Miami, FL 33101. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm. 429, Indianapolis, IN 46204.

MC 144630 (Sub-25TA), filed April 3, 1979. Applicant: STOOPS EXPRESS, INC., 2239 Malibu Court, Anderson, IN 46011. Representative: Donald W. Smith, 9000 Keystone Crossing, Suite 945 Indianapolis, IN 46240. *Bananas, and agricultural commodities exempt from economic regulation under Section 203(b)(6) of the Act, when transported in mixed loads with bananas* from the Ports of Norfolk, Portsmouth and Hampton Roads, VA to points in IN, KY, OH, MI, IL, and TN for 180 days. Supporting shipper: The Best Banana Company, 3412–113th Street, Corona, NY 11368. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm. 429, Indianapolis, IN 46204.

MC 144710 (Sub-3TA), filed July 24, 1979. Applicant: MONROE CONTRACTORS EQUIPMENT, INC., 1640 Penfield Road, Rochester, NY 14625. Representative: S. Michael Richards/Raymond A. Richards, 44 North Ave., P.O. Box 225, Webster, NY 14580. *Heavy merchandise and contractors equipment, materials and supplies,* from points on the Conrail railroad line between Jamestown (Mercer County) and Albion (Erie County), PA; and from Erie, Greenville and Altoona, PA, and Ashtabula, OH to points in Oswego County, NY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): L. B. Foster, 1910 Cochran Rd., Manor Oak Office Bldg, #2, Suite 106, Pittsburg, PA 15220. Send protests to: Anne C. Siler, TA, ICC, 910 Federal Bldg., 111 West Huron St., Buffalo NY 14202.

MC 144740 (Sub-15TA), filed July 26, 1979. Applicant: L. G. DE WITT, INC., P.O. Box 70, Ellerbe, NC 28338. Representative: Terrence D. Jones, 2033 K Street, NW, Suite 300, Washington, DC 20006. *Contract carrier*-Irregular routes: *fresh meats, cheese and articles distributed by meat packing houses as described in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766* from the facilities of Swift & Company at Green Bay, WI, Rochelle, St. Charles and Bradley, IL to points in AL, GA, NC, SC, FL, TN and MS, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Swift & Company, 115 West Jackson Blvd., Chicago, IL 60604. Send protests to: Sheila Reece, Transportation Assistant, 800 Briar Creek Rd., Rm. CC516, Charlotte, NC 28205.

MC 145360 (Sub-4TA), filed July 25, 1979. Applicant: THOM'S TRANSPORT COMPANY, INC., Box 405, Blackshear, GA 31516. Representative: Sol H. Proctor, 1101 Blackstone Building, Jacksonville, FL 32202. *(1) wood chips, wood shavings and pine bark and (2) lumber,* (1) from the facilities of Gilman Paper Company at or near Maxville, FL to St. Marys, GA, and (2) from Blackshear and Dudley, GA and Maxville, FL to points in MN, WI, MI, and PA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Gilman Paper Company, P.O. Box 520, St. Marys, GA 31558. Send protests to: Jean King, TA, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 145421 (Sub-3TA), filed July 11, 1979. Applicant: ED BURNS, d.b.a., ED BURNS & SON TRUCKING, Rural Route #1, Denver, IN 46926. Representative: Robert A. Kriscunas, 1301 Merchants Plaza, Indianapolis, IN 46204. *Animal and poultry feed and feed ingredients,* between Lafayette, IN on the one hand and on the other points in IL, KY, MI, NY, OH and PA for 180 days. Restricted to a contract or continuing contracts with Ralston Purina Company. Supporting shipper: Ralston Purina Company, P.O. Box 119, Lafayette, IN 47902. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm 429, Indianapolis, IN 46204.

MC 145441 (Sub-50TA), filed July 18, 1979. Applicant: A.C.B. TRUCKING, INC., P.O. Box 5130, North Little Rock, AR 72119. Representative: E. Lewis Coffey, P.O. Box 5130, North Little Rock, AR 72119. *Surface coated paper and sensitized blueprinting or reproduction paper,* in vehicles equipped with mechanical refrigeration, from Medford, OR to St. Paul, MN; Compton, Orange and Dublin, CA; Grand Prairie, TX; Secaucus and Pennsauken, NJ; Springfield, VA; Denver, CO; Chicago and Wood Dale, IL; and Atlanta, GA, for 180 days. An underlying ETA sought corresponding authority for 90 days. Supporting shipper(s): 3M Company, 3M Center, St. Paul, MN 55101. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 145541 (Sub-3TA), filed July 26, 1979. Applicant: SUNWAY CORP., 118 West Main St., Thomasville, NC 28360. Representative: William P. Farthing, Jr., 1100 Cameron-Brown Building, Charlotte, NC 28204. *New furniture, furniture parts and materials used in the manufacturing of new furniture* between points in Appomattox County, VA and those in Caldwell, Catawba, Davidson, Forsyth and Guilford Counties, NC, on

the one hand, and, on the other, points in the states of CO, ID, MT, NV, NM, OR, UT, WA and WY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Thomasville Furniture Industries, Inc., P.O. Box 339, Thomasville, NC 27360. Send protests to: Sheila Reece, Transportation Assistant, 800 Briar Creek Rd., Rm. CC516, Charlotte, NC 28205.

MC 145560 (Sub-9TA), filed July 23, 1979. Applicant: Applicant: NORTH ALABAMA TRANSPORTATION, INC., P.O. Box 38, Ider, AL 35981. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22210. *Contract,* irregular, *Carpeting and flooring,* from Dalton, Cartersville, Chatsworth and Calhoun, GA; Nashville, TN; and Center, TX, to points in UT, ID, MT, OR and WA, for 180 days, restricted to the transportation of shipments moving under a continuing contract or contracts with Wanke Panel Company. An underlying ETA seeks 90 days authority. Supporting shipper(s): Wanke Panel Company, 2204 N. Clark Avenue, Portland, OR 97227. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616, 2121 Building, Birmingham, AL 35203.

MC 145680 (Sub-7TA), filed July 24, 1979. Applicant: C & R TRUCKING, LTD., 2955 Packers Ave., Madison, WI 53704. Representative: Michael Wyngaard, 150 E. Gilman St., Madison, WI 53703. *Waste water flowage measurement devices, doors, manufactured buildings and parts and accessories for all the above specified items* from Necedah, WI to points in the U.S. (except AK & HI), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Kenco Plastics Co., Inc., Div. of Dole Regrigerating Co., State Hwy 21, Necedah, WI 54646. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 145700 (Sub-1TA), filed June 29, 1979. Applicant: TIGATOR, INC. d.b.a. TIGATOR TRUCKING SERVICE, 8686 Anselmo Lane, Baton Rouge, LA 70810. Representative: J. H. Campbell, Jr., P.O. Box 1748, Baton Rouge, LA 70821. Applicant is seeking authority to operate as a *contract carrier* over irregular routes transporting *beef* from Amarillo, TX to Baton Rouge, LA, for 180 days. Restricted to a transportation service performed under a continuing contract or contracts with Associated Grocers, Inc. Applicant has filed an underlying ETA seeking 90 days. Supporting shipper(s): Associated Grocers, Inc., P.O. Box 1748, Baton Rouge, LA 70821. Send protests to: Robert J. Kirspel, DS, ICC, T-9038 U.S. Postal Service Bldg., 701 Loyola Ave., New Orleans, LA 70113.

MC 145700 (Sub-2TA), filed June 29, 1979. Applicant: TIGATOR, INC. d.b.a. TIGATOR TRUCKING SERVICE, 8686 Anselmo Lane, Baton Rouge, LA 70810. Representative: J. H. Campbell, Jr., P.O. Box 1748, Baton Rouge, LA 70821. Applicant is seeking authority to operate as a *contract carrier* over irregular routes transporting *citrus products and by-products, juices and drinks* from points in the following counties in the state of FL: Hardee, Hernando, Hillsborough, Lake, Manatee, Pasco, Polk, Sarasota, and Sumter to Baton Rouge, LA, for 180 days. Restricted to a transportation service performed under continuing contract or contracts with Associated Grocers, Inc. Applicant has filed an underlying ETA seeking 90 days. Supporting shipper(s): Associated Grocers, Inc., P.O. Box 1748, Baton Rouge, LA 70821. Send protests to: Robert J. Kirspel, DS, ICC, T-9038 Federal Bldg., 701 Loyola Ave., New Orleans, LA 70113.

MC 145870 (Sub-15TA), filed June 14, 1979. Applicant: L-J-R HAULING, INC., P.O. Box 699, Dublin, VA 24084. Representative: Wilmer B. Hill, Suite 805, 666 Eleventh Street, N.W., Washington, D.C. 20001. *Soda ash briquettes* from Salt Lake City, UT to points in IL, IN, KY, MO, NY, OH, PA, TX and WV for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): REP, Inc. d.b.a. Western Briquette Company, 733 Genessee Ave., Salt Lake City, UT 84104. Send protests to: Charles F. Myers, DS, ICC, Room 10-502, Federal Bldg., 400 North 8th Street, Richmond, VA 23240.

MC 145930 (Sub-5TA), filed July 18, 1979. Applicant: WILLIAM E. MOROG, d.b.a., JONICK & CO., 2815 E. Liberty Ave., Vermilion, OH 44089. Representative: Michael M. Briley, P.O. Box 2088, Toledo, OH 43603. *Lime and limestone products,* in bulk, from the facilties of Mercer Lime & Stone Co., at or near Branchton, PA to all points in OH, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Mercer Lime & Stone Co., 525 William Penn Pl., Pittsburgh, PA 15219. Send protests to: D/S, ICC, 101 N. 7 St., Philadelphia, PA 19106.

MC 145950 (Sub-33TA), filed July 23, 1979. Applicant: BAYWOOD TRANSPORT, INC., Rt. 6, Box 2611, Waco, TX 76706. Representative: Arthur W. Grimes (same address as applicant). *Liquid plastics (except commodities in bulk)* from the facilities of Texas urethanes, at or near Austin, TX to the states of NM, AZ, CO, OK, LA, and NE for 180 days. An underlying ETA for 90 days authority filed. Supporting shipper(s): Texas Urethanes, P.O. Box 9563, Austin, TX 78766. Send protests to: Martha A. Powell, Trans. Asst., I.C.C., Room 9A27, Federal Bldg., 819 Taylor St., Fort Worth, TX 76102.

MC 145950 (Sub-34TA), filed July 24, 1979. Applicant: BAYWOOD TRANSPORT, INC., P.O. Box 2611, Waco, TX 76706. Representative: Harry F. Horak, 5001 Brentwood Stair Rd., Suite 115, Fort Worth, TX 76112. (1) *Copper chemicals (except in bulk),* and (2) *materials and supplies used in the manufacture of (1) above;* (1) from Houston, TX to points in the U.S. (except AK & HI), and (2) from points in the U.S. (except AK & HI), to Houston, TX, for 180 days. Supporting shipper(s): Kocide Chemical Corporation, 12701 Almeda Rd., Houston, TX 77045. Send protests to: Martha A. Powell, TCS, I.C.C., Room 9A27, Federal Bldg., 819 Taylor St., Fort Worth, TX 76102.

MC 145950 (Sub-35TA), filed July 24, 1979. Applicant: BAYWOOD TRANSPORT, INC., P.O. Box 2611, Waco, TX 76706. Representative: Harry F. Horak, 5001 Brentwood Stair Rd., Suite 115, Fort Worth, TX 76112. (1) *Such merchandise as is dealt in by wholesale, retail, chain groceries and food business houses; soy products, paste, flour products, dairy based products,* and (2) *materials, ingredients, and supplies used in the manufacture, distribution, and sale of products in (1) above,* between the facilities used by Ralston Purina Company at or near San Diego, CA; Sparks, NV; Denver, CO; Flagstaff, AZ; and Oklahoma City, OK, on the one hand, and, on the other, points in the U.S. (except AK & HI), for 180 days. Supporting shipper(s): Ralston Purina Company, Checkerboard Square, St. Louis, MO 63188. Send protests to: Martha A. Powell, TCS, I.C.C., Room 9A27, Federal Bldg., 819 Taylor St., Fort Worth, TX 76102.

MC 146360 (Sub-10TA), filed July 27, 1979. Applicant: FLOYD SMITH JR. TRUCKING INC., 5303 Valle Grande, Meridian, ID 83642. Representative: Timothy R. Stivers, P.O. Box 162, Boise, ID 83701. *Such commodities as are dealt in by department, discount and catalog stores; and equipment, materials and supplies used in the conduct of such business,* (1) from points in CA to points in AZ, NM, UT and (2) from points in CA, DE, IL, IN, MA, MO, NY, NJ, OH, PA and TN to points in CO, ID, MN, MT, ND, OR, SD, WA and WY, for 180 days. Restricted to shipments originating at or destined to the facilities of Modern Merchandising and its subsidiary division and affiliated companies listed on the attachment. An underlying ETA

seeks 90 days authority. Supporting shipper(s): Modern Merchandising, Inc., 5101 Shady Oak Road, Minnetonka, MN 55343. Send protests to: Barney L. Hardin, D/S, ICC, Suite 110, 1471 Shoreline Dr., Boise, ID 83702.

MC 146451 (Sub-2TA), filed June 28, 1979. Applicant: WHATLEY-WHITE, INC., 230 Ross Clark Circle, NE, Dothan, AL 36302. Representative: W. K. Martin, 57 Adams Avenue, Montgomery, AL 36104 *Plumbing goods, fixtures and supplies*, from the facilities utilized by Price Pfister, at or near Pacoima, CA, to all points in FL, GA, IL, IN, LA, MS, NJ and TX, for 180 days. Supporting shipper(s): Price Pfister, 13500 Paxton, Pacoima, CA 91331. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616, 2121 Building, Birmingham, AL 35203

MC 146950 (Sub-1TA), filed April 16, 1978. Applicant: JOSEPH G. HALL, INC., 148 Kent Street, Albany, NY 12203. Representative: Bertrand F. Gould, Esq., 112 State Street, Suite 217, Albany, NY 12207. *Common carrier*, irregular routes: Paper, paper products and paper making material, except in bulk, between the facilities of Scott Paper Company located in NY, ME, and MA on the one hand, and, on the other, points in CT, MA, ME, NH, NY, RI, and VT. Supporting shipper(s): Scott Paper Company, Scott Plaza I, Philadelphia, PA 19113. Send protests to: Robert A. Radler, District Supervisor, Interstate Commerce Commission, P.O. Box 1167, Albany, NY 12201.

MC 146971 (Sub-1TA), filed July 26, 1979. Applicant: CONTRANS, INC., Arch Street, Erving, MA 01344. Representative: David M. Marshall, Esq., Marshall and Marshall, 101 State Street—Suite 304, Springfield, MA 01103. Contract carrier: irregular routes: *Paper and paper articles, plastic and plastic articles, metal articles; and materials and supplies used in the manufacture of such commodities* (except in bulk, in tank vehicles), between the facilities of Erving Paper Mills at Erving, MA on the one hand, and, on the other, points in ME, NH, VT, CT, RI, NJ, PA, OH, NY, DE and MD under a contract with Erving Paper Mills, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Erving Paper Mills, Erving, MA 01344. Send protests to: David M. Miller, DS, ICC, 436 Dwight Street, Springfield, MA 01103.

MC 147321 (Sub-2TA), filed July 11, 1979. Applicant: BILL STARR TRUCKING, INC., 1716 Berry Road, Independence, MO 64057. Representative: Frank W. Taylor, Jr., Suite 600, 1221 Baltimore Ave., Kansas City, MO 64105. *Toilet preparations and other articles moving in mixed loads with toilet preparations*, from Kansas City, MO, to San Antonio, TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Avon Products, Inc., 83rd and College, Kansas City, MO 64141. Send protests to: Vernon V. Coble, D/S, ICC, Room 600, Federal Bldg., 911 Walnut Street, Kansas City, MO 64106.

MC 147381 (Sub-1TA), filed June 26, 1979. Applicant: LARRY MUNDER d.b.a. LARRY MUNGER ENTERPRISES, 4813 Chenetelle Drive, Taylorsville, UT 84107. Mailing address: P.O. Box 25831, Salt Lake City, UT 84125. Representative: Larry Munger (same address as applicant). Contract carrier: irregular route: *Wooden logs, beams, flooring, lumber, shakes and shingles* from Sisters, White Powder and Hines, OR; Seattle, WA; Boise, and Weiser, ID to points in IA, MN, IL, NB, CO, TX, AZ and NM, for 180 days. An ETA seeks 90 days authority. Supporting shipper(s): Homestead Log Co., R.R. #2, Creston, IA. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 147571 (Sub-1TA), filed June 12, 1979. Applicant: TWIN RIVERS TRANSPORTATION COMPANY, 500 Waukegan Road, Deerfield, IL 60015. Representative: Edward G. Bazelon, 39 S. LaSalle St., Chicago, IL 60603. *Contract:* (1) *Frozen foodstuffs and materials, equipment and supplies* used in the manufacture, production and distribution of frozen foodstuffs, (a) between the facilities of Kitchens of Sara Lee, Inc., located at or near deerfield and Chicago, IL, and New Hampton, IA, on the one hand, and, on the other, all points in the United States (except Alaska and Hawaii); (b) between the facilities of Idaho Frozen Foods Corp. located at or near Nampa and Twin Falls, ID, and Clearfield, UT, on the one hand, and, on the other, all points in the United States (except Alaska and Hawaii). (2) *Foodstuffs and materials, equipment and supplies* used in the manufacture, production and distribution of foodstuffs, (a) between the facilities of Booth Fisheries Corporation located at Portsmouth, NH, Lubec, ME, and Brownsville, TX, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); (b) between the facilities of Chef Pierre, Inc., located at or near Traverse City and Grand Rapids, MI, and Forest, MS, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). (3)(a) *Flavorings, stabilizers, chocolate coatings, sticks and paper products* from Englewood, NJ, and city of Industry, CA, to Des Plaines, IL, Boston, MA, Green Bay, WI, Dallas, TX, Los Angeles, CA, and Tampa, FL; (b) *chocolate cocoa powder* from Pennsuaken, NJ, to City of Industry, CA; and (c) *sticks, fruit, fruit juices, and applesauce*, from Florida, Washington, and Maine, to Englewood, NJ, and City of Industry, CA, under contract with Popsicle Industries, Inc. The authority sought in (1) through (3) above is restricted against the transportation of commodities in bulk. Send protests to: Dave Hunt, 219 S. Dearborn St., Room 1386, Chicago, IL 60604; 5 supporting shippers. Applicant has an underlying ETA on file.

MC 147631 (Sub-1TA), filed July 19, 1979. Applicant: TAOS INTERSTATE EXPRESS, P.O. Box 262, Alamosa, CO 81101. Representative: Fred L. Williams (same address as above). *General Commodities*, except Classes A and B explosives, commodities of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment. Between Fort Garland, Colorado, and Taos, New Mexico, serving all intermediate points in New Mexico without restriction; those between Fort Garland and the Colorado-New Mexico State Line, and serving the off-route points of San Acacio, Mesita, Chama, San Pablo, and Garcia, Colorado, and Sunshine Valley, Valdez, Taos Pueblo, Arroyo Seco, Ranchoes De Taos, and Talpa, New Mexico: From Fort Garland over Colorado Highway 159 to the Colorado-New Mexico State Line, thence over New Mexico Highway 3 to Taos, and return over the same route; Between Jaroso, Colorado, and junction unnumbered highway and New Mexico Highway 3 serving all intermediate points except for traffic moving in interstate or foreign commerce between points in Colorado where transportation by carrier is wholly within Colorado: From Jaroso over unnumbered highway to the Colorado-New-Mexico State Line, thence over unnumbered highway to junction New Mexico Highway 3 (about ¼ mile South of the State line), and return the route; Between Alamosa, Colorado, and Fort Garland, Colorado, serving no intermediate points: From Alamosa over U.S. Highway 160 to Fort Garland, and return over the same route. Applicant also requests deviation route for convenience and economy: From Alamosa, Colorado, over U.S. Highway 285 to Junction U.S. Highway 64 to junction New Mexico Highway 3 and return over the same route for convenience only. An underlying ETA seeks 90 days authority. Supporting shipper(s): Bill Clark Truck Line, Inc, 311 6th Street, Alamosa, CO 81101; Rio Grande Motor Way, Inc., 1400 W. 52nd

Avenue, Denver, CO 80221. Send protests to: H. Ruoff, 492 U.S. Customs House, Denver, CO 80202.

MC 147650 (Sub-1TA), filed July 27, 1979. Applicant: S & J HAULING, INC., P.O. Box 547, Kelso, WA 98626. Representative: R. I. Burnett, 3211 Wildwood Dr., Longview, WA 98632. *Lumber* between Portland, Linnton, North Plains, Mollala, & Clatskanie, OR on the one hand and Ridgefield & Vancouver, WA on the other hand, for 180 days. MC 147650 R granted 7/9/79, expires 10/6/79. Supporting shipper(s): Niedermeyer Martin Co., 1727 N.E. 11th Ave., Portland, OR 97212. Send protests to: R. V. Dubay, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, OR 97204.

MC 147660 (Sub-1TA), filed July 23, 1979. Applicant: BETTER LIVING, INC., P. O. Box 967, Vernal, UT 84078. Representative: D. Michael Jorgensen, P.O. Box 2465, Salt Lake City, UT 84110. *Mobile homes and office trailers* between Uintah, Duchesne, and Daggett Counties, UT, on the one hand, and, on the other, points in CO, WY, ID, ND, SD, MT, NV, and UT, for 180 days. An underlying ETA seeking 90 days authority. Supporting shipper(s): Staley Rentals, 1971 South 1500 West, Vernal, UT 84078; Ross Construction, Box 397, Vernal, UT 84078. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

Water Carriers of Property

W-1311 (Sub-2TA). By order entered August 29, 1979, the Motor Carrier Board granted American Pacific Container Line, Inc., San Francisco, CA, 180 days temporary authority to engage in the business of transportation by water vessel, in interstate commerce, in the transportation of (1) general commodities, in containers, between the Ports of Alameda, Arcata, Eureka, Port Chicago, Port Hueneme, Richmond, Sacramento, and Stockton, CA; Astoria, Coos Bay, and St. Helens, OR; and Bellingham, Kelso, Longview, Port Angeles, Port Townsend, and Vancouver, WA, restricted to cargo having a prior or subsequent movement by ocean carriers subject to the Shipping Act of 1916; (2) empty containers, between the Ports of Alameda, Arcata, Eureka, Port Chicago, Port Hueneme, Richmond, Sacramento and Stockton, CA; Astoria, Coos Bay and St. Helens, OR; and Bellingham, Kelso, Longview, Port Angeles, Port Townsend, and Vancouver, WA; and (3) general commodities, in trailers, empty trailers, chassis singly and in bundles, container lifting spreaders, and sailing vessels, between the Ports of Alameda, Arcata, Eureka, Long Beach, Los Angeles, Oakland, Port Chicago, Port Hueneme, Richmond, Sacramento, San Diego, San Francisco and Stockton, CA; Astoria, Coos Bay, Portland, and St. Helens, OR and Bellingham, Kelso, Longview, Port Angeles, Port Townsend, Seattle, Tacoma and Vancouver, WA. M. Kimmerle Culver, 501 Army St., San Francisco, CA 94124, Applicant's representative. Any interested person may file a petition for reconsideration within 20 days of the date of this publication. Within 20 days after the filing of such petition with the Commission, any interested person may file and serve a reply thereto.

[Notice No. 159]

August 23, 1979.

MC 87523 (Sub-100TA), filed July 10, 1979. Applicant: STEWART TRUCKING COMPANY, INC., P.O. Box 5155, Manchester, NH 03108. Representative: Edward J. Kiley, 1730 M St.—Suite 301, Washington, DC 20036. *Paper, paper products, and empty containers,* between the facilities of Fonda/Royal Lace Group, Saxon Industries, Inc., located at or near Bethel and St. Albans, VT, on the one hand, and, on the other, points in NY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Samson Distributing Center, 290 Larkin St., P.O. Box 1099, Buffalo, NY 14210. Send protests to: Ross J. Seymour, DS, ICC, Rm. 3, 6 Loudon Rd., Concord, NH 03301.

MC 1783 (Sub-27TA), filed July 23, 1979. Applicant: BLUE LINE EXPRESS, INC., 260 D.W. Highway South, Nashua, NH 03060. Representative: Charles A. Webb, Suite 800 South, 1800 M St., N.W., Washington, DC 20036. *Paper, pulpboard, woodpulp articles, and plastic or rubber articles,* from Holmdel, NJ to Cabot, VT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Owens Illinois, Inc., Lily Division, Rt. 35, Holmdel, NJ 07733. Send protests to: Ross J. Seymour, DS, ICC, Rm. 3, 6 Loudon Rd., Concord, NH 03301.

MC 1783 (Sub-28TA), filed July 23, 1979. Applicant: BLUE LINE EXPRESS, INC., 260 D.W. Highway South, Nashua, NH 03060. Representative: Charles A. Webb, Suite 800 South, 1800 M St., N.W., Washington, DC 20036. *Groceries and grocery supplies,* from Dayton, NJ, to Barre, Burlington, Essex Junction, Newport, and St. Johnsbury, VT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): RJR Foods Inc., P.O. Box 950, Dayton, NJ 08810. Send protests to: Ross J. Seymour, DS, ICC, Rm. 3, 6 Loudon Rd., Concord, NH 03301.

MC 1783 (Sub-29TA), filed July 23, 1979. Applicant: BLUE LINE EXPRESS, INC., 260 D.W. Highway South, Nashua, NH 03060. Representative: Charles A. Webb, Suite 800, 1800 M St., N.W., Washington, DC 20036, *Malt beverages,* from Merrimack, NH and Newark, NJ, to Barre, Burlington, Montpelier, and Winooski, VT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): None. Send protests to: Ross J. Seymour, DS, ICC, Rm. 3, 6 Loudon Rd., Concord, NH 03301.

MC 1783 (Sub-30TA), filed July 23, 1979. Applicant: BLUE LINE EXPRESS, INC., 260 D.W. Highway South, Nashua, NH 03060. Representative: Charles A. Webb, Suite 800 South, 1800 M St., N.W., Washington, DC 20036. *Petroleum products, (except in bulk in tank trucks),* from Bayonne and Elizabeth, NJ to Williston VT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): None. Send protests to: Ross J. Seymour, DS, ICC, Rm. 3, 6 Loudon Rd., Concord, NH 03301.

MC 87523 (Sub-103TA), filed July 30, 1979. Applicant: STEWART TRUCKING COMPANY, INC., P.O. Box 5155, Manchester, NH 03108. Representative: Edward J. Kiley, 1730 M St. NW—Suite 501, Washington, DC 20036. *Glass bottles,* from the facilities of Owens Illinois, Inc., at or near Volney, NY, to Merrimack, NH, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Owens Illinois, Inc., P.O. Box 1035, Toledo, OH 43666. Send protests to: Ross J. Seymour, DS, ICC, Rm. 3, 6 Loudon Rd., Concord, NH 03301.

MC 87523 (Sub-102TA), filed July 10, 1979. Applicant: STEWART TRUCKING COMPANY, INC., P.O. Box 5155, Manchester, NH 03108. Representative: Edward J. Kiley, 1730 M St. NW—Suite 301, Washington, DC 20036. *Malt beverages* from the facilities of the Genessee Brewing Co., at or near Rochester, NY, to Berlin, Keene, Manchester, Newmarket, and Laconia, NH, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Amoskeag Beverage, Rt. 3-A, Hooksett, NH 03106; N. G. Gurnsey Co., Inc., Dunbar St., Keene, NH 03431; Bayside Distributors, P.O. Box W, Durham, NH 03824. Send protests to: Ross J. Seymour, DS, ICC, Rm. 3, 6 Loudon Rd., Concord, NH 03301.

MC 87523 (Sub-101TA), filed July 10, 1979. Applicant: STEWART TRUCKING COMPANY, INC., P.O. Box 5155, Manchester, NH 03108. Representative: Edward J. Kiley, 1730 M St.—Suite 301, Washington, DC 20036. *Plastic, plastic*

products, and materials, equipment, and supplies used in the manufacture, production, and distribution of plastic and plastic products, (except in bulk), between the facilities of The Continental Group, Inc., at or near Merrimack, Hudson, and Nashua, NH, on the one hand, and, on the other, points in the United States, (except Alaska and Hawaii), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Continental Group, Inc., 15 Continental Blvd., Merrimack, NH 03054. Send protests to: Ross J. Seymour, DS, ICC, Rm. 3, 6 Loudon Rd., Concord, NH 03301.

MC 1783 (Sub-26TA), filed July 23, 1979. Applicant: BLUE LINE EXPRESS, INC., 260 D.W. Highway South, Nashua, NH 03060. Representative: Charles A. Webb, Suite 800 South, 1800 M St., N.W., Washington, DC 20036. *Paper and paper products,* from Jay and Livermore Falls, ME, to Middlebury, VT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): International Paper Company, 220 E. 42nd St., New York, NY 10017. Send protests to: Send protests to: Ross J. Seymour, DS, ICC, Rm. 3, 6 Loudon Rd., Concord, NH 03301.

MC 2052 (Sub-22TA), filed July 2, 1979. Applicant: BLAIR TRANSFER, INC., 203 South Ninth, Blair, NE 68008. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Road, Omaha, NE 68106. *Craft, art and hobby supplies, materials and equipment used in the manufacture, production and distribution of craft, and art and hobby supplies (except commodities in bulk)* between the facility of Artex Hobby Products, Inc. at or near Lexington, SC on the one hand, and on the other, Lima, OH for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Artex Hobby Products, Inc., 35300 Lakeland Blvd., East Lake, OH 44094. Robert D. Hickey, Traffic Consultant. Send protests to: District Supervisor Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68012.

MC 2253 (Sub-101TA), filed August 2, 1979. Applicant: CAROLINA FREIGHT CARRIERS CORP., P.O. Box 697, Cherryville, NC 28021. Representative: same as applicant. *Lumber* from points in GA to points in MI on and south of a line commencing at Port Huron, MI, then over MI Hwy 25 to Bay City, MI, then over US Hwy 10 to Ludington, MI, and points in IN on and north of IN Hwy 28 for 180 days. An underlying ETA seeks 90 days of authority. Supporting shipper(s): E.H. Mauk & Sons, Inc., 6600 Highland Rd., Suite 12, Pontiac, MI 48054. Send protests to: Terrell Price, 800 Briar Creek Rd., Rm. CC516, Charlotte, NC 28205.

MC 14252 (Sub-72TA), filed July 12, 1979. Applicant: COMMERCIAL LOVELACE MOTOR FREIGHT, INC., 3400 Refugee Rd., Columbus, OH 43227. Representative: William C. Buckham, 3400 Refugee Rd., Columbus, OH 43227. *Common regular: General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment)* serving Delavan, IL as an off-route pt. in connection with carriers presently authorized regular route operations, for 180 days. An underlying ETA seeks 90 days authority. Applicant intends to tack authority sought herein with authority presently held under docket number MC 14252. Supporting shipper(s): Capterpillar Tractor Co., 100 N.E. Adams St., Peoria, IL 61602. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 14252 (Sub-73TA), filed June 28, 1979. Applicant: COMMERCIAL LOVELACE MOTOR FREIGHT, INC., 3400 Refugee Road, Columbus, OH 43227. Representative: William C. Buckham, (same as applicant). *Common; regular: 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), from Decatur, IL via IL Hwy 48; thence via Interstate Hwy 55 to junction of IL Hwy 16; thence via IL Hwy 16 to Pana, IL; then via IL Hwy 29 to Taylorville, IL returning via the same route to Pana, IL; thence via IL Hwy 16 to junction of U.S. Hwy 51; thence via U.S. Hwy 51 to Decatur, IL, serving all intermediate points for 180 days. Applicant intends to tack authority sought herein with authority held under docket number MC 14252. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are 12 supporting shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: ICC.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 16903 (Sub-1TA), filed August 1, 1979. Applicant: MOON FREIGHT LINES, INC., P.O. Box 1275, Bloomington, IN 47401. Representative: Donald W. Smith, 9000 Keystone Crossing, Indianapolis, IN 46240. *Composition Board* from the facilities of United States Gypsum at Greenville, MS to points in CN, DE, DC, ME, MD, MA, NH, NJ, PA, RI and VT for 180 days. Supporting shipper: United States Gypsum Company, 108 South Wacker Drive, Chicago, IL 60606. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm. 429, Indianapolis, IN 46204.

MC 27063 (Sub-25TA), filed July 27, 1979. Applicant: LIBERTY TRANSFER CO., INC., 1601 Cuba St., Baltimore, MD 21230. Representative: Jeremy Kahn, 1511 K St., NW, Suite 733, Washington, DC 20005. *Contract; irregular:* (1) *Roasted coffee,* from Baltimore, MD and Landover, MD to Florence, NJ; (2) *Green coffee,* from Philadephia, PA to Baltimore and Landover, MD, under contract with A & P Tea Co. for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Great Atlantic & Pacific Tea Co., Inc., 2 Paragon Dr., Montvale, NJ 07645. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 32882 (Sub-120TA), filed July 13, 1979. Applicant: MITCHELL BROS. TRUCK LINES, 3841 N. Columbia Blvd., P.O. Box 17039, Portland, OR 97217. Representative: David J. Lister, 3841 N. Columbia Blvd., P.O. Box 17039, Portland, OR 97217. *Iron and Steel Articles* (1) From Los Angeles, CA and its commercial zone and Orange, CA and its commercial zone to Salt Lake City, UT and its commercial zone; Provo, UT and its commercial zone; Denver, CO and its commercial zone; Colorado Springs, CO and its commercial zone; and Pueblo, CO and its commercial zone. (2) From Salt Lake City, UT and its commercial zone; Provo, UT and its commercial zone; Denver, CO and its commercial zone; and Pueblo, CO and its commercial zone to Los Angeles, CA and its commercial zone and Orange, CA and its commercial zone, for 180 days. An underlying ETA seeks 90 days authority. Restriction: Restricted against service from the facilities of Balfour, Guthrie and CO., Limited and Viking Steel Corporation in the Los Angeles commercial zone to points in Salt Lake County, UT when having a movement in foreign commerce by water. Supporting shipper(s): There are 10 supporting shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: R. V. Dubay, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, OR 97204.

MC 43963 (Sub-22TA), filed July 26, 1979. Applicant: CHIEF TRUCK LINES, INC., 1479 Ripley Street, Lake Station, IN 46405. Representative: James C. Hardman, 33 N. LaSalle St., Chicago, IL 60602. *Aluminum and aluminum articles,* from the facilities of Kaiser Aluminum and Chemical Corp. at or

near Ravenswood, WV to points in IL, IN, IA, MI, MN, MO, and WI for 180 days. Supporting shipper(s): Kaiser Aluminum & Chemical Corp., P.O. Box 98, Ravenswood, WV 22164. Send protests to: Cheryl Livingston, TA, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 63792 (Sub-34TA), filed July 6, 1979. Applicant: TOM HICKS TRANSFER COMPANY, INC., P.O. Box 16006, Houston, TX 77022. Representative: C. W. Ferebee (same as applicant). *Storage systems, K.D., and other parts or sections thereof and equipment materials & supplies used in the manufacture construction & maintenance of storage systems* between Sand Springs, OK, on the one hand, and on the other points in: CA, CO, IL, IN, IA, KS, MI, MN, MO, MT, NE, NJ, NY, ND, OH, OK, OR, PA, SK, TN, UT, VA, WA, WV, WI, WY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Southwestern Porcelain, Inc., P.O. Box 8, Sand Springs, OK. Send protests to: John F. Mensing, DS, ICC, 515 Rusk #8610, Houston, TX 77002.

MC 64832 (Sub-8TA), filed July 16, 1979. Applicant: MAGNOLIA TRUCK LINE, INC., P.O. Box 16587, 3097 Fontaine Road, Memphis, TN 38116. Representative: Donald B. Morrison, 1500 Deposit Guaranty Plaza, P.O. Box 22628, Jackson, MS 39205. *Common Carrier: Regular Routes: General Commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) serving Fort Polk Military Reservation, IA; Hamburg, IA; Leesville, IA and Simmesport, IA, and points in their commercial zones, as off-route points in connection with applicant's regular route authority between Memphis, TN and Alexandria, IA, for 180 days. Applicant intends to tack the authority here applied for to authority held by it in MC–64832 (Subs 3, 4, and 6) and further intends to interline with other carriers at all points of common joinder, including Memhis, TN; Natchez and Vicksburg, MS and Alexandria, IA and proposes to serve points in the commercial zones of the communities here sought to be served. Supporting shipper(s): There are approximately 8 statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof may be examined at the field office named below. Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, 100 North Main Building—Suite 2006, 100 North Main Street, Memphis, TN 38103.

MC 71593 (Sub-40TA), filed July 26, 1979. Applicant: FORWARDERS TRANSPORT, INC., 1608 E. Second Street, Scotch Plains, NJ 07076. Representative: Charles J. Williams, 1815 Front Street, Scotch Plains, NJ 07076. *Such commodities as are dealt in or used in retail stores* (except foodstuffs, those of unusual value, classes A and B explosives, commodities in bulk, and those requiring special equipment) from the facilities of United States Packing & Shipping Co., Inc. at Jersey City, NJ to points in AR, IA, KY, LA, OK, TN and TX, for 180 days. Supporting shipper(s): F.W. Woolworth Co., 233 Broadway, New York, NY 10007; K Mart Corporation, 3100 W. Big Beaver Road, Troy, MI 48084; Chicago Shippers Association, 2 Sixth Street, Jersey City, NJ 07302; Southeast Shippers Association, Inc., 595 W. Alcy Road, Memphis, TN 38109; Wes-Tex Shippers Association, 617 Avenue G. Lubbock, Texas 79401. Send protests to: Robert E. Johnston, D/S., ICC, 744 Broad St., Room 522, Newark, NJ 07102.

MC 71593 (Sub-41TA), filed July 30, 1979. Applicant: FORWARDERS TRANSPORT, INC., 1608 East Second Street, Scotch Plains, NJ 07076. Representative: Ronald S. Potter, 1608 East Second Street, Scotch Plains, NJ 07076. *Beds, frames, bureaus and related accessories,* from the facilities of Trend West, at or near Compton, CA, to Chicago and South Holly, IL; Andover, MA; Kentwood and Lansing, MI; Anoka, Hopkins and St. Cloud, MN; Columbia, MO; Omaha, NE; Charlotte, Fargo, Grand Fork and Minot, NC; Keittering, OH; Pittsburgh, PA; Chattanooga, TN; Austin and Dallas, TX; Appelton, Milwaukee and Madison, WI, for 180 days. Supporting shipper(s): West America Corp., d.b.a., Trend West Furniture Mfg., P.O. Box 2830, 2820 El Presidio, Long Beach, CA 90810. Send protests to: Robert E. Johnston, D/S, ICC, 744 Broad St., Room 522, Newark, NJ 07102.

MC 71593 (Sub-45TA), filed July 2, 1979. Applicant: FORWARDERS TRANSPORT, INC., 1608 East Second Street, Scotch Plains, NJ 07076. Representative: Ronald S. Potter, 1608 East Second Street, Scotch Plains, NJ 07076. *Ground clay in bags such as are dealt in by retail stores, industrial distributors, grocery distributors, and drug stores* (except commodities in bulk) from Paris, TN, Bloomfield, MO and Olmstead, IL to Chicago, IL, Columbus, OH, Youngstown, OH, Detroit, MI, Grand Rapids, MI, Milwaukee, WI, Pittsburgh, PA, Baltimore, MD, Landover, MD and Philadelphia, PA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s) Lowe's Inc., 348 South Columbia Street, South Bend, IN 46601. Send protests to: Robert E. Johnston, DS, ICC., 744 Broad Street, Room 522, Newark, NJ 07102.

MC 75192 (Sub-7TA), filed June 29, 1979. Applicant: CHARLES T. BROWN TRUCK LINES, INC., 1208 Buff St., Greensboro, NC 27406. Representative: Terrell C. Clark, P.O. Box 25, Stanleytown, VA 24168. *Air pollution control equipment systems and supplies, machinery, structural metal products and tanks* from Graham, NC and Guilford County, NC to points in SC and VA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s) Newman-Whitney Machine Co., 507 Jackson St., Greensboro, NC; Burlington Engineering Sales Company, 911 Elm St., Graham, NC 27253; Carolina Blower Corp., P.O. Box 840, Greensboro, NC 27402; Debnam Hughes Corp., P.O. Box 9677, Greensboro, NC 27408. Send protests to: Terrell Price, 800 Briar Creek Rd-Rm CC516, Charlotte, NC 28205.

MC 80653 (Sub-21TA), filed July 12, 1979. Applicant: DAVID GRAHAM CO., P.O. Box 254, Levittown, PA 19059. Representative: Paul F. Sullivan, 711 Washington Bldg., Washington, DC 20005. *Iron and steel articles* from the facilities of Industrial Coating, Inc., Baltimore County, MD to points in and east of MN, IA, MO, AR, and LA for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Industrial Coatings, Inc., Industrial Coatings, Intl., 7030 Quad Ave., Baltimore, MD 21237. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 97962 (Sub-2TA), filed July 25, 1979. Applicant: JOHN C. NEKITOPOULOS d.b.a. A–C MOTOR EXPRESS, 429 Memorial Avenue, West Springfield, Mass. 01089. Representative: John C. Nekitopoulos (same address as above). *Meat and meat products and frozen foods* requiring refrigerated service, between Springfield and Boston, MA, and points in Hartford and Tolland Counties, CT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers(s): There are nine supporting shippers. Their statements may be examined at the office listed below and headquarters. Send protests to: David M. Miller, 436 Dwight Street, Springfield, MA. 01103.

MC (Sub-977TA), filed May 21, 1979. Applicant: MORGAN DRIVE–AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Representative: James B. Buda (same address as applicant). *Trailers*

except those designed to be drawn by passenger automobiles in initial movements from the facilities of Fruehauf Corporation at or near Ft. Wayne, IN; Waverly, OH; Uniontown, PA and Memphis, TN to points in the U.S. (except AK and HI); and trailers, except those designed to be drawn by passenger automobiles in secondary movements between points in the U.S. for 180 days. Restricted: To traffic manufactured and distributed by the Freuhauf Corp. Supporting shipper: Fruehauf Corporation, 10900 Harper, Detroit, MI. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm. 429, Indianapolis, IN 46204. An underlying ETA seeks 90 days authority.

MC 103993 (Sub-978TA), filed April 30, 1979. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Representative: James B. Buda (same address as applicant). *Portable bleachers* from Detroit, MI and its commercial zones to points in NJ, PA, MD and VA for 180 days. Supporting shipper: General Service Administration, 7th and D Streets, S.W., Washington, DC 20407. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm. 429, Indianapolis, IN 46204. An underlying ETA seeks 90 days authority.

MC 103993 (Sub-979TA), filed May 10, 1979. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Representative: James B. Buda (same address as applicant). *Materials, equipment and supplies used in the manufacture, sale and distribution of metal buildings and metal building parts* (except commodities in bulk), from Warrenton and St. Louis, MO; Birmingham, Fairfield and Gadsden, AL; Atlanta, GA; Grand Rapids, MI; Chicago and Granite City, IL; Columbia, SC;, to the plantsites and storage facilities of Republic Buildings Corp., at or near Van Wert, OH and Rainsville, AL, for 180 days. Supporting shipper: Republic Buildings Corporation, 1202 Industrial Avenue, Van Wert, OH 45891. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm. 429, Indianapolis, IN 46204.

MC 103993 (Sub-980TA), filed May 5, 1979. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Representative: James B. Buda (same address as applicant). *Truck bodies* from the plantsite of Fruehauf Corporation at or near Uniontown, PA to the facilities of AM General Corporation at or near South Bend, IN for 180 days. Supporting shipper: Fruehauf Corporation, 10900 Harper Avenue, Detroit, MI 48232. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm. 429, Indianapolis, IN 46204. An underlying ETA seeks 90 days authority.

MC 103993 (Sub-981TA), filed May 3, 1979. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Representative: Paul D. Borghesani (same address as applicant). *Portable gasifiers* between points in the United States (except AK and HI) for 180 days. Supporting shipper(s): Biomass Corporation, 951 Live Oak Blvd., Yuba City, CA 95991. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio Street, Rm. 429, Indianapolis, IN 46204. An underlying ETA seeks 90 days authority.

MC 107002 (Sub-556TA), filed July 18, 1979. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, MS 39205. Representative: John J. Borth (same address as applicant). *Petroleum and petroleum products*, in bulk, in tank vehicles, from Greenville, MS to points in AR and LA, for 180 days. An underlying ETA seeks 90 days. Supporting shipper(s): Texaco, Inc., 1111 Rusk, Houston, TX 77002. Send protests to: Alan Tarrant, D/S, ICC, Rm. 212, 145 E. Amite Bldg., Jackson, MS 39201.

MC 107012 (Sub-402TA), filed May 6, 1979. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Ft. Wayne, IN 46801. Representative: David D. Bishop (same address as applicant). *Sporting goods and supplies used in the manufacture of sporting goods* (except commodities in bulk) from the facilities of Wilson Sporting Goods Co. located at or near Fountain Inn, SC and Humboldt, TN to points in the United States (except AK and HI) for 180 days. Supporting shipper(s): Wilson Sporting Goods, Co., 2233 West Street, River Grove, IL 60171. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio Street, Rm. 429, Indianapolis, IN 46204.

MC 107012 (Sub-403TA), filed May 4, 1979. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Ft. Wayne, IN 46801. Representative: David D. Bishop (same address as applicant). *Glass containers and closures for glass containers* from the facilities of Ball Corporation located in Lake and Cook Counties, IL to points in AL, AR, CA, CO, FL, GA, ID, IA, KS, KY, MA, MN, MS, NJ, NY, NC, OK, OR, SC, TN, TX, UT, VA and WA for 180 days. Supporting shipper(s): Ball Corporation, 345 South High Street, Muncie, IN 47302. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 East Ohio Street, Rm. 429, Indianapolis, IN 46204. An underlying ETA seeks 90 days authority.

MC 107012 (Sub-404TA), filed May 4, 1979. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representative: Gerald A. Burns (same address as applicant). (1) *Bicycles, tricycles, unicycles and exercise equipment*, and (2) *parts and accessories for the commodities named in (1) above*, from the facilities of the Schwinn Bicycle Company near Chicago, Elk Grove Village and Bellwood, IL to points in the United States (except AK and HI) for 180 days. Supporting shipper(s): Schwinn Bicycle Company, 1856 North Kostner Avenue, Chicago, IL 60639. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio Street, Rm. 429, Indianapolis, IN 46204. An underlying ETA seeks 90 days authority.

MC 107012 (Sub-405TA), filed June 14, 1979. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant). *Appliance parts, when moving in mixed loads with appliances* between the facilities of McGraw-Edison Co. located at or near Searcy, AR and Ripon, WI, for 180 days. Supporting shipper(s): McGraw-Edison Co., 1275 Davis Road, Elgin, IL 60120. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm. 429, Indianapolis, IN 46204. An underlying ETA seeks 90 days authority.

MC 107012 (Sub-406TA), filed April 30, 1979. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant). *Artificial trees, tree stands, decorations, and lamp outfits* from the facilities of Mr. Christmas, Inc., located at or near East Douglas, MA to points in the United States (except AK and HI) for 180 days. Supporting shipper(s): Mr. Christmas, Inc., North Street, East Douglas, MA 01516. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm. 429 Indianapolis, IN 46204.

MC 107403 (Sub-1236TA), filed May 23, 1979. Applicant: MATLACK, INC., Ten W. Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same address as applicant). *Salt, in bulk, in tank vehicles* from Detroit, MI to all points in OH and IN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): International Salt Co., 1414 Rockefeller Bldg., 614 Superior Ave., NW., Cleveland, OH 44113. Send protests to:

I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 107403 (Sub-1238TA), filed May 22, 1979. Applicant: MATLACK, INC., Ten West Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same address as applicant). *Asphalt, in bulk, in tank vehicles* from Prior, OK to Ennis, TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Polyguard Products, Inc., P.O. Box 755, Ennis, TX 75119. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 107403 (Sub-1239TA), filed June 25, 1979. Applicant: MATLACK, INC., Ten West Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same address as applicant). *Liquid chemicals, in bulk, in tank vehicles* from Midland and Bay City, MI to all points in the U.S. (except AK & HI, for 180 days. Supporting shipper(s): Dow Chemical USA, Traffic Dept.—690 Bldg., Midland, MI 48640. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 107403 (Sub-1240TA), filed July 2, 1979. Applicant: MATLACK, INC., Ten West Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same address as applicant). *Asphalt emulsion,* in bulk, in tank vehicles from Lake Charles, LA to Houston and Lufkin, TX for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Bitucote Products Co., 1824 Knox Ave., St. Louis, Mo 63139. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Philadelphia, PA 19106.

MC 107403 (Sub-1241TA), filed June 29, 1979. Applicant: MATLACK, INC., Ten West Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same address as applicant). *Alumina,* in bulk, in tank vehicles from Baltimore, MD to Mt. Holly, SC for 180 days. Supporting shipper(s): Alumax, Inc., 400 S. El Camino Real, San Mateo, CA 94402. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Philadelphia, PA 19106.

MC 107403 (Sub-1242TA), filed July 19, 1979. Applicant: MATLACK, INC., Ten West Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same address as applicant). *Chemicals,* in bulk, in tank vehicles, between Freeport, TX, on the one hand, and, on the other, points in the US (except AK and HI), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Dow Chemical USA, Freeport, TX 77541. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Philadelphia, PA 19106.

MC 107403 (Sub-1243TA), filed August 2, 1979. Applicant: MATLACK, INC., Ten West Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr. (same address as applicant). *Liquid caustic soda,* in bulk, in tank vehicles from Longview and Tacoma, WA to Wauna, OR for 180 days; underlying ETA seeks 90 days authority. Supporting shipper(s): Hooker Chemical Co., P.O. Box 2157, Tacoma, WA 98401. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Philadelphia, PA 19106.

MC 107882 (Sub-45TA), filed July 11, 1979. Applicant: ARMORED MOTOR SERVICE CORP., 160 Ewingville Road, Trenton, NJ 08638. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Contract, irregular. *Transit Authority tokens* from Cincinnati, OH to New York, NY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Osborne Coinage Company, 2851 Massachusetts Avenue, Cincinnati, OH 45225. Send protests to: Irwin Rosen, T/S, ICC, 744 Broad St., Room 522, Newark, NJ 07102.

MC 107912 (Sub-23TA), filed July 19, 1979. Applicant: REBEL MOTOR FREIGHT, INC., 3934 Homewood, Memphis, TN 38118. Representative: James N. Clay III, 2700 Sterick Building, Memphis, TN 38103. *Common carrier: Regular routes: General Commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between Memphis, TN and Greenville, MS, serving all intermediate points between Clarksdale and Greenville including the termini: From Memphis, over U.S. Hwy 61 to junction U.S. Hwy 82, then west over U.S. Hwy 82 to Greenville and return over the same route. Between Batesville, MS and Clarksdale, MS, as an alternate route serving no intermediate points: From Batesville over Mississippi Hwy 6 to Clarksdale and return over the same route. Applicant intends to tack the authority here applied for to authority held by it in MC 107912 at common points of Memphis, TN and Batesville, MS and further intends to interline with other carriers at Memphis, TN, Jackson, MS and Baton Rouge, LA. Request is for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are approximately 50 statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, DC, or copies thereof may be examined at the field office named below. Send protests to: Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, 100 North Main Building—Suite 2006, 100 North Main Street, Memphis, TN 38103

MC 108633 (Sub-18TA), filed July 3, 1979. Applicant: BARNES FREIGHT LINE, INC., P.O. Box 800, Carrollton, GA 30117. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd., NE, Atlanta, GA 30326. *Common carrier: Regular routes: General commodities, except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those which because of size or weight require special equipment* between Birmingham, AL and Memphis, TN serving all intermediate points; from Birmingham over U.S. Hwy 78 to Guin, AL, then over U.S. Hwy 278 to junction U.S. Hwy 45 and Alternate U.S. Hwys 45 and 278 to Tupelo, MS, then over U.S. Hwy 78 and TN State Hwy 4 to Memphis, TN, and return over the same route. Applicant also seeks authority to tack the authority sought by this application with applicant's present authority and to interline with other carriers at Atlanta, GA, Memphis, TN, Tupelo, MS and Birmingham, Anniston and Gadsden, AL for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are 95 shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St., NW, Rm. 300, Atlanta, GA 30309.

[Notice No. 160]

August 23, 1979.

MC 109533 (Sub-117TA), filed July 26, 1979. Applicant: OVERNITE TRANSPORTATION CO., 1000 Semmes Avenue, Richmond, Virginia 23209. Representative: E. T. Liipfert, Suite 1100, 1660 L Street, N.W., Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle over regular routes, transporting: General Commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): (1) Between Alabany, GA and Jacksonville, FL. From Albany over U.S. Hwy 32 to Tifton, GA then over Interstate Hwy 75 to jct. Interstate Hwy 10, then over Interstate Hwy 10 to Jacksonville and return over the same route, serving no intermediate points. (2) Between Chicago, IL and Indianapolis, IN. From Chicago over Interstate Hwy 90 to jct. Interstate Hwy 65 then over Interstate Hwy 65 to Indianapolis and return over same route, serving no intermediate points. (3) Between Mt. Vernon, IL and

Indianapolis, IN. From Mt. Vernon over Interstate Hwy 57 to Effingham, IL, then over Interstate Hwy 70 to Indianapolis and return over same route serving no intermediate points. (4) Between Louisville, KY and Indianapolis, IN over Interstate Hwy 74, serving no intermediate points. (5) Between Cincinnati, OH and Indianapolis, IN over Interstate Hwy 74 serving no intermediate points.(6) Between Evansville, IN and Louisville, KY. From Evansville over U.S. Hwy 41 to jct. Interstate Hwy 64, then over Interstate Hwy 64 to Louisville and return over same route, serving no intermediate points. (7) Between Memphis, TN and Birmingham, AL, over U.S. Hwy 78 serving no intermediate points. (8) Between Birmingham, AL and Jacksonville, FL. From Birmingham over Interstate Hwy 65 to Montgomery, AL then over U.S. Hwy 231 to Dothan, AL then over U.S. Hwy 84 to Valdosta, GA, then over Interstate Hwy 75 to jct. Interstate Hwy 10 then over Interstate Hwy 10 to Jacksonville and return over same route, serving no intermediate points. (9) Between Memphis, TN and St. Louis, MO. From Memphis over Interstate Hwy 40 to jct. Interstate Hwy 55 then over Interstate Hwy 55 to St. Louis and return over same route, serving no intermediate points. (10) Between Memphis, TN and Benton, KY. From Memphis over U.S. Hwy 51 to jct. KY Purchase Parkway, then over KY Purchase Parkway to jct. KY Hwy 408, then over KY 408 to Benton and return over same route, serving no intermediate points. (11) Between Memphis, TN and Madisonville, KY. From Memphis over U.S. Hwy 51 to jct. KY Purchase Parkway, then over KY Purchase Parkway to jct. U.S. Hwy 41 then over U.S. Hwy 41 to jct. KY Hwy 85, then over KY Hwy 85 to Madisonville and return over same route, serving no intermediate points. (12) Between Evansville, IN and Indianapolis, IN. From Evansville over U.S. Hwy 40 to jct. Interstate Hwy 70 then over Interstate Hwy 70 to Indianapolis and return over same route, serving no intermediate points. (13) Between Jefferson City, MO and Memphis, TN. From Jefferson City over U.S. Hwy 63 to jct. Interstate Hwy 55 then over Interstate Hwy 55 to jct. Interstate Hwy 40 then over Interstate Hwy 40 to Memphis and return over same route, serving no intermediate points. (14) Between Washington, PA and Toledo, OH. From Washington over Interstate Hwy 79 to jct. Interstate Hwy 76 then over Interstate Hwy 76 to jct. Interstate Hwy 80 then over Interstate Hwy 80 to Toledo and return over same route serving no intermediate points. (15) Between St. Louis, MO and Indianapolis, IN over Interstate Hwy 70 serving no intermediate points. (16) Between Jefferson City, MO and Chicago, IL. From Jefferson City over U.S. Hwy 54 to jct. U.S. Hwy 36, then over U.S. Hwy 36 to jct. Interstate Hwy 55 to Chicago and return over same route serving no intermediate points. (17) Between Kansas City, MO and Chicago, IL. From Kansas City over U.S. Hwy 24 to jct. Interstate Hwy 55 then over Interstate Hwy 55 to Chicago and return over same route, serving no intermediate points. (18) Between Indianapolis, IN and Toledo, OH. From Indianapolis over Interstate Hwy 69 to jct. U.S. Hwy 24, then over U.S. Hwy 24 to Toledo and return over same route serving no intermediate points. (19) Between Chicago, IL and Toledo, OH over Interstate Hwy 90 serving no intermediate points. (20) Between Columbus, OH and Toledo, OH. From Columbus over U.S. Hwy 23 to jct. Ohio Hwy 15 then over Ohio Hwy 15 to Findley, OH, then Interstate Hwy 75 to Toledo and return over same route serving no intermedate points, for 180 days. Supporting shippers(s): No supporting shippers. Send protests to: Paul D. Collins, DS, ICC, Room 10–502 Federal Bldg., 400 North 8th Street, Richmond, VA 23240.

MC 109593 (Sub-10TA), filed July 25, 1979. Applicant: H. R. HILL, Box 875, 2007 West Shawnee, Muskogee, OK 74401. Representative: Max G. Morgan, P.O. Box 1540, Edmond, OK 73034. *Contract* Carrier: *Irregular* Route: *Plastic articles and such equipment, materials and supplies as are used in the manufacture and distribution of the commodities named above* (except commodities in bulk and those which because of size or weight require the use of special equipment), between the facilities of Fort Howard Paper Company, located at or near Muskogee, OK, on the one hand, and, on the other, points in AR, CO, IL, KS, LA, MO, NE, NM, TX, and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Fort Howard Paper Company, P.O. Box 130, 1919 S. Broadway, Green Bay, WI 54305. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 110563 (Sub-297TA), filed June 29, 1979. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, State Rt. 29 North, Sidney, OH 45365. Representative: John L. Maurer (same address as applicant). *Welding equipment and welding supplies* from Troy, OH to points in AL, AZ, AR, CA, CO, FL, GA, ID, IL, IN, IA, KS, LA, MN, MS, MO, MT, NE, NV, NM, NC, ND, OK, OR, SC, SD, TN, TX, UT, VA, WA, WV, WY for 180 days. Supporting shipper(s): Hobart Brothers Co., 600 W. Main St., Troy, OH 45373. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Philadelphia, PA 19106.

MC 110563 (Sub-299TA), filed July 11, 1979. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, Sidney, OH 45365. Representative: John L. Maurer (same address as applicant). *Paper and paper products* from the facilities of Union Camp Corporation at or near Franklin, VA to points in CT, RI, VT, NH, MA, ME, and NY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Union Camp Corporation, 1600 Valley Rd., Wayne, NJ 07470. Send protests to: D/S, ICC, 101 N. 7 St., Philadelphia, PA 19106.

MC 112713 (Sub-279TA), filed July 23, 1979. Applicant: YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, Shawnee Mission, KS 66207. Representative: John M. Records (same address as above). *Glass lined chemical reactors and parts*, from Union, NJ to Magness, AR, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): DeDietrich, USA, Inc., U.S. Route 22, Union, NJ 07083. Send protests to: John V. Barry, D/S, ICC, Room 600, Federal Bldg., 911 Walnut St., Kansas City, MO 64106.

MC 114273 (Sub-634A), filed July 16, 1979. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core, P.O. Box 68, Cedar Rapids, IA 52406. Meats, Meat Products, and meat by-products from Joslin, IL to points in MD and VA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Illini Beef Packers, Inc., P.O. Box 245, Geneseo, IL 61254. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 114273 (Sub-635TA), filed July 16, 1979. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core, P.O. Box 68, Cedar Rapids, IA 52406. Flat glass from the facilities of Fourco Glass Co. at Clarksburg, WV, and Fourco Glass Co. float plant at or near Flemington, WV, to points in IA, NE, MN, KS and CO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): AFG Industries, Inc., P.O. Box 929, Kingport, TN 37662. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 114273 (Sub-636TA), filed July 31, 1979. Applicant: CRST, INC., 3930 16th Ave. S.W., Cedar Rapids, IA 52406. Representative: Kenneth L. Core, (same

address as applicant). *Iron and steel articles* from Cedar Rapids, IA to York, PA for 180 days. The purpose of this application is to substitute single-line service for existing joint-line service. An underlying ETA seeks 90 days authority. Supporting shipper(s): Midland Forge, Inc., 101 50th Ave., S.W., Cedar Rapids, IA 52404. Send protests to: Herbert W. Allen, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 114552 (Sub-228TA), filed July 16, 1979. Applicant: SENN TRUCKING CO., P.O. Box 220, Newberry, SC 29108. Representative: Virgil H. Smith, Suite 12, 1587 Phoenix Blvd., Atlanta, GA 30349. *Chain Link Fence and Fencing Materials*, from the facilities of Atlantic Steel Company at or near Atlanta, GA to points in IL, IN, KY, MI, MN, OH and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Atlantic Steel Company, P.O. Box 1714, Atlanta, GA 30301. Send protests to: E. E. Strotheid, D/S, ICC, Rm. 302, 1400 Bldg., 1400 Pickens St., Columbia, SC 29201.

MC 115092 (Sub-86TA), filed June 18, 1979. Applicant: TOMAHAWK TRUCKING, INC., P.O. Box 0, Vernal, UT 84078. Representative: Walter Kobos, 1016 Kehoe Drive, St. Charles, IL 60174. *Air cooler or air conditioners, cooler or freezing machines or refrigeration evaporators or condensors* from Beardstown, IL to points in MN, IA, MO, AR, LA and states west thereof, for 180 days. Supporting shipper(s): Bohn Heat Transfer Division, 1625 E. Voorhees, Danville, IL 61832. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 115092 (Sub-87TA), filed June 5, 1979. Applicant: TOMAHAWK TRUCKING, INC., P.O. Box 0, Vernal, UT 84078. Representative: Walter Kobos, 1016 Kehoe Drive, St. Charles, IL 60174. *Flat glass* from Truesdail, MO to Carson, CA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): C. E. Glass, 700 Union Landing Road, Bldg. 3, Cinnaminson, NJ 08077. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 115092 (Sub-88TA), filed June 14, 1979. Applicant: TOMAHAWK TRUCKING, INC., P.O. Box 0, Vernal, UT 84078. Representative: Walter Kobos, 1016 Kehoe Drive, St. Charles, IL 60174. *Canned goods* from City of Industry, CA, to Phoenix, AZ, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Kern Foods, Inc., 1300 E. Temple Ave., City of Industry, CA 91749. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 115092 (Sub-89TA), filed May 29, 1979. Applicant: TOMAHAWK TRUCKING, INC., P.O. Box 0, Vernal, UT 84078. Representative: Walter Kobos, 1016 Kehoe Drive, St. Charles, IL 60174. *Plastic articles and materials, equipment and supplies used in the manufacture and installation of plastic articles*, except in bulk, from Wichita Falls, TX, to points in MS, AR, MO, IA, MN, and states west thereof, for 180 days. Supporting shipper(s): Robintech, Inc., P.O. Box 115, Wichita Falls, TX 76307. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 115092 (Sub-90TA), filed June 15, 1979. Applicant: TOMAHAWK TRUCKING, INC., P.O. Box 0, Vernal, UT 84078. Representative: Walter Kobos, 1016 Kehoe Drive, St. Charles, IL 60174. *Junk batteries* from Portland, OR to Seattle, WA for 180 days. Supporting shipper(s): General Battery Corporation, P.O. Box 1262, Reading, PA 19603. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 115322 (Sub-194TA), filed July 19, 1979. Applicant: REDWING REFRIGERATED, INC., 9831 S. Orange Avenue, P.O. Box 10177, Taft, FL 32809. Representative: Warren P. Kurtz (same address as applicant). *Clay, crushed or ground, in bags*, from Thomas County, GA, to points in VA, DC, MD, NJ, PA, and NY for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Waverly Mineral Products Co., 3018 Market St., Philadelphia, PA 19104. Send protests to: Jean King, TA, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 115322 (Sub-195TA), filed July 18, 1979. Applicant: REDWING REFRIGERATED, INC., 9831 S. Orange Avenue, P.O. Box 10177, Taft, FL 32809. Representative: Warren P. Kurtz (same address as applicant). *Paper and paper products*, from the facilities of Union Camp Corporation at or near Savannah, GA and Tifton, GA to points in FL, VA, WV, PA, OH, DC, MD, DE, NJ, NY, CT, MA, RI, ME, NH, and VT for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Union Camp Corporation, 1600 Valley Road, Wayne, NJ 07470. Send protests to: Jean King, TA, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 115322 (Sub-196TA), filed July 18, 1979. Applicant: REDWING REFRIGERATED, INC., 9831 S. Orange Avenue, P.O. Box 10177, Taft, FL 32809. Representative: Warren P. Kurtz, (same address as applicant). *Zinc, zinc oxide, zinc dust, zinc dross, zinc residue, zinc skimmings, metalic cadmium, lead sheets, and materials and supplies used in the manufacture and distribution of the above items, (restricted against bulk movement)*, between the facilities of St. Joe Zinc Company located in Josephtown (Potter Township, Beaver County, PA), and states in and east of MN, IA, MO, AR, LA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): St. Joe Zinc Company, Two Oliver Plaza, Pittsburgh, PA 15222. Send protests to: Jean King, TA, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 115523 (Sub-189TA), filed August 1, 1979. Applicant: CLARK TANK LINES, COMPANY, 1450 Beck Street, Salt Lake City, UT 84110. Representative: Melvin J. Whitear, (same address as applicant). *Liquid petroleum gas* from Roosevelt, UT and points within five miles to Bloomfield, NM, and points within 20 miles and Price, UT and points within 10 miles, for 180 days. An underlying ETA requests 90 days authority. Supporting shipper(s): Petro Fuels, Inc., 2018 West 18th, Plain View, TX 79072. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 116273 (Sub-237TA), filed June 19, 1979. Applicant: D & L TRANSPORT, INC., 3800 S. Laramie Ave., Cicero, IL 60650. Representative: William R. Lavery, (same address as applicant). *Liquid corn syrup and blends thereof in bulk*, in tank vehicles, from Detroit, MI to points in NJ, NY, SD, ND, WI and WY, for 180 days. Supporting shipper(s): Total Foods Corp., 6070 W. Maple Rd., West Bloomfield, MI 48033. Send protests to: David Hunt, TA, Rm. 1386, 219 S. Dearborn St., Chicago, IL 60604.

MC 116273 (Sub-238TA), filed July 9, 1979. Applicant: D & L TRANSPORT, INC., 3800 S. Laramie Ave., Cicero, IL 60650. Representative: William R. Lavery, (same address as applicant). *Fluorspar in bulk, in tank vehicles*, from Rosiclare, IL to Cleveland, OH, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Foseco, Inc., 20200 Sheldon Rd., Brook Park, OH 44142. Send protests to: David Hunt, TA, Rm. 1386, 219 S. Dearborn St., Chicago, IL 60604.

MC 116763 (Sub-560TA), filed July 30, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West St., Versailles, OH 45380. Representative: Gary J. Jira (same as applicant). *Scrap & waste paper* between points in the states of DE, DC, GA, IL, IN, IA, KS, KY, LA, MA, ME, MD, MI, MN, MO, NB, NH, NJ, NY, NC, OH, OK, PA, RI, TN, TX, VA, WV, and WI, for 180 days. Restricted to traffic originating at, or destined to the facilities utilized by Hancock Paper Co., Inc. Supporting

shipper(s): Hancock Paper Co., 7333 Milnor St., Philadelphia, PA 19036. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 116763 (Sub-561TA), filed July 10, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West St., Versailles, OH 45380. Representative: Gary J. Jira (same address as applicant). *Canned or preserved foodstuffs (except commodities in bulk, in tank vehicles),* from the facilities of Heinz USA, Division of H. J. Heinz Co., at or near Mechanicsburg, PA, to points in ME, NH and VT. Restricted to traffic originating at the named origin and destined to the indicated destinations, for 180 days. An underlying ETA seek 30 days authority. Supporting shipper(s): Heinz USA, Division of H. J. Heinz Company, P.O. Box 57, Pittsburgh, PA 15230. Send protests to: D/S, I.C.C., 101 N. 7th St., Philadelphia, PA 19106.

MC 116763 (Sub-562TA), filed June 28, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West St., Versailles, OH 45380. Representative: Gary J. Jira (same address as applicant). *Commodities as are used, distributed, manufactured, processed or dealt in by wholesalers, retailers, distributors, processors or manufacturers of candy and confectionary products* (except commodities in bulk, in tank vehicles) between points in the U.S. in and east of MN, IA, MO, OK, and TX, restricted to traffic originating at or destined to the facilities of The Falcon Candy Co., Inc., for 180 days. Supporting shipper(s): Falcon Candy Co., Inc., 2300 Carpenter, Philadelphia, PA 19146. Send protests to: D/S, ICC, 101 N. 7th St., Philadelphia, PA 19106.

MC 116763 (Sub-563TA), filed June 28, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West St., Versailles, OH 45380. Representative: Gary J. Jira (same address as applicant). *Paper and paper products, plastic and plastic products and products manufactured and distributed by manufacturers and converters of paper and paper products, plastic and plastic products, and materials, equipment and supplies used in the manufacture and distribution of the above-named commodities* (except commodities in bulk, in tank vehicles), between points in the U.S. in and east of MN, LA, MO, OK, and TX, restricted to traffic originating at or destined to the facilities of Continental Diversified Industries, for 180 days. Supporting shipper(s): Continental Diversified Industries, 800 E. Northwest Hwy., Palatine, IL 60067. Send protests to: D/S, ICC, 101 N. 7th St., Philadelphia, PA 19106.

MC 116763 (Sub-564TA), filed July 26, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West St., Versailles, OH 45380. Representative: Gary J. Jira (same address as applicant). *Such commodities as are used, manufactured, or dealt in by producers of rubber, plastic and chemicals, and rubber, plastic and chemical products (except commodities in bulk, in tank vehicles* between points in the U.S. in and east of MN, IA, MO, OK, and TX for 180 days. Restricted to the transportation of traffic originating at or destined to the facilities of Uniroyal, Inc. in the named territory. Supporting shipper(s): Uniroyal, Inc., Oxford Management & Research Center, Middlebury, CT 06749. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 116763 (Sub-565TA), filed July 26, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West St., Versailles, OH 45380. Representative: Gary J. Jira (same address as applicant). *Such commodities as are dealt in by wholesale & retail grocery and food business houses (except commodities in bulk, in tank vehicles* (1) between points in the U.S. in and east of MN, IA, NE, KS, OK, and TX; and (2) from points in CA, to points in the U.S. in and east of MN, IA, NE, KS, OK and TX for 180 days. Restricted in (1) & (2) above to traffic originating at or destined to the facilities of Shurfine Central Corp. or its affiliated retailers. Supporting shipper(s): Shurfine-Central Corp., 2100 North Mannheim Rd., North Lake, IL 60164. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 117883 (Sub-25TA), filed July 24, 1979. Applicant: SUBLER TRANSFER, INC., One Vista Dive, Versailles, OH 45380. Representative: Thomas R. Stone, P.O. Box 62, Versailles, OH 45380. *Foodstuffs and synthetic rubber* from Louisville, KY to CT, DE, IL, IN, IA, KS, KY, ME, MD, MA, MI, MN, NE, NH, NJ, NY, OH, PA, RI, VT, VA, WV, WI, and DC for 180 days. Restriction: Restricted to traffic originating at the facilities of Louisville Freezer Center at the named origin and to the named destinations. An underlying ETA seeking 90 days authority. Supporting shipper(s): Louisville Freezer Center, 200 S. Ninth St., Louisville, KY 40208. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 117883 (Sub-252TA), filed July 30, 1979. Applicant: SUBLER TRANSFER, INC., One Vista Dr., P.O. Box 62, Versailles, OH 45380. Representative: Thomas R. Stone (same address as applicant). *Foodstuffs* (except in bulk, in tank vehicles) from Littleton and Westboro, MA to points in IL, IN, KY, MI, OH, PA. Restriction: Restricted to traffic originating and destined at the facilities of New England Apple Products Co., Inc., for 180 days. An underlying ETA seeking 90 days authority. Supporting shipper(s): New England Apple Products Co., Inc., P.O. Box 425, Harwood Station, Littleton, MA 01460. Send protests to: I.C.C., Federal Res. Bank Bldg., 101 N. 7th St., Room 620, Phila. PA 19106.

MC 117883 (Sub-253TA), filed July 27, 1979. Applicant: SUBLER TRANSFER, INC., One Vista Drive, P.O. Box 62, Versailles, OH 45380. Representative: Thomas R. Stone (same address as applicant). *Foodstuffs (except in bulk in tank vehicles)* from Carbondale, PA to IL, IN, MI, and OH for 180 days. Restriction: Restricted to traffic originating at plantsite or storage facilities of Pizza Crust Co. of PA, Inc. at the named origin and to the named destinations. Supporting shipper(s): Pizza Crust Co. of PA Inc., 7th Ave., Carbondale, PA 18407. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 117883 (Sub-254TA), filed August 1, 1979. Applicant: SUBLER TRANSFER, INC., One Vista Dr., P.O. Box 62, Versailles, OH 45380. Representative: Thomas R. Stone (Same address as applicant). *Foodstuffs* (except in bulk, in tank vehicles) (1) between Naugatuck, CT; Frankfort, IN; Hazelton, PA; and York, PA and (2) from Frankfort, IN to Kansas City, MO. Restriction: Restricted to traffic originating and destined to the facilities of Peter Paul-Cadbury, Inc. at the named cities, for 180 days. An underlying ETA seeking 90 days authority. Supporting shipper(s): Peter Paul Cadbury, Inc., New Haven Rd., Naugatuck, CT 06770. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Room 620, Phila., PA 19106.

MC 118142 (Sub-232TA), filed July 18, 1979. Applicant: M. BRUENGER & CO., INC., 6250 No. Broadway, Wichita, KS 67219. Representative: Lester C. Arv, 814 Century Plaza Bldg., Wichita, KS 67202. Meat, meat products, meat byproducts and articles distributed by meat packing houses, as described in Sections A and C of Appendix I to the Report and Descriptions in Motor Carrier's Certificates 61 MCC 209 and 766 (except hides and commodities in bulk), from facilities of Sunflower Beef Division, Del Pero-Mondon Meat Co., Wichita, KS to points in IL, IN, MN, MO, NE, ND, OH, SD and WI; for 180 days, common, irregular. An underlying ETA seeking 90 days authority. Supporting shipper(s): Sunflower Beef Division, Del Pero-

Mondon Meat Co., 800 E. 37th N, Wichita, KS 67219. Send protests to: M. E. Taylor, DS, ICC, 101 Litwin Bldg., Wichita, KS 67202.

MC 121712 (Sub-7TA), filed July 17, 1979. Applicant: MORRIS TRANSPORTATION, INC., 8300 Baldwin Street, Oakland, CA 94621. Representative: Walter H. Walker III, 100 Pine Street, Suite 2550, San Francisco, CA 94111. *Materials, tools and supplies used in concrete construction* between points in CA, on the one hand and, on the other, points in OR, WA, AZ, & NV (other than Reno, Sparks, Winnemucca, and Carson City) restricted to plantsites, facilities and supplies of the Burke Company, for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers(s): The Burke Company, P.O. Box 15349, Sacramento, CA 95813. Send protests to: A. J. Rodriguez, 211 Main Street, Suite 500, San Francisco, CA 94105.

MC 123613 (Sub-16TA), filed July 27, 1979. Applicant: CLAREMONT MOTOR LINES, INC., 2800 Tryon St., Charlotte, NC 28206. Representative: Same as applicant. *Frozen foods* from points in FL to points in AL, DE, IL, IN, KY, MI, MS, NJ, NY, NC, OH, PA, TN, TX, VA, WV, and DC for 180 days. Supporting shippers(s): Citrus Central, Inc., P.O. Box 17774, Orlando, FL 32810. Send protests to: Terrell Price, 800 Briar Creek Rd., Rm. CC516, Charlotte, NC 28205.

MC 125782 (Sub-9TA), filed June 7, 1979. Applicant: C. H. DREDGE & CO., INC., 918 South 2000 West, Syracuse, UT 84041. Representative: Bruce W. Shand, 430 Judge Building, Salt Lake City, UT 8411. Contract carrier: Irregular route: *Salt, salt products, and materials and supplies used in agriculture, water treatment, food processing, wholesale grocery, and institutional supply industries, in mixed loads with salt and salt products,* from the facilities of Great Salt Lake Mineral & Chemical Corp., located at or near Little Mountain, UT to points in AZ, CA, NV, and NM under a continunig contract or contracts with Great Salt Lake Mineral & Chemical Corp., for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers(s): Great Salt Lake Mineral & Chemical Corp., P.O. Box 1190, Ogden, UT 84402. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 125952 (Sub-42TA), filed May 31, 1979. Applicant: INTERSTATE DISTRIBUTOR CO., 8311 Durango St. S.W., Tacoma, WA 98499. Representative: George R. LaBissoniere, 1100 Norton Bldg., Seattle, WA 98104. *Contract carrier:* irregular routes: *Bakery products, bakery supplies, materials and ingredients, used in and distributed by the baking industry,* between Oakland, CA and points in AZ, OR and WA for the account of Sunshine Biscuits Incorporated, for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers(s): Sunshine Biscuits Incorporated, 851 81st Ave., P.O. Box 916, Oakland, CA 94604. Send protests to: Shirley M. Holmes, T/A, ICC, 858 Federal Bldg., Seattle, WA 98174.

MC 128073 (Sub-8TA), filed July 16, 1979. Applicant: BANANA SHIPPING SERVICE, INC., P.O. Box 4374, Montgomery, AL 36101. Representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. *Bananas and agricultural commodities* exemtp from regulation under Section 10526(a)(6) of the Interstate Commerce Act when moved in mixed loads with bananas, in shipper owned containers, from the facilities of Chiquita Brands, Co., at Gulfport, MS and points in its commercial zone to St. Louis, MO and points in its commercial zone, for 180 days. An underlying ETA seeks 90 days authority. Supporting shippers(s): Chiquita Brands Co., 15 Mercedes Drive, Mount Vail, NJ 07645. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616—2121 Building, Birmingham, AL 35203.

MC 128662 (Sub-3TA), filed May 16, 1979. Applicant: STICKLEY'S GARAGE, INC., P.O. Box 2842, Winchester, VA 22601. Representative: Edward N. Button, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. *Frozen foods* between the plantsite of Zeropack in Winchester, VA, on the one hand, and, on the other, points in NY, NJ, PA, CT, MA, RI, NC, SC, GA, and FL for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Zeropack Co., 560 N. Cameron St., Winchester, VA 22601. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 129032 (Sub-97TA), filed July 26, 1979. Applicant: TOM INMAN TRUCKING, INC., 5656 South 129th E. Avenue, Tulsa, OK 74121. Representative: David R. Worthington (same address as applicant). (1) *Plastic articles, and such equipment, materials and supplies as are used in the manufacture and distribution of the commodities named in (1) above* (except commodities in bulk and those which because of size or weight require the use of special equipment), between the facilities of Fort Howard Paper Company, located at or near Muskogee, OK, on the one hand, and, on the other, points in AL, AZ, AR, CA, CO, FL, GA, ID, IL, KS, KY, LA, MS, MO, MT, NE, NV, NM, NC, OR, SC, TN, TX, UT, VA, WA, & WY, restricted to traffic originating at the above named origin, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Fort Howard Paper Company, P.O. Box 130, 1919 S. Broadway, Green Bay, WI 54305. Send protests to: Connie Stanley, ICC., Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 129032 (Sub-98TA), filed July 9, 1979. Applicant: TOM INMAN TRUCKING, INC., 6015 South 49th West Avenue, Tulsa, OK 74107. Representative: David R. Worthington, (same address as applicant). *Cheese and cheese foods,* (except commodities in bulk), from the facilities of Kroger Company, located at or near Rochester, NM, to Cincinnati and Cleveland, OH, Ft. Wayne, Indianapolis and Greensburg, IN, Peoria, IL, Detroit and Grand Rapids, MI, Louisville, KY, St. Louis, MO, Houston and Dallas, TX, Memphis and Nashville, TN, Little Rock, AR, and Los Angeles, CA, restricted to traffic originating at the above named origin and destined to the above named destinations, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Kroger Co., 1014 Vine St., Cincinnati, OH 45242. Send protests to: Connie Stanley, ICC., 215 N.W. 3rd, Rm. 240, Oklahoma City, OK 73102.

MC 129902 (Sub-1TA), filed July 13, 1979. Applicant: LESLIE JOE BURTON, d.b.a. B & L TRUCKING, P.O. Box 163, Orleans, IN 47452. Representative: Robert W. Loser, 1101 Chamber of Commerce Bldg., Indianapolis, IN 46204. (1) *Commercial feed,* from Louisville, KY, to points in that part of IN on and south of U.S. Hwy 40 extending from the IL-IN State Line to Indianapolis, IN, and south of U.S. Hwy 52, extending from Indianapolis, to the IN-OH State Line, with no transportation for compensation on return except as otherwise authorized and (2) *Commercial feed and commercial feed ingredients,* from Vandalia, IL, to points in Davies, Dubois, Gibson, Knox, Marton, Pike, Posey and Vanderburg Counties, IN, with no transportation for compensation on return except as otherwise authorized, for 180 days. Supporting shipper: Bartleys Feeders, Inc., Ireland, IN 47545. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm. 429, Indianapolis, IN 46204. An underlying ETA seeks 90 days authority.

MC 108473 (Sub-50TA), filed May 10, 1979, and previously published in the **Federal Register** on July 9, 1979, and republished this issue. By decision entered August 30, 1979, the Motor

Carrier Board granted St. Johnsbury Trucking Company, Inc., Holliston, MA, 180-day temporary authority to engage in the transportation of *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), over regular routes, between Bellows Falls, VT, and Plattsburgh, NY: from Bellows Falls over U.S. Hwy 5 to junction VT Hwy 103, then over VT Hwy 103 to junction U.S. Hwy 7, then over U.S. Hwy 7 to Rutland, then over U.S. Hwy 4 to Whitehall, NY, then over NY Hwy 22 to Plattsburgh, NY, and return over the same route, as an alternate route for operating convenience only, serving no intermediate points. The authority granted may be joined at Bellows Falls, VT, with carrier's otherwise authorized regular route authority. Francis P. Barrett, 60 Adams Street, P.O. Box 238, Milton, MA 02187, for applicant. Any interested person may file a petition for reconsideration within 20 days of the date of this publication. Within 20 days after the filing of such petition with the Commission, any interested person may file and serve a reply thereto.

[Notice No. 163]

September 11, 1979.

MC 2095 (Sub-24TA), filed August 22, 1979. Applicant: KEIM TRANSPORTATION, INC., Route 2, Box 10, Sabetha, KS 66534. Representative: Clyde N. Christey, 110L 1010 Tyler, Topeka KS 66612. (1) Dry feed ingredients, in bags, and in bulk (2) soy bean meal, dry feed and dry feed ingredients, (1) From the facilities of Ralston-Purina Corp. located in North Kansas City, MO to points in AR, CO, IA, KS, LA, NE, OK, TX and Flagstaff, AZ. (2) From facilities of Ralston-Purina Corp. located in Kansas City, MO to points in AR, CO, IA, KS, LA, NE, OK, TX and Flagstaff, AZ, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ralston Purina Co., 2334 Rochester, Kansas City, MO. Send protests to: M. E. Taylor, DS, ICC, 101 Litwin Bldg., Wichita, KS 67202.

MC 2934 (Sub-37TA), filed August 24, 1979. Applicant: AERO MAYFLOWER TRANSIT CO., INC., 9998 N. Michigan Road, Carmel, IN 46032. Representative: James L. Beattey, 130 E. Washington St., Suite 1000, Indianapolis, IN 46204. *New furniture*, from the facilities of Johnson Manufacturing Co., at or near Conway, SC, to points and places in AL, AZ, AR, CA, IL, IN, IA, KS, KY, LA, MN, MS, MO, NM, OH, OK, OR, TN, WA, WI, GA, and TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Frank & Son, 381 Park Avenue South, New York, NY 10016. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm. 429, Indianapolis, IN 46204.

MC 3854 (Sub-54TA), filed July 31, 1979. Applicant: BURTON LINES, INC., 815 Ellis Rd., P.O. Box 11306, East Durham Station, Durham, NC 27703. Representative: Same as applicant. *Building or roofing materials* from the facilities of Johns-Manville at or near Savannah, GA to points in NC and SC for 180 days. An underlying ETA seeks 90 days of authority. Supporting shipper(s): Johns-Manville Sales Corp., P.O. Box 4487, Atlanta, GA 30302. Send protests to: Terrell Price, 800 Briar Creek Rd., Rm. CC516, Charlotte, NC 28205.

MC 4024 (Sub-8TA), filed August 22, 1979. Applicant: HORN TRUCKING CO., 300 Schmetter Rd., Highland, IL 62249. Representative: Edward McNamara, 907 S. 4th St., Springfield, IL 62703. *Building and roofing materials*, from the facilities of Flintkote Co. in Chicago Heights, IL to points in MO for 180 days. An underlying ETA was granted for 30 days. Supporting shipper(s): Flintkote Co., P.O. Box 800, Dallas, TX 75221. Send protests to: Cheryl Livingston, TA, ICC, 219 S. Dearborn, Rm. 1386, Chicago, IL 60604.

MC 8535 (Sub-95TA), filed July 13, 1979. Applicant: GEORGE TRANSFER AND RIGGING COMPANY, INC., P.O. Box 500, Parkton, MD 21120. Representative: Charles J. McLaughlin, (same address as above). *Ores* (except in dump or tank vehicles) from Camden, NJ and Wilmington, DE, to points in IL, IN, OH and PA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Scott Deasy C–E Minerals Div. Combustion Eng. Inc., 801 E. 8th Ave., King of Prussia, PA 19406. Send protests to: W. L. Hughes, DS, ICC, 1025 Federal Bldg., Baltimore, MD 21201.

MC 10875 (Sub-54TA), filed August 9, 1979. Applicant: BRANCH MOTOR EXPRESS COMPANY, 114 Fifth Avenue, New York, NY 10011. Representative: G. G. Heller (same address as applicant). Common carrier, *regular routes: General commodities, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment*, serving the facilities of General Electric Company at Mt. Vernon, IN, as an off-route point in connection with applicant's regular routes; for 180 days; an underlying ETA seeks 90 days authority. Applicant does intend to tack and interline. Supporting shipper(s): General Electric Company, Mt. Vernon, IN. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

MC 10875 (Sub-61TA), filed August 20, 1979. Applicant: SMITH TRUCK SERVICE, INC., P.O. Box 1329, Steubenville, OH 43952. Representative: John L. Alden, 1396 W. Fifth Ave., Columbus, OH 43212. (1) *Aluminum ingots and zinc alloy ingots*, from the facilities of Aluminum Smelting and Refining Co., Inc. and/or Certified Alloys Co. at or near Maple Heights, OH to AL, IN, NJ and PA. (2) Aluminum and materials, equipment and supplies used in the manufacture of aluminum, from IN, MI, NY and PA to the facilities in (1) above, for 180 days. Supporting shipper(s): Aluminum Smelting & Refining Co., Inc., 5463 Dunham Rd., Maple Heights, OH 44137. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 15155 (Sub-5TA), filed August 8, 1979. Applicant: H & W MOTOR LINES, INC., 94 Pintard Avenue, New Rochelle, NY 10805. Representative: David M. Marshall, Marshall and Marshall, 101 State St.—Suite 304, Springfield, MA 01103. *Alcoholic beverages and such commodities as are dealt in by wholesale, retail and chain liquor business houses, and in connection therewith, equipment, materials and supplies used in the conduct of such business*, between the facilities of the Miller Brewing Company located in Oswego and Onondaga Counties, NY, on the one hand, and, on the other, New York, NY, points in NY and NJ within 20 miles of New York, NY, points in MA in and west of Worcester County, and points in Hartford County, CT; for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Miller Brewing Company, 3939 West Highland Boulevard, Milwaukee, WI 53202. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, NY 10007.

MC 15975 (Sub-22TA), filed July 5, 1979. Applicant: BUSKE LINES, INC., 123 W. Tyler Ave., Litchfield, IL 62056. Representative: Howard H. Buske, (same address as applicant). *Glass containers, equipment supplies, and accessories used in the manufacture or distribution of glass containers (except commodities in bulk)*, between Marion, IN, on the one hand, and on the other, points in IL, MO, MI and KY. Restricted to traffic originating at or destined to the facilities of National Can Corporation at Marion, IN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): National Can Corporation,

8101 W. Higgins Rd., Chicago, IL 60631. Send protests to: David Hunt, TA, Rm. 1386, 219 Dearborn St., Chicago, IL 60604.

MC 24784 (Sub-35TA), filed August 7, 1979. Applicant: BARRY, INC., 463 South Water, Olathe, KS 66061. Representative: Arthur J. Cerra, 2100 TenMain Center, P.O. Box 19251, Kansas City, MO 64141. *Building, roofing and insulation materials (except iron and steel articles and commodities in bulk),* from Phillipsburg, KS to points in CO, IA, IL, MN, MO, ND, NE and SD for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Tampko Asphalt Products, Inc., R.D. #3, Phillipsburg, KS. Send protests to: Vernon V. Coble, DS, Interstate Commerce Commission, 600 Federal Bldg., 911 Walnut St., Kansas City, MO 64106.

MC 41404 (Sub-160TA), filed August 9, 1979. Applicant: ARGO-COLLIER TRUCK LINES CORP., P.O. Box 440, Martin, TN 38237. Representative: Mark L. Horne (same address as applicant). Confectionery (except in bulk), in vehicles equipped with mechanical refrigeration from Frankfort, IN to Memphis, TN, for 180 days. Underlying 30+2 ETA granted as applied for August 6, 1979. Supporting shipper(s): Peter Paul Cadbury, Inc., New Haven Road, Naugatuck, CT 06770. Send protests to: Floyd A. Johnson, 100 North Main, Suite 2006, Memphis, TN 38103.

MC 52574 (Sub-57TA), filed August 21, 1979. Applicant: ELIZABETH FREIGHT FORWARDING CORP., 120 South 20th Street, Irvington, NJ 07111. Representative: Edward F. Bowes, 167 Fairfield Road, Fairfield, NJ 07006. Contract carrier, irregular routes for 180 days. Bakery products from Frederick, MD to Detroit, Ann Arbor, Ypsilanti, Inkster, Farmington, Pontiac and Mount Clemens, MI. An underlying ETA seeks 90 days authority. Supporting shipper(s): S. B. Thomas, Inc., 930 North Riverview Drive, Totowa, NJ 07511. Send protests to: Irwin Rosen, TS, ICC, 744 Broad Street, Room 522, Newark, NJ 07102.

MC 53965 (Sub-163TA), filed July 19, 1979. Applicant: GRAVES TRUCK LINE, INC., P.O. Drawer 1387, Salina, KS 67401. Representative: Bruce A. Bullock (same address as above). *Fresh Meats* from facilities of Swift & Company at Guymon, OK to LA and MS, for 180 days, common, irregular. Supporting shipper(s): Swift & Company, 115 West Jackson Blvd., Chicago, IL 60604. Send protests to: M. E. Taylor, DS, ICC, 101 Litwin Bldg., Wichita, KS 67202.

MC 61445 (Sub-19TA), filed August 2, 1979. Applicant: CONTRACTORS TRANSPORT CORP., 5800 Farrington Ave., Alexandria, VA 22304. Representative: Daniel B. Johnson, 4304 East-West Highway, Washington, DC 20014. *Cooling towers and evaporator condensors* (1) from Baltimore, MD, and its commercial zone to points in DC, DE, MD, NJ, NY, PA, VA, and WV; and (2) from Milford, DE, to points in DC, DE, MD, NJ, NY, PA, VA, and WV for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Baltimore Air Coil Co., P.O. Box 7322, Baltimore, MD 21227. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 61825 (Sub-112TA), filed July 30, 1979. Applicant: ROY STONE TRANSFER CORP., V.C. Drive, P.O. Box 385, Collinsville, VA 24078. Representative: John D. Stone (same as applicant). *Mineral wool insulation (fibreglass), except in bulk* from the facilities of CertainTeed Corp. located at or near Kansas City, KS and Memphis, TN, to points in the states of AL, AR, CT, DE, DC, FL, GA, KY, LA, ME, MD, MA, MS, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA and WV for 180 days. Supporting shipper(s): CertainTeed Corp, Insulation Group, P.O. Box 860, Valley Forge, PA 19482. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 65475 (Sub-27TA), filed August 6, 1979. Applicant: JETCO, INC., 4701 Eisenhower Ave., Alexandria, VA 22304. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. *(1) Zinc, zinc oxide, zinc dust, zinc dross, zinc residue, zinc skimmings, lead sheet, and metallic cadmium, and (2) materials, equipment, and supplies used in the manufacturing and distribution of the commodities named in (1) above,* between the facilities of St. Joe Zinc Co. located at Josephtown, PA, in Beaver Co., PA on the one hand, and, on the other, points in and east of MN, IA, MO, AR, and TX for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): St. Joe Zinc Co., Two Oliver Plaza, Pittsburgh, PA 15222. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 69454 (Sub-7TA), filed August 3, 1979. Applicant: DITTO FREIGHT LINES, INC., 1575 Industrial Ave., San Jose, CA 95112. Representative: W. H. Walker, 100 Pine St., Suite 2550, San Francisco, CA 94111. *General commodities* (except household goods as defined by the Commission, commodities of unusual value, classes A and B explosives, and commodities in bulk) in containers or trailers, having an immediately prior or subsequent movement by water; and *Empty containers empty trailers and chassis,* between the ports of Los Angeles and San Francisco, CA and between points in CA, on the one hand, and, on the other, points in OR and WA for 180 days. Applicant intends to tack the authority here applied for to MC 69454 SUB 6. An underlying ETA seeks 90 days authority. Supporting shipper(s): Nautilus Leasing Services, Inc., 100 California St., Suite 800, San Francisco, CA 94111; American President Lines, Ltd., 1950 Franklin St., Oakland, CA 94612; Sea-Land Service, Inc., 1425 Maritime St., Oakland, CA 94607 and five other supporting shippers. Send protests to: D/S Neil C. Foster, 211 Main, Suite 500, San Francisco, CA 94105.

MC 72235 (Sub-14TA), filed August 7, 1979. Applicant: IVORY VANLINES, INC., 5601 Corporate Way, Suite 107, West Palm Beach, FL 33407. Representative: Edwin M. Snyder, Sullivan and Leavitt, P.C., 22375 Haggerty Rd., P.O. Box 400, Northville, MI 48167. *Motor vehicle parts and equipment, materials, and supplies used in the manufacturing of same* from the facilities of Rockwell International located at or near Centralia, IL to Detroit, Flint, Ypsilanti, MI and and St. Louis, MO for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Rockwell International, 2135 W. Maple Rd., Troy, MI 48084. Send protests to: Donna M. Jones, T/A, ICC — BOP, Monterey Bldg., Suite 101, 8410 N.W. 53rd Ter., Miami, FL 33166.

MC 89684 (Sub-109TA), filed August 21, 1979. Applicant: WYCOFF COMPANY, INC., 560 South 30, West, P.O. Box 366, Salt Lake City, UT 84110. Representative: John J. Morrell (same address as applicant). *Food supplements, cleaning compounds, candy, vitamins, cosmetics, plastic articles, and printed material* between Reno, NV and all points in NV, UT, ID, WY, CO and NE on shipments originating from Shaklee Corporation in Hayward, CA, for 180 days. Note: Applicant proposes to interline at Reno, NV and Denver, CO. An underlying ETA requests 90 days authority. Supporting shipper(s): Shaklee Corporation, 1900 Powell Street, Emeryville, CA 94608. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 94265 (Sub-316TA), filed August 1, 1979. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 305, Windsor, Virginia 23487. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, Georgia 30342. *Foodstuffs, (except in bulk) in vehicles equipped with mechanical refrigeration,* from Norfolk, VA to points in NC, SC, GA and WI for 180 days. An underlying ETA seeks 90

days authority. Supporting shipper(s): Munford Refrigerated Warehouse, Inc., 3801 E. Princess Anne Road, Norfolk, VA 23502. Send protests to: Paul D. Collins, DS, ICC, Room 10–502 Federal Bldg., 400 North 8th Street, Richmond, VA 23240.

MC 95084 (Sub-148TA), filed August 17, 1979. Applicant: HOVE TRUCK LINE, Stanhope, IA 50246. Representative: Kenneth F. Dudley, 1501 E. Main, P.O. Box 279, Ottumwa, IA 52501. *Iron and steel articles, iron and steel fence tubing and articles, materials and supplies used in the manufacture of fence tubing,* from the facilities of Century Tube Corporation at Jefferson County, AR, to points in AL, AR, CT, DE, DC, FL, GA, IL, IN, KS, KY, LA, ME, MD, MA, MI, MS, MO, NJ, NH, NY, NC, OH, OK, PA, RI, SC, TN, TX, VT, VA, and WV for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Century Tube Corporation, P.O. Box 7612, Pine Bluff, AR 71611. Send protests to: Herbert W. Allen, D/S, ICC, 518 Federal Bldg. Des Moines, IA 50309.

MC 99234 (Sub-15TA), filed August 6, 1979. Applicant: WESTWAY MOTOR FREIGHT, INC., 5231 Monroe St., Denver, CO 80216. Representative: Leslie R. Kehl, 1660 Lincoln St., 1600 Lincoln Center, Denver, CO 80264. *Photographic apparatus, equipment, materials, supplies and products used solely for photographic application, manufacturing, or processing* (1) between the facilities of Eastman Kodak Company located at Windsor CO, on the one hand, and on the other, the facilities of Eastman Kodak Company located at Whittier, San Ramon, Palo Alto and Hollywood, CA and Dallas, TX; (2) between the facilities of Eastman Kodak Company located at San Ramon, CA and Salt Lake City, UT; and (3) between the facilities of Eastman Kodak Company located at Dallas, TX, on the one hand, and on the other, Denver, Colorado Springs and Pueblo, CO and Albuquerque, NM for 180 days. Underlying ETA filed seeking 90 days authority. Supporting shipper(s): Eastman Kadak Company, 2400 Mount Read Road, Rochester, NY 14650. Send protests to: R. Buchanan, 492 U.S. Customs House, Denver, CO 80202.

MC 106674 (Sub-408TA), filed May 21, 1979. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, U.S. Highway 24 West, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). *Iron and steel articles,* from the facilities of Laclede Steel at Alton, IL to points in IN on and south of U.S. Highway 40, KY and TN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Laclede Steel Company, Equitable Building, St Louis, MO 63102. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm. 429, Indianapolis, IN 46204.

MC 106674 (Sub-409TA), filed May 24, 1979. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, US Highway 24 West, Remington, IN 47977. Representative: Jerry L. Johnson (same address as Applicant). *Canned goods/non-alcoholic mixes,* from Byhalia, MS to points in and east of TX, OK, KS, NE, SD, and ND, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Professional Mixers, Inc., 300 Chesterfield Center, Suite 210, Chesterfield, MO 63017. Send protests to: Beverly J. Williams, TA, ICC, 46 E. Ohio St., Room 429, Indianapolis, IN 46204.

MC 106674 (Sub-412TA), filed July 31, 1979. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, U.S. Hwy 24 West, Remington, IN 47977. Representative: Jerry L. Johnson, (address same as applicant). *Iron and steel articles,* from the facilities of Atlantic Steel Company at Atlanta and Cartersville, GA, to points in IL, IN, KY, OH and PA, for 180 days. Supporting shipper: Atlantic Steel Company, Atlantic Building Systems, P.O. Box 1714, Atlanta, GA 30301. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm. 429, Indianapolis, IN 46204.

MC 106674 (Sub-413TA), filed August 14, 1979. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, U.S. Hwy 24 West, Remington, IN 47977. Representative: Jerry L. Johnson, (address same as applicant). *Zinc oxide, zinc dust and zinc dross,* between Josephtown, Pottertownship, (Bever County), PA on the one hand, and on the other points in AL, CT, DE, DC, FL, GA, IL, IN, KY, MD, MI, MS, NJ, NY, NC, OH, PA, RI, SC, TN, VA, WV, WI, and Herculaneum and St. Louis, MO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): St. Joe Zinc Company, Two Oliver Plaza, Pittsburgh, PA 15222. Send protests to: Beverly J. Williams, TA, ICC, 46 E. Ohio St., Room 429, Indianapolis, IN 46204.

MC 107064 (Sub-135TA), filed August 17, 1979. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, Dallas, TX 75221. Representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, TX 75201. *Petroleum products and chemicals, in bulk,* between the plantsite of Calgon Corporation at or near Pasadena, TX, on the one hand, and, on the other, points in the U.S. (except TX, AK, and HI) for 180 days. Underlying ETA for 90 days filed. Supporting shipper(s): Calgon Corporation, P.O. Box 1346, Pittsburgh, PA 15230. Send protests to: Opal M. Jones, TCS, ICC, 9A27 Federal Bldg., 819 Taylor St., Fort Worth, TX 76102.

MC 111214 (Sub-15TA), filed August 15, 1979. Applicant: GREENWOOD STORAGE AND TRUCKING CO., INC., P.O. Box 943, Greenwood, MS 38930. Representative: Harold H. Mitchell, Jr., 120 South Poplar St., Box 1295, Greenville, MS 38701. Contract irregular. *Iron and steel and iron and steel articles and materials, equipment and supplies used in the manufacture and distribution of iron and steel and iron and steel articles* (except commodities in bulk and those requiring special equipment), between the facilities of Mississippi Steel Division, Magna Corporation at or near Jackson, MS and points in AL, AR, FL, GA, LA, TN, and TX, for 180 days. Supporting shipper(s): Magna Corporation, P.O. Box 5780, Jackson, MS 39208. Send protests to: Alan C. Tarrant, DS, ICC, Suite 1441, Federal Bldg., 100 West Capitol St., Jackson, MS 39201.

MC 111274 (Sub-50TA), filed August 7, 1979. Applicant: SCHMIDGALL TRANSFER INC., P.O. Box 356, Morton, IL 61550. Representative: Frederick C. Schmidgall, P.O. Box 356, Morton, IL 61550. *Contract carrier:* irregular routes: *Furnace pipe elbows, duct work, register boots, register boxes, wall stack, gutters and rain carrying accessories, and materials, equipment and supplies used in the manufacture and distribution of the aforementioned commodities,* between the facilities of Champion Furnance Pipe Co., Peoria, IL on the one hand, and on the other points in AR, IL, IN, IA, KS, KY, MI, MN, MO, NE, OH, OK, TN, WV, and WI for the account of Champion Furnace Pipe Company located at Peoria, IL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Champion Furnace Pipe Co., P.O. Box 957, Peoria, IL 61653. Send protests to: Annie Booker, TA, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 111375 (Sub-115TA), filed August 10, 1979. Applicant: PIRKLE REFRIGERATED FREIGHT LINES, INC., P.O. Box 3358, Madison, WI 53704. Representative: Elaine Conway, 10 S. LaSalle St., Suite 1600, Chicago, IL 60603. *Washers and gaskets, iron and steel,* from Milwaukee, WI and its commercial zone to Portland, OR and its commercial zone, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Wrought Washer, 2100 S. Bay, Milwaukee, WI 53207. Send

protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 112304 (Sub-209TA), filed August 16, 1979. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock St., Cincinnati, OH 45223. Representative: John D. Herbert (same address as applicant). *Iron and steel articles* from the facilities of Republic Steel Corp., at or near Gadsden, AL, to points in IL, IN, KY, MO, NY, OH, PA, TN, VA, and WV for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Republic Steel Corp., 174 So. 26th St., Gadsden, AL 35901. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Philadelphia, PA 19106.

MC 113855 (Sub-495TA), filed August 3, 1979. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road, Southeast, Rochester, MN 55901. Representative: Thomas J. Van Osdel, 502 First National Bank Building, Fargo, ND 58126. *Such commodities as are dealt in or used by manufacturers and distributors of agricultural equipment and industrial equipment, except commodities in bulk,* from Mitchell, SD to points in IA, ND, NE, CO, UT, MT, WA, OR, WY, and ID, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Owatonna Manufacturing Company, Inc., Highway 45 North, Owatonna, MN 55060. Send protests to: Judith L. Olson, TA, ICC, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 113855 (Sub-496TA), filed August 13, 1979. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road, Southeast, Rochester, MN 55901. Representative: Michael E. Miller, 502 First National Bank Building, Fargo, ND 58126. *(1) Solar panels; (2) photovoltaic systems; (3) liquid storage batteries; (4) electrical instruments, parts and materials for (1), (2) and (3) above* from Ventura and Los Angeles Counties, CA to points in the United States, including AK but excluding HI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Arco Solar, Inc., subsidiary of Atlantic Richfield Company, 20554 Plummer Street, Chatsworth, CA 91311. Send protests to: Judith L. Olson, TA, ICC, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 113974 (Sub-61TA), filed August 14, 1979. Applicant: PITTSBURGH & NEW ENGLAND TRUCKING CO., 211 Washington Ave., Dravosburg, PA 15034. Representative: James D. Porterfield (same address as applicant). *Lumber and composition board,* from Penobscot County, ME to points in CT, DE, DC, FL, GA, IN, ME, MD, MA, MI, NH, NJ, NY, NC, OH, PA, RI, SC, VT, VA and WV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Diamond International Corp., 733 Third Ave., New York, NY 10017. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Philadelphia, PA 19106.

MC 113974 (Sub-62TA), filed August 20, 1979. Applicant: PITTSBURGH AND NEW ENGLAND TRUCKING CO., 211 Washington Ave., Dravosburg, PA 15034. Representative: James D. Porterfield (same address as applicant). *Pre-cut log buildings and such commodities as are used in the construction of pre-cut log buildings* from Bangor, ME to points in CT, DE, DC, IN, KY, MD, MA, MI, NH, NJ, NY, NC, OH, PA, RI, SC, VT, VA and WV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Northern Products Log Homes, Inc., P.O. Box 616, Bomarc Road, Bangor, ME 04401. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Philadelphia, PA 19106.

MC 114045 (Sub-548TA), filed August 17, 1979. Applicant: TRANS-COLD EXPRESS INC., P.O. Box 61228, Dallas TX 75261. Representative: J. B. Stuart (same address as above). *Plumbing fixtures and fittings and accessory parts and supplies* from New Orleans, LA to FL and TX for 180 days. Supporting shipper(s): American Standard, Inc., P.O. Box 2003, New Brunswick, NJ 08903. Send protests to: Opal M. Jones, TCS, ICC, 9A27 Federal Bldg., 819 Taylor St., Fort Worth, TX 76102.

MC 114334 (Sub-59TA), filed August 9, 1979. Applicant: BUILDERS TRANSPORTATION CO., 3710 Tulane, Memphis, TN 38116. Representative: Dale Woodall, 900 Memphis Bank Building, Memphis, TN 38103. *Iron and steel and iron and steel articles,* from the facilities of U.S. Steel in Gary, IN; South Chicago, Joliet and Waukegan, IL to points in AR, KY, MS, MO and TN for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): United States Steel Corp., 1000 East 80th Place, Merrillville, IN 46410. Send protests to: Floyd A. Johnson, 100 North Main Street—Suite 2006, Memphis, TN 38103.

MC 115654 (Sub-161TA), filed August 20, 1979. Applicant: TENNESSEE CARTAGE CO., INC., P.O. Box 23193, Nashville, TN 37202. Representative: Henry E. Seaton, 929 Pennsylvanis Bldg., 425 Thirteenth St., N.W., Washington, D.C. 20004. *Canned goods and beverage preparations,* from Newport and Tellico Plains, TN to points in LA and MS, for 180 days. Supporting shipper(s): Stokely-Van Camp, Inc., P.O. Box 1113, Indianapolis, Ind. 46206. Send protests to: Glenda Kuss, TA, ICC, 801 Broadway, U.S. Federal Courthouse, Suite A–422, Nashville, TN 37203.

MC 116004 (Sub-58TA), filed August 16, 1979. Applicant: TEXAS OKLAHOMA EXPRESS, INC., 2222 E. Grauwyler Road, Irving, TX 75061. Representative: Doris Hughes, P.O. Box 47112, Dallas, TX 75247. Regular routes, common carrier, *General Commodities (except those of unusual value, Classes A and B Explosives, Household Goods as defined by the Commission, commodities in bulk or those requiring special equipment)* between Los Angeles, CA and its commerical zone, on the one hand, and on the other Amarillo, TX and its commercial zone, over IS Hwy 40 and U.S. Hwy 66, serving on intermediate points. Applicant intends to tack authority. Applicant intends to interline with other carriers. For 180 days. Underlying ETA for 90 days filed. Supporting shipper(s): There are approximately 72 supporting shippers. Send protests to: Opal M. Jones, ICC, 9A27 Federal Bldg., 819 Taylor St., Ft. Worth, TX 76102.

MC 119765 (Sub-88TA), filed August 3, 1979. Applicant: EIGHT WAY XPRESS, INC., 5402 South 27th Street, Omaha, NE 68107. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Road, Omaha, NE 68106. *Meats and packinghouse products* from the facilities of American Beef Packers, Inc. at Oakland, IA to points in FL, GA, NC, and VA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): American Beef Packers, Inc., P.O. Box 518, Oakland, IA 51560. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 119864 (Sub-75TA), filed July 26, 1979. Applicant: CRAIG TRANSPORTATION CO., 26699 Eckel Rd., Perrysburg, OH 43551. Representative: Brad A. James (same address as applicant). *Foodstuffs (except in bulk)* from Jacksonville, IL to points in IN, MI and OH for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Anderson Clayton Foods Inc., P.O. Box 226155, Dallas, TX 75266. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 121664 (Sub-87TA), filed July 24, 1979. Applicant: HORNADY TRUCK LINE, INC., P.O. Box 846, Monroeville, AL 36460. Representative: W. E. Grant, 1702 First Avenue South, Birmingham, AL 35203. *(1) Sulfur and sulfur products*

from Atmore, AL to points in and east of ND, SD, NE, KS, OK and TX and (2) *Materials and supplies (except in bulk)*, from points in and east of ND, SD, KS, OK, and TX to Atmore, AL., for 180 days. Supporting shipper(s): Woolfolk Chemical Works, Inc., P.O. Box 5, Atmore, AL 36502. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616—2121 Building, Birmingham, AL 35203.

MC 121664 (Sub-88TA), filed July 28, 1979. Applicant: HORNADY TRUCK LINE, INC., P.O. Box 846, Monroeville, AL 36460. Representative: W. E. Grant, 1702 1st Avenue, Birmingham, AL 35203. *(1) Roofing and roofing materials*, from the facilities of the Elk Corporation at Tuscaloosa, AL, and Ennis, TX, to points in AL, AR, GA, FL, LA, MS, TN, and TX; and *(2) Materials and supplies*, except in bulk, from the points in AL, AR, GA, FL, LA, MS, TN, and TX, to the facilities of the Elk Corporation at Tuscaloosa, AL, and Ennis, TX, for 180 days. Supporting shipper(s): Elk Corporation of Alabama, P.O. Box 2450, Tuscaloosa, AL 35401. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616—2121 Building, Birmingham, AL 35203.

MC 123255 (Sub-212TA), filed July 2, 1979. Applicant: B & L MOTOR FREIGHT, INC., 1985 Coffman Rd., Newark, OH 43055. Representative: C. F. Schnee, Jr. (same address as applicant). *Foodstuffs* from Pitman, NJ to points in IL, IN, MI, and OH for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Amstar Corp., P.O. Box 356, Philadelphia, PA 19105. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 123255 (Sub-213TA), filed August 6, 1979. Applicant: B & L MOTOR FREIGHT, INC., 1984 Coffman Rd., Newark, OH 43055. Representative: C. F. Schnee, Jr. (same address as applicant). *Insulating material* from the facilities of Owens Corning Fiberglas Corp. at or near Rotterdam, NY to points in CT, DE, MD, MA, NJ, PA, RI, VA, and DC for 180 days. An underlying ETA seks 90 days authority. Supporting shipper(s): Owens-Corning Fiberglas Corp., Fiberglas Tower, Toledo, OH 43659. Send protests to: I.C.C. Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 123375 (Sub-19TA), filed July 13, 1979. Applicant: KIRK TRUCKING SERVICE, INC., 3100 Braun Ave., Westmoreland County, Murrysville, PA 15668. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. (1) Iron and steel articles, from the facilities of Weirton Steel Division of National Steel Corporation at or near Weirton, WV and Steubenville, OH to DE, MD, NY, and PA and (2) materials equipment and supplies used in the manufacture of the commodities specified in (1) above, from DE, MD, NY, and PA to the facilities of Weirton Steel Division of National Steel Corporation at or near Weirton, WV and Steubenville, OH, for 180 days. Supporting shipper(s): Weirton Steel Div. of National Steel Corp., Weirton, WV 26062. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 123685 (Sub-29TA), filed August 6, 1979. Applicant: PEOPLES CARTAGE, INC. 8045 Navarre Road, S.W., Massillon, OH 44646. Representative: Boyd B. Ferris, 59 W. Broad St., Columbus, OH 43215. *Such commodities as are dealt in or used by manufacturers and distributors of salt and salt products*, between Massillon, OH and points in Tuscarawas County, OH, on the one hand, and, on the other, points in IL, MD, KY, MI, NJ, NY, PA, TN, VA, WV, OH, and DC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Pollack Salt Company, Division of Barmet Industries, Inc., P.O. Box 2732, Akron, OH 44301; Morton Salt, Division of Morton-Norwich Products, Inc., 110 North Wacker Dr., Chicago, IL 60606. Send protests to: I.C.C. Fed. Res. Bank Bldg., 101 N. 7th St. Rm. 620, Phila., PA 19106.

MC 123805 (Sub-15TA), filed July 16, 1979. Applicant: LOMAX TRUCKING SERVICE, INC., R.R. 1, Hannibal, MO 63401. Representative: Thomas P. Rose, P.O. Box 205, Jefferson City, MO 65102. *Petroleum coke, in bulk in dump vehicles*, from Hartford, IL to Clarksville, MO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Dundee Cement Company, P.O. Box 67, Clarksville, MO 63336. Send protests to: Vernon V. Coble, D/S, ICC, Room 600, Federal Bldg., 911 Walnut St., Kansas City, MO 64106.

MC 124025 (Sub-15TA), filed August 28, 1979. Applicant: GLASS TRUCKING CO., P.O. Box 276, Newkirk, OK 74647. Representative: C. L. Phillips, Rm. 248—Classen Terrace Bldg., Oklahoma City, OK 73106. *Contract carrier:* Irregular route: *Flour:* in bulk, from Blackwell, OK, to Joplin, MO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): International Multifoods Corp., 1200 Multifoods Bldg., Minneapolis, MN 55402. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W., 3rd, Oklahoma City, OK 73102.

MC 124154 (Sub-81TA), filed August 6, 1979. Applicant: WINGATE TRUCKING COMPANY, INC., P.O. Box 645, Albany, GA 31702. Representative: Thomas F. Panebianco, P.O. Box 1200, Tallahassee, FL 32302. *Agricultural machinery and equipment and component parts and materials, used in the manufacturing of agricultural machinery and equipment (except commodities in bulk)*, between Lilliston Corporation plant sites in Crisp and Lee Counties, GA, or the one hand, and, on the other, points in the United States (except AK and HI), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Lilliston Corporation, P.O. Box 3930, Albany, GA 31706. Send protests to: Jean King, TA, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 124154 (Sub-84TA), filed August 21, 1979. Applicant: WINGATE TRUCKING COMPANY, INC., P.O. Box 645, Albany, GA 31702. Representative: Thomas F. Panebianco, P.O. Box 1200, Tallahassee, FL 32302. *Iron and steel pipe, parts, materials and supplies used in the fabrication of iron and steel pipe (except commodities in bulk)*, between the facilities of E. I. duPont de Nemours & Co., Inc. at or near Albany, GA and Tallahassee, FL, on the one hand and, on the other, points in AL, DE, FL, GA, KY, LA, MS, NJ, NC, PA, SC, TN, TX, and VA, for 180 days. Supporting shipper(s): E. I. du Pont de Nemours & Co., Inc., 1007 Market Street, Wilmington, DE 19898. Send protests to: G. H. Fauss, Jr., DS, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 124154 (Sub-85TA), filed August 8, 1979. Applicant: WINGATE TRUCKING COMPANY, INC., P.O. Box 645, Albany, GA 31702. Representative: Thomas F. Panebianco, P.O. Box 1200, Tallahassee, FL 32302. *Trailer axles, running gear assemblies, and component parts and materials used in the manufacture of trailer axles and running gear assemblies (except commodities in bulk)*, between Turner County, GA, on the one hand, and, on the other, points in AR, IN, MO, OH, OK, VA, TX, and KS, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Foreman Geneva, P.O. Box 580, Ashburn, GA 31714. Send protests to: Jean King, TA, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 124774 (Sub-119TA), filed July 31, 1979. Applicant: MIDWEST REFRIGERATED EXPRESS, INC., 4440 Buckingham Avenue, Omaha, Nebraska 68107. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Road, Omaha, NE 68106. *Electrical transformers, parts and accessories*, from the facilities of Saban Electric Corp. at Warner, NH to points in IL, IN, MI, MO, OH and WI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Saban Electric

Corp., Mill Street, Warner, NH 03278. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 124835 (Sub-16TA), filed August 24, 1979. Applicant: PRODUCERS TRANSPORT CO., P.O. Box 4022, Chattanooga, TN 37405. Representative: David K. Fox (same address as applicant). *Chemicals, liquid and dry, in bulk,* in tank vehicles from, Cartersville, GA to all points in the United States in and east of ND, SD, NE, KS, OK, and TX for 180 days. Supporting shipper(s): Chemical Products Corp., 48 Atlanta Road, Cartersville, GA 30120. Send protests to: Glenda Kuss, TA, ICC, Suite A–422, U.S. Federal Courthouse, 801 Broadway, Nashville, TN 37203.

MC 125335 (Sub-78TA), filed August 6, 1979. Applicant: GOODWAY TRANSPORT, INC., P.O. Box 2283, York, PA 17405. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. *Confectionary* from the facilities of M & M Mars Co., at or near Chicago, IL to points in PA, DE, MD, DC, NJ, NY, MA, CT, RI, VA, TN, NC, SC, GA, AL, FL, MS, WI, MN, ND, SD, IA and NE, for 180 days. An underlying ETA seek 90 days authority. Supporting shipper(s): M & M Mars Co., High St., Hackettstown, NJ 07840. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Room 620, Phila., PA 19106.

MC 125335 (Sub-80TA), filed August 13, 1979. Applicant: GOODWAY TRANSPORT, INC., P.O. Box 2283, York, PA 17405. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. *Candy and confectionary* from the facilities of M & M Mars Co. at or near Elizabeth and Hackettstown, NJ and Elizabethtown, PA to points in AL, FL, GA, MS, NC, SC, and TN for 180 days. An underlying ETA seek 90 days authority. Supporting shipper(s): M & M Mars, Div. of Mars, Inc., Highs St., Hackettstown, NJ 07840. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 125335 (Sub-79TA), filed August 13, 1979. Applicant: GOODWAY TRANSPORT, INC., P.O. Box 2283, York, PA 17405. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. *Candy and confectionary* from the facilities of M & M Mars Company at or near Waco, TX to points in, PA, DE, MD, DC, NJ, NY, MA, CT, RI, VA, TN, NC, SC, GA, AL, FL, ME, IA, IL, WI, MN, ND, and SD, for 180 days. An underlying ETA seek 90 days authority. Supporting shipper(s): M & M Mars, Div. of Mars, Inc., High St., Hackettstown, NJ 07840. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila, PA 19106.

MC 127705 (Sub-93TA), filed August 7, 1979. Applicant: KREVDA BROS. EXPRESS, INC., P.O. Box 68, Gas City, IN 46933. Representative: Donald W. Smith, Suite 945, 9000 Keystone Crossing, Indianapolis, IN 46240. *Glass containers and fibreboard boxes,* from warehouse facilities of Owens-Illinois, Inc. at Hartford City and Muncie, IN to Kentucky, for 180 days. An underlying ETA seek 90 days authority. Supporting shipper(s): Owens-Illinois, Inc., P.O. Box 1035, Toledo, OH 43666. Send protests to: Beverly J. Williams, Transportation Assistant, ICC 46 E. Ohio St., Rm. 429, Indianapolis, IN 46204.

MC 129784 (Sub-13TA), filed August 16, 1979. Applicant: DAVISON TRANSPORT, INC., P.O. Drawer 846, Ruston, LA 71270. Representative: Tom E. Moore (same address as applicant). *Petroleum and petroleum products (except gasoline) in bulk, in tank vehicles* from Shreveport, LA to points in AR, and TX, for 180 days. Supporting shipper(s): Atlas Processing Company, 3333 Midway St., Shreveport, LA 71103. Send protests to: Robert J. Kirspel, DS, ICC, T–9038 Federal Bldg., 701 Loyola Ave., New Orleans, LA 70113.

MC 133655 (Sub-178TA), filed August 6, 1979. Applicant: TRANS-NATIONAL TRUCK, INC., P.O. Box 31300, Amarillo, TX 79120. Representative: Neil A. DuJardin, P.O. Box 2298 Green Bay, WI 54306. *Paper and paper products, and equipment, materials, and supplies used in the manufacture and distribution of paper and paper products (except commodities in bulk),* between the facilities of Container Corporation of America at Fort Worth, TX, on the one hand, and, on the other, Roswell, Hobbs, and Las Cruces, NM, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Container Corporation of America, P.O. Box 1441, Fort Worth, TX 76101. Send protests to: Martha A. Powell, TCS, I.C.C., Room 9A27 Federal Bldg., 819 Taylor St., Fort Worth, TX 76102.

MC 133655 (Sub-179TA), filed August 13, 1979. Applicant: TRANS-NATIONAL TRUCK, INC., P.O. Box 31300, Amarillo, TX 79120. Representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, WI 54306. *Paper and paper products, and equipment, materials, and supplies used in the manufacture and distribution of paper and paper products (except commodities in bulk),* between the facilities of Container Corp. of America at or near Dallas and Fort Worth, TX, on the one hand, and, on the other, points in AR, IL, IN (except Terre Haute), KS, LA (except New Orleans, Alexandria, and Colfax), MD, MA, MI, MS (except Greenville), MO, OH, OK, PA (except Wescosville), RI, NE, NJ, NY, and WI, for 180 days. Supporting shipper(s): Container Corporation of America, P.O. Box 1441, Ft. Worth, TX 76101. Send protests to: Martha A. Powell, TCS, I.C.C., Room 9A27 Federal Bldg., 819 Taylor St., Fort Worth, TX 76102.

MC 133805 (Sub-32TA), filed August 8, 1979. Applicant: LONE STAR CARRIERS, INC., Rt. 1, Box 48, Tolar, TX 76476. Representative: Harry F. Horak, 5001 Brentwood Stair Rd., Suite 115, Fort Worth, TX 76112. *Meats, meat products, meat by-products, and articles distributed by meat packinghouses as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 & 766 (except hides, skins and commodities in bulk),* from the facilities used by John Morrell & Co. at or near Amarillo, El Paso, and Lubbock, TX, to points in AL, FL, GA, IL, KY, LA, MI, NH, NJ, NY, NC, OH, SC, and TN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): John Morrell & Co., 208 S. LaSalle St., Chicago, IL 60604. Send protests to: Martha A. Powell, TCS, I.C.C., Room 9A27 Federal Bldg., 819 Taylor St., Fort Worth, TX 76102.

MC 134134 (Sub-49TA), filed August 20, 1979. Applicant: MAINLINER MOTOR EXPRESS, INC., 4202 Dahlman Avenue, Omaha, NE 68107. Representative: J. F. Crosby, P.O. Box 37205, I–80 & Highway 50, Omaha, NE 68137. *Foodstuffs* from the facilities of Borden Foods, Division of Borden, Inc. at Wellsboro, PA and Syracuse, NY to points in OH, MI, IN, KY, WI, IL, MN, IA, MO, SD, NE, KS and CO for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Borden Foods, Division of Borden, Inc., 180 E. Broad St., Columbus, OH 43215. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th ST., Omaha, NE 68102.

MC 145515 (Sub-4TA) filed July 25, 1979. Applicant: GREENE'S CARTAGE CO., INC., 1934 Avalon Avenue, Muscle Shoals, AL 35660. Representative: Robert E. Born, Suite 508, 1447 Peachtree Street, NE., Atlanta, GA 30309. *Paper and paper products,* from the facilities of the Weyerhaeuser Company in Florence, AL, to TN, KY, MS, LA, AR, GA, OH, MI, IN, and IL and *Materials, equipment and supplies used to manufacture and distribute paper and paper products,* from IL, IN, GA, LA, TN, KY, MI, MS, OH and AR to the facilities of the Weyerhaeuser Company in Florence, AL for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Weyerhaeuser Company, 1547 Helton Drive, Florence, AL 35630. Send protests

to: Mabel E. Holston, T/A, ICC, Room 1616—2121 Building, Birmingham, AL 35203.

MC 146434 (Sub-1TA), filed March 2, 1979. Applicant: GENE HICKS, 240 Ridgecrest Drive, Madisonville, TN 37354. Representative: Richard L. Hollow, P.O. Box 550, Knoxville, TN 37901. *Contract carrier:* irregular routes: *Lumber and lumber mill products* from Madisonville, TN to points in KY, NC, GA, AL, IN, and OH, for 180 days. Supporting shipper(s): Melvin Sheets Lumber Company, Madisonville, TN. Send protests to: Glenda Kuss, TA, ICC, Suite A–422, U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 147495 (Sub-2TA), filed August 1, 1979. Applicant: PRESTWOOD TRUCKING & LEASING, INC., P.O. Box 789, Hartsville, SC 29550. Representative: Peter A. Greene, 900 17th Street, N.W., Washington, DC 20006. (1) *Prefabricated metal buildings* from the facilities of Auburn Limited, Inc., Hartsville, SC to points in AL, FL, GA, LA, MS, NC, SC and VA; and (2) *materials and supplies used in the manufacture of prefabricated metal buildings* from points in AL, FL, GA, LA, MS, NC, SC and VA to the facilities of Auburn Limited, Inc., Hartsville, SC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Auburn Limited, Inc., P.O. Box 1258, Hartsville, SC 29550. Send protests to: E. E. Strotheid, D/S, ICC, Rm. 302, 1400 Building, 1400 Pickens St., Columbia, SC 29201.

MC 70557 (Sub-15TA), filed June 12, 1979. Applicant: NIELSEN BROS. CARTAGE CO., INC., 4619 West Homer Street, Chicago, IL 60639. Representative: Carl L. Steiner, 39 South LaSalle, Chicago, IL 60603. *Paper and paper products* (except in bulk) *and products* (except in bulk) *produced or distributed by manufacturers and converters of paper products* from the plant site and facilities used by Nekoosa Paper, Inc. in Little River County, AR to points in FL, GA, KY, LA, MS, NC, OK, SC, TN, and TX for 180 days. Supporting shipper(s): Nekoosa Papers Inc., 100 Wisconsin River Drive, Port Edwards, WI 54469. Send protests to: Annie Booker, TA, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 144622 (Sub-76TA), filed June 12, 1979. Applicant: GLENN BROS. TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: John Duncan Varda, 121 South Pinckney St., Madison, WI 53703. *Paper and paper products* (except in bulk), and *products* (except in bulk) produced or distributed by manufacturers and converters of paper and paper products, from the facilities of Nekoosa Papers, Inc. in Little River County, AR, to points in AZ, CA, CO, FL, ID, IL, IN, MO, OH, OR, TX and WA, for 180 days. Supporting shipper(s): Nekoosa Papers, Inc., 100 Wisconsin River Dr., Port Edwards, WI 54469. Send protests to: William H. Land, Jr., DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 144858 (Sub-13TA), filed June 12, 1979. Applicant: DENVER SOUTHWEST EXPRESS, INC., P.O. Box 9799, Little Rock, AR 72209. Representative: John Duncan Varda, 121 S. Pinckney St., Madison, WI 53703. *Paper and paper products* (except in bulk), and *products* (except in bulk) produced or distributed by manufacturers and converters of paper and paper products, from the plantsite and facilities used by Nekoosa Papers, Inc., in Little River County, AR, to AL, AZ, CA, CT, IL, IN, IA, MD, MI, MO, NJ, NY, OH, OR, PA, RI, WA and WI, for 180 days. Supporting shipper(s): Nekoosa Papers, Inc., 100 Wisconsin River Dr., Port Edwards, WI 54469. Send protests to: William H. Land, Jr., DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 146890 (Sub-9TA), filed June 13, 1979. Applicant: C & E TRANSPORT, d.b.a. C. E. ZUMSTEIN CO., P.O. Box 27, Lewisburg, OH 45338. Representative: John Duncan Varda, 121 S. Pinckney St., Madison, WI 53703. *Paper and paper products (except in bulk), and products (except in bulk) produced or distributed by manufacturers and converters of papers and paper products* from the plant site and facilities used by Nekoosa Papers, Inc., in Little River County, AR, to points in CT, IL, IN, KY, MA, MD, MI, NJ, NY, OH, PA, and RI, for 180 days. Supporting shipper(s): Nekoosa Papers, Inc., 100 Wisconsin River Dr., Port Edwards, WI 54469. Send protests to: D/S, I.C.C., 101 N. 7th St., Philadelphia, PA 19106.

MC 133655 (Sub-140TA), filed January 9, 1979, and published in **Federal Register** issue of March 5, 1979, and republished as corrected this issue. Applicant: TRANS-NATIONAL TRUCK, INC., P.O. Box 31300, Amarillo, TX 79101. Representative: Warren L. Troupe, 2480 E. Commercial Blvd., Fort Lauderdale, FL 33308. Such commodities as are dealt in, or used by, manufacturers and distributors of gum removing compound, between East Butler, PA; St. Louis, MO; and Los Angeles, CA on the one hand, and, on the other, points in the United States, for 180 days. Supporting shipper(s): Penreco, Inc., Gumout Div. Pennzoil, P.O. Box 671, Butler, PA 16001. Send protests to: Martha Powell, TA, ICC, 9A27 Fritz Garland Lanham Federal Building, 819 Taylor Street, Fort Worth, TX 76102. The purpose of the republication is to correct the word from, which should read between.

MC 142715 (Sub-52TA), filed May 11, 1979, and published in **Federal Register** issue of June 7, 1979, and republished as corrected this issue. Applicant: LENERTZ, INC., P.O. Box 141, South St. Paul, MN 55075. Representative: K. O. Petrick (same address as applicant). *Foodstuffs, candy and confectionery (except commodities in bulk),* from Hershey, PA to points in IA, IL, IN, KS, MO, MN, MI, NE, ND, SD and WI, restricted to traffic originating at the facilities of Hershey Foods Corporation and its subsidiaries and destined to the named states, for 180 days. Supporting shipper(s): Hershey Food Corporation, 19 East Chocolate Avenue, Hershey, PA 17033. Send protests to: Delores A. Poe, TA, ICC, 414 Federal Building, South 4th Street, Minneapolis, MN 55401. The purpose of this republication is to add candy to the commodities description, which was omitted.

[Notice No. 164]

September 6, 1979.

MC 1759 (Sub-39TA), filed August 20, 1979. Applicant: FROEHLICH TRANSPORTATION COMPANY, INC., Federal Road, Danbury, CT 06810. Representative: Thomas W. Murrett, 342 North Main Street, West Hartford, CT 06117. *Meats and packinghouse products* from Bedford and Manchester, NH to Springfield, MA and points in CT, limited at Bedford, NH to the facilities of M. M. Mades Company, Inc. and limited at Manchester, NH to the facilities of W. F. Schonland Sons, Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): M. M. Mades Company, Inc., P.O. Box 4997, Manchester, NH 03108; W. F. Schonland Sons, Inc., 20 Blaine Street, Manchester, NH 03102. Send protests to: J. D. Perry, Jr., District Supervisor, Interstate Commerce Commission, 135 High Street, Hartford, CT 06103.

MC 2229 (Sub-217TA), filed August 3, 1979. Applicant: RED BALL MOTOR FREIGHT, INC., P.O. Box 47407, Dallas, TX 75247. Representative: Jackie Hill (address same as above). *Common carrier,* regular routes, *general commodities (except household goods as defined by the Commission, commodities in bulk, and those requiring special equipment)* between Memphis, TN and points within its commercial zone, on the one hand, and, on the other, Greenville, MS and points within its commercial zone: from Memphis over U.S. Highway 61 to junction with U.S. Hwy 82, then over

U.S. Hwy 82 to Greenville, and return over the same route. Restriction: Restricted against the transportation of traffic originating at Memphis, TN and points within its commercial zone, destined to Greenville, MS and points within its commercial zone. Also restricted against the transportation of traffic originating at Greenville, MS and points within its commercial zone, destined to Memphis, TN and points within its commercial zone. For 180 days. Applicant intends to tack its authority and intends to interline with other carriers. Underlying ETA for 90 days sought. Supporting shipper(s): There are twelve (12) supporting shippers. Send protests to: Opal M. Jones, TCS, Interstate Commerce Commission, 9A27 Federal Building, 819 Taylor St., Ft. Worth, TX 76102.

MC 2229 (Sub-218TA), filed August 3, 1979. Applicant: RED BALL MOTOR FREIGHT, INC., 3177 Irving Blvd., Dallas, TX 75247. Representative: Jackie Hill, (same address as applicant). *Common carrier*, regular routes, *general commodities (except Classes A and B explosives, articles of unusual value, household goods as defined by the Commission, commodities in bulk and those requiring special equipment)* between Albuquerque, NM and El Paso, TX: from Albuquerque over IS Hwy 25 (also U.S. Hwy 85) to junction IS Hwy 10, then over IS Hwy 10 to El Paso, and return over the same route, serving no intermediate points, for 180 days. Applicant seeks to tack authority with that issued in MC 2229 and subs thereto and to interline. Common control may be involved. Corresponding ETA for 90 days filed. Supporting shipper(s): There are 73 supporting shippers. Send protests to: Opal M. Jones, TCS, I.C.C., 9A27 Federal Bldg., 819 Taylor St., Ft. Worth, TX 76102.

MC 2229 (Sub-219TA), filed August 8, 1979. Applicant: RED BALL MOTOR FREIGHT, INC., 3177 Irving Blvd., Dallas, TX 75247. Representative: Jackie Hill (same address as above). *Concrete roofing* from Shawnee, OK to points in the U.S. (except AK and HI) for 180 days. Underlying ETA for 90 days filed. Supporting shipper(s): National Tile Industries, Inc., 706 West Independence, Shawnee, OK 74801. Send protests to: Opal M. Jones, TCS, ICC, 9A27 Federal Bldg., 819 Taylor St., Ft. Worth, TX 76102.

MC 24379 (Sub-52TA), filed July 30, 1979. Applicant: LONG TRANSPORTATION COMPANY, 14650 West Eight Mile Road, Oak Park, MI 48237. Representative: Donald G. Hichman, 14650 West Eight Mile Road, Oak Park, MI 48237. *Aluminum and zinc ingots*, from Maple Heights, OH to points in IL within an area bounded on the south by Interstate Hwy 80 and on the west by U.S. Hwy 51, including points and places on said highways. For 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Aluminum Smelting & Refining Co., Inc., Certified Alloys Company, 5463 Dunham Road, Maple Heights, OH 44137. Send protests to: C. R. Flemming, D/S, I.C.C., 225 Federal Building, Lansing, MI 48933.

MC 52579 (Sub-188TA), filed August 6, 1979. Applicant: GILBERT CARRIER CORP., One Gilbert Drive, Secaucus, NJ 07094. Representative: Herbert Burstein, Esq., One World Trade Center, Suite 2373, New York, NY 10048. Mixed loads of wearing apparel on hangers and in cartons along with such other merchandise and supplies as are dealt in by department stores between points in the states of CA, OR and WA for 180 days. Supporting shipper(s): Montgomery Ward, 3600 Rosemead Blvd., Rosemead, CA 91770. Send protests to: Robert E. Johnston, DS, ICC, 744 Broad Street, Room 522, Newark, NJ 07102.

MC 52709 (Sub-369TA), filed August 2, 1979. Applicant: RINGSBY TRUCK LINES, INC., 3980 Quebec St., P.O. Box 7240, Denver, CO 80207. Representative: Rick Barker (same address as applicant). *Explosives, classes A and B, and materials, equipment and supplies for the distribution and use of explosives* from Sweetgrass, MT to all points in and west of MN, IA, MO, AR, and LA, for 180 days. Restricted to shipments originating at Sweetgrass, MT for Explosives Sales Corp. An underlying ETA seek 90 days authority. Supporting shipper(s): Explosives Sales Corp., 410 17th St., Suite 450, Denver, CO 80202. Send protests to: R. Buchanan, 492 U.S. Customs House, Denver, CO 80202.

MC 52979 (Sub-22TA), filed July 27, 1979. Applicant: HUNT TRUCK LINES, INC., West High Street, Rockwell City, IA 50579. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. *Cylinders, manifolds and cranes, and components thereof,* from Pocahontas, IA to points in IN, KY, KS, OH, PA, SD, and TN for 180 days. An underlying ETA seek 90 days authority. Supporting shipper(s): Iowa Industrial Hydraulics, Inc., Industrial Park Rd., Pocahontas, IA 50574. Send protests to: Herbert W. Allen, D/S, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 55889 (Sub-53TA), filed July 30, 1979. Applicant: AAA COOPER TRANSPORTATION, P.O. Box 6827, Dothan, AL 36302. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. Common, Regular: *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 Greer, SC and Atlanta, GA: From Greer over SC Hwy 14 to Interstate Hwy 85, then over Interstate Hwy 85 to Atlanta, and return over the same routes, serving no intermediate points, but serving all points in the commercial zones of Greer and Atlanta, for 180 days. An underlying ETA seek 90 days authority. Supporting shipper(s): There are approximately 75 statements of support attached to this application which may be examined at the Interstate Commerce Commission in Washington, DC or in the Birmingham, AL field office. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616—2122 Building, Birmingham, AL 35203.

Note.—Applicant intends to tack the authority here applied for at Greer, SC, and Atlanta, GA, with its existing regular route authority.

MC 56679 (Sub-133TA), filed July 26, 1979. Applicant: BROWN TRANSPORT CORP., 352 University Ave. SW, Atlanta, GA 30310. Representative: David L. Capps, (same address as applicant). *Poultry machinery and equipment* between Russellville, KY, Charleston, SC and Savannah, GA for 180 days. An underlying ETA seek 90 days authority. Supporting shipper(s): U.S.I. Agri Business, P.O. 888347, Atlanta, GA. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St., NW, Rm 300, Atlanta, GA 30309.

MC 56799 (Sub-6TA), filed August 7, 1979. Applicant: CLAXON TRUCK LINE, INC., P.O. Box 678, Frankfort, KY. 40602. Representative: George M. Catlett, Atty., Suite 708 McClure Bldg., Frankfort, KY. 40601. General Commodities (with the usual exceptions), between Louisville, KY. and Cincinnati, OH; from Louisville, KY. over Interstate Highway 71 to Cincinnati, OH, and return over the same route, serving no intermediate points as an alternate route for operating convenience only, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): W. D. Parker, president, Claxon Truck Line, Inc., P.O. Box 678, Frankfort, KY. 40602. Send protests to: (Ms.) Clara L. Eyl, T/A, ICC, 426 Post Office Bldg., Louisville, KY. 40202.

MC 58549 (Sub-33TA), filed July 31, 1979. Applicant: GENERAL MOTOR LINES, INC., 1634 Granby St., NE, P.O. B. 13727, Roanoke, VA 24034. Representative: Jerry D. Beard (same address as applicant). Common carrier, irregular routes, general commodities

(except those of unusual value, classes A and B explosives, commodities in bulk, household goods as defined by the commission, and those requiring the use of special equipment), (1) between the junction of Interstate Hwy 81 and VA Hwy 100 and the NC–SC State line, from the junction of Interstate Hwy 81 and VA Hwy 100 over Interstate Hwy 81 to junction Interstate Hwy 77, then over Interstate Hwy 77 to the NC–SC State line, and return over the same route, (2) between Martinsville, VA and Charlotte, NC, from Martinsville over U.S. Hwy 58 to Junction U.S. Hwy 29 at Danville, VA, then over U.S. Hwy 29 to Charlotte, NC, and return over the same route, (3) between the junction of U.S. Hwy 220 and NC Hwy 770 and Asheboro, NC, over U.S. Hwy 220, (4) between the junction of U.S. Hwys 601 and 52 and Lexington, NC, over U.S. Hwy 52, (5) between the junction of U.S. Hwys 220 and 311 near Madison, NC and the junction of U.S. Hwys 311 and 220 near Randleman, NC, over U.S. Hwy 311, (6) between the junction of U.S. Hwy 220 and NC Hwy 68 and Thomasville, NC, over NC Hwy 68, (7) between Greensboro, NC and Hickory, NC, over Interstate Hwy 40, (8) between Greensboro, NC and the NC–SC State line, over Interstate Hwy 85, (9) between the junction of U.S. Hwy 601 and NC Hwy 268 and Salisbury, NC, over U.S. Hwy 601, (10) between the TN–NC State line and Winston-Salem, NC, over U.S. Hwy 421, (11) between West Jefferson, NC and the junction of U.S. Hwys 221 and 421, over U.S. Hwy 221, (12) between Boone, NC and the NC–SC State line, over U.S. Hwy 321, (13) between Statesville, NC and Asheboro, NC, over U.S. Hwy 64, (14) between the junction of U.S. Hwys 221 and 21 and Charlotte, NC, over U.S. Hwy 21, (15) between Reidsville, NC and Winston-Salem, NC, over U.S. Hwy 158, (16) between Ridgeway, VA and Reidsville, NC, from Ridgeway over VA Hwy 87 to the VA–NC State line, then over NC Hwy 87 to junction NC Hwy 14, then over NC Hwy 14 to Reidsville, and return over the same route, (17) between the junction of NC Hwys 89 and 66 and the junction of NC Hwy 66 and U.S. Hwy 311 near High Point, NC, over NC Hwy 66, (18) between the junction of U.S. Hwy 58 and VA Hwy 93 near Mouth of Wilson, VA and Charlotte, NC, from the junction of U.S. Hwy 58 and VA Hwy 93 over VA Hwy 93 to the VA–NC State line, then over NC Hwy 93 to junction NC Hwy 113, then over NC Hwy 113 to junction NC Hwy 18, then over NC Hwy 18 to junction NC Hwy 16, then over NC Hwy 16 to Charlotte, and return over the same route, (19) between Salisbury, NC and Statesville, NC, over U.S. Hwy 70, (20) between Baldwin, NC and Boone, NC, over NC Hwy 194, and (21) between Asheboro, NC and Charlotte, NC, over NC Hwy 49, serving all intermediate points and their commercial zones on Routes (1) through (21) above, and serving points in Watauga, Wilkes, Yadkin, Forsyth, Guilford, Randolph, Davidson, Davie, Iredell, Rowan, Cabarrus, Mecklenburg, Gaston, Rockingham, Caswell, Caldwell, Alexander, Catawba, and Lincoln Counties, NC, as off-route points in connection with carrier's operations over Routes (1) through (21) above, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are 22 supporting shippers' statements attached to this application that may be examined at the ICC office in Washington, DC or the Regional office shown below. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 61619 (Sub-14TA), filed July 27, 1979. Applicant: L & H TRUCKING CO., INC., Rd 3, Spring Grove, PA 17362. Representative: John E. Fullerton, 407 N. Front, Harrisburg, PA 17101. *Contract; irregular: Paper and paper products* from the facilities of Bergstrom Div. of P. H. Glatfelter Co. at W. Carrollton, OH to Binghamton, NY; Bloomsburg, Scranton, York, Manchester and Spring Grove, PA under a continuing contract with P. H. Glatfelter Co. for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): P. H. Glatfelter Co., 228 So. Main St., Spring Grove, PA 17362. Send protests to: I.C.C. Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 72069 (Sub-24TA), filed August 2, 1979. Applicant: BLUE HEN LINES, INC., P.O. Box 280, Milford, DE 19963. Representative: Chester A. Zyblut, 1030—15th St., NW., Washington, DC 20005. *Frozen bakery products, and materials, equipment, and supplies used in the manufacture and distribution of frozen bakery products,* between Saugatuck and Holland, MI, on the one hand, and, on the other, points in MA, CT, RI, NY, NJ, PA, DE, MD, VA, NC, SC, GA, FL and DC, for 180 days. Supporting shipper(s): Jack Grilley, Transp. Mgr., Lloyd J. Harris Pie Co., 350 Culver Street, Saugatuck, MI 49453. Send protests to: ICC, 101 N. 7th St., Philadelphia, PA 19106.

MC 108859 (Sub-75TA), filed July 26, 1979. Applicant: CLAIRMONT TRANSFER CO., 1803 Seventh Avenue, North, Escanaba, MI 49829. Representative: Elmer J. Wery, P.O. Box 3548, 2666 Gross Avenue, Green Bay, WI 54303. *Lawn, garden and snow removal equipment,* and (b) materials, equipment and supplies used in the manufacture of lawn, garden & snow removal equipment (except commodities in bulk) and those commodities which because of size and weight require the use of special equipment; between the facilities of Ariens Co., Inc. at or near Brillion, Calumet County, WI on the one hand, and, on the other, points in IL (on and north of U.S. Hwy 36) IN, MI and OH. For 180 days. Supporting shipper(s): Ariens Co., Inc., Brillion, WI 54110. Send protests to: C. R. Flemming, D/S, I.C.C., 225 Federal Building, Lansing, MI 48933.

MC 114569 (Sub-335TA), filed July 23, 1979. Applicant: SHAFFER TRUCKING INC., P.O. Box 418, New Kingstown, PA 17072. Representative: N. L. Cummins, (same address as applicant). *Foodstuffs (except in bulk),* from New York City, NJ; Jersey City, NJ and Phila., PA and their commercial zones to pts. in IL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s) Atalanta Corp., 17 Varick St., New York City, NY 10013. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 114569 (Sub-336 TA), filed July 27, 1979. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, PA 17072. Representative: N. L. Cummins (same as address applicant). *Meats, meat products, meat by-products, articles distributed by meat packinghouses (except hides and commodities in bulk), and materials and supplies used by meat packers in the conduct of their business (except commodities in bulk) as described in Sections A, C, and D of appendix to the Report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766,* between the facilities of Lauridsen Foods, Inc., at or near Britt, IA and the facilities of Armour and Co., at Mason City, IA on the one hand, and, on the other, points in the U.S. (except AK, AR, HI, LA, MI, MS, MN, and WI). Restricted to transportation of shipments originating at or destined to the facilities of Lauridsen Foods, Inc., at or near Britt, IA and the facilities of Armour and Co., at or near Mason City, IA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Armour and Co., Greyhound Tower, Phoenix, AZ 85077. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 114569 (Sub-337TA), filed July 30, 1979. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, PA 17072. Representative: N. L. Cummins (same address as applicant). *Pancake dry flour mix* from St. Charles, IL to Champaign, IL; St. Louis and Kansas

City, MO; Detroit, MI; Cleveland and Dayton, OH; Houston, San Antonio, and Dallas, TX; Indianapolis, IN; Omaha, NE; and Denver, CO., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): International House of Pancakes, Inc., 6837 Lankershim Blvd., N. Hollywood, CA 91605. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 117119 (Sub-765TA), filed August 1, 1979. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Representative: L. M. McLean (same address as applicant). *Such merchandise* as is dealt in by retail grocery stores and supermarkets (except foodstuffs and commodities in bulk) from the facilities of Contexx Corporation at Burlington, NC, to the facilities of Safeway Stores, Inc. at Los Angeles, San Francisco, Sacramento, and San Diego, CA; Portland, OR; Seattle and Spokane, WA; Butte, MT; Denver, CO; Omaha, NE; Salt Lake City, UT; Dallas, Houston, and EL Paso, TX; Kansas City, MO; Little Rock, AR; Tulsa and Oklahoma City, OK; and Phoenix, AZ for 180 days. Underlying ETA sought corresponding authority for 90 days. Supporting shipper(s): Contexx Corporation, P.O. Box 2748, Burlington, NC 27215. Send protests to: William H. Land, Jr., DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 117119 (Sub-766TA), filed August 6, 1979. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Representative: L. M. McLean (same address as applicant). *Desks, credenza, chairs, and file cabinets* from points in Los Angeles County, CA (Torrance, Bell Gardens, Vernon) and Arvin, CA to the facilities of Southworth, Inc. at Boise, Pocatello and Twin Falls, ID and Spokane, WA, for 180 days. Underlying ETA sought corresponding authority for 90 days. Supporting shipper(s): Southworth, Inc., 5200 Fairview Avenue, Boise, ID 83704. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 117639 (Sub-19TA), filed August 2, 1979. Applicant: PICK'S PACK HAULER, INC., 1214 East South Street, Hastings, Nebraska 68901. Representative: Lavern R. Holdeman, Peterson, Bowman & Johanns, 521 S. 14th Street, Lincoln, Nebraska 68501. Contract carrier, irregular routes: *(1) Building brick, fire brick, building tiles, and concrete blocks; (2) Materials and accessories used in the installation of the commodities listed in (1) above (except in bulk)* between points in the states of AR, KS, LA, MS, MO, OK and TX under contract with Acme Brick Company, a division of Justin Industries, Inc. for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Acme Brick Company, a division of Justin Industries, Inc., P.O. Box 425, 2821 West 7th St., Forth Worth, TX 76107. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th Street, Omaha, NE 68102.

MC 118159 (Sub-353TA), filed July 30, 1979. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 51366, Dawson Station, Tulsa, OK 74151. Representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, WI 54306. *Such commodities as are dealt in or used by wholsale and retail distributors of chemicals,* from Syracuse, NY, Groton, CT, Adams and Everett, MA, Searsport, ME, Bethlehem, Allentown, Philadelphia, and Pittsburgh, PA, Wilmington, DE, and points in NJ north of NJ Hwy 33, to the facilities of Moreland McKesson Chemical Company, at or near Richmond, VA, Greenville, Greensboro, and Charlotte, NC, Spartanburg, SC, Augusta and Atlanta, GA, Jacksonville and Tampa, FL, Birmingham and Mobile, AL, and Nashville, Chattanooga, Knoxville, and Kingsport, TN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Moreland McKesson Chemical Co., Drawer 2169, Spartanburg, SC 29304. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 118159 (Sub-354TA), filed August 6, 1979. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 51366, Dawson Station, Tulsa, OK 74151. Representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, WI 54306. *Garage doors and parts and accessories used in the manufacture and distribution of garage doors,* between the facilities of Clopay Corporation at or near Ada, OK, on the one hand, and, on the other, Ludlow, VT, Russia, OH, Orlando and Hialeah, FL, Cerritos, CA, and points in AL, AR, CO, IL, IA, KS, LA, MS, MO, NE, NM, OK, TN, & TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Clopay Corporation, 2300 B Street, Ada, OK 74820. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 118159 (Sub-355TA), filed August 8, 1979. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 51366, Dawson Station, Tulsa, OK 74151. Representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, WI 54306. *Such commodities as are dealt in or used by wholsale and retail distributors of chemicals,* from Houston, Bay City, Freeport, Texas City, Alvin, Dickinson, Sugar Land, Orange, and Port Arthur, TX, Westlake, Lake Charles, Baton Rouge, Plaquemine, Geismar, Gonzales, Bogalusa, Houma, and New Orleans, LA, and Hattiesburg, MS, to the facilities of Moreland McKesson Chemical Company, at or near Richmond, VA, Greenville, Greensboro, and Charlotte, NC, Spartanburg, SC, Augusta and Atlanta, GA, Jacksonville and Tampa, FL, Birmingham and Mobile, AL, and Nashville, Chattanooga, Knoxville, and Kingsport, TN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Moreland McKesson Chemical Co., Drawer 2169, Spartanburg, SC 29304. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 118159 (Sub-356TA), filed August 15, 1979. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 51366, Dawson Station, Tulsa, OK 74151. Representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, WI 54306. *Such commodities as are dealt in or used by wholsale and retail distributors of chemicals,* from Akron, Cinncinnati, Cleveland, Dover, Lockland, and Lima, OH, Detroit, Ludington, Midland, Manistee, and Kalamazoo, MI, Charleston, Belle, Nitro, Gallipolis, Ferry, Waverly, Sisterville, and Natrium, WV, Chicago, Joliet, and E. St. Louis, IL, St. Louis, MO, and Watertown, Rothschild, and Appleton, WI, to the facilities of Moreland McKesson Chemical Company at or near Richmond, VA, Greenville, Greensboro, and Charlotte, NC, Spartanburg, SC, Augusta and Atlanta, GA, Jacksonville and Tampa, FL, Birmingham, and Mobile, AL, and Nashville, Chattanooga, Knoxville, and Kingsport, TN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Moreland McKesson Chemical Co., Drawer 2169, Spartanburg, SC 29304. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 118159 (Sub-357TA), filed August 20, 1979. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 51366, Dawson Station, Tulsa, OK 74151. Representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, WI 54306. *Such commodities as are dealt in or used by wholsale and retail distributors of chemicals,* from the facilities of McKesson Chemical Company, at Dallas and Ft. Worth, TX, to Tulsa and Oklahoma City, OK, Little Rock, AR, Memphis, TN, Monroe, Baton Rouge, and New Orleans, LA, for 180 days. An underlying ETA seeks 90 days

authority. Supporting shipper(s): McKesson Chemical Company, 3525 N. Causeway Blvd., Metairie, LA 70002. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 118159 (Sub-358TA), filed August 6, 1979. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 51366, Dawson Station, Tulsa, OK 74151. Representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, WI 54306. *Such commodities as are dealt in by home improvement stores,* from the facilities of Artesian Industries, Inc., at Mansfield and Shelby, OH, to points in AR, CA, CO, FL, GA, KS, KY, LA, MS, MO, NC, OK, SC, TN, TX, & VA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Artesian Industries, Inc., 201 E. 5th Street, Mansfield, OH 44901. Send protests to: Connie Stanley, ICC, 215 N.W. 3rd, Rm. 240, Oklahoma City, OK 73102.

MC 118959 (Sub-238TA), filed August 3, 1979. Applicant: JERRY LIPPS, INC., 130 S. Frederick St., Cape Girardeau, MO 63701. Representative: Donald B. Levine, 39 S. LaSalle St., Chicago, IL 60603. *Containers and container ends,* from Marion and LaPorte, IN and Chicago, IL to MO and KY, restricted to traffic originating at the facilities of National Can Corporation, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): National Can Corporation, 8101 W. Higgins Rd. Chicago, IL 60631. Send protests to: P. E. Binder, TS, ICC, Rm. 1465, 210 N. 12th St., St. Louis, MO 63101.

MC 118959 (Sub-239TA), filed August 3, 1979. Applicant: JERRY LIPPS, INC., 130 S. Frederick St., Cape Girardeau, MO 63701. Representative: Marc J. Blumenthal, 39 S. LaSalle St., Chicago, IL 60603. *Wood fiberboard* and *accessories, materials* and *supplies* used in the manufacture, installation or distribution of *fiberboard, fiberboard faced* or *finished with decorative or protective materials, wood fiberboard* and *wood fiberboard products,* from points in TX, KY, PA, WI, LA, GA and NC to the facilities of Masonite Corporation at or near Laurel, MS. Restricted to the transportation of traffic destined to the named destination, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Masonite Corporation, P.O. Box 1048, Laurel, MS 39440. Send protests to: P. E. Binder, TS, ICC, Rm. 1465, 210 N. 12th St., St. Louis, MO 63101.

MC 118989 (Sub-227TA), filed August 7, 1979. Applicant: CONTAINER TRANSIT, INC., 5223 S. 9th St., Milwaukee, WI 53221. Representative: Rolland K. Draves (same address as applicant). *Glass containers,* from Dolton, IL to points in WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Metropak Containers Corp., 1099 Wall St. W., Lyndhurst, NJ 07071. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 119099 (Sub-28TA), filed August 8, 1979. Applicant: BJORKLUND TRUCKING, INC., First Avenue Northeast & 8th Street, Buffalo, MN 55313. Representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, MN 55402. (1) *Treated lumber* from the facilities of Timber Wholesalers at or near Willmar, MN to points in MT, ND, SD, NE, IA and WI; and (2) *Lumber* from Hulett and Osage, WY and Spearfish, SD to the facilities of Timber Wholesalers at or near Willmar, MN, for 180 days. Supporting shipper(s): Timber Wholesalers, Clara City, MN 56222. Send protests to: Judith L. Olson, TA, ICC, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 119789 (Sub-622TA), filed August 2, 1979. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Representative: James K. Newbold, Jr. (same address as above). *Non-alcoholic cocktail mixes, in containers,* from Long Beach, CA to AR, LA, and TX for 180 days. Underlying ETA seeks 90 days filed. Supporting shipper(s): Glazer's Wholesale Drug, P.O. Box 1768, Dallas, TX 75221. Send protests to: Opal M. Jones, TCS, Interstate Commerce Commission, 9A27 Federal Building, 819 Taylor St., Ft. Worth, TX 76102.

MC 121489 (Sub-17TA), filed August 8, 1979. Applicant: NEBRASKA-IOWA XPRESS, INC., 3219 Nebraska Avenue, Council Bluffs, IA 51501. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. *Meats, meat products and meat by-products and articles distributed by meat packinghouses as described in Descriptions in Motor Carrier Certificates Appendix I, Sections A and C of 61 M.C.C. 209 and 766* from Denver, CO and points in its commercial zone to points in IL, WI, MN, MO, IA, KS, NE, ND and SD for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): (1) Flavorland Industries, Inc., 5590 High St., Denver, CO 80216; (2) Gold Star Beef Co., 4810 Newport, Commerce City, CO 80022. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 121649 (Sub-8TA), filed August 7, 1979. Applicant: MILAN EXPRESS, INC., P.O. Box 439, Milan, TN 38358. Representative: Walter Harwood, P.O. Box 15214, Nashville, TN 37215. *Common Carrier; regular routes; General commodities, except classes A and B explosives, household goods, commodities in bulk, and those requiring special equipment;* between Milan, Huntingdon and Nashville, TN: (1) From Milan via U.S. Hwy 70A to Huntingdon then via Tennessee Hwy 22 to junction with I40, then via I40 to Nashville, and return over the same route, serving Huntingdon as an intermediate point, (2) From Milan via U.S. Hwy 45E to junction with U.S. Hwy 45, then via U.S. Hwy 45 to junction with I40, then via I40 to Nashville, and return over the same route, serving no intermediate points, for 180 days. The applicant seeks authority to interline traffic with other carriers at Nashville, TN and to serve the commercial zones of the three named points. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are 21 supporting shippers to this application. Send protests to: Floyd A. Johnson, 100 North Main St.—Suite 2006, Memphis, TN 38301.

MC 121699 (Sub-2TA), filed July 30, 1979. Applicant: VOLUNTEER EXPRESS, INC., 1220 Faydure Court, Nashville, TN 37211. Representative: Walter Harwood, P.O. Box 15214, Nashville, TN 37211. *Common carrier:* regular route: *general commodities, except Classes A and B explosives, household goods, commodities in bulk, and articles requiring special equipment* between Nashville, TN and Bruceton and Huntingdon, TN; (1) from Nashville via Hwy 70 to Huntingdon, TN, and return over the same route serving Bruceton as an intermediate point; and (2) from Nashville via I40 to junction TN Hwy 22, then via TN Hwy 22 to Huntingdon then via U.S. Hwy 70 to Bruceton, and return over the same route, serving Huntingdon as an intermediate point, for 180 days. An underlying ETA seeks 90 days authority. Applicant proposes to interline at Nashville, TN. Supporting shipper(s): There are 26 shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: Glenda F. Kuss, T/A, ICC, Federal Bldg., 801 Bdwy., A422, Nashville, TN 37203.

MC 121699 (Sub-3TA), filed August 9, 1979. Applicant: VOLUNTEER EXPRESS, INC., 1220 Faydur, Nashville, TN 37211. Representative: Walter Harwood, P.O. Box 15214, Nashville, TN 37215. *General commodities, except*

Classes A and B explosives, household goods, commodities in bulk, and articles requiring special equipment, between Memphis, TN and Bruceton, TN (1) from Memphis via I–40 to junction TN Hwy 22, thence via TN Hwy 22 to Huntingdon, thence via Hwy 70 to Bruceton and return over the same route, serving no intermediate points, and (2) from Memphis via I–40 to junction US Hwy 45, thence via US Hwy 45 to junction US Hwy 45E, thence via US Hwy 45E to junction TN Hwy 54, thence via TN Hwy 54 to Dresden, thence via TN Hwy 22 to junction US Hwy 70, thence via US Hwy 70 to Bruceton, and return over the same route serving no imtermediate points, for 180 days. Note: Applicant proposes to interline at Memphis, TN and will serve the commercial zone of Bruceton, and that part of the commercial zone of Memphis which lies in TN. An underlying ETA seeks 90 days authority. Supporting shipper(s): "There are 6 shippers. Their statements may be examined at the office listed below and headquarters." Send protests to: Glenda Kuss, TA, ICC, Suite A–422, U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 124679 (Sub-103TA), filed August 9, 1979. Applicant: C. R. ENGLAND & SONS, INC., 975 West 2100 South, Salt Lake City, UT 84119. Representative: Daniel E. England (same address as applicant). *Foodstuffs,* from the facilities of Sun Maid Raisins at Kingsburg and Fresno, CA to points in the U.S., excluding AK and HI, for 180 days. Supporting shipper(s): Sun-Land Marketing, Inc., 3000 Sand Hill Road, Menlo Park, CA 94025. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 124839 (Sub-46TA), filed August 1, 1979. Applicant: BUILDERS TRANSPORT, INC., P.O. Box 7057, Savannah, GA 31408. Representative: B. M. Shirley, P.O. Box 7057, Savannah, GA 31408. *Contract carrier,* irregular routes, *transporting building materials and equipment, materials and supplies used in the distribution or manufacture of building materials, except commodities in bulk,* between Newark, OH on the one hand, and, on the other, points in AL, AR, FL, GA, KY, LA, MD, MS, NC, OK, SC, TN, TX, VA, WV, and DC under continuing contract(s) with Pyronics, Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Pyronics, Inc., 17700 Miles Avenue, Cleveland, OH 44128. Send protests to: Jean King, TA, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 125689 (Sub-6TA), filed August 8, 1979. Applicant: BEATTYVILLE TRANSPORT, INC., P.O. Box 357, Catlettsburg, KY 41129. Representative: Oakie G. Ford (same address as above). *Asphalt and asphalt products,* in bulk, in tank vehicles, from the facilities of Koppers Co., Inc., at Marietta, OH, to points in WV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Clinton E. Appleby, Koppers Company, Inc., 850 Koppers Bldg., Pittsburgh, PA 15219. Send protests to: (Ms.) Clara L. Eyl, T/A, ICC, 426 Post Office Bldg., Louisville, KY 40202.

MC 128539 (Sub-14TA), filed August 9, 1979. Applicant: EAGLE TRANSPORT CORP., P.O. Box 4508, Rock Mount, NC 27801. Representative: Robert J. Corber, 1747 Pennsylvania Ave., NW, Washington, DC 20006. *Terephthalic acid, in bulk, in tote bins, or in hopper-type vehicles* from Decatur, AL and points in Berkeley County, SC, to those points in the US on and east of a line beginning at the mouth of the Mississippi River to its junction with the western boundary of Itasca and Koochiching Counties, MN, to the International Boundary between the United States and Canada for 180 days. Supporting shipper(s): Amoco Chemicals Corp., 200 E. Randolph Dr., Chicago, IL. Send protests to: Terrell Price, 800 Briar Creek Rd., Rm. CC516, Charlotte, NC 28205.

MC 128909 (Sub-19TA), filed March 7, 1979. Applicant: COMMODORE CONTRACT CARRIERS, INC., 400 West Brooklyn Avenue, Syracuse, IN 46567. Representative: Leonard A. Jaskiewicz, 1730 M Street, NW, Suite 501, Washington, DC 20036. Contract carrier: Irregular routes: (1) Trailers designed to be drawn by passenger automobiles; buildings and sections, mounted on wheeled undercarriages with hitchball connectors; buildings in sections, and parts, appliances, furniture, and accessories, when moving in trailers, designed to be drawn by passenger automobiles and buildings and sections; and (2) damaged, defective, repurchased or repossessed trailers designed to be drawn by passenger automobiles, buildings and sections, parts, appliances, furniture and accessories and (3) wheels, axles and hitches, (1) between Syracuse, IN on the one hand, and on the other points in MO, WV, PA, IA, WI, OH, IL, MI, KY and Texarkana, TX and (2) between Texarkana, TX on the one hand, and on the other points in AR, LA, OK, NM and Syracuse, IN, for 180 days. Under contract with The Commodore Corporation at Syracuse, IN. Supporting shipper: The Commodore Corporation, P.O. Box 295, Syracuse, IN 46567. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm 429 Indianapolis, IN 46204. An underlying ETA seeks 90 days authority.

MC 133689 (Sub-302TA), filed August 7, 1979. Applicant: OVERLAND EXPRESS, INC., 719 First Street, Southwest, New Brighton, MN 55112. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Containers and lids, metal,* from Baltimore, MD to Gaylord, MN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Independent Can Co., 1001 South Lakewood Avenue, Baltimore, MD 21224. Send protests to: Judith L. Olson, TA, ICC, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 133689 (Sub-303TA), filed August 6, 1979. Applicant: OVERLAND EXPRESS, INC., 719 First Street, Southwest, New Brighton, MN 55112. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. *Flour* from New Prague, Wabasha and New Ulm, MN to points in MI, IL, IN, OH, NY, KY, and WI, for 180 days. Supporting shipper(s): International Multifoods Corporation, 1200 Multifoods Building, Minneapolis, MN 55402. Send protests to: Judith L. Olson, TA, ICC, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 133959 (Sub-14TA), filed July 13, 1979. Applicant: LEWIS ALBAUGH AND MELVIN ALBAUGH, d.b.a., ALBAUGH TRUCK LINE, 123 Main Street, Elkart, IA 50073. Representative: Thomas E. Leahy, 1980 Financial Center, Des Moines, IA 50309. Contract carrier, irregular routes. *Such merchandise as is dealt in by wholesale and retail department stores,* between Des Moines, IA and Charleston, WV, and from points in IN, KY, OH, PA, MI, VA, WV, to the facilities of Ardan Wholesale, Inc. in IL and IA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ardan Wholesale Inc., 2320 Euclid, Des Moines, IA 50309. Send protests to: Herbert W. Allen, ICC, 518 Federal Bldg Des Moines, IA.

MC 138469 (Sub-164TA), filed July 30, 1979. Applicant: DONCO CARRIERS, INC., 4720 W. 20th Street, Oklahoma City, OK 73128. Representative: Jack H. Blanshan, Attorney at Law, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. *Fresh meats and packinghouse products,* (except hides and commodities in bulk), from the facilities of Wilson Foods Corporation, located at Marshall, MO, to points in KY, TN, and

VA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Wilson Foods Corporation, 4545 Lincoln Blvd., Oklahoma City, OK 73105. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 138469 (Sub-165TA), filed August 1, 1979. Applicant: DONCO CARRIERS, INC., 4720 S.W. 20th St., Oklahoma City, OK 73128. Representative: Jack H. Blanshan, 200 West Touhy Ave., Suite 200, Park Ridge, IL 60068. *Alcoholic beverages*, except in bulk, from points in CA, IL, KY, MI, NJ, NY, OH, & TN, to the facilities of Central Liquor Company located at Oklahoma City, OK, restricted to the transportation of traffic originating at the named origins and destined to the indicated destinations, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Central Liquor Company, 4001 N.W. 3rd St., Oklahoma City, OK 73147. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 138469 (Sub-166TA), filed August 1, 1979. Applicant: DONCO CARRIERS, INC., 4720 S.W. 20th St., Oklahoma City, OK 73128. Representative: Jack H. Blanshan, 205 West Touhy Ave., Suite 200, Park Ridge, IL 60068. (1) *Commodities dealt in and sold by food business houses*, (except meat and commodities in bulk); and (2) *exempt commodities*, when moving in mixed loads with those commodities named in part one above from, (A) CA, ME, OR, TX, UT, WA, & WI, to Oklahoma City, OK and Liberal, KS; and (B) from the facilities of Allied Supermarkets, Inc., at Oklahoma City, OK, to Liberal, KS, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Allied Supermarkets, Inc., P.O. Box 14525, Oklahoma City, OK 73113. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 138469 (Sub-167TA), filed August 1, 1979. Applicant: DONCO CARRIERS, INC., 4720 S.W. 20th St., Oklahoma City, OK 73128. Representative: Jack H. Blanshan, 205 West Touhy Ave., Suite 200, Park Ridge, IL 60068. *Alcoholic beverages*, except in bulk, from (1) IL, KY, MI, NJ, NY, OH, OK, & TN, to points in CA; and (2) from the facilities of Central Liquor Company at Oklahoma City, OK, to points in WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Central Liquor Company, 4001 N.W. 3rd, Oklahoma City, OK 73147. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 138469 (Sub-168TA), filed August 3, 1979. Applicant: DONCO CARRIERS, INC., 4720 S.W. 20th St., Oklahoma City, OK 73128. Representative: Jack H. Blanshan, 205 West Touhy Ave., Suite 200, Park Ridge, IL 60068. *Sales aids*, from Phoenix, AZ, to the facilities of Shaklee Corporation, at Hayward, CA, Atlanta, GA, Chicago, IL, Dayton, NJ, and Dallas, TX, restricted to the transportation of traffic originating at the named origin and destined to the indicated destination, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Shaklee Corporation, 1900 Powell St., Emeryville, CA 94608. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 142279 (Sub-5TA), filed August 10, 1979. Applicant: RAY REICH d.b.a. RAY REICH TRUCKING, Route 1, Box 133F, Forest Hill, LA 71430. Representative: Timothy Mashburn, 1806 Rio Grande, Austin, TX 78768. Applicant is seeking authority to operate as a *contract carrier* over irregular routes: *Forest products, lumber products and wood products*, between points in Rapides Parish, LA on the one hand, and on the other, points in TN, for 180 days, under a continuing contract or contracts with Roy O. Martin Industries, Inc. of Alexandria, LA. Supporting shipper(s): Roy O. Martin Industries, Inc., P.O. Box 7798, Alexandria, LA 71306. Send protests to: Robert J. Kirspel, DS, ICC, T-9038 Federal Bldg., 701 Loyola Ave., New Orleans, LA 70113.

MC 144789 (Sub-2TA), filed August 14, 1979. Applicant: SUZANNE V. KING d.b.a. ERNIES MOBILE HOME TRANSPORT, 5779 Feather River Blvd., Marysville, CA 95901. Representative: Louis E. Hall, Jr., Ph: (916) 742-6974 (same address as applicant). *Trailers designed to be drawn by passenger automobiles and Buildings, complete or in sections mounted on wheeled undercarriages*, from plant of Lancer Homes Inc., at/near Marysville, CA to points in WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Lancer Homes Inc., 1401 Melody Rd., Marysville, CA 95901. Send protests to: A. J. Rodriguez, 211 Main Street, Suite 500, San Francisco, CA 94105.

MC 145499 (Sub-4TA), filed July 9, 1979. Applicant: R.M.S. INC. OF WISCONSIN, P.O. Box 249, County Trunk F, Edgerton, WI 53534. Representative: James Spiegel, 6425 Odana Rd., Madison, WI 53719. *New truck semi-trailers in driveaway service* from Elmhurst, IL to Madison, WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Badger Utility, Inc., Route 1, Box 466-C3, Madison, WI 53704. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 145579 (Sub-9TA), filed August 6, 1979. Applicant: D. IRVIN TRANSPORT LIMITED, Box 8, Station T, Calgary, AB, Canada T2H 2G7. Representative: Charles E. Johnson, P.O. Box 1982, Bismarck, ND 58501. *Combines* from Independence, MO, to port of entry on the International Boundary line between the U.S. and Canada located at or near Sweetgrass, MT, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Orange Power Machinery, Ltd., Box 1929, Taber, AB, Canada TOK 2GO. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 146049 (Sub-7TA), filed June 28, 1979. Applicant: SOLAR TRUCKING, INC., 211 8th St., Perrysburg, OH 43551. Representative: Arthur R. Cline, 420 Security Bldg., Toledo, OH 43604. *Ferrous and non-ferrous metals, including loose or baled scrap, in dump vehicles*, between points in and east of MN, IA, NE, CO, and NM, on the one hand, and, on the other, points in the United States, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Aaron Ferer & Sons Co., 909 Abbott Dr., Omaha, NE. Send protests to: D/S, ICC, 101 N. 7 St., Philadelphia, PA 19106.

MC 146409 (Sub-6TA), filed August 15, 1979. Applicant: WESTSHIP TRUCKING, INC., 3980 Quebec, Suite 113, Denver, CO 80207. Representative: Steve Simon (same address as above). *Common carrier, general commodities*, excepting: Livestock, articles of unusual value, Household goods: between ports in the states of New York, Delaware, Maryland, Massachusetts, Rhode Island, Virginia, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, California, Oregon and Washington on the one hand and on the other, points and places in the states of Arizona, Arkansas, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Utah, West Virginia, Wisconsin, and Wyoming, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): (Six supporting shippers.) Send protests to: R. Buchanan, 492 U.S. Customs House, Denver, CO 80202.

MC 146519 (Sub-6TA), filed April 25, 1979. Applicant: CALIANA MARKETING, INC., 2120 Prarieton Road, Terre Haute, IN 47802.

Representative: Robert W. Loser, II, 1009 Chamber of Commerce Building, Indianapolis, IN 46204. *Dry corn products, except in bulk,* from the facilities of Illinois Cereal Mill, Inc. at or near Paris, IL to points in AR, OK, LA, and TX for 180 days. Restriction: Restricted to service performed pursuant to a continuing contract or contracts with Illinois Cereal Mill, Inc., Paris, IL. Supporting Shipper: Illinois Cereal Mill, Inc., Paris, IL. Send protests to : Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm 429, Indianapolis, IN 46204. An underlying ETA seeks 90 days authority.

MC 146639 (Sub-2TA), filed July 20, 1979. Applicant: THE LIMITED STORES, INC., One Limited Parkway, Columbus, OH 43216. Representative: Edward F. Schiff, 1333 New Hampshire Ave. NW, Washington, D.C. 20036. Contract carrier, irregular routes: *Fashion merchandise as is dealt in by retail department stores* (except commodities in bulk, in tank vehicles) from Miami, FL, Smithville, TN, and Andalusa, AL, to Woburn, MA, under continuing contract(s) with Mast Industries, a wholly owned subsidiary of The Limited Stores, Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Mast Industries, Inc., 270 W. Cummings Park, Woburn, MA 01801. Send protests to: D/S, ICC, 101 N. 7 St., Philadephia, PA 19106.

MC 146639 (Sub-3TA), filed June 25, 1979. Applicant: THE LIMITED STORES, INC., One Limited Parkway, Columbus, OH 43216. Representative: Edward F. Schiff, 1333 New Hampshire Ave. NW, Washington, D.C. 20036. Contract carrier: irregular routes: *such merchandise as is dealt in by retail department stores, and equipment, materials and supplies used in the conduct of such business (except commodities, in bulk, in tank vehicles),* from Los Angeles, CA to Cincinnati, Columbus and Worthington, OH, under continuing contract or contracts with Gold Circle Stores, Shillitos and The Rike-Kumler Co., all divisions of Federated Department Stores, Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): The Rike-Kumler Co., 2nd & Main St., Dayton, OH 45401; Shillitos, 5121 Fishwick Dr., Cincinnati, OH 45216; Gold Circle Stores, 6121 Huntley Rd., Worthington, OH 43085. Send protests to: D/S, I.C.C., 101 N. 7th St., Philadelphia, PA 19106.

MC 146719 (Sub-4TA), filed July 12, 1979. Applicant: MATERIAL DELIVERY SERVICE, INC., County Road 26, P.O. Drawer F, Alabaster, AL 35007. Representative: Charles N. Schueler, Route 1, Box 312, Wilsonville, AL35186. *Cement, in bags and in bulk, and lime, in bags,* from the facilities of National Cement Company at Ragland, AL, to GA, IN, MS, and FL. For 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): National Cement Company, 110 Office Park Drive, Birmingham, AL 35223. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616–2121 Building, Birmingham, AL 35203.

MC 146769 (Sub-2TA), filed May 18, 1979. Applicant: STEWARD CORP. dba TRANSINTERNATIONAL SYSTEM, 800 North High St., P.O. Box 109, Worthington, OH 43085. Representative: Manuel A. Lojo, 1646 West Lane Ave., Columbus, OH 43221. *General Commodities (except commodities of unusual value, dangerous explosives, household goods as defined by the Commission, and commodities requiring special equipment),* between Columbus, OH, on the one hand, and, on the other, point in OH for 180 days. Restricted to traffic having a prior or subsequent movement by railroad in foreign commerce. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Rockwell International, Marysville, OH 43040; Ohio Steel Tube Co., W. Main St., Shelby, OH. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 147069 (Sub-4TA), filed July 5, 1979. Applicant: CAL THERMO EXPRESS, INC., 17327 Ventura Blvd., Suite 301, Encino, CA 91316. Representative: Milton R. Snelson (same address as applicant). *Commodities used in the manufacture of plastic articles (except in bulk), and plastic articles; and Chemicals and chemical compounds (except in bulk), in straight or mixed shipments,* (1) Between points in CA, on the one hand, and, on the other, points in TX, LA, OK, KS, MO, AR, and points east of the Mississippi River, and (2) Between points in TX, LA, OK, KS, AR, MO, and points east of the Mississippi River, for 180 days. Supporting shipper(s): Cal Thermoplastics, Inc., 17327 Ventura Blvd., Suite 301, Encino, CA 91316. Send protests to: Irene Carlos, TA, ICC, P.O. Box 1551, Los Angeles, CA 90053.

MC 147379 (Sub-2TA), filed June 7, 1979. Applicant: GERALD LEE WEBER, AN INDIVIDUAL d.b.a. JERRY WEBER TRUCKING, P.O. Box N, Akron, CO 80720. Representative: Nancy P. Bigbee, Jones, Meiklejohn, Kehl and Lyons, 1600 Lincoln Center Bldg., 1660 Lincoln St., Denver, CO 80264. *Contract* carrier: irregular routes: *Malt beverages* from Ft. Worth, TX to Longmont, CO for 180 days. Underlying ETA seeks 90 days authority. Supporting Shipper: Continental Beverage Corp., 1850 Lefthand Circle, Box 951, Longmont, CO 80501. Send protests to: Roger L. Buchanan, ICC, 492 U.S. Customs House, 721 19th St., Danver, CO 80202. Supporting shipper(s): Continental Beverage Corp., 1850 Lefthand Circle, Box 951, Longmont, CO. Send protests to: D/S Roger L. Buchanan, Interstate Commerce Commission, 721 19th St., 492 U.S. Customs House, Denver, CO 80202.

MC 147409 (Sub-4TA), filed July 30, 1979. Applicant: THE SPRINGFIELD TRANSPORTATION CO., 3200 Columbiana Rd., New Springfield, OH 44443. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215. *Hot rolled iron and stell products* from the facilities of Franklin Steel Co. at or near Franklin, PA, to points in the US except AK and HI, and use *railroad rails* in the reverse direction for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Franklin Steel Co., Allegheny Ave., Franklin, PA 16323. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 147409 (Sub-5TA), filed June 25, 1979. Applicant: THE SPRINGFIELD TRANSPORTATION CO., 3200 Columbiana Rd., New Springfield, OH 44443. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH 43215. (1) *Such commodities as are dealt in or used by manufacturers of steel pipe and tubing,* except in bulk, between the facilities of Youngstown Welding & Engineering Co. at Youngstown, OH, on the one hand, and, on the other, points in and east of ND, SD, NE, KS, OK, TX, and (2) *such commodities as are dealt in or used by manufacturers of finished steel products,* except in bulk, between the facilities of Industrial Steel Co. at Niles and Youngstown, OH, on the one hand, and, on the other, points in and east of ND, SD, NE, KS, OK, TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Industrial Steel Co., Inc., 1160 Hubbard Rd., Youngstown, OH 445501. The Youngstown Welding & Engineering Co., 3700 Oakwood Ave., Youngstown, OH 44509. Send protests to: ICC, Fed. Res. Bank Bldg., 101 N. 7th St., Room 620, Phila., PA 19106.

MC 147409 (Sub-6TA), filed June 27, 1979. Applicant: THE SPRINGFIELD TRANSPORTATION CO., 3200 Columbiana Rd., New Springfield, OH 44443. Representative: Boyd B. Ferris, 50 W. Broad St., Columbus, OH. 43215. *(1) Such commodities as are dealt in or used by manufacturers of tractor cabs, except in bulk,* between the plantsites and facilities of Sims Mfg. Co., Inc., at Rutland, MA; Payne, OH; Rock Falls, IL;

and pts. on the US Canadian border at or near Rooseveltown, NY, on the one hand, and, on the other, pts. in the US, except AK and HI, restricted to the trans. of shipments originating at or destined to the named pts.; and (2) *such commodities as are dealt in or used by manufacturers of hand tools, except in bulk*, between Columbiana and Warren, OH and Fayettville, AR, on the one hand, and, on the other, pts. in the US except AK and HI, Restricted to the trans. of shipments originating at or destined to the named pts., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Sims Manufacturing Co., Inc., East Main St., Rutland, MA 01543, The Harrold Tool Co. Inc., State Route 344, Columbiana, OH 44408, Warren Tool Div., Griswald St, Ext., Warren, OH 44482. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 147419 (Sub-2TA), filed April 23, 1979. Applicant: GAUB TRANSPORTATION, INC., 3987 Hilldale Avenue, Oroville, CA 95967. Representative: David P. Christianson, Knapp, Grossman & Marsh, 707 Wilshire Boulevard, Suite 1800, Los Angeles, CA 90017. Phone: 213–627–8471. *Contract carrier*, irregular routes: *Prefabricated Log Buildings*, and materials and supplies used in the construction, installation and erection of the above, between the facilities of Sierra Log Homes, Inc. in Lyon County, NV, on the one hand, and on the other, points in CA, AZ, NM, UT, OR, WA, ID, WY, MT, CO and TX, for 180 days. An underlying ETA seeking 90 days is pending. Supporting shipper(s): Sierra Log Homes, Inc., P.O. Box 2080, Carson City, NV 89701. Send protests to: A. J. Rodriguez, DS, ICC, 211 Main Street, Suite 500, San Francisco, CA 94105.

MC 147459 (Sub-2TA), filed June 11, 1979. (New Applicant). Applicant: WADE JONES CO., INC., 1100 Shaver Road, Springdale, AR 72764. Representative: Michael H. Mashburn, 111 Holcomb, P.O. Box 869, Springdale, AR 72764. Defluorinated rock phosphate (in bulk), from Van Buren, AR to Fort Smith, AR and its commercial zone; Westville, OK and points in Washington and Benton Counties, AR, for 180 days as a contract carrier over irregular routes. Supporting shipper(s): International Minerals & Chemical Corp., 421 E. Hawley Street, Mundelein, IL 60060. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

MC 147479 (Sub-2TA), filed June 13, 1979. Applicant: MELODY HOME TRANSPORTATION CO., P.O. Box 1227, Fort Worth, TX 76101. Representative: M. Ward Bailey, 2412 Continental Life Bldg., Fort Worth, TX 76102. Contract Carrier, irregular routes, transports *mobile homes, house trailers, buildings in sections, and modular structures moving as wheeled undercarriages and equipment materials and supplies and appurtenances incidental thereto* between the plantsite of Melody Home Manufacturing Company on Hicks Field, North of Saginaw, TX and points in AL, AZ, AR, CO, KS, LA, MS, MO, MT, NE, NV, NM, OK, TN, UT, & WY, for 180 days. Supporting shipper(s): Melody Home Manufacturing Co., P.O. Box 1227, Fort Worth, TX 76101. Send protests to: Martha A. Powell, Transportation Assistant, I.C.C., Room 9A27 Fed. Bldg., 819 Taylor St., Fort Worth, TX 76102.

MC 147549 (Sub-1TA), filed July 2, 1979. Applicant: ROADAIR LEASING, INC., 3999 Erie Ave., Cincinnati, OH 45208. Representative: James D. Ferguson, 6520 Rollymeade Ave., Cincinnati, OH 45243. *Contract; Irregular: Merchandise as is dealt in by retail drug stores and supplies, equipment, and material used in the conduct thereof* between Louisville, KY and Cleveland, TN on the one hand, and on the other, all points in the states of AR, IL, IN, KS, KY, LA, MI, MO, OH, OK, TN, and TN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): SupeRx Drugs, Inc., 175 Tri-County Pkwy., Cincinnati, OH 45246. Send protests to: ICC, Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 147559 (Sub-1TA), filed August 9, 1979. Applicant: SHEPPARD-WOOD VAN & STORAGE, INC., No. 4 Seventeenth Avenue South, Namap, ID 83651. Representative: Michael L. Scott (same as above). *General Commodities*, except items of unusual value, household goods, commodities in bulk, explosives, from Namap ID to points in Idaho in and South of Idaho County, and Malhur County, OR, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Bemis Manufacturing Company, 300 Mill Street, Sheboygan Falls, WI 53085; Interstate Express, Inc., 120 Apollo St., Brookly, NY 11222. Send protests to: Barney L. Hardin D/S, ICC, Suite 110, 1471 Shoreline Dr., Boise, ID 83702.

MC 147629 (Sub-1TA), filed July 17, 1979. Applicant: SONIC DELIVERY, INC., WV Route 31 at Airport Rd., Williamstown, WV 26187. Representative: James Duvall, 220 W. Bridge St., Dublin, OH 43017. *Contract carrier:* Irregular routes: *Textiles, textile articles and materials, equipment, parts, and supplies used in the manufacture, sale and distribution of textiles and textile articles*, between Troy, NH, Bloomsburg, PA, and Harrisville, WV, on the one hand, and on the other, pts. in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, WI, and DC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Troy Mills, Inc., 625 N. Penn Ave., Harrisville, WV 26362. Send protests to: ICC, Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 147629 (Sub-2TA), filed July 17, 1979. Applicant: SONIC DELIVERY, INC., WV Route 31 at Airport Road, Williamstown, WV 26187. Representative: James Duvall, 220 W. Bridge St., Dublin, OH 43017. *Contract; irregular: materials, equipment, parts and supplies used in the manufacture, sale and distribution of aluminum and aluminum articles*, between the facilities of Ormet Corp., at or near Hannibal, OH, on the one hand, and, on the other, pts. in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NH, NJ, NY, NC, PA, RI, SC, TN, VT, VA, WV, WI, and DC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ormet Corp., P.O. Box 176, Hannibal, OH 43931. Send protests to: ICC, Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 147669 (Sub-1TA), filed July 23, 1979. Applicant: JAMES M. McNITT, d.b.a. JIM McNITT PRODUCE, 8236 Amelia Drive, Jension, MI 49428. Representative: J. Michael Smith, 465 Old Kent Building, Grand Rapids, MI 49503. *Bananas and agricultural commodities* exempt from economic regulations under Section 10526(a)(6)(B) of the Interstate Commerce Act when transported in mixed loads with bananas from the facilities of Turbana Bana Corporation at or near Tampa, FL to points in Detroit and Grand Rapids, MI and their commercial zones. For 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Turbana Banana Corporation 2701 Lejeune Road, Coral Gables, FL 33134. Send protests to: C. R. Flemming, D/S, ICC, 225 Federal Building, Lansing, MI 48933.

MC 147679 (Sub-1TA), filed July 30, 1979. Applicant: CAT LINE, INC., 800 North Grant Street, Addison, IL 60101. Representative: James R. Madler, 120 West Madison Street, Chicago, IL 60602. *Contract carrier:* irregular routes: *General Commodities* (except Classes A & B explosives, household goods, and commodities in bulk) between the

facilities of Jantzen International Ltd., Des Plaines, IL and the facilities of C & L Warehouse, Villa Park, IL on the one hand, and, and on the other, points in the U.S. (except AK and HI), under a continuing contract with Jantzen International, Ltd., Des Plaines, IL and C & L Warehouse, Villa Park, IL for 180 days. An underlying ETA was submitted seeking 90 days authority. Supporting shipper(s): C & L Warehouse, 215 Adele, Villa Park, IL 60681; Jantzen International, Ltd., 55 Armstrong Rd., Des Plaines, IL 60018. Send protests to: Annie Booker, TA, Interstate Commerce Commission, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 147689 (Sub-1TA), filed July 13, 1979. Applicant: MEL MOTOR EXPRESS, INC., P.O. Box 29058, New Orleans, LA 70189. Representative: James T. Harmon, III (same address as applicant). Applicant is seeking authority as a *contract* carrier over irregular routes transporting *sugar, in bags and packages, and condiments, in individual servings,* from the plantsite of Godchaux-Henderson Sugar Company, Inc., located at Reserve, LA and its warehouses to points in the states of LA, MS, AL, AR, TN, TX, SC, NC, WV, VA, IN, IL, KY, OH, MO, GA, and *the return of materials and supplies* to the plantsite of Godchaux-Henderson Sugar Company, Inc. located at Reserve, LA and is warehouses, for 180 days. Restricted to the account of Godchaux-Henderson Sugar Company, Inc., and against bulk. Applicant has filed an underlying ETA seeking 90 days. Supporting shipper(s): Godchaux-Henderson Sugar Co., P.O. Drawer AM, Reserve, LA 70084. Send protests to: Robert J. Kirspel, DS, ICC, T-9038 Federal Bldg., 701 Loyola Ave., New Orleans, LA 70113.

MC 147699 (Sub-1TA), filed July 16, 1979. Applicant: DOWNING EXPRESS, INC., R.R. 2, Lot 34, Tuscola, IL 61953. Representative: Paul Maton, 10 S. LaSalle St., Chicago, IL 60603. *Contract carrier:* irregular routes: *Mobile office trailers,* between the facilities of Whitley Mfg. Corp., located at or near South Whitley, IN and points in IL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Williams Mobile Office, Inc., 2425 Hamilton Rd., Elk Grove Village, IL 60005. Send protests to: David Hunt, TA, Rm. 1386, 219 S. Dearborn St., Chicago, IL 60604.

MC 147709 (Sub-1TA), filed July 18, 1979. Applicant: MONTANA TRANSPORT COMPANY, P.O. Box 860, Billings, MT 59103. Representative: Charles E. Johnson, P.O. Box 1982, Bismarck, ND 58501. Contract carrier, irregular routes: *Roofing and roofing materials and accessories* and *metal doors,* from Minneapolis and Shakopee, MN, and Waukegan and Chicago, IL to points in MT, restricted to a transportation service to be performed under a continuing contract(s) with Lumber Yard Supply, Great Falls, MT and Empire Building Materials, Inc., Bozeman, MT, for 180 days. An underlying ETA seeking 90 days authority. Supporting shipper(s): Lumber Yard Supply, P.O. Box 1419, Great Falls, MT 59403 Empire Building Materials, Inc., P.O. Box 220, Bozeman, MT 59715. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 147809 (Sub-2TA), filed July 25, 1979. Applicant: EARL L. ERDNER, INC., Box 240, Woodstown, NJ 08098. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street, NW, Washington, DC 20001. *Canned foods and dried fruits.* Between points in Salem and Gloucester Counties, NJ, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Del Monte Corporation, P.O. Box 3575, San Francisco, CA 94119. Send protests to: Joel Morrows, D/S, ICC, 744 Broad St., Room 522, Newark, NJ 07102.

MC 147839 (Sub-3TA), filed July 31, 1979. Applicant: bib ENTERPRISES, INC., 401 West 9th South, Salt Lake City, UT 84101. Representative: Miss Irene Warr, 430 Judge Building, Salt Lake City, UT 84111. *Contract carrier:* Irregular routes: (1) *Fertilizer and pesticides and materials and supplies used in the manufacture and distribution thereof* (a) from CA, OR and WA to Salt Lake County, UT (b) from Salt Lake County, UT to CO, ID, MT, WA, AZ, NM, NV, and WY. (2) *Packaged snow and ice melter* from Salt Lake County, UT to WI, OK, IS, MO, IA, IL, ND, SD, NE and MN. Under continuing contract or contracts with Morgro Chemical, Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Morgro Chemical, Inc., 145 West Central Avenue, Salt Lake City, UT 84107. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 147839 (Sub-4TA), filed July 31, 1979. Applicant: bib ENTERPRISES, INC., 401 West 9th South Street, Salt Lake City, UT 84101. Representative: Miss Irene Warr, 430 Judge Building, Salt Lake City, UT 84111. *Contract carrier:* Irregular routes: *Scrap metal for recycling,* from Salt Lake City, Ogden and Provo, UT to CA, Portland, OR, Seattle, Tacoma and Spokane, WA, Phoenix, Tempe and Tucson, AZ, Albuquerque, NM, Grand Junction and Denver, CO, St. Louis, MO, Chicago, IL, El Paso and Tyler, TX and Wynne, AR, under a continuing contract or contracts with Pepper's Allied Metals Co., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Pepper's Allied Metals Co., 401 West 9th South, Salt Lake City, UT 84101. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84318.

MC 147839 (Sub-5TA), filed August 2, 1979. Applicant: bib ENTERPRISES, INC. 401 West 9th South Street, Salt Lake City, UT 84101. Representative: Miss Irene Warr, 430 Judge Building, Salt Lake City, UT 84111. *Contract carrier:* Irregular routes: *Iron and steel articles,* (1) from points in CA, OR, WA, MO, NE, and CO to Salt Lake City, UT and (2) from Salt Lake City, UT to Rock Springs, WY under a continuing contract(s) with Rockwest Steel Corporation, for 180 days. An underlying ETA requests 90 days authority. Supporting shipper(s): Rockwest Steel Corporation, 945 South 400 West, P.O. Box 324, Salt Lake City, UT 84101. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138.

MC 147849 (Sub-1TA), filed August 2, 1979. Applicant: F. W. AND L. COMPANY, INC., P.O. Box 4570, Nashville, TN 37216. Representative: Roland M. Lowell, 618 United American Bank Bldg., Nashville, TN 37219. *Contract carrier:* irregular routes: (1) *Fabricated Steel Wire Products* from Nashville, TN and its commercial zone to GA, FL, OH, Birmingham, AL, Murray, KY and Denver, PA and the commercial zones of each, (2) *steel wire* from Atlanta, GA and Kokomo, IN and the commercial zones for each to Nashville, TN and its commercial zone, (3) *Fabricated steel wire products* from Denver, PA and its commercial zone to FL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Feldkircher Wire Fabricating Co., Inc., P.O. Box 4570, 1015 W. Kirkland, Nashville, TN 37216. Send protests to: Glenda Kuss, TA, ICC, Suite A-422, U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 147869 (Sub-1TA), filed July 19, 1979. Applicant: PIERCE TRAFFIC CORPORATION, P.O. Box 52, Eugene, OR 97401. Representative: David C. White, 2400 S. W. Fourth Avenue, Portland, OR 97201. *Contract,* irregular: *Irrigation systems and materials, supplies, and equipment used in the installation and manufacture thereof* between the facilities of Pierce Corporation at Eugene, OR and Fort Lupton, CO, on the one hand, and, on the other, points in the United States (except AK and HI), under a continuing

contract or contracts with Pierce Corporation for 180 days. Supporting shipper(s): Pierce Corporation, John Stevens, President, P.O. Box 528, Eugene, OR 97401. Send protests to: A. E. Odoms, DS, ICC, Pioneer Courthouse (114). 555 S. W. Yamhill Street, Portland, OR 97204.

MC 147899TA (Sub-TA), filed July 10, 1979. Applicant: CONESTOGA TRUCKING, INC., 2102 North Broadwell, Grand Island, NE 68801. Representative: Floyd L. Mace (same as above). Contract carrier, irregular routes: *Steel buildings, agricultural implements and supplies* from Des Moines, IA; Hugoton, IA; Atlantic, IA and Broadview, IL to points in NE for 180 days. Restricted to transportation under a continuing contract with Edward Rathje DBA Phillips Farm Supply. Supporting shipper(s): Edward Rathje DBA Phillips Farm Supply, RR 1, Phillips, NE. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th Street, Omaha, NE 68102.

MC 147919 (Sub-1TA), filed August 2, 1979. Applicant: SEA LANE EXPRESS, INC., Suite 1832, 2 World Trade Center, New York, NY 10048. Representative: Morton E. Kiel (same address as applicant). *General commodities, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, in containers or trailers,* between Boston and New Bedford, MA, New Haven, CT, and Providence RI, on the one hand, and, on the other, Baltimore, MD, Philadelphia, PA, and New York, NY, restricted to traffic having a prior to subsequent movement by water; for 180 days. Supporting shipper(s): 1. Farrell Lines, Inc., 1 Whitehall St., New York, NY 10004. 2. All Trans International Inc., 1 Harmon Plaza, Secaucus, NJ 07094. Send protests to: Maria B. Kejss, Transportation Assistant, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

MC 142059 (Sub-77TA), filed May 23, 1979, published in the **Federal Register** August 6, 1979 and republished this issue. Applicant: Cardinal Transport, Inc., 1830 Mound Road, Joliet, IL 60436. Representative: Jack Riley (same as applicant). *Air Compressors, air stations, auto lifts, knocked down; electric controllers, flow meters, gasoline power measuring computors, iron body valves, iron roadway service boxes, iron machine parts, power measuring pumps, power pumps, and materials and supplies used in the manufacture thereof;* (except commodities which because of size or weight require specialized equipment), Between Greensboro, NC and points in the United States (except Alaska and Hawaii), for 180 days. An underlying ETA was granted for 90 days authority. Supporting shipper(s): Gilbarco, Inc., Greensboro, NC 27420. Send protests to: Annie Booker, TA, Interstate Commerce Commission, 219 South Dearborn Street, Room 1386, Chicago, IL, 60604. Purpose of this republication is to show the origin and destination points for which authority is sought.

MC 146209 (Sub-1TA), filed February 5, 1979. Applicant: Earl L. Henderson, R. R. No. 1, Box 118, Salem, IL 62881. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. *Contract, irregular:* Printed matter, for the account of World Color Press, Inc. from Kokomo, IN and Effingham, Salem and Sparta, IL to Phoenix, AZ, Los Angeles, Oakland, San Diego, CA, Denver, CO, Butte, MT, Las Vegas, Reno, NV, Portland, OR, Salt Lake City, UT, Seattle, WA, Dallas, and Houston, TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): World Color Press, Inc., Box 1248, Effingham, IL 62401. Send protests to: D/S Charles Little, ICC, 4th Fl., Leland Bldg., 527 E. Capitol, Springfield, IL 62701.

MC 146409 (Sub-5TA), filed May 23, 1979. Applicant: WESTSHIP TRUCKING, INC., 3980 Quebec St., Suite 113, Denver, CO 80207. Representative: Donald K. Smith, 219 South Third St., Sterling, CO 80751. *Common, irregular:* 1. Agricultural Machinery, Equipment and Parts. 2. Construction, roadbuilding machinery and parts. Between Venders of Ball Corporation Agricultural Products located in Dallas, Fort Worth, and Houston, Texas; New Orleans, Louisiana; Mobile, Alabama; Tallahassee, Orlando, Tampa, Miami and Jacksonville, Florida; Savannah, Georgia; Charleston, South Carolina; Norfolk and Richmond, Virginia; Baltimore, Maryland; New York City, Syracuse and Dansville, New York; Youngstown, Cleveland and Toledo, Ohio; Detroit and Lansing, Michigan; Chicago, Illinois; San Diego, Oakland, San Francisco, Los Angeles and Long Beach, California; Portland, Eugene and Salem, Oregon; Seattle, Tacoma and Everett, Washington; Milwaukee, Wisconsin; Tell City, Fort Wayne, South Bend, and Indianapolis, Indiana; North Vernon, and Las Cruces, New Mexico; Cheyenne and Casper, Wyoming; Billings, Butte, Helena, and Great Falls, Montana; Pocatello and Boise, Idaho; Salt Lake City, Utah; Denver, Colorado; Hesston, Kansas; and intermediate points between, on the one hand and on the other Houston, Texas; New Orleans, and Mobile, Alabama; Tampa, Miami and Jacksonville, Florida; Savannah, Georgia; Charleston, South Carolina; Norfolk and Richmond, Virginia; Baltimore, Maryland; New York City, New York; San Diego, Oakland, San Francisco, and Los Angeles, California; and Portland, Oregon, for 180 days. An underlying ETA seeks 90 days authority. Restricted to the above commodities being hauled solely in inter-modal container-trailers, and restrained to the use of such equipment. Primary reason for filing is to serve Ball Corporation and Venders and port cities as described above. Supporting shipper(s): Ball Agricultural Systems, Inc., P.O. Box 1034, Boulder, CO 80303. Send protests to: D/S Roger L. Buchanan, ICC, 721 19th St., 492 U.S. Customs House, Denver, CO 80202.

MC 147009 (Sub-1TA), filed May 11, 1979. Applicant: DEAN HUGHS, P.O. Box 98, New Berlin, IL 62670. Representative: Douglas G. Brown, INB Center—Suite 555, Springfield, IL 62701. *Common, Irregular: Paper and paper products* from Terre Haute, IN to points within the following IL COUNTIES: Adams, Bond, Brown, Calhoun, Cass, Champaign, Christian, Clark, Clay, Clinton, Coles, Cumberland, DeWitt, Douglas, Effingham, Fayette, Ford, Fulton, Green, Hancock, Jasper, Jersey, Knox, Livingston, Loan, Macon, Macoupin, Madison, Marion, Marshall, Mason, McDonough, McLean, Menard, Montgomery, Morgan, Moultrie, Peoria, Piatt, Pike, St. Clair, Sangamon, Schuyler, Scott, Shelby, Tazewell, Warren, Woodford, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Weston Paper & Manufacturing Co., P.O. Box 539, Terre Houte, IN 47808. Send protests to: D/S Charles D. Little, Room 414 Leland Office Bldg., 527 East Capitol Avenue, Springfield, IL 62701.

MC 148079TA, filed July 31, 1979. Applicant: FRYE TRUCKING COMPANY, INC., 203 Middleton St., Robbins, NC 27325. Representative: same as applicant. *Treated and untreated forest products, steel, angles, flats, rounds, channels, tubing-galvanized and black,* from Robbins, NC to all points in NC, SC, VA, WV, MD, TN, GA, FL, and AL for 180 days. Supporting shipper(s): John L. Frye Co., Inc., Middleton St., Robbins, NC 27325; Franklin Tie & Wood Co. Inc., P.O. Box 553, Rocky Mount, VA 24151; Carolina Galvanizing Corporation, Rt. 1, Box 60, Aberdeen, NC 28315. Send protests to: Terrell Price, 800 Briar Creek Rd., Rm. CC516, Charlotte, NC 28205.

By the Commission.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79-29793 Filed 9-25-79; 8:45 am]

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Sunshine Act Meetings

Federal Register
Vol. 44, No. 188
Wednesday, September 26, 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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COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11 a.m., October 5, 1979.

PLACE: 2033 K Street, NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Briefing.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-1877-79 Filed 9-24-79; 1:45 pm]

BILLING CODE 6351-01-M

2

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9:30 a.m., Thursday, September 27, 1979.

PLACE: Room 856, 1919 M Street, NW., Washington, D.C.

STATUS: Closed Commission Meeting following the Open Meeting.

Agenda, Item No., and Subject

Hearing—1—Interlocutory appeal from Adminstration Law Judge's Order denying addition of a misrepresentation issue against Citizens for Responsive Public Television, Inc. in the Birmingham, Demopolis and Montgomery, Alabama educational TV proceeding (Docket Nos. 20675 and 20676).

General—1—General Administrative and Personnel Matters.

This meeting may be continued the following workday to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 632-7260.

Issued: September 24, 1979.

[S-1878-79 Filed 9-24-79; 2:48 pm]

BILLING CODE 6712-01-M

3

FEDERAL COMMUNICATIONS COMMISSION:

TIME AND DATE: 9:30 a.m., Thursday, September 27, 1979.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Open Commission Meeting.

CHANGES IN THE MEETING: The following item has been deleted. This item was approved on September 18, 1979 by notation action circulation as was inadvertently listed on the public notice of September 20, 1979.

Agenda, Item No., and Subject

Common Carrier—1—Report and Order, Amendment of Section 61.72 of the Commission's rules to modify the requirements for posting of certain tariffs. (Dockets CC 78-10, RM-2688).

Additional information concerning this item may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 632-7260.

Issued: September 24, 1979.

[S-1879-79 Filed 9-24-79; 2:48 am]

BILLING CODE 6712-01-M

4

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9:30 a.m., Thursday, September 27, 1979.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Open Commission Meeting.

MATTERS TO BE CONSIDERED:

Agenda, Item No., and Subject

General—1—Title: Report and Order to provide for the use of Class C Emergency Position Indicating Radiobeacons (EPIRB's) for vessels operating in coastal waters. (Docket No. 78-230). Summary: The FCC will consider adopting rules to define the technical and operational characteristics of EPIRB's for the VHF/FM maritime mobile frequency band (156-162 MHz). EPIRB's are intended to provide position and alerting information in a distress situation. These devices may be fitted on a voluntary basis by any vessel normally operating within 20 miles of shore. Use of an EPIRB by boaters is expected to improve boating safety since approximately 95% of the boating accidents occur in these waters.

General—2—Title: Petitions to amend Part 97 of the Commission's Rules to restrict purchase of amateur transmitting equipment to licensed amateur operators. Summary: Three petitioners request that the FCC adopt rules requiring proof of valid amateur operating license in order to purchase amateur transmitting equipment. One of the three petitioners also requests that the FCC institute a dealer licensing program for retail dealers of amateur transmitting equipment.

General—3—Amendment of the search fee provision of the Freedom of Information Rules.

General—4—Amendment of the Ex parte Rules. Summary: The item involves application of the ex parte rules to contested application proceedings prior to designation for hearing where an opposition pleading is filed but does not qualify as a petition to deny.

General—5—Title: Amendment of Sections 0.281, 1.104, 1.106 and 1.115 of the Commission's Rules of Practices and Procedures. Summary: The Commission is considering the adoption of certain rules with respect to procedures governing petitions for reconsideration and applications for review. The proposed rule changes consider what type showing a petitioner must make when seeking reconsideration of an order denying an application for review.

General—6—Title: FY 80 Policy Research. This item will seek Commission approval for FY 80 funding of policy research studies. The areas of study include Common Carrier issues, UHF comparability, electro-magnetic propagation, and AM channel spacing.

General—7—Title: Petition for Expedited Relief and Application for Review of that portion of Executive Director's ruling which denied a request filed by Noble Syndications, Inc., Noble Multimedia Communications, Inc., and International Radio, Ltd. ("Noble") for an investigation and report of an alleged *ex parte* presentation. Summary: Executive Director ruled that an oral presentation to the Chairman of the Commission which occurred prior to the filing of a petition for issuance of show cause order did not violate the *ex parte* rules, 47 CFR § 1.1203 (a), (b). Requesting parties Noble Syndications, Inc., Noble Multimedia Communications, Inc., and International Radio, Ltd. ("Noble") appeal the ruling and contend that the Executive Director should determine the facts and circumstances concerning the presentation and disclose such information pursuant to 47 CFR § 1.1243.

General—8—Title: Application for Review of a ruling by the General Counsel, which denied in part an FOIA request by John E. Bonine. (FOIA Control No. 9-128). Summary: The General Counsel partially denied a request for agency records under the Freedom of Information Act. The

General Counsel concluded that some of the records should not be disclosed because they were intra-agency memoranda falling within Exemption 5 of the Act. The requester of the information, John E. Bonine, appeals the General Counsel's ruling contending that the records do not fall within Exemption 5.

General—9—*Minority Ownership Report to the Commission.* On February 14, 1978, the FCC through its Minority Ownership Task Force issued a contract to CCG, Inc., a research corporation in Cambridge, Mass. to conduct an in depth study of financial institutions' broadcast loan policies and their effect on minorities seeking to acquire broadcast properties. In addition, the FCC contract requested detailed information on the methods used by rating services and whether these services accurately reflect minority audience listening patterns. The Minority Ownership Task Force will present a summary of CCG, Inc.'s study and submit CCG's report and recommendations to the Commission for their consideration of future FCC activities in light of the findings of the study.

General—10—Extension of the Charter for the Radio Technical Commission for Marine Services (RTCM).

Private Radio—1—Title: Amendment of Sections 97.13, 97.47 and 97.59 of the Commission's Rules. Summary: The Commission is amending Sections 97.13 and 97.47 to delete provisions which allowed Amateur licensees to notify the Commission of name and mailing address changes by letter. In the future all Amateur license modifications must be requested by submission of the appropriate application form. Also amended is Section 97.59 to provide that all Amateur licenses will be given a five-year term.

Private Radio—2—Title: Deregulation of Part 97 of the Rules regarding emissions authorized in the Amateur Radio Service. (Docket No. 20777). Summary: The Commission is asked to decide whether or not radio amateurs should be permitted the use of the American Standard Code for Information Interchange (ASCII) and other types of radioteleprinter codes; and to determine what, if any, limitations should apply to such operation. Three basic options are under consideration: 1. Continued mandatory use of the Baudot Code only (the status quo), 2. Permitting the use of the American Standard Code for Information Interchange, and 3. Permitting the use of any desired radioteleprinter code. The Commission's decision here will not result in an immediate change in the rules, but will provide the basis for the development of a Third Report and Order which will amend the rules in accordance with the Commission's decision.

Common Carrier—1—Title: Report and Order, Amendment of Section 61.72 of the Commisson's rules to modify the requirements for posting of certain tariffs. (Dockets CC 78-10, RM-2688.) Summary: The FCC requires communications businesses to put their *current* prices and rules on public display in various company offices. The FCC has considered two changes in these public-display rules: (1) Require the communications businesses to display *possible changes* in prices and rules. (2) Allow telephone communications businesses to stop displaying prices and rules in certain places. These changes raise two questions. (A) What must communications businesses do to tell the public about prices and rules? (B) How much trouble and cost should telling the public cause? The FCC asked all communications businesses and the public to send their written ideas about these changes to the FCC Secretary. The FCC has reviewed all of these ideas. At this meeting the FCC will consider the questions and decide about making the changes.

Common Carrier—2—Title: AT&T Rate Base Treatment of Claimed Amounts for Investment in Affiliated Companies. (Docket No. 21244). Summary: As an outgrowth of Docket No. 19129, the last major AT&T rate investigation, the FCC issued a Notice of Proposed Rulemaking to examine AT&T's treatment for ratemaking purposes of its investment in the two affiliated companies, Bell Telephone Laboratories and 195 Broadway Corp. The FCC will consider whether AT&T's method of recovering a return on this investment is fair to ratepayers.

Common Carrier—3—Title: Final Decision and Order in Western Union Telegraph Company, Docket No. 20847. Summary: In 1976, Western Union increased its rates for its Series 1000 tariffs. These tariffs offer the public full-time, dedicated, low speed private line telegraph service. AT&T and the Department of Defense challenged these revisions and an investigation was held on their lawfulness. The Administrative Law Judge (ALJ) issued an Inital Decision, released July 18, 1978, concluding that the rates were not unlawful. Exceptions were filed to the ALJ's decision. The general issues to be considered here are whether Western Union met its initial burden of proof showing its revisions to be just and reasonable and whether the cost studies submitted by Western Union were so deficient as to require reversal of the ALJ's findings.

Common Carrier—4—Title: South Central Bell Telephone Company. Summary: The FCC is considering whether to designate for hearing the two applications of South Central Bell Telephone Company for construction permits to add improved mobile telephone service (IMTS) to Domestic Public Land Mobile Radio Telephone Service facilities in New Orleans and Houma, Louisiana. Any such hearing would examine whether South Central Bell has demonstrated public need for the proposed facilities and whether South Central Bell wrongfully refused to provide selector level interconnection to a competing carrier (anticompetitive practices issue and Communications Act Section 201 issue).

Common Carrier—5—Title: Amendment of Sections of Part 21 of the Commission's Rules to modify individual radio licensing procedures in the Domestic Public Radio Services. Summary: The FCC is considering deregulating one area of the Domestic Public Land Mobile Radio Service by eliminating the licensing of individual land mobile radio stations.

Common Carrier—6—Title: Recodification of Rules Part 21 (Creation of new Part 22). Summary: The Commission will consider creating a new Rules 22, consisting of the Public Mobile Radio Services. Under the proposal Part 21 will consist only of the Domestic Public Fixed Radio Services and will be so named. The new Part 22 will consist of the Public Mobile Radio Services. The recodification has been proposed in order to eliminate confusion concerning these two separate radio services, which presently are grouped within the same Rules Part. In addition, the Commission is contemplating, in the near future, the revision and update of the Rules in the newly created Part 22. Separating the Rules Sections involved in the update project from those not involved (i.e., those which will be in the new Part 21) will avoid duplication of effort and make it more clear to the public the exact nature and extent of the update project.

Common Carrier—7—The Commission is considering the issuance of a Cable Landing License authorizing the landing and operation of a submarine cable (TAT-7) between Tuckerton, N.J. and Lands End, England issued in conjunction with the Commission's Section 214 authorization to construct, operate, activate and use a TAT-7 Cable System.

Common Carrier—8—Title: Application of Travel-Phone Corporation for a Construction Permit to establish a new radio common carrier station to provide car telephone and paging service in the Providence, Rhode Island area. Summary: Among the issues to be considered are (1) did Travel-Phone prematurely construct its facilities in violation of the Communications Act, (2) does Travel-Phone have the character qualifications to become a Commission licensee, (3) has Travel-Phone adequately demonstrated a need for its proposed station, and (4) is Travel-Phone financially qualified.

Common Carrier—9—Title: Reconsideration of the Commission's Decision in *American Television Radio Relay, Inc.*, 71 FCC 2d 130 (1979) (ATR Refund Proposal), generally approving a refund proposal submitted by ATR. Summary: Teleprompter Corp., UA-Columbia Cablevision, Inc., and United Cable Television Corp., customers of ATR's microwave system, jointly seek reconsideration of two specific aspects of the *ATR Refund Proposal* decision. The Commission will consider what action to take regarding those petitions.

Common Carrier—10—Title: In the matter of policies and rules concerning rates for competitive carrier services and facilities authorizations therefore. Summary: Consideration will be given to whether the Commission's rules should be relaxed for certain common carriers. Specifically, the Commission will address whether, and to what extent, the Commission should require carriers who offer services subject to competition to file cost support information with their tariff filings and to obtain Commission approval before undertaking certain activities.

Cable Television—1—Title: Docket 20019 (involving a definition of the due process standard of form Section 76.31 of the cable television rules); Docket 20022 (involving cable television franchise expiration, cancellation and continuation of service), and Docket 20023 (involving cable television system transfers of control). Summary: These proceedings relate to proposed changes in the cable television franchise standards that were formerly part of the cable television rules. Action on these proceedings was deferred pending a decision on whether the underlying standards themselves should be retained. Those standards were eventually deleted and the question now remains as to what if any additional action should be taken with respect to these proceedings.

Cable Television—2—Termination of proceeding in Docket 20553 involving cable television carriage of specialty stations.

Cable Television—3—Booneville Broadcast Company d/b/a Booneville Video Company (CSR-1449). Booneville Broadcasting Company operates two cable television systems in the Columbus-Tupelo smaller television market [#135]. It requests a waiver of Section 76.59 of the Commission's Rules to enable it to add two independent stations, KTVU (Ind., Channel 2) Oakland, California and WGN-TV Ind. Channel 9) Chicago, Illinois. In support of this request, Booneville has submitted an impact formula which predicts that if every cable television system within thirty-five miles of the local commercial broadcast station (WTVA) were authorized to add the two signals requested, the total cumulative impact would be .773 percent.

Cable Television—4—Title: Petition for Special Relief filed June 29, 1979, by Warner Cable Corp., operator of a CATV system at Brattleboro, Vermont. Summary: Since Brattleboro, Vermont is located in the Adams, Massachusetts smaller TV market, Warner Cable has no in-state "must carry" signals pursuant to sec. 76.59 of the rules. Warner has stated that its subscribers want in-state programming and thus has petitioned the Commission for waiver of sec. 76.59 of the rules to add TV Broadcast Translator Station W62AT (Channel 62) Bellows Falls, Vermont, which rebroadcasts the signal of Station WCAX-TV (CBS, Channel 3) Burlington, Vermont.

Cable Television—5—United Community Antenna Systems d/b/a/ Master Cable TV systems (CAC-03722); Community Telecable of Inc. (CAC-03723); Tele-Vue Systems, Inc. (CPCLD-164.) In response to a previous Commission request, the captioned cable television systems have supplemented an earlier request not to be required to provide station KIRO-TV, Seattle, Washington, with nonduplication protection against programming prereleased by Canadian television stations carried by the systems. The systems offer to show that KIRO-TV will suffer an audience loss of less than 2 percent during prime time and a concomitant revenue loss of .5 percent. KIRO-TV has submitted a showing on the amount of program duplication that occurs, but also argues that the opinion of the court in *KIRO, Inc.* v. *FCC*, 545 F.2d 204 (D.C. Cir. 1976), requires the Commission to find that nonduplication protection must be provided without the necessity for this showing and regardless of the projected impact on the station if it were not provided.

Renewal—1—Title: In re application of Amherst Broadcasting, Inc. For Renewal of License for Station WTTT, Amherst, Massachusetts. Summary: Hampshire County Broadcasting Company, Inc. (Hampshire) filed a petition to deny the license renewal application of WTTT, Amherst, Massachusetts, an the grounds that the licensee's application for a new FM station in Amherst was inadequate and because the license had failed to maintain WTTT's public reference file properly and had failed to provide ascertainment material with its renewal application.

Aural—1—Title: Modification of Permit to Change Main Studio Location. Summary: Frederick R. Cote, permittee of AM Station KGUD, Banning, California, is seeking authority to relocate its main studio to Riverside, California. Because KGUD proposes to relocate its main studio outside its community of license, at a site other than its transmitter site, the KGUD application is grantable only upon the waiver of the Commission's Main Studio Rule. The issue to be considered is whether KGUD has shown special circumstances to justify waiver of the Main Studio Rule.

Aural—2—Title: Memorandum Opinion and Order in re application of KBMR Radio, Inc., for construction permit for an increase in the daytime power of AM Station KBMR from 10 to 50 kilowatts, to add nighttime operation at 10 kilowatts, and to change its community of license from Bismarck, to Lincoln, North Dakota. Summary: The FCC considers the above application and a petition to deny filed by Bismarck-Mandan Communications, Inc., licensee of AM Station KBOM, Bismarck, North Dakota.

Aural Agenda—3—title: Memorandum Opinion and Order in re Application of James B. Childress, d/b/a Childress of Virginia (File No. BP-20,032). Summary: The F.C.C. considers the above application for a new AM station (1600 kHz, 5 kW, Day) in Saltville, Virginia, and a petition to dismiss filed by Mountain View Broadcasting Company, Inc., licensee of AM Station WJSO, Jonesboro, Tennessee.

Television—1—Title: Applications of KOTV, Inc. (KOTV-TV) and Scripps-Howard Broadcasting (KTEW-TV), both Tulsa, Oklahoma, to change transmitter sites and to make equipment changes. Summary: KOTV and KTEW, both Tulsa, Oklahoma, request CP's to move their transmitters to the same site. Applications are opposed by UHF stations in Joplin, MO; Fort Smith, AR; and Fayetteville, AR. Questions raised as to UHF impact, loss areas, unserved areas, and other questions.

Broadcast—1—Reregulation and Rules Oversight of Radio and TV Broadcasting. The alphabetical index of the broadcast rules in Part 73 is revised and streamlined in order to facilitate simpler and quicker access to our rules.

Broadcast—2—Reregulation of Radio and TV Broadcasting. One of a continuing series of Orders to delete broadcast rules which no longer have any regulatory purpose, to rewrite and restructure rules for ease of understanding and use, to combine several separate rules for each broadcast service into a single common rule, to simplify application filing procedures, and to make editorial corrections such as deleting past dates. This *Order* includes rewriting of the rules covering procedures for determining the operating power of FM and TV stations

Broadcast—3—Reregulation and Rules Oversight of Radio and TV Broadcasting. Clarification is made and rewriting done on rules pertaining to: Sale of a station (§§ 73.139, 73.241, 73.659); FCC policy listing—four added to rules book with appropriate citations; FCC application and report forms rule—to correct one form's title and to delete another form, thereby conforming to recently adopted changes.

Broadcast—4—Proposed assignment of FM Channel 234 to Lockhart, Texas (RM-3118). The Commission will consider whether to propose a Class C channel for assignment to Lockhart, Texas, which conflicts with a recent grant of temporary authority to relocate the transmitter site of a Houston station. The temporary grant was made without prejudice to the Lockhart proposal.

Broadcast—5—Reassignment of UHF television Channel 14 from Washington, D.C., to Fairfax, Virginia, reserved for noncommercial educational use (BC Docket No. 78-52). The Commission will consider whether to remove UHF TV Channel 14 from Washington, D.C., and reassign it to Fairfax, Virginia, for noncommerical educational use. A different channel has also been proposed to provide improved service to northern Virginia.

This meeting may be continued the following workday to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 632-7260.

Issued: September 24, 1979.

[S-1880-79 Filed 9-24-79; 2:48 pm]

BILLING CODE 6712-01-M

5

FEDERAL MARITIME COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: September 20, 1979, 44 F.R. 5413

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: September 25, 1979, 10 a.m.

CHANGES IN THE MEETING: Addition of the following items to the open session:

5. Matson Navigation Company—60 Percent Increase in Wharfage Charges at U.S. West Coast Ports Only in Tariffs FMC-F Nos. 165, 166, and 167.

6. Sea-Land Service, Inc.—Reduced Refined Sugar Rate Applicable to Puerto Rico (FMC-F No. 36); and Reduced Raw Sugar

Cane Rate Applicable to Georgia (FMC–F No. 37).

[S-1875-79 Filed 9-24-79; 10:48 am]

BILLING CODE 6730-01-M

6

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 44 FR 54152, September 18, 1979.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 11:00 a.m., Friday, September 21, 1979.

CHANGES IN THE MEETING: Addition of the following closed item(s) to the meeting:

1. Housing accommodations for Federal Reserve employees temporarily assigned to Washington, D.C.

CONTACT PERSON FOR MORE INFORMATION: Mr. Joseph R. Coyne, Assistant to the Board: (202) 452-3204.

Dated: September 21, 1979.

Griffith L. Garwood,

Deputy Secretary of the Board.

[S-1872-79 Filed 9-21-79; 4:16 pm]

BILLING CODE 6210-01-M

7

INTERNATIONAL TRADE COMMISION (USITC SE-79-36)

TIME AND DATE: 2 p.m., Thursday, October 4, 1979.

PLACE: Room 117, 701 E Street, N.W., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: 1. Anhydrous Ammonia from the U.S.S.R. (Inv. TA–406–5)—vote on remedy, if necessary.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary, (202) 523–0161.

[S-1874-79 Filed 9-21-79; 4:38 p.m.]

BILLING CODE 7020-02-M

8

INTERNATIONAL TRADE COMMISSION (USITC SE-79-35)

TIME AND DATE: 10:00 a.m., Tuesday, October 2, 1979.

PLACE: Room 117, 701 E Street, NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints, if necessary.
5. Anhydrous Ammonia from the U.S.S.R. (Inv. TA–406–5)—briefing and vote on market disruption.
6. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary, (202) 523—0161

[S-1873-79 Filed 9-21-79; 4:36 pm]

BILLING CODE 7020-02-M

9

NATIONAL MEDIATION BOARD.

TIME AND DATE: 2 p.m., Wednesday, October 3, 1979.

PLACE: Board Hearing Room, 8th floor, 1425 K Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

(1) Ratification of Board actions taken by notation voting during the month of September 1979.

(2) Review of current fee schedules for NMB issuances and publications.

(3) Other priority matters which may come before the Board for which notice will be given at the earliest practical time.

SUPPLEMENTARY INFORMATION: Copies of the monthly report of the Board's notation voting actions will be available from the Executive Secretary's Office following the meeting.

CONTACT PERSON FOR MORE INFORMATION: Mr. Rowland K. Quinn, Jr., Executive Secretary, telephone: (202) 523–5920.

Date of Notice: September 24, 1979.

[S-1876-79 Filed 9-24-79; 12:39 pm]

BILLING CODE 7550-01-M

Federal Register

Wednesday
September 26, 1979

Part II

ACTION

Privacy Act of 1974, Systems of Records; Annual Publication

ACTION

Privacy Act of 1974

AGENCY: ACTION

ACTION: Annual publication of Systems of Records

SUMMARY: The purpose of this notice is to inform the public of the Privacy Act systems of records maintained by ACTION.

DATES: This document fulfills the annual notice requirements of the Privacy Act for 1974.

FOR FURTHER INFORMATION CONTACT: John F. Nolan, Director, Administrative Services Division, ACTION, 806 Connecticut Avenue, N.W., Washington, D.C. 20525. Phone number 202-254-8105.

SUPPLEMENTAL INFORMATION: The systems published in their entirety in this notice continue in effect. Since our last annual publication in the Federal Register, Volume 43 on September 7, 1978 at pages 39928-39929, we combined segmented notices of our volunteer and staff systems to create two major systems. The two systems are entitled the ACTION Staff Applicant and Employee Records ACTION/1 and ACTION Volunteer Applicant and Service Records System ACTION/2. A notice was published in FR Vol. 43, December 5, 1978 at pages 56924-56928.

This notice does not include specific identification of certain systems of records in the custody of the Agency due to the fact that other Federal agencies have assumed responsibility for publishing government-wide notices with respect thereto. Primarily this includes publication of systems records pertaining to Federal employee personnel records by the Office of Personnel Management.

Special note should be taken of the Preliminary Statement to the systems of records containing an indication of general routine uses, general exemptions from disclosure, general regulations as to notification, access and contest, and other material applicable to ACTION record systems generally. The Agency desired to avoid unnecessary repetition and duplication in the publication of each system of records which might make it difficult for the public to review and locate a system in which a record might be available. The publication of general routine uses and exemptions does not serve as an indication that each system will be normally used or usable for such purposes or subject to such exemptions, but that the use of any system for such routine use shall be permitted upon request of a designated routine user. Included in the preliminary statement of routine uses are certain indications of special exemptions with respect to volunteer personnel files and medical/psychiatric records as to which special procedures are required to comply with the Agency's special responsibility to volunteers and to personnel as to whom it maintains medical/psychiatric information.

This notice is issued in Washington, D.C., on September 18, 1979.

Robert S. Currie,
Executive Officer.

Preliminary Statement

Operating Units: Identification of the operating units within the Agency to which a particular system of records pertains appears as "ACTION" followed by a designated abbreviation. The abbreviations and their meanings are:

OD-Office of the Director
DO-Office of Domestic and Anti-Poverty Operations
PC-Peace Corps
OPP-Office of Policy and Planning
LGA-Office of Legislative and Intergovernmental Affairs
GC-Office of General Counsel
C-Office of Compliance
AF-Office of Administration and Finance
ORC-Office of Recruitment and Communications
VCP-Office of Voluntary Citizen Participation

OFFICIAL PERSONNEL FILES: Official personnel files of Federal employees in the General Schedule in the custody of the agency are considered the property of the Office of Personnel Management (OPM). Access to such files shall be in accordance with such notices published by OPM. Access to such files in the custody of the Agency will be granted to individuals to whom such files pertain upon request to the Director, Personnel Management Division, 806 Connecticut Avenue, N.W., Washington, D.C. 20525.

Files of staff employees appointed under the Peace Corps appointing authority which are not specifically covered by the OPM publication are inter-filed with all other personnel files and treated in the same manner. The OPM publication of notice for official personnel files is therefore adopted by reference for Peace Corps appointee personnel files in the custody of the Agency provided however that access, contests and appeals as to any record shall be heard as provided in accord with ACTION regulations under the Privacy Act.

Various offices in the Agency maintain files which contain miscellaneous copies of personnel material affecting ACTION employees this would include copies of standard personnel forms, evaluation, etc. These files are kept only for immediate office reference use and are considered by the Agency to be part of the personnel file system. The Agency's internal regulations provide that such information is a part of the general personnel files and can only be disclosed through the Director of the Personnel Management Division in order that he/she may insure that any material to be disclosed is relevant, material, current, and fair to the individual employee. It is also the policy of the Agency to limit the use of such files and to encourage the destruction of as many as possible.

STATEMENT OF GENERAL ROUTINE USES

The following routine uses are incorporated by this reference into each system of records set forth herein, unless such incorporation is specifically limited in the system description.

1. In the event that a record in a system of records maintained by the Agency indicates any violation or potential violation of the law whether civil, criminal, or regulatory in nature, and whether arising by statute, or be regulation, rule or order issued pursuant thereto, the relevant record in this system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign charged with the responsibility of investigating or prosecuting such violation, or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto; such referral shall also include and be deemed to authorize, (1) any and all appropriate and necessary uses of such records in a court of law or before an administrative board or hearing, and (2) such other interagency referrals as may be necessary to carry out the receiving agencies assigned law enforcement duties.

2. In the event the Agency receives a request from a Federal, state or local instrumentality under the jurisdiction of the United States for a record to be used for a civil or criminal law enforcement activity, authorized by law, such record shall be disclosed to such agency or instrumentality provided ACTION receives a written request from the head of such agency or instrumentality specifying the particular portion of the record desired and the law enforcement activity for which the record is sought.

3. A record may be disclosed as a routine use to designated officers and employees of other agencies and departments of the Federal government having an interest in the individual for employment purposes including the hiring or retention of any employee, the issuance of a security clearance, the letting of a contract, or the issuance of license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter involved, provided however, that other than information furnished for the issuance of authorized security clearances, information divulged hereunder as to full-time volunteers under Title I of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951) or the Peace Corps Act (22 U.S.C. 2501) shall be limited to the provision of dates of service and a standard descripion of service as heretofore provided by the Agency.

4. A record may be disclosed as a routine use in the course of presenting evidence to a court, magistrate or administrative tribunal of appropriate jurisdiction and such disclosure shall include disclosures to opposing counsel in the course of settlement negotiation.

5. A record may be disclosed as a routine use to a member of Congress submitting a request involving an individual who is a constituent of such member who has requested assistance from the member with respect to the subject matter of the record.

6. Information from certain systems of records especially those relating to applicants for Federal employment or volunteer service may be disclosed as a routine use to designated officers and employees of other agencies of the Federal government for the purpose of obtaining information as to suitability, qualifications and loyalty to the United States government.

7. Information from records systems may be disclosed to any source from which information is requested in the course of an investigation to the extent necessary to identify the individual, inform the source of the nature and purpose of the investigation, and to identify the type of information requested.

8. Information in any system may be used as a data source, for management information, for the production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies. Information may also be disclosed to respond to general request for statistical information (without personal identification of individuals) under the Freedom of

Information Act or the Privacy Act or to locate specific individuals for personnel research or other personnel management functions.

9. Information in any system of records may be disclosed to a Congressional office, in response to an inquiry from any such office, made at the request of the individual to whom the record pertains.

10. A record from any system of records may be disclosed as a routine use to the National Archives and Records Service, General Services Administration in records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

Exemption of Disclosure—National Defense and Foreign Policy Matters—Certain systems of records covered by the Act and maintained by the Agency may from time to time contain materials subject to specific exemptions authorized by 5 U.S.C. 552a(k)(1) relating to national defense and foreign policy materials. Such materials, as an example, might consist of classified cables or other documents properly classified under Executive Order. The Agency maintains the right to exempt such materials from disclosure wherever they might appear in such systems of records, but only to the extent necessary to protect such material as required by Executive Order and various statutes in the interest of national defense and foreign policy.

Partial Exemption of Medical/Psychiatric Information—Certain systems of records maintained by the Agency contain medical/psychiatric information, the disclosure of which might harm an individual if disclosed directly to him or her. As to such records, if in the sole judgment of appropriate officials of the Agency such disclosure could have an adverse effect upon an individual under the provisions of 5 U.S.C. 552a(f)(3), disclosure may be limited to a physician chosen by the requesting individual or his or her authorized representative.

Location of Regional Offices

The Agency maintains ten Regional Offices and five Service Centers in which certain systems, or parts of systems are maintained. The Agency also maintains state offices under the jurisdiction of the Regional Offices and area and sub-area offices under the jurisdiction of the Service Centers. The Regional Offices and Service Centers, their addresses, and the States within their respective jurisdictions are listed below. In the event of any doubt as to whether a record is maintained in a Regional Office, a query may be directed to the Director, Administrative Services Division, ACTION, Washington, D.C. 20525, who shall furnish all assistance necessary to locate a specific record.

ACTION Region I, John W. McCormack Federal Bldg., Room 1420, Boston, Massachusetts 02109 (Massachusetts, Maine, New Hampshire, Vermont, Rhode Island and Connecticut).

ACTION Region II, 26 Federal Plaza, 16th Floor, Suite 1611, New York, New York 10007 (New York, New Jersey, Puerto Rico and Virgin Islands).

ACTION Region III, U.S. Customs House, Room 112, 2nd and Chestnut Street, Philadelphia, Pennsylvania 19106 (Pennsylvania, Maryland, District of Columbia, Delaware, Virginia and West Virginia).

ACTION Region IV, 101 Marietta Street, N.W., Room 2524, Atlanta, Georgia 30323 (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina and Tennessee).

ACTION Region V, 1 North Wacker Drive, 3rd Floor, Room 322, Chicago, Illinois 60606 (Illinois, Indiana, Michigan, Minnesota, Ohio and Wisconsin).

ACTION Region VI, Corrigan Tower Building, Suite 1600, 212 No. St. Paul Street, Dallas, Texas 75201 (Arkansas, Louisiana, New Mexico, Oklahoma and Texas).

ACTION Region VII, II Gateway Center, Room 330, 4th and State, Kansas City, Kansas 66101 (Iowa, Kansas, Missouri and Nebraska).

ACTION Region VIII, 1845 Sherman Street, Columbine Bldg. Room 201, Denver, Colorado 80203 (Colorado, Wyoming, Montana, North Dakota, South Dakota and Utah).

ACTION Region IX, 211 Main Street, 5th Floor, Room 533, San Francisco, California 94105 (Arizona, California, Hawaii and Nevada).

ACTION Region X, 1601 Second Avenue, Seattle, Washington 98101 (Alaska, Idaho, Oregon and Washington).

ACTION Recruitment and Placement Service Centers:

New York Service Center, ACTION 26 Federal Plaza, Room 1605, New York, New York 10007 (Massachusetts, Maine, New Hampshire, Vermont, Rhode Island, New York and Puerto Rico).

Atlanta Service Center, ACTION, 101 Marietta Street, N. W., Room 2515, Atlanta, Georgia 30303 (Georgia, District of Columbia, Maryland, Virginia, West Virginia, Alabama, Florida, Mississippi, North Carolina, South Carolina, Kentucky, Tennessee, Pennsylvania and Delaware).

Chicago Service Center, ACTION, 1 North Wacker Drive, Room 322, Chicago, Illinois 60606 (Chicago, Michigan, Kansas, Missouri, Minnesota and Wisconsin).

Dallas Service Center, ACTION, 212 N. St. Paul Street, Suite 1620, Dallas, Texas 75201 (Texas, Louisiana, Arkansas, Oklahoma, New Mexico, Montana, North Dakota, South Dakota, Wyoming and Utah).

San Francisco Service Center, ACTION, 211 Main Street, 5th Floor, San Francisco, California 94105 (California, Arizona, Hawaii, Washington, Alaska, Idaho and Oregon).

NOTIFICATION

Individuals may inquire as to whether any system contains information pertaining to them by addressing the System Manager in writing. Such request should include the name and address of the individual, his or her social security number, and any relevant data concerning the information sought. Where possible, the place of assignment or employment, etc. In case of any doubt as to which system contains a record interested individuals may contact the Director, Administrative Services Division, ACTION, Washington, D.C. 20525, who has overall supervision of records systems and who will provide assistance in locating and/or identifying appropriate systems.

ACCESS AND CONTEST

In response to a written request by an individual the appropriate System Manager shall arrange for access to the requested record or advise the requester if no such record exists. If an individual wishes to contest the content of any record, he or she may do so by addressing a written request to the Director, Administrative Services Division, ACTION, 806 Connecticut Avenue, N. W., Washington, D.C. 20525. The Director shall provide all necessary information regarding such contest and appeal.

Alphabetical Listing of Systems of Records in Effect on September 18, 1979.

Accounts Receivable (collection of Debts Records and Claims Record)
ACTION Employees Occupation Injury and Illness Reports
ACTION Information Gathering System
ACTION Travel Files
ACTION Staff Applicant and Employee Records
ACTION Volunteer Applicant and Service Records System
Congressional Files System
Contractors and Consultants Records
Discrimination Complaint File
Domestic and International Volunteer Security Files
Domestic Volunteer Appeal File
Employee Pay and Leave Records
Employee Travel File
Employee Unofficial Personnel Files
Former Volunteer/Staff Resource Record
Legal Files-Staff and Applicants
Outplacement Counseling Talent Bank
Overseas Staff Personnel Records
Overseas Staff Correspondence Files
Peace Corps Property Records
Peace Corps Volunteer Authorized Storage File
Personal Services Contracts Records
Regional Peace Corps Personnel Records
Staff and Volunteer Household Storage File
Talent Bank
Travel Authorization File
Voucher Payment Record and Schedules of Payments File

ACTION/1

System name: ACTION Staff Applicant and Employee Records, ACTION/1

System location: ACTION, Personnel Management Division, 806 Connecticut Avenue, N.W., Washington, DC 20525.

Categories of individuals covered by the system: Current and former employees, applicants; any individual involved in a grievance or grievance appeal or who has filed a complaint with the Department of Labor, , Federal Labor Relations Council, Federal Mediation and Conciliation Service, or similiar organization; and individuals considered for access to classified information or restricted areas and/or security determinations as contractors, employees of contractors, experts, instructors, and consultants to Federal programs.

Categories of records in the system: (1)The staff security files contain investigative information regarding an individual's character, conduct, behavior in the community where he or she lives; loyalty to the U.S. Government; arrests and convictions for any violations against the law; reports or interviews with former supervisors; coworkers, associates, educators, etc., reports about the qualifications of an individual for a specific position; reports of inquiries with law enforcement agencies; former employers, educational institutions attended; and other similar information developed from the above. (2) The Grievance, Appeal and Arbitration files contain copies of petitions, complaints, charges, responses, rebuttals, evidentiary materials, briefs, affidavits, statements, records of hearings and decisions or findings of fact with respect thereto and incidental correspondence regarding complaints and appeals with respect to grievances and arbitration matters. (3) The Employees Indebtedness files contain records which are primarily correspondence regarding alleged indebtedness of ACTION employees, including employees' responses, the agency's response to the employee and/or creditor and administrative correspondence and records relating to agency assistance to the employee in resolving the indebtedness, if appropriate. (4) The Employee Reemployment and Repromotion Priority Consideration files contain a listing on a person's name and the positions he or she was considered for, dates of consideration and a copy of the individual's latest Standard Form 171 and performance evaluation. (5) The Performance Evaluation files consist of the annual performance evaluations of employee performance prepared by supervisors and reviewed by supervisory reviewing officials, together with comments, if any, by the employees evaluated. (6) The Management-Union Records system consists of automated data printouts showing an employee's name, grade, series, title, organizational entity and other associated data which determines his or her inclusion or exclusion from the bargaining unit under the existing union contract. The record also contains a printout showing the amount of dues withheld from each employee who has authorized such withholding, and other related data. (7) The Personnel Management system is a computer-based record which includes data relating to tenure, benefits eligility, whether former volunteer, end of tour dates, awards, etc., and other data needed by Personnel and agency managers which is used for management purposes. (8) The Inactive Service Record Card contains a record of personnel actions made during employment, forwarding address, reason for leaving, social security number, date of birth, tenure, information and disposition of the official personnel folder.

Authority for maintenance of the system: The Peace Corps Act, 22 U.S.C. 2501 ET Seq., the Domestic Volunteer Service Act of 1973, 42 U.S.C. 4951 Et Seq., provisions of the Federal Personnel Manual, the Foreign Affairs Manual, Executive Orders concerning management relations with employment organizations ane Executive Order 10450 and various acts of Congress relating to personnel investigations authorizing the same by the Civil Service Commission which responsibility can, under Civil Service regulations and law, be delegated in whole or in part to agencies.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: As indicated below the subsystems incorporate all or some of our published routing uses. (1) Staff Security files—in addition to our general routine uses may be disclosed to the OPM as part of the central personnel investigation records system. (2) Grievance, Appeal and Arbitration Records and Files—in addition to our general routine uses may be disclosed and used: (a) To the OPM; he Merit System Protection Board; and the Office of Special Counsel, MSPB, on request in conjunction with any appeal or in conjucntion with its official duties woth regard to personnel matters and investigation regarding complaints of Federal employees and applicants. (b) To designate hearing examiners, arbitrators and third-part appellate authorities involved in the hearing or appeal procedures. (3) Employees Indebtedness Records and files—may be released under our routine uses numbers 1, 2 and 3 except that under routine use number 1 records may be released only to an appropriate Federal agency and the records may also be referred to a court of law and before an administrative board of hearing to matters related probation and porale. (4) Employee Reemployment and Repromotion Priority Consideration Records and Files—in addition to our general routine uses may be disclosed to (a) the OPM as part of the OPM personnel management evaluation system and (b) to the OPM for information concerning the reemployment and repromotion rights of individuals covered under the OPM system. (5) Performance Evaluation files—in addition to our general routine uses may be disclosed to the OPM in connection with any request for information or inquiry as to Federal personnel regulations. (6) Management-Union Records—in addition to the general routine uses may be disclosed and used for the following (a) to the ACTION employees union for maintanence of its records with respect to dues and inclusion in the bargaining, (b) to the Treasury Department for preparation of payroll checks with appropriate withholding of dues, (c) to the OPM for union related reporting in the area of management/labor relations. (7) Personnel Management Information System—is used by agency officials for day to day work processing; statistical reports without personal identifiers and for in-house reports relating to management. Information contained in this record is reflected in the individual's official personnel folder. (8) Inactive Service Record Card File—is used by personnel staff to verify service and for day to day work information.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in file folders, magnetic tape, lists or looseleaf binders and are stored in metal file cabinets with a three-way combination lock and/or secured rooms with access limited to those employees whose official duties require access.

Retrievability: Records are indexed by name, social security number or employee number.

Safeguards: Records are generally available to ACTION employees having a need for such records in the performance of their duties. Generally the security files are available only to personnel of the Security office or to agency office heads or other agency security personnel and such personnel must have an appropriate security clearance.

Retention and disposal: After termination, death or retirement or consideration of an applicant the Staff Security files are kept in the security office three years and then retired to a Federal Records Center for 27 years and then destroyed. The Grievances, Appeals and Arbitration files are retained indefinitely in the Personnel Management Division. The Employee Indebtedness files are destroyed on a bi-annual basis or when the problem is resolved. The Employee Reemployment and Repromotion Priority Consideration files are retained according to length of reemployment or repromotion eligibility. The Performance Evaluation Files are retained one year or until superseded. The Personnel Management Information system records and the Inacvtive Employee Service Record Cards are kept indefinitely in the Personnel Management Division. The Management-Union Lists are retained until superseded by a corrected or updated list.

System manager(s) and address: The Director of Personnel has overall responsibility for records covered by this system. Personnel branch chiefs are responsible for the subsystems as follows: (a) Staff Security Files—Chief, Employee Security Branch; (b) Grievance, Appeal and Arbitration; Employee Indebtedness Files; and Management-Union Records—Chief, Labor and Employee Relations Branch; (c) Performance Evaluation File; Employee Reemployment and Repromotion Priority Consideration File; Personnel Management Information System and the Inactive Employee Record Service File—Chief, Personnel Staffing Branch.

The address for all systems is ACTION, Personnel Management Division, 806 Connecticut Avenue, N.W., Washington, D.C. 20525.

Notification procedure: See the Notification paragraph in the Preliminary Statement above in this notice.

Record access procedures: See the Access and Contest paragraph in the Preliminary Statement above in this notice.

Contesting record procedures: Same as "Record Access Procedures".

Record source categories: From the individual, the official personnel folder, statistical and other information developed by the Personnel Management Division staff, such as end of tour dates, arrival of post dates and within class increase due dates; agency supervisors and reviewing officials, individual employee fiscal and payroll records, alleged creditors of employees, witnesses to any occurances giving rise to a grievance, appeal or other action, hearing records

and affidavits and other documents used or usable in connection with grievance, appeal and arbitration hearings, and information contained in the Staff Security files was obtained from (a) applciations and other personnel and security forms furnished by the individual, (b) investigative material furnished by other Federal agencies, (c) by personal investigation or written inquiry from such associates, police departments, courts, credt bureaus, medical records, probation officials, prison officials, and other such sources as may be developed from the above, and (e) from the individual.

ACTION/2

System name: ACTION Volunteer Applicant and Service Records System, ACTION/2.

System location: This system is made up of subsystems which are located agencywide at ACTION offices. These locations are (a) ACTION Headquarters, (b) all ten Domestic and Regional State Offices; (c) all five Service Center offices, area and sub-area Recruitment offices; and (d) each Peace Corps overseas program office. There is at present an excess of 60 such overseas offices and this number fluctuates as programs are added or withdrawn. Specific addresses will be provided upon request to the Director of the Administrative Services Division. Any particular country in which Peace Corps maintains a program may be addressed by writing to the Country Director, Peace Corps, c/o The American Embassy in the country.

Categories of individuals covered by the system: Current and former ACTION full-time volunteers, trainees and applicants for volunteer service in the Peace Corps, including Peace Corps United Nations Volunteers, or in one of ACTION's full-time Domestic Operations programs including Volunteers in Service to America (VISTA), University Year for ACTION (UYA), ACTION Cooperative Volunteers (ACV), Program for Local Service (PLS), and Volunteers in Justice (VIJ). A record may exist in a subsystem depending on whether a record was established as part of the applciation, placement, selection and services process. Normally, an applicant record will exist for all applicants and a service record will exist for all trainees and volunteers.

Categories of records in the system: This major system covers a number of temporary and permanent records established during the applicant, placement, selection and service stages. Most information maintained in this system is furnished by the individual. Generally, the individual is also aware of any necessary investigations being conducted and is either counselled or authorizes such investigations. As the record progresses through the subsystems, an applicant, medical, volunteer service, legal or special services file may be established. These records are explained in detail in the following paragraphs. At the processing and program support desk levels temporary day to day sets of records may be used or set up to speed up work process. This information used at the desk level is usually information extracted from the main file or is a duplicate of information contained in the main file and is utilized only as long as needed for a particular decision, project or period of services. Upon completion of the use of such records they are destroyed or, if a permanent document or record, are forwarded to the ACTION Records Center for consolidation, retirement or ultimate destruction.

(1) Volunteer Application Folder and Computer Based Record: This record contains froms related to the application process such as the application, references, invitation to training and other trainee enrollment forms, correspondence relating to the application, copies of other application documents, such as Peace Corps background investigation form, evaluator-recruiter interview forms. Information is extracted from the hard copy to create a computer record which is used to track progress, issue labels for correspondence to the applicant and account for the establishment, retirement and ultimate destruction of the individual record. Statistical information, without personal identifiers, is used from the computer record.

(2) Trainee and Volunteer Service and Pay Folder and Computer based record: This record contains correspondence, forms related to pay allowances, travel and service such as, the Oath, designation of beneficiary, address, social security number, duty station, next of kin, trainee registration form, serivce and termination documents. Information is coded from hard copy documents to create a record for pay and verification of service purposes.

(3) Medical Folder: The medical record contains medical examination forms and fitness for duty reports, medical claims, correspondence and cables, medical histories, payment records, record of the consulting physician, treatment, hospilization and disposition of the case. History of psychiatric or psychological treatment.

(4) Legal Folder: These records contain a record of any legal matter affecting volunteers or applicants. Includes grievances, appeals, claims litigation, legal queries from volunteers/ applicants and answers, and any other matter involving contact between a volunteer/applicant and the Office of the General Counsel.

(5) Special Services Folder: This record is set up to cover any unusual or extraordinary action or circumstance happening during service or causing the termination of the volunteer or trainee. These records contain details of extensions, transfers, reenrollments, reinstatements, death or termination. Details include name, country of assignment, program number, dates of the action, supportive doocumentation. Supportive documentation would include termination reports, staff recommendations, cables, financial information, travel arrangements and medical clearance. Death cases may also include autopsy report, documentation of account of the death, designation of beneficiary, police report, death certificate, correspondence related to final arrangements, money payments and other financial matters.

(6) Overseas Post Service and Medical Records: Contain correspondence and forms relating to in country service such as, records of all payments or accrued credit to volunteers and trainees, advances or other items due to the government from volunteers or traineees, monthly living allowances, leave allowances, settling in allowances, property assignments. The medical record is maintained at post by the Peace Corps Health official. It contains the entrance physical and dental examination records and record of treatment received while in Peace Corps.

(7) Headquarters International Operations Region Correspondence Files: These files contain copies and originals of correspondence to and from the volunteers or trainees regarding project activities.

(8) United Nations Volunteers Records: These records contain applications, correspondence related to the applicant/placement process, other records connected with the application, training and placement of persons wishing to serve or serving as United Nations Volunteers. For short periods of time references furnished by the applicant may be kept in the file but they are transferred to the ACTION Office of Recruitment which has the responsibility for the selection process. Similarly, medical history forms are collected but are immediately forwarded to the United Nations or Health Services Division of ACTION. Upon the end of serivce or inactivation of the record they are forwarded to the ACTION Records Center for combining and retirement as regular Peace Corps records.

Authority for maintenance of the system: The Domestic Volunteer Service Act of 1973, 42 U.S.C. 4951 et seq., The Peace Corps Act, 22 U.S.C. 2501 et seq., and The Budget and Accounting Act of 1950.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The contents of these files and records may be disclosed and used as follows:

(a) As stated in our general routine uses unless sepcifically stated otherwise under this heading.

(b) To the Domestic Volunteer's sponsor concerning placement, performance, support and related matters.

(c) To Peace Corps Volunteer host country officials to obtain visas, inform of pending arrival of the trainee/volunteer and for review of their qualifications for the program.

(d) To the trainee/volunteer's family or next of kin so that he or she may be located in case of emergency.

(e) To the Social Security Administration for crediting of social security accounts and reporting withholdings.

(f) To the Internal Revenue Service to report on taxes paid and for income tax purposes.

(g) To Federal agencies having a need to verify volunteer eligibility for Federal employment under provisions of Executive Order 11103.

(h) To the Treasury Department for purposes of issuing payroll checks, readjustment allowance checks or to report overpayments.

(i) For Peace Coprs volunteers, ao appropriate overseas U.S. Government agencies for monthly payroll preparation.

(j) To verify active or former volunteer service.

(k) Regarding the legal record: Information contained in the legal file is not routinely disclosed outside the agency except in the following circumstances: 1. To the Department of Justice in conjunction with litigation or potential litigation in situations in which the Department may be called upon to provide representation to the Agency. 2. In circumstances set forth in paragraphs 1, 2, 7 and 10 of our general routine uses.

(l) Regarding the United Nations Volunteer records: In addition to our general routine uses the contents of these records and files may be disclosed and used as follows: 1. To designated officers and employees of the United Nations having a responsibility for the selection and placement of U.N. Volunteers. 2. To officials of a proposed host country desiring the assignment or placement of U.N. volunteers.

(m) Regarding Medical records: In addition to our general routine uses the medical records and files may be disclosed or used as

follows : 1. To the contractor under the ACTION Health Policy, for purposes of adjudication of volunteer claims. 2. To the Office of Workers Compensation, U.S Department of Labor in connection with claims under the Federal Employee's Compensation Act. 3. To a physician or other medical personnel treating or involved in the medical treatment and/or care of an applicant, trainee or volunteer and having a need for such records for the provision of the medical treatment or care. In situations where it is practicable the individual's consent will be obtained before releasing such information. 4. To psychiatrists or clinical psychologists when necessary for treatment. To the extent practicable disclosure will not be made without approval of the individual. The exixtence of psychiatric or psychological reocrds but not their contents may be disclosed to designated officers and employees of other agencies and departments of the Federal government and the District of Columbia government having an interest in an individual for employment purposes including a security clearance or access determination. 5. In death cases to notify designated life and/or personal property insurance companies to obtain payment of insurance benefits; to notify the Office of the Vice-President for the preparation of condolence letters; to the Department of Labor, Office of Federal Employee's Compensation; to the family and next of kin; and for Peace Corps Volunteers, the Department of State.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files or records are maintained in folders, log books, cards, magnetic tape or disc packs with tape backup and are filed in metal filing cabinets with an manipulation proof combination lock or in a room with a combination lock in the door, or in a locked room when not in use.

Retrievability: The majority of the subsystem records are retrievable alphabetically by the last name. A few are retrievable by the social security number; by subject headings but access may be gained by reference to an alphabetical name index; or by alphabetical order by country of assignment.

Safeguards: Records are generally available only to ACTION employees with specifically assigned duties which requires working with the records on a day to day basis. They are available to other ACTION employees having the need for such records in the performance of their official duties. Personnel screening is employeed to prevent unauthorized disclosure.

Retention and disposal: Most volunteer records are kept no longer than seven years. The Domestic Operations Full-Time Volunteer Census Master File, the Domestic Operations Volunteer Status Change Card and Peace Corps Personnel and Payroll Computer Record and the Peace Corps Description of Service records are kept permanently. The legal files are kept 27 years. The medical records are kept for 25 years. Applications rejected immediately are destroyed in six months. Applications, including any medical records, rejected before enrollment as a volunteer are destroyed in one year.

System manager(s) and address: As the record flows from one state to another, or if a record is established for a specific purpose, the system manager is the agency official responsible for the particular function. If an individual is in doubt as to whom to contact, he or she should contact the Director, Administrative Services Division.

The subsystem managers are:

a. The five ACTION Service Center Managers located as the New York Service Center; Atlanta Service Center; Chicago Service Center; Dallas Service Center and the San Francisco Service Center.

b. The Administrative Officers for the ten Domestic Operations Regional offices.

The following officers are located at ACTION, 806 Connecticut Avenue, N.W., Washington, D.C., 20525.

c. The Chief, Peace Corps Placement Branch.
d. The Chief, Health Benefits and Analysis Branch.
e. The Chief, Medical Screening and Services Branch.
f. The Chief, Medical Operations Branch.
g. The Chief, Domestic Volunteer Payroll Section.
h. The Director, Planning and Evaluation Division.
i. The General Counsel.
j. The Chief, Peace Corps Support Services Branch.
k. The Chief, ACTION Records Center.
l. The Chief, Special Services Branch.
m. The Director, Office of Multilateral and Special Programs.
n. Peace Corps Country Desk Officers.

The following officers can be contacted at the post of assignment:

o. Peace Corps Country Directors Overseas.
p. Peace Corps Medical Officers Overseas.

Notification procedure: See the Notification paragraph in the Preliminary Statement above in this notice.

Record access procedures: See the Access and Contest paragraph in the Preliminary Statement above in this notice.

Contesting record procedures: Same as "Record Access Procedures".

Record source categories: Information is obtained from the individual; sources whom the individual has named; ACTION employees or other volunteer/trainees; medical personnel who have examined or treated a volunteer or applicant or his or her records; medical contractors; U.S. Government investigative agencies, including the Office of Personnel Management; The Merit Systems Protection Board and its Special Counsel; The Federal Labor Relations Authority; and local law enforcement officials; Peace Corps Host Country Nationals; Peace Corps Country American Embassy and Consulates, United Nations Staff; and job supervisors.

ACTION/LGA—1

System name: Congressional Files System—ACTION/LGA

System location: Office of Legislative and Intergovernmental Affairs/ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Categories of individuals covered by the system: Members of Congress.

Categories of records in the system: The records in this system consist of bio-data, voting records, ACTION programs in members districts or states, indications of program concerns of members of Congress affecting ACTION, and copies of incoming and outgoing correspondence between personnel of ACTION and members of Congress.

Authority for maintenance of the system: Peace Corps Act, 22 U.S.C. 2501 et seq. and Domestic Volunteer Service Act of 1973, 42 U.S.C. 4951 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records in this system are not subject to routine use outside the Agency except for routine use number 10 in the preceding preliminary statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records in this system are maintained in file folders in metal filing cabinets locked at the close of the business day in a building having a 24-hour security guard.

Retrievability: Records in this system concerning members of committees concerned with ACTION legislation are filed by Congressional committee and within each committee alphabetically; Congressional correspondence is filed alphabetically by last name of the member.

Safeguards: Records in this system are generally available only to personnel of ACTION having a need for such information in the performance of their official duties as such.

Retention and disposal: Records in this system are maintained permanently.

System manager(s) and address: Assistant Director for Legislative and Intergovernmental Affairs/ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Notification procedure: See the Notification paragraph in the Preliminary Statement above in this notice.

Record access procedures: See the Access and Contest paragraph in the Preliminary Statement above in this notice.

Contesting record procedures: Same as "Record Access Procedures".

Record source categories: Information in system of record is obtained from the following category of sources: 1. The Congressional Directory, Congressional Records, Congressional Quarterly, Periodicals and standard reference materials. 2. Members of Congress and their staffs. 3. ACTION employees. 4. Newspaper and magazine publications.

ACTION/AF—32

System name: ACTION Information Gathering System—ACTION/AF-32.

System location: Office of Administrative Service/ACTION, 806 Connecticut Avenue NW., Washington, D.C. 20525.

Categories of individuals covered by the system: (1) Persons serving in, having served in, or who are served by programs initiated by ACTION; (2) persons working with ACTION programs on a volunteer basis, and (3) the general public, i.e., in communities and areas (i) where ACTION programs are; (ii) where ACTION programs are proposed; and (iii) nationwide for media impact studies, post-service studies, etc.

Categories of records in the system: The system will contain information necessary to provide statistical and analysis data in connection with agency activities including volunteer projects. The agency anticipates during the next year studies in such aeas as: Recruitment, impact of advertising campaigns or media on a given area; public awareness of proposed or existing programs; program effect in particular demographic areas; impact of volunteer service on individuals after service; community awareness of program impact and vounteer programs on private sector volunteerism, etc. Individuals will be asked to complete a form and will be informed of the particulars of the study, i.e., the specific purpose of the study, who is conducting the study, the use of the information they submit; who has access to the records; provisions of the Privacy Act; the authority for collecting the data; the effect of nondisclosure; the particular study title and the Privacy Act system of records identification number.

This information may include names and addresses, relationships to a particular agency activity, age, race, education, ethnic background, employment history, family size and age groups, marital status, impact of an ACTION program on the individual or community, type of service received, volunteer program interest area, effect of advertising on the individual. Although it is impossible to foresee all information which will be gathered for study the agency anticipates that such data may be collected. Subsystems of records may be set up for relatively short periods of time during the information gathering stage. However, the overall responsibility for these subsystems comes under the Administrative Services Division. Records will be retained only as long as needed for the study but statistical data may be retained after personal identifiers have been removed.

Authority for maintenance of the system: The Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951, 5042 (13) and the Peace Corps Act, as amended (22 U.S.C. 2501, et seq.)).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Data maintained in this system shall be used to enable the agency to carry out its authorized functions in connection with program and project evaluation as stated in the statement of general routine uses published in the preliminary statement set forth in 42 FR No. 182 at page 47439 paragraph 8 * * * "Information in any system may be used as a data source, for management information, for the production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related personnel management functions or manpower studies. Information may also be disclosed to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act or the Privacy Act or to locate specific individuals for personnel research or other personnel management functions." Initially, the information will be furnished by the individual to the ACTION staff personnel or personnel performing the study on behalf of ACTION. Such records will be retained only as long as required to complete the work.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: These files may be maintained in various fashions. Material placed on computers shall be stored in disc packs with tape backup. All files shall in any event be maintained and filed in rooms or cabinets with manipulation proof combination locks which are not in immediate use.

Retrievability: Files are retrievable through name or identifying number.

Safeguards: Records in this system will be available only to appropriate personnel, including staff or other individuals working on ACTION's behalf, having a need for such records in the performance of their duties.

Retention and disposal: Records in this system shall be maintained only so long as necessary to carry out the management survey or other function for which they were collected and then shall either be destroyed or the information may be stored after removal of all personal identification.

System manager(s) and address: Director, Administrative Services Division, ACTION, 806 Connecticut Avenue NW., Washington, D.C. 20525.

Notification procedure: See the Notification paragraph in the Preliminary Statement above in this notice.

Record access procedures: See the Access and Contest paragraph in the Preliminary Statement above in this notice.

Contesting record procedures: Same as "Record Access Procedures".

Record source categories: Information will be obtained from the individual or persons dealing with ACTION programs.

ACTION/AF/FVL—1

System name: Former Volunteer/Staff Resource Record (AF/FVL-1).

System location: ACTION, Office of Former Volunteer Liaison, 806 Connecticut Avenue NW., Washington, D.C. 20525.

Categories of individuals covered by the system: All former staff and volunteers.

Categories of records in the system: Individual former staff and former volunteer files containing the following information about the particular individual; name, current address; current home and business phone number, social security number; date of birth; next of kin name and address; preservice, service, and post-service education, employment and training experience; trade skills; language skills; educational level; teaching experience; current interest in voluntary service; type of volunteer/staff duty assignments and location of assignments.

Authority for maintenance of the system: The Peace Corps Act, as amended (22 U.S.C. 2501, et seq.); and the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4951).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information in this file will be used by the ACTION agency to involve former staff and volunteers with policy formation, program evaluation, recruitment, foreign and domestic disaster relief, and to keep up-to-date addresses for mailing publications and public affairs releases.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained on magnetic discs and tapes which are stored in a locked room when not in immediate use in a building with a 24-hour guard.

Retrievability: Records are indexed by categories such as skills, social security number, and alphabetical order.

Safeguards: Records in the system are available only to appropriate officials of ACTION with the need for access to such records for the performance of their duties.

Retention and disposal: Records are begun following end of staff and/or volunteer service and retained for the "life" of the volunteer/staffer. These records have no present destruction data and are now expected to be destroyed 50 years after establishment.

System manager(s) and address: Coordinator, Office of Former Volunteer Liaison, ACTION, 806 Connecticut Avenue NW., Washington, D.C. 20525.

Notification procedure: See the Notification paragraph in the Preliminary Statement above in this notice.

Record access procedures: See the Access and Contest paragraph in the Preliminary Statement above in this notice.

Contesting record procedures: Same as "Record Access Procedures".

Record source categories: Information supplied by former staff and former volunteers.

Notification procedure: Individuals wishing to see information in their records, inquire if this system of records contains information about them, or contest/correct information should provide their name, any former name, date of birth, social security number, dates of service if known, location of service and type of volunteer (Peace Corps or VISTA) or staff. Individuals should address their inquiries to: Director, Administrative Services Division, Office of Administration and Finance, ACTION, 806 Connecticut Avenue NW., Washington, D.C. All inquiries should have "Privacy Act Request" noted on the envelope.

ACTION/VCP/PMD—31

System name: Outplacement Counseling Talent Bank—ACTION AF/PMD-31.

System location: Outplacement Counseling Unit, Office of Voluntary Citizen Participation, 806 Connecticut Avenue NW., Washington, D.C. 20525.

Categories of individuals covered by the system: Applicants for employment with Federal, State and local government agencies and for private-sector employment, all of whom have been ACTION (Peace Corps or VISTA) Volunteers.

Categories of records in the system: These files contain copies of resumes and applications for employment (SF-171) with Federal, State and local government agencies and with private-sector employers, and copies of correspondence to and from individuals in the system and copies of correspondence relative to employment of those individuals, and similar documents.

Authority for maintenance of the system: The Domestic Volunteer Service Act of 1973, 42 U.S.C. 4951 et seq., and the Peace Corps Act, Amended, 22 U.S.C. 2501 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The contents of these records and files may be disclosed and used as follows: To Federal, State and local government agencies and to private-sector employers with regard to any applicant's eligibility and suitability for employment. Other routine uses as stated in ACTION's Preliminary statement published in FR Vol. 41, No. 238, Thursday, Dec. 9, 1976, pages 53940 and 53941, and FR Vol. 42, No. 114, Tuesday, June 14, 1977, page 30412.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in folders in metal file cabinets secured with three-way combination locks.

Retrievability: Records are indexed in alphabetical order and by skill code category.

Safeguards: All records are placed in combination-lock files when not in use and are locked during non-business hours.

Retention and disposal: Records in files are updated annually. If the subject of the file indicates a desire to remain in the system, the file is maintained for another year. Otherwise, the file is destroyed by burning or shredding.

System manager(s) and address: Chief, Outplacement Counseling Unit, OUCP, ACTION, 806 Connecticut Avenue NW., Washington, D.C. 20525.

Notification procedure: See the Notification paragraph in the Preliminary Statement above in this notice.

Record access procedures: See the Access and Contest paragraph in the Preliminary Statement above in this notice.

Contesting record procedures: Same as "Record Access Procedures".

Record source categories: Information contained in the system is obtained from the following sources: applications, resumes and related personnel forms furnished by the individual.

ACTION/C—1

System name: Discrimination Complaint File

System location: Office of Compliance, ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Categories of individuals covered by the system: Any employee or applicant for employment who has filed a complaint of discrimination against ACTION.

Categories of records in the system: Affidavits maintained concerning the following information: the complaint, correspondence related to the complaint and copies of personnel records and information how the complaint was resolved.

Authority for maintenance of the system: Executive Order 11478 and 5 CFR 713, 222.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Contents of these records and files may be disclosed and used as follows: a. To the Merit Systems Protection Board and its Special Counsel for hearings and/or administrative appeals on the complaint of discrimination; b. To the Department of Justice in connection with any suits brought against the agency for alleged discrimination. c. To the Equal Employment Opportunity Commission for advice and counsel within its jurisdiction. Also, see preliminary statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in folders in metal file cabinets with manipulation proof combination locks when not in immediate use.

Retrievability: Files are indexed alphabetically.

Safeguards: Records in the system are available only to appropriate personnel in the Office of Equal Opportunity and other designated officials of ACTION with a need of such records in the performance of their duties.

Retention and disposal: Records are destroyed five years after the close of the case.

System manager(s) and address: Director, Office of Compliance, ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Notification procedure: See the Notification paragraph in the Preliminary Statement above in this notice.

Record access procedures: See the Access and Contest paragraph in the Preliminary Statement above in this notice.

Contesting record procedures: Same as "Record Access Procedures".

Record source categories: Data in this system is obtained from the following categories of sources: 1. Employees or applicants of ACTION involved as complainants, witnesses, etc. in discrimination complaints. 2. Reports of investigations and other materials prepared by Equal Employment Opportunity Officers, counsellors and investigators. 3. Copies of Agency documents relevant to any EO investigation. R. Records of hearings on complaints.

ACTION/AF—2

System name: Travel Authorization File—ACTION/AF

System location: Fiscal Services Branch Administration and Finance/ACTION, 806 Connecticut Avenue, NW, Washington, D.C. 20525

Categories of individuals covered by the system: Any ACTION employee, volunteer or person invited to travel for ACTION.

Categories of records in the system: Files consist of copies of obligated travel authorizations, travel vouchers, receipts, records of payments, and other materials related to official travel.

Authority for maintenance of the system: The Domestic Volunteer Service Act of 1973, 42 U.S.C. 4951 et seq. and the Peace Corps Act, 22 U.S.C. 2051 et seq.; The Budget and Accounting Act of 1921; Accounting and Auditing Act of 1950; and the Federal Claim Collection Act of 1966.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Contents of these records and files may be disclosed and used as follows: a. To the Department of Treasury which receives a copy of the travel voucher forwarded with the Voucher and Schedule of Payment (SF-116) for forwarding to the payee. Also, see preliminary statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in file folders in filing cabinets with bar locks, key locks or manipulation proof combination locks when not in immediate use.

Retrievability: Files are indexed alphabetically by last name.

Safeguards: Records in the system are available only to appropriate personnel, Fiscal Services Branch, and other appropriate officials of ACTION with the need for such records in the performance of their duties.

Retention and disposal: Records are held for three years and retired to the Federal Records Center in accordance with General Accounting Office instructions.

System manager(s) and address: Chief, Fiscal Services Branch, Accounting Division, Administration and Finance/ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Notification procedure: See the Notification paragraph in the Preliminary Statement above in this notice.

Record access procedures: See the Access and Contest paragraph in the Preliminary Statement above in this notice.

Contesting record procedures: Same as "Record Access Procedures".

Record source categories: Data in this system is obtained from forms submitted by individuals engaging in official travel, and other ACTION employees.

ACTION/AF—3

System name: ACTION Employees Occupational Injury and Illness Reports—ACTION/AF

System location: Maintained at Headquarters, ACTION and all ACTION Domestic Retional Offices and Peace Corps countries.

Categories of individuals covered by the system: ACTION employees who have had job-related injuries or illnesses.

Categories of records in the system: Reports of occupational injuries and illnesses and medical reports with respect thereto.

Authority for maintenance of the system: The Occupational Safety and Health Act of 1970 Executive Order 11807.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Occupational injury and illness reports are maintained in order to provide data, including statistical data required by the Occupational Safety and Health Administration, Department of Labor.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in folders in metal file cabinets with manipulation proof combination lock.

Retrievability: Records are indexed in alphabetical order.

Safeguards: Records are available only to ACTION employees having a need for such records in the performance of their official duties.

Retention and disposal: Files in this system are retained for a period of five years following the calendar year to which they are related and then destroyed by burning or shredding in accordance with standard procedures.

System manager(s) and address: Chief, Health Benefits and Analysis Branch, Health Services Division, ACTION 806 Connecticut Avenue, NW. Washington, D.C. 20525

Notification procedure: See the Notification paragraph in the Preliminary Statement above in this notice.

Record access procedures: See the Access and Contest paragraph in the Preliminary Statement above in this notice.

Contesting record procedures: Same as "Record Access Procedures".

Record source categories: Information contained in the system is obtained from the following categories of sources: Employees who have suffered a work-related illness or injury ACTION Supervisory personnel.

ACTION/AF—9

System name: Domestic Volunteer Appeal File—ACTION/AF

System location: Labor and Employee Relations Branch Personnel Management Division/ACTION 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Categories of individuals covered by the system: Persons serving as volunteers in ACTION domestic full-time programs appealing any action terminating such volunteer, or any action of the Agency affecting such individual selected for volunteer service and any other appealable matters affecting domestic volunteers and applicants.

Categories of records in the system: The records contain applications or petitions relating to voluntters' appeals, including replies, rebuttals, hearing records, documentary evidence, determinations and records of resulting actions.

Authority for maintenance of the system: The Domestic Volunteer Service Act of 1973, 42 U.S.C. 4951 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The contents of these records may be used and disclosed as follows: 1. In the event of any indication of any violation or potential violation of the law, whether civil, criminal, or regulatory in nature, and whether arising by statute or regulation, rule or order issued pursuant thereto, the relevant records in the system may be referred, as a routine use, to the appropriate Federal agency charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto. Such referral shall also include and be deemed to authorize, (1) any and all appropriate and necessary uses of such records in a court of law and before an administrative board or hearing, including referrals related to probation and parole matters, and (2) such other inter-agency referrals as may be necessary to carry out the receiving agency's assigned law enforcement duties, provided however, that in the event of a request for records in this system from a Federal agency for a civil or criminal law enforcement activity, authorized by law, the record shall be disclosed only upon written request signed by the head of such agency or instrumentality specifying the particular portion desired in the law enforcement activity for which the record is sought. Also, see preliminary statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Records are maintained in folders in metal file cabinets with three-way combination locks.

Retrievability: Records are indexed in alphabetical order.

Safeguards: Records in the system are generally available only to employees of the Agency having the need for such records in the performance of their duties.

Retention and disposal: Records in this system are maintained for 3 years and then retired to the Federal Records Center for disposition in accordance with regulations.

System manager(s) and address: Chief, Labor and Employee Relations Branch Personnel Management Division/ACTION 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Notification procedure: See the Notification paragraph in the Preliminary Statement above in this notice.

Record access procedures: See the Access and Contest paragraph in the Preliminary Statement above in this notice.

Contesting record procedures: Same as "Record Access Procedures".

Record source categories: Information in this system is obtained from the following sources: 1. ACTION employees. 2. Witnesses to any occurence giving rise to a grievance, appeal or other action. 3. Hearing records and affidavits and other documents used or usable in connection with such hearings.

ACTION/AF—11

System name: ACTION Travel Files—ACTION/AF

System location: Chief, Travel and Transportation Division Office of Administrative Services/ACTION 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Categories of individuals covered by the system: Any ACTION employees, volunteer, consultant, contractor or other individual who travels on agency business.

Categories of records in the system: Records maintained contains travel authorization itinerary Government Bills of lading, packing letter and passpòrt numbers which are included for overseas travel, diplomatic, official and no-fee passports for staff, trainees and volunteers; completed visa applications are temporarily held in files for Peace Corps Trainees; and other travel related material.

Authority for maintenance of the system: The Domestic Volunteer Service Act of 1973, 42 U.S.C. Section 4951 et seq.; the Peace Corps Act, 22 U.S.C. Section 2501 et seq.; The Budget and Accounting Act of 1921; the Accounting and Auditing Act of 1950; the Federal Claim Collection Act of 1966.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Preliminary Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in key locked cabinets.

Retrievability: Records are arranged alphabetically by name in accord with categories, i.e., staff travel file, Peace Corps volunteer travel file, Domestic Volunteer travel file, and consultants, experts and invitational travel files, some records are maintained by country.

Safeguards: Records are available only to appropriate personnel, Office of Travel and Transportation Division and other appropriate officials of ACTION with need for such records for the perfrmance of their duties.

Retention and disposal: Records in the system are maintained in the Travel and Transportation Division of one year after the employee leaves the agency and are then burned.

System manager(s) and address: Chief, Trvel and Transportation Division Office of Administrative Sevices ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Notification procedure: See the Notification paragraph in the Preliminary Statement above in this notice.

Record access procedures: See the Access and Contest paragraph in the Preliminary Statement above in this notice.

Contesting record procedures: Same as "Record Access Procedures".

Record source categories: Information is obtained from the following categories of sources: individual travellers ACTION employees.

ACTION/AF—12

System name: Accounts Receivable (Collection of Debts Records and Claims Record)—ACTION/AF

System location: Fiscal Services Branch/ACTION 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Categories of individuals covered by the system: Any person whether vendor or volunteer, or employee of ACTION as well as former volunteers and former employees allegedly erroneously overpaid by ACTION.

Categories of records in the system: This system contains the following categories of records: 1. Register of debts claimed. This record consists of names and addresses of individuals who are indebted to ACTION including the date of the debt, a claim number, the amount of the debt, and the date the debt is paid if that has occurred. 2. Claim Record Card. This record consists of the same information in shorter form as that contained in the Register. 3. File Folders. This record consists of the initial billing, follow up letters for collection of debt and related correspondence together with a copy of the check or checks paying the debt if that has occurred.

Authority for maintenance of the system: The Peace Corps Act, 22 U.S.C. 2501 and the Domestic Volunteer Service Act of 1973, 42

U.S.C. 4951; The Budget and Account Act of 1950. In addition to the above two Acts granting general powers of management to the Director of ACTION there are additional Federal statutes requiring and permitting the administrative settlement of claims by agencies.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Records in this system may be disclosed in the following circumstances: To the General Accounting Office (GAO) for cases of administrative error amounting to over 500 dollars of overpayment and situations in which the agency has been unable to collect such debt. Disclosure will also occur in which the agency requests a waiver for error caused by overpayment of salary in excess to 500 dollars. Also, see preliminary statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in folders in metal file cabinets with manipulation proof combination lock.

Retrievability: Records are indexed in alphabetical order.

Safeguards: These records are available only to officials of ACTION having a need for such records in the performance of their official duties and for the routine uses listed above.

Retention and disposal: These records are maintained until the settlement of a claim and then retired to the Federal Record Center to be destroyed in accord with their schedule of destruction.

System manager(s) and address: Chief, Fiscal Services Branch, Accounting Division/ACTION 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Notification procedure: See the Notification paragraph in the Preliminary Statement above in this notice.

Record access procedures: See the Access and Contest paragraph in the Preliminary Statement above in this notice.

Contesting record procedures: Same as "Record Access Procedures".

Record source categories: Information contained in the system was obtained from the following categories of sources: Domestic Retional Offices Peace Corps Country Posts Headquarters Payroll Office Employees of ACTION having knowledge of the facts.

ACTION/AF—16

System name: Voucher Payment Record and Schedules of Payments File—ACTION/AF

System location: Fiscal Services Branch, Administration and Finance, ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Categories of individuals covered by the system: Any current or former ACTION, employee, volunteer or vendor.

Categories of records in the system: The Voucher Payment Record is a single index card form containing the following data: Invoice number or date, amount paid, voucher and schedule number, grant, contract or purchase order number and type of payment (advance, partial or final). The Schedule of Payments File consists of the invoice received, document authorizing the action to be taken such as travel authorization or purchase order and the voucher making the payment as well as the SF-1166 (Voucher and Schedule of Payments) and SF-1081 (Voucher and Schedule of Withdrawals and Credits—used in government only) and to which the other documents are attached.

Authority for maintenance of the system: Domestic Volunteer Service Act of 1973, 42 U.S.C. 4951 et seq.; Peace Corps Act, 22 U.S.C. 2501 et seq.; Budget and Accounting Act of 1921 Accounting and Auditing Act of 1950; and the Federal Claims Collection Act of 1966.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The content of these records may be disclosed and used as follows: The Treasury Department receives the Schedule of Payment and a copy of voucher for payment. Also, see preliminary statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Voucher Payment Records are stored in an index card box placed in a metal file cabinet with bar locks, key locks or manipulation proof combination locks when not in immediate use. Schedule of Payment is stored in the same way.

Retrievability: Voucher Payment Record is indexed by last name alphabetically. Schedule of Payments is filed numerically by schedule number.

Safeguards: Records in the system are available only to appropriate personnel, Fiscal Services Division, and other appropriate officials of ACTION with the need for such records in the performance of their duties.

Retention and disposal: Records are held for three years and retired to the Federal Records Center in accordance with General Accounting Office instructions.

System manager(s) and address: Chief, Fiscal Services Branch, Accounting Division, Administration and Finance, ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Notification procedure: See the Notification paragraph in the Preliminary Statement above in this notice.

Record access procedures: See the Access and Contest paragraph in the Preliminary Statement above in this notice.

Contesting record procedures: Same as "Record Access Procedures".

Record source categories: Data is obtained from documents provided by the individual or the vendor.

ACTION/AF—20

System name: Peace Corps Volunteer Authorized Storage File—ACTION/AF

System location: Chief, Travel and Transportation Division, Office of Administrative Services, ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Categories of individuals covered by the system: Peace Corps volunteers authorized to store household effects and personal belongings.

Categories of records in the system: Records contain copy of the travel authorization for the volunteer and the household goods storage letter.

Authority for maintenance of the system: Section 5(n) of the Peace Corps Act, 22 U.S.C. Section 2504(n).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Preliminary Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained on book shelves in loose leaf binders in a locked room.

Retrievability: Records are arranged alphabetically by name.

Safeguards: Records in this system are available only to appropriate personnel, Office of Travel and Transportation and other appropriate officials of ACTION with a need for such records for the performance of their duties.

Retention and disposal: Records in the system are maintained in the Office of Travel and Transportation for two years after the Peace Corps volunteers terminate and are then burned.

System manager(s) and address: Chief, Travel and Transportation Division Office of Administrative Services/ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Notification procedure: See the Notification paragraph in the Preliminary Statement above in this notice.

Record access procedures: See the Access and Contest paragraph in the Preliminary Statement above in this notice.

Contesting record procedures: Same as "Record Access Procedures".

Record source categories: Peace Corps Washington Staff ACTION Overseas Peace Corps Mission Requesting Volunteers.

ACTION/AF—21

System name: Personal Service Contracts Records—ACTION/AF

System location: Chief, Procurement Branch, Contracts and Grants Management Division/ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Categories of individuals covered by the system: Only those persons contracted through the Headquarters Procurement Branch who have served or are serving as a personal services contractor for the Peace Corps abroad or in the United States are covered by this system.

Categories of records in the system: The records maintained contain the history of employment, including earning records, of individuals hired as personal services contractors.

Authority for maintenance of the system: Section 10(a)(4) of the Peace Corps Act, 22 U.S.C. 2509.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Preliminary Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in folders in metal file cabinets with manipulation proof combination locks when not in immediate use.

Retrievability: Records are arranged by contract number.

Safeguards: Records in the system are available only to appropriate personnel in the Contracts and Grants Management Division and other appropriate officials of ACTION with the need for such records for the performance of their duties.

Retention and disposal: Records in the system are maintained in the Contracts and Grants Management Division for one year after the closing date of the contract and then sent to the Federal Records Center where they are maintained for three years and then destroyed in accordance with regulations governing such destruction of Federal Record Center records.

System manager(s) and address: Chief, Procurement Branch, Contracts and Grants Management Division, ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Notification procedure: See the Notification paragraph in the Preliminary Statement above in this notice.

Record access procedures: See the Access and Contest paragraph in the Preliminary Statement above in this notice.

Contesting record procedures: Same as "Record Access Procedures".

Record source categories: Information contained in the system is obtained from the following categories of sources: Individual contractors Peace Corps Overseas Staff, Peace Corps Washington Staff.

ACTION/AF—22

System name: Talent Bank—ACTION/AF

System location: Personnel Management Division, Office of Administration and Finance; the Office of the Director and the Director, Peace Corps.

Categories of individuals covered by the system: Applicants for staff employment with ACTION.

Categories of records in the system: These files contain copies of applications for employment (SF-171), resumes submitted by applicants, and other background information regarding qualifications of the applicant for staff positions in ACTION.

Authority for maintenance of the system: The Domestic Volunteer Service Act of 1973, 42 U.S.C. 4951 et seq. and the Peace Corps Act, 22 U.S.C. 2501 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The contents of these records and files may be disclosed and used as follows: a. To the Office of Personnel Management with regard to any question of eligibility, suitability or qualifications of an applicant for employment. b. To any source of which information is requested in the course of an inquiry as to the qualifications of an applicant, to the extent necessary to identify the individual, inform the source of the nature and purpose of the inquiry, and to identify the type of information requested. Also, see preliminary statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in folders in metal file cabinets with three-way combination locks.

Retrievability: Records are indexed in alphabetical order.

Safeguards: Records are generally available only to employees with ACTION with the need for such records in the performance of their duties.

Retention and disposal: Records are destroyed when applications are two years old. Applications which result in appointment are filed in the Official Personnel Folder and are subsequently retired to the Federal Records Center, St. Louis.

System manager(s) and address: The Administrative Assistant to the Director and the Special Assistant for Country Director Recruitment in the Peace Corps are system managers for non-career applications until they are forwarded to the Personnel Management Division. The Chief, Personnel Operations Branch is the system manager for all other applications and for those non-career applications forwarded from the Office of the Director and the Peace Corps. All are located at 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Notification procedure: See the Notification paragraph in the Preliminary Statement above in this notice.

Record access procedures: See the Access and Contest paragraph in the Preliminary Statement above in this notice.

Contesting record procedures: Same as "Record Access Procedures".

Record source categories: Information contained in the system was obtained from the following categories of sources: Applications and other personnel forms furnished by the individual. By oral or written inquiries from sources disclosed by the applicant such as: Employers Schools References, etc.

ACTION/AF—23

System name: Staff and Volunteer Household Storage File—ACTION/AF

System location: Office of Administration and Finance/ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Categories of individuals covered by the system: Any employee or volunteer of ACTION whose furniture is authorized for storage.

Categories of records in the system: The records maintained contain the following information: Travel authorization. A Xerox copy of the invoice for payment. Record of partial payment form.

Authority for maintenance of the system: The Domestic Volunteer Service Act of 1973, 42 U.S.C. 4951 et seq.; the Peace Corps Act, 22 U.S.C. 2501 et seq.; and the Budget and Accounting Act of 1950.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The contents of these records and files may be disclosed and used as follows: a. To the Department of Treasury in connection with payment of invoice received from vendor. b. To the vendor in the event there is a descrepancy between its and ACTION records. Also, see preliminary statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in file folders in filing cabinets with bar locks, key locks, or manipulation proof combination locks when not in immediate use.

Retrievability: Records are indexed in alphabetical order.

Safeguards: Records in the system are available only to appropriate persons in Administration and Finance and other appropriate officials of ACTION with the need for such records for the performance of their duties.

Retention and disposal: Records are retained for two years after a volunteer's or employee's termination (including retirement) and retired to the Federal Records Center.

System manager(s) and address: Chief, Fiscal Services Branch, Accounting Division, Administration and Finance/ACTION 806 connecticut Avenue, NW., Washington, D.C. 20525.

Notification procedure: See the Notification paragraph in the Preliminary Statement above in this notice.

Record access procedures: See the Access and Contest paragraph in the Preliminary Statement above in this notice.

Contesting record procedures: Same as "Record Access Procedures".

Record source categories: Administration and Finance, Fiscal Services Branch, Travel Orders, Vendors Invoices.

ACTION/AF—26

System name: Domestic and International Volunteer Security Files—ACTION/AF

System location: Employee Security Branch Personnel Management Division/ACTION 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Categories of individuals covered by the system: Peace Corps volunteers and volunteer applicants. Volunteers serving in full-time domestic volunteer programs under Title I of the Domestic Volunteer Service Act of 1973 including service in such programs as VISTA, UYA, PLS, etc., and applicants for such service.

Categories of records in the system: These records contain investigative information regarding an individual's character, conduct, qualifications and integrity and reputation in the community where he or she lives, including records of arrest and convictions for any violations against the law, reports and recommendations from former supervisors, co-workers, friends, educators, etc.; reports of inquiries with law enforcement agencies, former employers, educational institutions attended, and other information developed from the above.

Authority for maintenance of the system: The Domestic Volunteer Service Act of 1973, 42 U.S.C. 4951 et seq. and the Peace Corps Act, 22 U.S.C. 2501 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The contents of these records and files may be disclosed and used as follows: a. To the Office of Personnel Management as a part of the central OPM

personnel investigation records system. Also, see preliminary statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in folders in metal file cabinets with three-way combination locks in a room which is locked when not in use.

Retrievability: Records are indexed in alphabetical order.

Safeguards: All officials of employees having access to such files are required to have an appropriate security clearance. Generally, these files are available only to personnel of the security office or to agency office heads or other agency personnel having a need for such files in the performance of their duties.

Retention and disposal: Peace Corps files are maintained in the personnel security office for three years after the termination or death of a volunteer, or for the same period of time after consideration of an applicant. Thereafter, said files are transferred to the Federal Records Center, where they are maintained for twenty-seven years and then destroyed in accordance with regulations of the General Services Administration. All domestic volunteer files are maintained in the personnel security office up to the time of the termination or death of a volunteer when they are destroyed by burning or shredding.

System manager(s) and address: Chief, Employee Security Branch, Personnel Management Division ACTION, Room 400, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Notification procedure: See the Notification paragraph in the Preliminary Statement above in this notice.

Record access procedures: See the Access and Contest paragraph in the Preliminary Statement above in this notice.

Contesting record procedures: Same as "Record Access Procedures".

Record source categories: Information contained in the system was obtained from the following categories of sources: a. Applications and other personnel and security forms furnished by the individual. b. Investigative material furnished by other Federal agencies, c. By personal investigation or written inquiry from such sources as employers, schools, references, etc. d. Neighbors, associates, police departments, courts, credit bureaus, medical records, probation officials, prison officials, and other such sources as may be developed from the above.

ACTION/AF—27

System name: Employee Pay and Leave Records—ACTION/AF

System location: Office of Administration and Finance/ACTION 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Categories of individuals covered by the system: Persons employed by ACTION.

Categories of records in the system: Personnel actions employing, promoting and terminating employees, savings bond applications, advises of allotments, IRS tax levels, notice of deduction for health insurance, combined Federal campaign, union dues withholdings applications, and educational allowances for children of overseas employees and records regarding collections for overpayments and time and attendance records.

Authority for maintenance of the system: GAO Policy and Procedures Manual; 31 U.S.C. 66(a); and the Budget and Accounting Procedures Act of 1950.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Information from these records are routinely provided as follows: 1. To the Treasury for payroll and savings bonds and other deduction purposes. 2. To Internal Revenue Service with regard to tax deductions. 3. To participating insurance companies holding policies with respect to Federal employees employed by ACTION. Also, see preliminary statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in folders and looseleaf binders in metal file cabinets with manipulation proof combination locks. The individual Time and Attendance records maintained by designated timekeepers throughout the agency are stored in a metal file cabinet with a key lock or manipulation proof combination lock.

Retrievability: Records are indexed in alphabetical order.

Safeguards: Records in this system are available only to employees of ACTION with a need for such records in the performance of their official duties.

Retention and disposal: Records in this system are maintained for three years after the end of the fiscal year in which an employee terminates his employment with ACTION, and then retired to the Records Center in accordance with GAO instructions.

System manager(s) and address: Designated timekeepers throughout the agency and Chief, Domestic Volunteer and Staff Payroll Branch, Accounting Division, Office of Administration and Finance, ACTION 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Notification procedure: See the Notification paragraph in the Preliminary Statement above in this notice.

Record access procedures: See the Access and Contest paragraph in the Preliminary Statement above in this notice.

Contesting record procedures: Same as "Record Access Procedures".

Record source categories: ACTION employees and the individual to whom the record pertains.

ACTION/DO—3

System name: Employee Travel File—ACTION/DO

System location: All ACTION Domestic Regional Offices except for Region I.

Categories of individuals covered by the system: Any employee, expert, consultant or other person engaged in travel on USG Travel authorization for a Domestic Regional Office.

Categories of records in the system: Records maintained are travel authorizations and vouchers.

Authority for maintenance of the system: The Domestic Volunteer Service Act of 1973, 42 U.S.C. 4951 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The contents of these records may be disclosed and used for the purposes expressed in the Preliminary Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in folders in metal filing cabinets with manipulation proof combination locks or key locked filing cabinets when not in immediate use.

Retrievability: Records are indexed alphabetically by last name.

Safeguards: Records in the system are available only to appropriate persons in the regional offices and other appropriate officials of ACTION with a need for such records for the performance of their duties.

Retention and disposal: Records are retained until the employee has terminated and then are destroyed.

System manager(s) and address: Administrative Officer, ACTION Regional Office.

Notification procedure: See the Notification paragraph in the Preliminary Statement above in this notice.

Record access procedures: See the Access and Contest paragraph in the Preliminary Statement above in this notice.

Contesting record procedures: Same as "Record Access Procedures".

Record source categories: Itinerary provided by individual or supervisor and the voucher submitted by the individual traveller.

ACTION/DO—7

System name: Employee Unofficial Personnel Files

System location: All ACTION Domestic Regional Offices. In some cases, these files may be located in ACTION State Offices. The supervising ACTION Retional Office shall be responsible for all relevant requests in such cases.

Categories of individuals covered by the system: Current ACTION Domestic Regional employees.

Categories of records in the system: The records maintained consist of copies of personnel documents sent to ACTION Headquarters in Washington including employment applications, appointment papers, job descriptions and personnel action change notices. The Official Personnel Folder is maintained in ACTION Headquarters in Washington.

Authority for maintenance of the system: The Domestic Volunteer Service Act of 1973, 42 U.S.C. 4951 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: There are no routine uses other than those in the Preliminary Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in folders in metal filing cabinets with manipulation proof combination locks or locked in a room with a manipulation proof combination lock built into the door.

Retrievability: Records are indexed alphabetically by last name.

Safeguards: Records in the system are available only to appropriate persons in the regional offices and other appropriate officials of ACTION with the need for such records for the performance of their duties.

Retention and disposal: Files are retained until the employee terminates his service at the retional office and destroyed by burning or shredding one year after such termination.

System manager(s) and address: Administrative Officer, ACTION Regional Office.

Notification procedure: See the Notification paragraph in the Preliminary Statement above in this notice.

Record access procedures: See the Access and Contest paragraph in the Preliminary Statement above in this notice.

Contesting record procedures: Same as "Record Access Procedures".

Record source categories: The data is obtained from the employee, his references and Agency personnel forms.

ACTION/GC—2

System name: Legal Files—Staff and Applicants (A-Z)—ACTION/GC

System location: Office of the General Counsel/ACTION 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Categories of individuals covered by the system: 1. Applicants for employment with ACTION. 2. Staff employees of ACTION.

Categories of records in the system: Records of any legal matter affecting my present or former staff member of ACTION or any applicant for employment in ACTION whose employment has raised any legal question. Included among the kinds of records maintained are those involving employee grievances, appeals from adverse actions, claims by and against staff members, records concerning litigation in which ACTION staff members become involved as parties, legal queries from staff members regarding themselves or their employment and answers thereto and any other matter involving a contact between a staff member and an attorney of the Office of General Counsel.

Authority for maintenance of the system: These records are maintained under the general authority of the Office of General Counsel to represent the Agency in connection with its dealings with its employees and the general functions of the Office of General Counsel to provide advice and counsel to the Director of the Agency and his staff.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records are not routinely disclosed outside the Agency except in the following circumstances: 1. To the Department of Justice in conjunction with litigation or potential litigation in situations in which the Department may be called upon to provide representation to the Agency. 2. In circumstances set forth in paragraphs 1, 2, 7, and 10 of the general routine uses set forth in the Preliminary Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are kept in separate file folders in cabinets secured by changeable combination locks or bar locks secured by such combination locks and in room locked when not in use.

Retrievability: Files are maintained under subject headings but access to files concerning individuals may be gained by referring to an alphabetical index.

Safeguards: Files are available only to personnel of the Office of General Counsel which includes attorneys and confidential secretaries.

Retention and disposal: Files are maintained for the duration of the litigation or other matter to which they refer and retired on an annual review basis to the Federal Records Center for 27 years at which time they are destroyed.

System manager(s) and address: General Counsel, ACTION 806 Connecticut Avenue, NW., Room M-607, Washington, D.C. 20525.

Notification procedure: See the Notification paragraph in the Preliminary Statement above in this notice.

Record access procedures: See the Access and Contest paragraph in the Preliminary Statement above in this notice.

Contesting record procedures: Same as "Record Access Procedures".

Record source categories: Data is obtained from the following categories of sources: 1. ACTION employees, 2. Correspondence and reports from persons and agencies dealing with the agency and its employees. 3. Work product and research of lawyers of the office.

ACTION/PC—6

System name: Peace Corps Property Records—ACTION/PC

System location: These records are maintained in the office of each Peace Corps program overseas. There are at present an excess of 60 such offices and that this number fluctuates from time to time as programs are added or withdrawn. A complete list with specific addresses will be provided upon request to the Director of Administrative Services, ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525. Any particular country in which Peace Corps maintains a program may be addressed by writing to the Country Director, c/o the American Embassy in such country.

Categories of individuals covered by the system: Current and former Peace Corps staff, Current and former Peace Corps volunteers, Current and former Peace Corps trainees who have trained overseas.

Categories of records in the system: These files consist of records of U.S. Government property assigned to Peace Corps staff, volunteers or trainees for which they are accountable and which must be returned to the Peace Corps.

Authority for maintenance of the system: The Peace Corps Act 22 U.S.C. Section 2501, et. seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: The contents of these records and files may be disclosed and used as follows: To the Department of State or any other Federal agency having the responsibility for accounting for the disposition of Federal property. Also, see preliminary statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in metal file cabinets.

Retrievability: Files are indexed in alphabetical order in each Peace Corps post overseas.

Safeguards: Files are available only to ACTION/Peace Corps staff having a need for such records in the performance of their official duties. For these purposes, host country nationals employed by the U.S. Government and working for Peace Corps are considered staff.

Retention and disposal: Files in this system are retained at overseas posts for two years after an employee or volunteer leaves the country and then are destroyed by burning, shredding or such other method as is approved by the Department of State for the disposal of such request.

System manager(s) and address: Country Directors in each country in which ACTION/Peace Corps maintains a program.

Notification procedure: See the Notification paragraph in the Preliminary Statement above in this notice.

Record access procedures: See the Access and Contest paragraph in the Preliminary Statement above in this notice.

Contesting record procedures: Same as "Record Access Procedures".

Record source categories: Peace Corps overseas staff. The individual to whom the record pertains.

ACTION/PC—12

System name: Overseas Staff Personnel records ACTION/PC

System location: These records are maintained in the office of each Peace Corps program overseas. There are at present an excess of 60 such offices and this number fluctuates from time to time as programs are added or withdrawn. A complete list with specific addresses will be provided upon request to the Director of Administrative Services, ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525. Any particular country in which Peace Corps maintains a program may be addressed by writing to the Country Director, c/o the American Embassy in such country.

Categories of individuals covered by the system: Staff employees of ACTION serving overseas who are United States Citizens.

Categories of records in the system: These records contain copies of personnel actions affecting overseas staff, copies of personnel evaluations retained in the Country Files, and an inventory list of Government property contained in residences of overseas staff.

Authority for maintenance of the system: The Peace Corps Act 22 U.S.C. Section 2501 and pertinent sections of the Foreign Affairs Manual adopted by Peace Corps and of the Peace Corps Manual.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Preliminary Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in folders and metal file cabinets with three way combination locks.

Retrievability: Records are indexed in alphabetical order.

Safeguards: Records are available only to the Country Director and ACTION staff with a need for such records in the performance of their duties.

Retention and disposal: These records are destroyed one year after the employee leaves the country and has completed all appropriate clearance procedures, including obtaining receipts for any property contained in inventories.

System manager(s) and address: The Country Director in each country in which Peace Corps serves.

Notification procedure: See the Notification paragraph in the Preliminary Statement above in this notice.

Record access procedures: See the Access and Contest paragraph in the Preliminary Statement above in this notice.

Contesting record procedures: Same as "Record Access Procedures".

Record source categories: The individual employee to whom the record pertains. Supervisors and ACTION personnel officials.

ACTION/PC—13

System name: Overseas Staff Correspondence Files—ACTION/PC

System location: Africa Regional Office as to personnel serving in Africa and Latin America Regional Office as to personnel serving in Latin America, the Caribbean and Central America, ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Categories of individuals covered by the system: Peace Corps overseas staff, contractors and consultants.

Categories of records in the system: Correspondence between the Regional Director or the Deputy Director and current overases staff, consultants or contractors.

Authority for maintenance of the system: The Peace Corps Act, 22 U.S.C. 2501 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Preliminary Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in folders in metal file cabinets with manipulation proof combination locks.

Retrievability: Records are indexed by country of service and alphabetically within such countries.

Safeguards: Records in this system are available to regional office personnel and other officials of ACTION needing such records in the performance of their duties.

Retention and disposal: Records in this system are reviewed annually and destroyed after three years.

System manager(s) and address: Regional Director (Africa or Latin America) ACTION 806 Connecticut Avenue, NW., Washington, D.C. 20525

Notification procedure: See the Notification paragraph in the Preliminary Statement above in this notice.

Record access procedures: See the Access and Contest paragraph in the Preliminary Statement above in this notice.

Contesting record procedures: Same as "Record Access Procedures".

Record source categories: Individuals who are the subjects of the system and staff members of the Regional Offices.

ACTION/PC—15

System name: Regional Peace Corps Personnel Records—ACTION/PC

System location: Africa Region, Latin America Region and North Africa, Near East, Asia and Pacific Region (NANEAP), ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Categories of individuals covered by the system: Staff Employees of ACTION serving in Regional Offices or overseas.

Categories of records in the system: These files contain correspondence, copies of resumes, form 171s and other documents regarding personnel matters and actions of current use.

Authority for maintenance of the system: The Peace Corps Act, 22 U.S.C. 2501 et seq. and pertinent sections of the Peace Corps Manual.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Preliminary Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in folders in metal file cabinets with three-way combination locks.

Retrievability: Records are indexed in alphabetical order.

Safeguards: Records are available only to ACTION staff for the need for such records in the performance of their duties.

Retention and disposal: Any documents which should be placed in the official personnel file are forwarded to the Office of Personnel Management after the employee terminates his employment with ACTION. Thereafter all other records are destroyed after one year following the termination of such employee.

System manager(s) and address: Personnel Analyst, Regional Offices, ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Notification procedure: See the Notification paragraph in the Preliminary Statement above in this notice.

Record access procedures: See the Access and Contest paragraph in the Preliminary Statement above in this notice.

Contesting record procedures: Same as "Record Access Procedures".

Record source categories: The individual employee to whom the record pertains, supervisors and other ACTION personnel.

ACTION/PC—16

System name: Contractors and Consultants Records File—ACTION/PC

System location: Africa, Latin America and NANEAP Regions, ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Categories of individuals covered by the system: Individuals who have served or could serve as Contractors/Training Consultants for Peace Corps programs overseas.

Categories of records in the system: These files contain correspondence, resumes, and other materials pertaining to current personal services contractors, training consultants, etc., or perspective applicants for such positions.

Authority for maintenance of the system: The Peace Corps Act, 22 U.S.C. 2501 et seq.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Preliminary Statement.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Files are maintained in folders in metal file cabinets with three-way combination locks.

Retrievability: Records are indexed in alphabetical order. Alternatively records may be indexed by skills categories but alphabetically within such skills categories.

Safeguards: Records are available only to ACTION staff for the need for such records in the performance of their duties.

Retention and disposal: These records are reviewed annually and those which are no longer necessary for current operations are destroyed.

System manager(s) and address: Contract/Training Specialist, Africa, Latin America or NANEAP Region, ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

Notification procedure: See the Notification paragraph in the Preliminary Statement above in this notice.

Record access procedures: See the Access and Contest paragraph in the Preliminary Statement above in this notice.

Contesting record procedures: Same as "Record Access Procedures".

Record source categories: The individual contractor or consultant to whom the record pertains, supervisors and other ACTION personnel.

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Wednesday
September 26, 1979

Part III

Department of Energy

Emergency Building Temperature Restrictions; Availability of Forms; Final Forms and Instructions

DEPARTMENT OF ENERGY

10 CFR Part 490

[Docket No. CAS-RM-79-109]

Emergency Building Temperature Restrictions; Availability of Forms; Final Forms and Instructions

AGENCY: Department of Energy.

ACTION: Notice of Availability of Forms; Final Forms and Instructions.

SUMMARY: The Department of Energy (DOE) has issued the certification and compliance forms required by the final regulations on emergency building temperature restrictions published in the **Federal Register** on July 5, 1979 (10 CFR Part 490, 44 FR 39354). The "Certificate of Building Compliance," "Exemption Information Form" and the "Building Compliance Information Form" are published as an Appendix to this Notice, together with the instructions for their use prepared by DOE. These forms and instructions are now being distributed by DOE to affected building owners and operators by direct mail. In addition, the forms and instructions are available at the Regional Offices of DOE, Federal Information Centers, the Main Post Offices in large metropolitan areas, and at State Energy Offices. They may also be obtained upon request to DOE at the address and telephone number contained in this Notice.

EFFECTIVE DATE: Because of delays encountered in the printing and distribution of the forms, enforcement of the requirements relating to posting of the "Certificate of Building Compliance" and submission to DOE of the "Building Compliance Information Form" will not begin until after September 1, 1979.

FOR FURTHER INFORMATION CONTACT:

Henry G. Bartholomew, Emergency Building Temperature Restrictions Program, Office of Conservation and Solar Applications, Department of Energy, Room GE-004A (CS-39), Forrestal Building, Washington, D.C. 20585 (202) 252-4966.

Lewis Shollenberger, Office of General Counsel, 20 Massachusetts Avenue, NW., Room 3228, Washington, D.C. 20585 (202) 376-4011.

SUPPLEMENTARY INFORMATION: On July 5, 1979, the Department of Energy (DOE) published final regulations (10 CFR Part 490, 44 FR 39354) (the Regulations) implementing the President's "Standby Conservation Plan No. 2, Emergency Building Temperature Restrictions" (the Plan). The Plan and the Regulations were declared by the President to be effective on July 16, 1979. DOE published a notice on July 16, 1979 of the effective date of the Plan and the Regulations (44 FR 41205).

Section 490.43(a)(1) of the Regulations requires affected building owners or operators to complete in accordance with forms and instructions provided by DOE, and to post in a prominent location within the covered building, a "Certificate of Building Compliance" certifying compliance with the requirements of the Regulations. Section 490.43(b) requires building owners or operators to submit to DOE in accordance with forms and instructions provided by DOE, a "Building Compliance Information Form". Section 490.31(d) of the Regulations requires building owners or operators to retain and make available, upon request of DOE or its delegate, information described in § 490.31(c) pertaining to general exemptions claimed.

DOE has issued and is presently distributing to affected building owners and operators a packet of instructions and forms. The packet is published as the Appendix to this Notice. Included in each packet are the "Certificate of Building Compliance," the "Building Compliance Information Form" and an "Exemption Information Form" to be retained by the owner or operator for inspection. Also included are instructions for compliance with the Regulations and for the use of the forms.

It should be noted that "Building Compliance Information Form" and accompanying instructions provide that only those owners or operators or covered buildings who claim a general exemption under the Regulations are required to submit the form to DOE.

DOE is distributing the forms and instructions packets by direct mail. The packets are available at the Regional Offices of DOE, Federal Information Centers, the Main Post Offices in the 65 largest metropolitan areas, and at State Energy Offices. Packets may also be obtained from:

Department of Energy, Emergency Building Temperature Restrictions Program, Room GE-004A, (CS-39), Forrestal Building, Washington, D.C. 20585.

In addition, requests for packets may be made by telephoning DOE:

Within Continental U.S.—(800) 424-9122
From Alaska/Hawaii/Puerto Rico/Virgin Islands—(800) 424-9088
Within Washington, D.C. metropolitan area—(202) 252-4950.

Because of delays encountered in the printing and distribution of the forms, enforcement of the requirements of § 490.43(a)(1) and (b) with respect to posting the "Certificate of Building Compliance" and submission to DOE of the "Building Compliance Information Form" will not begin until after September 1, 1979.

This Notice concerns a discretionary activity of DOE and is not a regulatory activity for purposes of the notice and comment requirements of the Administrative Procedure Act (5 U.S.C. 551) and the Department of Energy Organization Act (42 U.S.C. 7101).

Issued in Washington, D.C., on August 29, 1979.

Omi G. Walden,

Assistant Secretary, Conservation and Solar Applications.

BILLING CODE 6450-01-M

INTRODUCTION

What You Must Do With These Instructions

If you are a Building Owner, Operator, or Manager with control over the building's heating, cooling, and hot water system, you must:

- Comply with these regulations, *and*
- Complete the appropriate forms.

If you are a Building Tenant with control over any portion of the building's heating or cooling system, you must:

- Comply with these regulations, *and*
- Forward these instructions to the building owner, operator, or manager.

If you are a Building Tenant with no control over any portion of the building's heating or cooling system, you are requested to:

- Forward these instructions to the building owner, operator, or manager.

The Emergency Building Temperature Restrictions Regulations,[1] effective July 16, 1979, place temporary restrictions on temperatures for heating, cooling, and domestic hot water in commercial, industrial, government, and other nonresidential buildings. The regulations generally require that thermostats be set no lower than 78° F for cooling, no higher than 65° F for heating, and no higher than 105° F for domestic hot water. Provisions are made, however, for maintenance of room temperatures at these limits as an alternative to thermostat settings. The regulations also require room temperature set-backs during periods when the building is unoccupied.

Owners and operators of buildings covered by the regulations are required to post a *Certificate of Building Compliance* in a prominent location in their buildings within 30 days of the effective date of the regulations. Tenants also are required to comply with the regulations although they are *not* required to post a Certificate or file documents with the Government.

Certain types of buildings and portions of certain buildings are excluded from the temperature restrictions. Exemptions also are available under certain specified conditions.

Civil penalties of up to $5,000 and criminal penalties of up to $10,000 are provided for violations of the regulations. The regulations will remain in effect until April 16, 1980, unless rescinded earlier by the President.

[1] *Pursuant to Sections 201(a) and (b) of the* Energy Policy and Conservation Act of 1975 *(42 U.S.C. 6201 et seq.), the President developed* Standby Conservation Plan No. 2, Emergency Building Temperature Restrictions *(the Plan) and sent it to the Congress on March 1, 1979. The Department of Energy (DOE) published a notice in the* Federal Register *on March 8, 1979 (44 FR 12906), of the President's adoption of the Plan. The Plan was approved by resolutions of the Senate on May 2, 1979, and of the House of Representatives on May 10, 1979. Proposed regulations were published in the* Federal Register *on June 1, 1979 (44 FR 31922). DOE published final regulations in the* Federal Register *on July 5, 1979 (44 FR 39354). On July 10, 1979, the President issued and transmitted to Congress a Proclamation stating his finding that a "severe energy supply interruption currently exists with respect to the supply of imported crude oil and petroleum products" (44 FR 40629). In the Proclamation, the President invoked his authority to implement the emergency building temperature restrictions, and declared July 16, 1979, as the effective date of the Plan and the regulations. DOE published a notice in the* Federal Register *on July 16, 1979, of the effective date of the Plan and the regulations (44 FR 41205).*

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Part A: How to Determine if the Regulations Apply to Your Building

1. Buildings which are covered. The regulations cover all *non-residential* buildings in the country unless a building is specifically excluded or exempted.

2. Buildings which are excluded. The regulations exclude all or portions of four types of buildings.

A. Residential Buildings. Buildings or areas of buildings, used exclusively for residential purposes are not subject to these temperature restrictions. However, non-residential portions of such buildings that have separate heating, cooling or hot water temperature controls, and which are used for commercial, industrial or other business purposes are covered and must comply with the regulations.

B. Hotels and Other Lodging Facilities. Buildings that, in the ordinary course of business, provide lodging or sleeping accomodations to the public or to private guests are not covered by these regulations. However, if the non-sleeping areas of such buildings have separate heating, cooling or water temperature controls, these areas are covered by the regulations. In hotel buildings, for example, the retail stores, restaurants, meeting rooms, lobbies, and offices that have separate temperature controls are covered and must be in compliance with the regulations.

C. Hospitals and Other Health-Care Facilities. Facilities authorized under State law to provide hospital or health-care services (*e.g.*, general or specialized hospitals, clinics, and nursing or convalescent homes) are excluded. However, if the administrative or other portions of such buildings where patient care is not provided have separate heating, cooling or water temperature controls, such areas are covered by the regulations. Medical, dental and nursing school buildings, administrative buildings, and other buildings associated with hospitals and other health-care facilities, but where patients are not treated, are covered and must comply with the regulations. The offices of physicians and dentists are *not* excluded, but an exemption for health-related reasons is available. (For further detail, please see the *Exemption Information Form*.)

D. Elementary Schools, Nursery Schools, and Day-Care Centers. Buildings housing elementary schools (through sixth grade), nursery schools, and day-care centers (as defined by State or local law) are not covered by the regulations. However, if a building is used by both elementary and junior or senior high school level students, and those areas used by junior or senior high school students have separate heating, cooling or water temperature controls, then those areas are covered and must be in compliance with the regulations.

It is possible for *portions of a building* to be excluded while the remainder of the same building is covered by these regulations. If you determine, after careful reading of these instructions, that your entire building comes under one of the exclusions, you need do nothing further. However, if you determine that your building is *not* wholly excluded, you must comply with the regulations.

3. Buildings and facilities which are exempted. A building owner, operator or tenant may be entitled to an *exemption* from the temperature restrictions under certain specified conditions. These exemptions are described on the *Exemption Information Form*. The exemptions are of two types: (1) general exemptions, which relate to the circumstances of a business activity, and (2) system related exemptions, which relate to conditions or operating features of heating, cooling or hot water equipment and systems.

As a rule, the *general* exemptions are available only to that portion or area of a building where the specified conditions exist. For example, an exemption for "special equipment," such as a computer facility, would be available *only* in those areas within the covered building containing such equipment, and in no other areas. Only if the building is served by a single master temperature control does the exemption extend beyond such areas.

Part B: How to Comply with the Regulations — Certificates and Forms

This manual contains three separate forms: (1) *Certificate of Building Compliance*, (2) *Exemption Information Form*, and (3) *Building Compliance Information Form*. Only the owner or operator of the covered building is required to complete these forms. Instructions on the responsibilities and liabilities of *tenants* are presented in Part E, below.

Certificate of Building Compliance: In *all* cases (unless the building is *wholly* excluded), the owner or operator must complete this form, remove it from the manual, and post it in a prominent public location within the building, *e.g.*, lobby or bulletin board. Failure to post this Certificate by August 15, 1979, 30 days after the effective date of the regulations, is a violation subject to penalties. However, delays occurring in the distribution and receipt of the forms will be taken into account in determining compliance with the certification requirement.

Exemption Information Form: This form is to be completed *only* if one or more of the specified exemptions are claimed for areas within a covered building, or if a special *exception* has been granted by DOE. If *exemptions* are claimed by tenants of the building, the building owner or operator is advised to obtain a written statement from such tenants which describes and justifies the claimed exemption(s). Such support documentation should be retained by the owner/operator, along with the Form, and must be available for review in the event of an inspection of the building.

Important Note: *You are* not *required to apply to DOE for an exemption from these temperature restrictions. Any authorized exemption (as specified on the* Exemption Information Form*) becomes effective immediately upon your completion of the Form. You may be subject to a penalty, however, if a claimed exemption is determined to be invalid upon a later inspection and ruling by DOE. A building owner or operator shall* not *be liable for penalties as a result of an invalid exemption claimed by a tenant.*

Building Compliance Information Form: Submittal of this form is mandatory only if claiming an exemption. Those claiming an exemption must complete the Form and return it to DOE with proper postage by August 15, 1979, or within 10 days after receipt of this manual, whichever is later

Part C: How to Comply with the Regulations — Adjusting Air Temperatures

1. Heating and Cooling Temperature Restrictions. The regulations divide heating, ventilating, and air-conditioning (HVAC) systems into two basic categories: (1) simple systems which, at any given time, can either heat or cool, but cannot heat and cool simultaneously, and (2) compound or integrated systems which have the capability to heat and cool simultaneously, or heat one area of a building while cooling another

These instructions cover those periods when the building is normally occupied. A building is considered *occupied*, day or night, when all or part of it is used for ordinary or customary functions, but *not* including such daily service functions as cleaning and maintenance. Instructions for heating and cooling during unoccupied periods are provided below

A. Simple Systems: When the cooling system is operating, the thermostats shall be set so that no cooling energy is used to lower the room temperature below 78°F. When the heating system is operating, thermostats shall be set so that no heating energy is used to raise the room temperature above 65°F. (The temperature is to be measured with a "dry-bulb," or ordinary thermometer.) However, when cooling, the dry-bulb temperature may be lowered below 78°F to the extent necessary to lower the room "dew-point" temperature to not lower

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than 65°F. (Dew-point temperature is a measure of humidity. Instructions on how to determine the dew-point temperature are provided below under *Temperature Measurement Techniques.*)

You may comply with these requirements by simply setting the thermostat(s) to the required point, *i.e.*, 78°F when cooling or 65°F when heating, or you may comply by adjusting the thermostat(s) so that the room air temperature is maintained at the prescribed levels. For further instructions, see *Temperature Measurement Techniques*, below.

B. Compound or Integrated Systems: These systems include dual-duct, reheat, recool, multizone fans, fan-coil units in combination with central air or refrigerant, induction units in combination with central air, central systems with independent window air-conditioners or heat pumps, and similar systems. Several alternatives are provided for compliance in buildings with these systems, depending upon the type or configuration of HVAC system used.

1. The building owner/operator may set each temperature control device so the dry-bulb temperature (as measured in *any* room controlled by the *same* device) is not lower than 78°F when cooling or higher than 65°F when heating. For example, if the air temperature in three separate rooms is controlled by one thermostat, you may use the measured dry-bulb temperature in any one of those rooms to determine whether you are in compliance with the regulations, *regardless of the thermostat setting.* This same approach may be applied to control the dew-point temperature.

2. Alternatively, the owner/operator may use one of the compliance strategies outlined below:

a. Heating coils combined with constant-air-volume and/or variable-air-volume HVAC systems. In such systems, the heating coils used for exterior zones of a building typically are located in fan-coil units, induction units, baseboard heaters or similar units. To be in compliance, you may set the air-temperature control devices so that:

- When cooling, no heat is provided to the heating unit;
- At all times, no coolant liquid *e.g.*, chilled water or refrigerant, is supplied to the cooling coils at temperatures below 55°F; and
- When heating, the room dry-bulb temperature is maintained not higher than 65°F.

b. Central chiller/heat pump HVAC systems. Such systems typically use a central chiller to supply cool air to the inner core of the building and circulate the warm condenser water from the chiller to the exterior rooms where heat is extracted by room heat pumps. For such systems, the building shall not be cooled below 78°F. When heating, the exterior zones shall not be heated above 65°F.

c. Constant or variable-air-volume-with-reheat and variable-air-volume ("all-air") systems: To be in compliance, set air temperature control devices so that:

- At all times, the temperature of the air leaving the cooling coils is at least 60°F; and
- When cooling, the heating system is turned OFF and the thermostats (or other local temperature control devices) are set at 78°F; and
- When heating, the cooling system is turned OFF and the thermostats are set at 65°F.

3. Instead of using any of the above compliance strategies, the owner/operator may use an alternative approach if a licensed professional engineer certifies it will consume less energy for heating and cooling the building than the approaches described above. However, such an alternative approach must include adjusting the cooling system so that: (a) no liquid coolant is provided to cooling coils at a temperature below 55°F; *or* (b) the dry-bulb temperature of air leaving the cooling coils is 60°F or higher.

Important Note: *You may alternate at any time between the compliance strategies described in B-1, B-2, and B-3, above, to achieve permissible temperature levels. For example, with a fan-coil system, if room temperature when cooling cannot be reduced to 78°F with a circulated chilled water temperature of 55°F, you may lower the temperature of the chilled water. In doing so, however, you must then insure that room air temperature is not lowered below 78°F. If at another time, outside air temperatures or*

interior heat loads should be reduced, you may adopt the alternative approach of maintaining chilled water at 55° F, or higher, regardless of the actual room air temperatures. Other actions may improve levels of comfort. Fans will assist the normal movement of air. Windows may be better insulated with shades or drapes. People may be moved away from hot or cold exterior walls and windows.

2. Temperature Restrictions When a Building Is Unoccupied. These provisions apply to *all* covered buildings, whether they have simple or complex HVAC systems.

HVAC systems must be turned OFF when a building is to be unoccupied for 8 hours or more, unless damage would occur to the building or its contents *or* the minimum anticipated outdoor air temperature (dry-bulb) during the unoccupied period is expected to be lower than 50° F.

In the latter case, the temperature control devices must be set so that either: (a) the room dry-bulb temperature is not greater than 55° F, *or* (b) the heated supply-air dry-bulb temperature is less than 100° F, *or* (c) the heating-water temperature is less than 120° F, *or* (d) the room air temperature control devices are set to a level not higher than 55° F, or at their lowest set-point. Both heating and cooling systems may be turned OFF by turning off the circulating air or circulating water systems.

3. Temperature Measurement Techniques. To determine whether a building is in compliance with these temperature restrictions, any one of the following measurement techniques may be used:

A. Compliance may be shown by reading the set-point of the thermostat. Building owners/operators are required to maintain thermostats at reasonable tolerances of accuracy. Any intentional alteration or damaging of such devices to produce inaccurate readings is a violation of the regulations.

B. Alternatively, measurements of the actual room temperature and humidity levels may be made by the following means:

- For measuring dry-bulb temperatures:
  - Reading a thermometer placed within two feet of the thermostat; or
  - Averaging the thermometer readings taken two feet away from and at the center of each external wall in the room, and at the center of the room; or
  - Taking the temperature at the center of the room if there are no external walls.
- For measuring dew-point temperature:
  - Using an instrument that indicates dew-point temperature; or
  - Inference from the dry-bulb temperature and relative humidity (See Table 1 below.)
- For measuring relative humidity:
  - A humidity-indicating device (hygrometer); or
  - Inference from the dew-point or from wet-bulb and dry-bulb temperature measurements (psychrometer).
- For measuring wet-bulb temperature:
  - An instrument for measuring wet-bulb temperature (psychrometer); or
  - Inference from the dew-point temperature or relative humidity.

Dew-point or wet-bulb temperatures and relative humidity may be measured within two feet of the humidity space-conditioning control device (humidistat), if located in the room, or in the same location used in measuring the dry-bulb temperature. To allow for HVAC system cycling, several temperature and humidity readings may be spaced to accommodate the time needed for compressors to go through their "on-off" cycles. Where an air-temperature control device controls the temperature in more than one room, the measurement(s) may be made in any one room controlled by that device.

4. Use of Portable Heaters and Ventilating Equipment. The use of auxiliary heating devices, *e.g.*, portable electric heaters or heat lamps, is prohibited, except: (1) when the room dry-bulb temperature is below 65° F, or (2) to provide spot heating when the building is unoccupied. For example, a person working overtime may use auxiliary heating equipment.

The use of ventilating fans or ventilating systems is authorized, even when such use will raise the room temperature above 65° F (dry-bulb) or lower it below 78° F (dry-bulb). The use of free-standing fans within rooms is authorized at all times.

REGULATIONS

Table 1: Dew-point temperature (°F) estimated from measurements of dry-bulb temperature and relative humidity.

Dry-Bulb Temperature (°F)	Relative Humidity (Percent)				
	50	60	70	80	90
70	51°	56°	60°	64°	67°
75	55°	60°	65°	68°	72°
78	58°	63°	67°	71°	75°
80	60°	65°	69°	73°	77°
85	64°	70°	74°	78°	82°

Using an ordinary thermometer and a relative humidity gauge, the approximate dew-point temperature can be estimated from this Table. Example: If the indoor dry-bulb temperature measures 78°F and the relative humidity (measured within the room) is 70 percent, the dew-point temperature is approximately 67°F. Under these conditions, the thermostat may be lowered below 78°F to reduce the dew-point temperature to not more than 65°F. This may be done by first lowering the thermostat one degree to 77°F, and rechecking the relative humidity after the room temperature has stabilized. If the estimated dew-point temperature is still above 65°F, the thermostat may be lowered slightly again, and this process repeated until the estimated dew-point is 65°F.

Part D: How to Comply with the Regulations — Adjusting Water Temperatures

These restrictions apply only to "domestic" hot water — that is, water used for personal hygiene or general cleaning, for example, in rest rooms or janitorial facilities. Temperature control devices for domestic hot water must be set at 105°F or the lowest setting on the control device, whichever is higher. When a building is unoccupied for more than eight hours, the domestic hot-water circulating system pumps (if any) must be turned OFF, unless this would damage the building, its systems, or its internal processes. Exemptions from these requirements are described on the *Exemption Information Form.*

Compliance with the hot-water temperature restrictions may be determined by measuring the water temperature:

a. in the hot-water supply line; or

b. at the tank temperature control point; or

c. at the tap nearest to the tank discharge point.

Some systems may not have large hot-water storage capacity. In such cases, operators may take advantage of option "c" by installing a mixing valve between the hot-water tank and the nearest tap. This will allow water in the storage tank to be heated above 105°F.

Water temperature control devices must be maintained within reasonable tolerances of accuracy, and any alteration with the intent of having that device function inaccurately is prohibited.

Part E: Tenant Responsibilities

Tenants of buildings covered by these regulations who have control of temperature control devices such as wall thermostats and window air-conditioners are required to maintain such devices at the levels required by the regulations. Failure to comply with these requirements is a violation subject to penalties.

A tenant entitled to an exemption is required to notify the building owner or operator in writing of such exemption. The exemption becomes effective upon notification of the owner/operator. The owner/operator will attach the claimed exemption to the *Exemption Information Form* which he is required to complete and retain on file.

Part F: Special Exceptions

In addition to the exemptions (see the *Exemption Information Form*), *special exceptions* will be granted when these regulations create special hardship, inequity, or an unfair distribution of the burden. Applications for *special exceptions* must be in writing and signed by the person or persons so affected. The application should set forth the revelant facts and explain why these regulations create a special hardship, inequity, or an unfair distribution of the burden. The building (or area therein) in which the requested exception would apply also should be identified.

Form Approved OMB No. 038-S79046

EMERGENCY BUILDING TEMPERATURE RESTRICTIONS
CERTIFICATE OF BUILDING COMPLIANCE

SAMPLE

Building Name

Address

Telephone

No. of Stories

No. of Square Ft.

This is to certify that the undersigned is in compliance with the Emergency Building Temperature Restrictions Plan. Accordingly, the cooling, heating, and hot water temperatures of these premises have been adjusted in an attempt to achieve the reductions in energy consumption contemplated under the emergency measures.

(Check Appropriate Category)

☐ Full Compliance

☐ Exempted Compliance
(See Building Manager for Exemption Details)

☐ Excepted From Compliance
(See Building Manager for Exception Application)

Building Owner or Operator
(Signature)

Date

Form Approved
OMB No. 038-S79046

U.S. DEPARTMENT OF ENERGY
EXEMPTION INFORMATION FORM

Building owners or operators must complete this form and keep it on file.
Please do not forward the form to the Department of Energy.

1. Respondent/Building Identification

(Respondent's Name)

(Building Address)

(Respondent's Area Code and Telephone Number)

2. Building Owner Identification (if different)

(Owner's Name)

(Owner's Address, if different)

(Owner's Area Code and Telephone Number, if different)

3. Building Type (Please Check One)

- ☐ A. industrial/manufacturing
- ☐ B. school
- ☐ C. restaurant
- ☐ D. retail store (other than retail food store)
- ☐ E. hospital/health care
- ☐ F. office
- ☐ G. hotel/lodging
- ☐ H. shopping center
- ☐ I. warehouse
- ☐ J. retail food store
- ☐ K. combination of above (please specify letters)
- ☐ L. other (please specify)

4. Exemption Information

Instructions. You are entitled to claim exemption for as much of the building's area as is required to provide necessary temperatures to exempt areas. Exemptions shall become effective when claimed. There are two types of exemptions: (1) a general exemption which results from a situation of your business, and (2) a system-specific exemption due to the nature of your building's heating and cooling and/or hot water systems. Please check the exemption(s) that apply to your building. Note that section numbers refer to Department of Energy regulations (44 FR 39354, July 5, 1979).

General exemptions (490.31)

- ☐ A. Maintenance of specified temperature levels is required by manufacturer's warranty (or other applicable instructions or equipment service contracts) to prevent damage to special equipment. 490.31(a)(1) *Example:* computer rooms.
- ☐ B. Maintenance of specified temperature and humidity levels is critical to materials and equipment used in manufacturing, industrial or commercial processes. 490.31(a)(2) *Examples:* freeze drying, certain printing processes, and manufacturing and handling of explosives.
- ☐ C. Maintenance of specified temperature and humidity levels is required for proper storage or handling of food or other agricultural commodities, raw materials, goods in process, and finished goods. 490.31(a)(3) *Example:* perishable-food warehouses.
- ☐ D. Special environmental conditions are required to protect plant or animal life or materials essential to the operation of a business. 490.31(a)(4) *Examples:* greenhouses, museums, certain laboratories, art galleries, zoos, and veterinary hospitals.
- ☐ E. Maintenance of specific temperature levels is required to protect the health of persons 490.31(a)(5):

  (i) in offices of physicians, dentists, and other members of health care professions licensed by the state to provide health-related services; or

  (ii) engaged in rehabilitative physical therapy in physical therapy facilities; or

  (iii) utilizing indoor swimming pools. (This exemption applies only to heating restrictions.)
- ☐ F. Maintenance of specific temperature or humidity levels is required to prevent damage to the structure or insulation of the building. 490.31(a)(6)

SAMPLE

System-specific exemptions (490.18)

Exemptions affecting heating and cooling systems (490.18)

☐ G. Buildings or portions thereof which are neither heated nor cooled; and buildings or portions thereof which are equipped with space heating devices and space cooling devices with total rated output less than 3.5 Btu per hour (1 watt) per square foot of gross floor area. (You should be able to find the output on a label on the equipment, in the manufacturer's literature, or in the warranty statement.) 490.18(a)(1)

☐ H. Buildings that are cooled by a heating, ventilating, and air conditioning (HVAC) system capable of using outdoor air or evaporation of water for cooling effect without operation of a vapor compression or absorption-refrigeration system. (Applicable only at those times when such a system is used for cooling and when the outdoor air and/or evaporator effect provides the only cooling source.) 490.18(a)(2)

☐ I. Buildings that use otherwise wasted energy in, or to power, HVAC systems. (Applicable only at those times when wasted energy is the only source of heating and cooling energy.) 490.18(a)(3)

☐ J. Buildings that use solar HVAC systems. (Applicable only at those times when solar energy is the only source of heating and cooling energy.) 490.18(a)(4)

☐ K. Buildings that have HVAC systems whose capacity is insufficient to maintain the building at minimum authorized temperature or humidity levels for cooling. The reduced temperature levels may be maintained only for the period necessary for the temperature to reach the minimum level otherwise permitted during the building's occupied period. 490.18(b)

☐ L. If a licensed Professional Engineer (P.E.) certifies that operation of the HVAC system in accordance with the regulations will result in consumption of more energy than will some alternate procedure and the owner/operator agrees to implement this alternate procedure. 490.12(e)(1)

Exemptions affecting hot water systems (490.24)

☐ M. Buildings where the domestic hot water heating equipment also provides hot water for manufacturing, industrial or commercial processes which require hot water temperature higher than 105° F. 490.24(a)

☐ N. Buildings where domestic hot water is the only source of water available for dishwashing or other purposes which are covered under state or local health regulations prescribing a higher minimum temperature than 105° F. 490.24(b)

☐ O. Buildings where domestic water heating/space heating boilers are combined. (This exemption applies only when the space heater is used.) 490.24(c)

☐ P. Buildings where solar energy (except for pumps and fans) provides the only source for domestic hot water heating energy. When a non-solar energy source is operating together with solar energy, this exemption does not apply. 490.24(d)

☐ Q. Buildings where otherwise wasted energy provides the only source for domestic hot water heating energy. (Applies only at those times when wasted energy is the only source of energy.) 490.24(e)

SAMPLE

5. Exemption Justification

For each exemption checked in Section 4 above, attach hereto, and retain for possible inspection, written statements provided to you by tenants claiming exemptions within your building.

6. Specific Exceptions

☐ Check here if a specific exception has been granted by the Department of Energy for the building or any portion of the building.

Name _____ Title _____

Signature _____ Date _____

Form Approved
OMB No. 038-S79046

U.S. DEPARTMENT OF ENERGY
BUILDING COMPLIANCE INFORMATION FORM

(Submittal of this Form is *Mandatory* if any Exemptions are Claimed.)

Please Type or Print—See Instructions on Pages 3.

1. Building Owner-Operator-Manager

Name (Last, First, Middle)

Building Street Address

City State ZIP Code

2. Building Size

A. Approximate Gross Floor Area in Thousands of Square Feet ☐☐☐☐☐

B. Number of Stories Heated and/or Air Conditioned ☐☐☐

3. Building Type (Please Check One)

- ☐ A. Industrial/Manufacturing
- ☐ B. School
- ☐ C. Restaurant
- ☐ D. Retail Store (other than retail food store)
- ☐ E. Hospital/Health Care
- ☐ F. Office
- ☐ G. Hotel/Other Lodging
- ☐ H. Shopping Center
- ☐ I. Warehouse
- ☐ J. Retail Food Store
- ☐ K. Combinations of Above (insert letters) ☐☐☐☐
- ☐ L. Other (please use less than 15 letters) _____

4. Exemptions (If Claimed)

General

- ☐ A. Equipment Warranty
- ☐ B. Processes
- ☐ C. Perishables
- ☐ D. Plant/Animal/Materials
- ☐ E. Health Protection
- ☐ F. Building Structure

System Specific

- ☐ G. No System
- ☐ H. Outside Air
- ☐ I. Waste Energy
- ☐ J. Solar Energy
- ☐ K. Under Capacity
- ☐ L. Certification

Hot Water

- ☐ M. Dual Use
- ☐ N. Dishwashing
- ☐ O. Combined
- ☐ P. Solar Energy
- ☐ Q. Waste Energy

5. Compliance Action Taken

- ☐ A. Full Compliance
- ☐ B. Compliance With Authorized Exemptions
- ☐ C. Exception Requested

6. Year This Building Was Originally Constructed ☐☐☐☐

7. Types of Fuels Used For Heating and Air Conditioning

Space Heating

- ☐ A. Electricity
- ☐ B. Natural Gas
- ☐ C. Fuel Oil
- ☐ D. Coal
- ☐ E. Propane
- ☐ F. Other (specify) _____

Air Conditioning

- ☐ A. Electricity
- ☐ B. Gas
- ☐ C. Other (specify) _____

D. What percentage of this building's gross floor space is air conditioned? ☐☐☐ %

SAMPLE

REGULATIONS

The letter, and any supporting documents, should be sent to the nearest DOE Regional Office of Hearings and Appeals. The envelope should be labeled: "APPLICATION FOR EXCEPTION—EBTR." Mailing addresses for the five DOE Regional Offices of Hearings and Appeals are:

26 Federal Plaza
New York City, NY 10007

1655 Peachtree Street, N.E.
Atlanta, GA 30309

2626 Mockingbird Lane
Dallas, TX 75235

175 West Jackson Street
Chicago, IL 60604

111 Pine Street
San Francisco, CA 94111

Important Note: *a* special exception *does* not *become effective until such time as it is granted by the Department of Energy and the applicant has been notified.*

Part G: Obtaining Further Information

1. Toll-Free Telephone Lines. Information concerning this program and how to comply with its regulations may be obtained by using the toll-free telephone numbers listed below. The lines will be operational between 9:00 A.M. and 5:30 P.M. (Eastern time), Monday through Friday.

Continental U.S.:	800-424-9122
Alaska, Hawaii, Puerto Rico, Virgin Islands:	800-424-9088
Metropolitan Washington, D.C.:	252-4950

2. DOE Regional Offices. Additional program information and materials may be obtained from the following Department of Energy Regional Offices.

Region I 150 Causeway St. Boston, MA 02114 (617) 223-3106	Connecticut, Massachusetts, Maine, New Hampshire, Rhode Island, Vermont
Region II 26 Federal Plaza New York, NY 10007 (212) 264-8856	New Jersey, New York, Puerto Rico, Virgin Islands
Region III 1421 Cherry St. Philadelphia, PA 19102 (215) 597-3606	Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, West Virginia
Region IV 1655 Peachtree St., N.E. Atlanta, GA 30309 (404) 881-2838	Alabama, Canal Zone, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee
Region V 175 W. Jackson St. Chicago, IL 60604 (312) 353-1036	Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin
Region VI 2626 W. Mockingbird Lane P.O. Box 35228 Dallas, TX 75235 (214) 767-7777	Arkansas, Oklahoma, Louisiana, New Mexico, Texas
Region VII 324 East 11 St. Kansas City, MO 64106 (816) 374-3815	Iowa, Kansas, Missouri, Nebraska
Region VIII 1075 S. Yukon P.O. Box 26247, Belmar Branch Lakewood, CO 80226 (303) 234-2765	Colorado, Montana, North Dakota, South Dakota, Wyoming, Utah
Region IX 111 Pine St. San Francisco, CA 94111 (415) 556-7148	American Samoa, Arizona, California, Guam, Hawaii, Nevada, Trust Territories of the Pacific
Region X 915 Second Ave. Seattle, WA 98174 (206) 442-7285	Alaska, Idaho, Oregon, Washington

federal register

Wednesday
September 26, 1979

Part IV

Department of Housing and Urban Development

Office of Assistant Secretary for Housing—Federal Housing Commissioner

Transfer From Nonprofit To Profit-Motivated Ownership for Multifamily Housing Projects With HUD-Insured or HUD-Held Mortgages; Proposed Rule

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

[24 CFR Part 265]

[Docket No. R-79-698]

Transfer From Nonprofit to Profit-Motivated Ownership for Multifamily Housing Projects With HUD-Insured or HUD-Held Mortgages

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

ACTION: Proposed rule.

SUMMARY: This rule is proposed to clarify by regulation the process and criteria for the transfer from nonprofit to profit-motivated ownership for multifamily housing projects with HUD-insured or HUD-held mortgages. The rule reflects the Department's policy with respect to approval of such transfers and sets forth the standards and procedures under which they must be processed. The Department's principal concern in approving such transfers is that the physical, financial and management needs of the project be met satisfactorily by the transfer to new ownership.

DATES: Comments due: November 26, 1979.

ADDRESS: Comments should be sent to the Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: Mr. Jesse Wolf, Office of Multifamily Housing Management and Occupancy, Room 6148, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410; phone number (202) 755-5866. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Transfers of physical assets, i.e., the sale or transfer of projects by original or subsequent owners to a new owner without prepayment of the existing mortgage, are controlled by the Regulatory Agreement. The Regulatory Agreement provides that owners or sponsors shall not convey, transfer or encumber any of the mortgaged property without the express written approval of the Secretary. Language in the Insured Project Servicing Handbook, 4350.1, Chapter 4, sets forth the guidelines for such approval but does not specifically address nonprofit subsidized project sales. Prior to 1976, any requests for sale by a nonprofit to a profit-motivated owner required that the mortgage be paid down by 10 percent. That requirement adjusted for the 100 percent mortgage received by nonprofit sponsors and 90 percent mortgages available to profit-motivated sponsors.

A change in policy allowed local office directors to accept less than the 10 percent equity contribution on such transfers if certain conditions were met. It further provided that funds received by the project from the sale could be utilized for various purposes other than paying down the mortgage, such as curing mortgage payment delinquencies or correcting deferred maintenance.

As part of its heightened efforts to address the problems of troubled multifamily housing projects, the Department has determined that considered approval of transfers of physical assets can result in significant benefits to the project, the neighborhood and the tenants, as well as protect the interests of the government.

After reviewing the present situation with regard to such transfers, the Department has decided to publish a proposed rule governing the transfer of physical assets in order to state clearly its policies and procedures for approval.

Interested persons are invited to submit written comments, suggestions and data regarding the proposed rule to the Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410. All communications should make reference to the above docket number and title.

Submissions received on or before 60 days after publication will be considered before adoption of a final rule. A copy of each submission will be available for public inspection during business hours at the above address.

A Finding of Inapplicability with respect to environmental impact has been prepared in accordance with Procedures for Protection and Enhancement of Environmental Quality. Copies of the finding are available for inspection and copying in the Office of the Rules Docket Clerk at the above address.

Accordingly, the Department proposes to add a new part to Chapter II, 24 CFR Part 265, to read as follows:

PART 265—TRANSFER FROM NONPROFIT TO PROFIT-MOTIVATED OWNERSHIP FOR MULTIFAMILY HOUSING PROJECTS WITH HUD-INSURED OR HUD-HELD MORTGAGES

Sec.

265.1 Purpose and Scope.
265.2 Applicability.
265.3 Definitions.
265.4 Waivers.
265.5 Prohibition and Limitations Against Transfer.
265.6 Approval of Transfer.
265.7 Conditions on Projects Eligible for Transfer.
265.8 Review of Projects Proposed for transfer and notice to Purchaser.
265.9 Minimum Standards for Approval.
265.10 Director's Analysis and Findings.
265.11 Schedule of Contributions.
265.12 Prohibition Against Payment to the Nonprofit Owner.
265.13 Tenant Participation.
265.14 Computation of Rents.
265.15 Limits on Distributions.
265.16 Cash Contributions.
265.17 Prepayment Prohibition.
265.18 Procedure for Review and Approval.

Authority: Sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

§ 265.1 Purpose and scope.

The purpose of this part is to govern the transfer of physical assets from nonprofit to profit-motivated ownership for multifamily housing projects with HUD-insured or HUD-held mortgages. The intent of these regulations is to provide for the orderly processing and approval of such transfers and to assure that the physical, financial and management needs of the projects subject to transfer are met through the change in ownership.

§ 265.2 Applicability.

These regulations shall apply to all multifamily housing projects with HUD-insured or HUD-held mortgages.

§ 265.3 Definitions.

(a) *Commissioner.* The Assistant Secretary for Housing-Federal Housing Commissioner.

(b) *Director.* The HUD field office Director, who is either an Area Office Manager in a HUD Area Office, or a Supervisor in a HUD Service Office with multifamily management responsibility.

(c) *HUD.* The Department of Housing and Urban Development.

(d) *Local General Partner.* A general partner which has as its principal place of business an office within the market area served by the multifamily housing project.

(e) *Multifamily Housing Project.* Any property, or combination of properties, consisting of five or more living units with a mortgage insured or held by the Secretary.

(f) *Nonprofit.* A corporation or association organized for purposes other than the making of profit or gain for itself or any persons identified with it and which the Commissioner finds is in no manner controlled or directed by persons or firms seeking to derive profit or gain from it.

(g) *Profit-motivated.* A corporation, trust, association, partnership, individual or other entity capable of holding title to real property and organized for the purposes of making profit or gain.

§ 265.4 Waivers.

Upon completion of a determination and finding of good cause by the Commissioner, HUD may waive any provision of this Part in any particular case subject only to statutory limitations. Each waiver shall be in writing supported by documentation of the facts and grounds which formed the basis for the waiver.

§ 265.5 Prohibition and Limitations Against Transfer.

(a) No nonprofit owner of a multifamily housing project may convey, transfer, or encumber any of the mortgaged property without the prior written approval of the Commissioner.

(b) The Transfer of physical assets from nonprofit to profit-motivated ownership of projects constructed under Section 202 of the Housing Act of 1959 or of the Housing Act of 1950 (College Housing) is prohibited.

§ 265.6 Approval of Transfer.

When it is in the best interests of the tenants, the project, the neighborhood and the Federal Government, a non-profit owner may undertake a transfer of physical assets to a profit-motivated owner. The transfer must meet the standards and criteria of this Part and be approved by HUD.

§ 265.7 Conditions on Projects Eligible for Transfer.

(a) In addition to the minimum standards of § 265.9 below, all multifamily housing projects owned by non-profit owners which are eligible for transfer to profit-motivated sponsors are subject to the conditions set forth in this section. For the purposes of this section, a "troubled project" is a project with one or more of the following problems as determined by the Director and supported by written findings of fact:

(1) The project is experiencing serious physical or financial difficulties; or

(2) The nonprofit owner is no longer capable of discharging its ownership responsibilities; or

(3) Significant deterioration in the project's condition or operation is anticipated in the foreseeable future.

(b) In the case of a troubled project, the proposed purchaser must:

(1) Make a cash payment at least equal to 8 percent of the unpaid mortgage principal balance or an amount established under paragraph (d) of this section to be utilized as provided in § 265.16;

(2) Establish a cash reserve fund or irrevocable and unconditional letter of credit to the sole benefit of the project equal to 2% of the unpaid mortgage principal balance; and

(3) Include a local general partner and a local management agent in the new ownership entity;

(c) In the case of projects which are not troubled projects as defined above, a cash payment, at least equal to 10% of the unpaid mortgage principal balance must be remitted to the mortgagee and the criteria set out in § 265.9 must be met;

(d) As an alternative to the 8% contribution requirement for troubled projects in paragraph (b)(1) of this section, the Commissioner may determine the cash payment to be provided by a profit-motivated purchaser through a request for and competitive review of purchase proposals, in a manner acceptable to the Commissioner: *Provided,* That the requirements of paragraph (b)(2) and (3) of this section are met and in all cases the minimum contribution by the profit-motivated purchaser shall equal at least 5% of the unpaid mortgage balance.

§ 265.8 Review of Projects Proposed for Transfer and Notice to Purchaser.

When a project is proposed for a transfer of physical assets, the Director shall schedule a full review of the project to identify the present physical, financial, management and tenant needs. The proposed purchaser will be provided with the results of this review in writing, with a complete physical inspection report and annual management review, including HUD's recommended corrective actions. The Director will put the proposed purchaser on notice of the requirement to respond to all the noted deficiencies satisfactorily in the proposed purchase plan, as well as the criteria of § 265.9.

§ 265.9 Minimum Standards for Approval.

(a) Any new ownership entity and its prinicpals must meet the following minimum standards as determined by the Director and supported by written findings of fact:

(1) Demonstrated ability to provide sound financial management;

(2) Demonstrated ability to provide sound physical management;

(3) The ability to respond to the economic and social needs of the residents and to work with tenant organizations;

(4) The overall capacity, including financial capacity as determined by the Commissioner, to operate the project successfully for the remaining term of the mortgage given the proposed purchaser's present commitment to ownership of other multifamily housing projects.

(b) Any new ownership entity and its principals must satisfy the following additional requirements as determined by the Director and supported by written findings of fact:

(1) Develop a detailed plan to respond to the needs and to undertake the corrective actions specified by the Director pursuant to the full review made of the project (see § 265.8), and to address the social and economic needs of the tenants;

(2) Receive previous participation clearance (2530) for both the owner and the principals in the ownership entity and the proposed management agent; and

(3) Execute a new regulatory agreement governing the future operations of the project, which shall include the requirement to adhere to the project's affirmative fair housing marketing plan on record as updated and approved by HUD.

§ 265.10 Director's Analysis and Findings.

(a) The Director shall submit written findings as to whether or not the new ownership entity will meet the standards for approval set out in § 265.9 and the conditions of § 265.7.

(b) In addition, the Director shall not recommend a transfer for approval unless the Director also submits a written finding that the transfer as proposed responds satisfactorily to the deficiencies noted by the review made pursuant to § 265.8, including meeting the terms of any proposed mortgage workout agreement or other mortgage relief. In the case of an insured mortgage which is delinquent, the plan must provide that the mortgage will be brought current by a date certain.

§ 265.11 Schedule of Contributions.

Cash contributions required of the purchaser must be made according to the following schedule:

(a) The total contribution must be made either in equal or successively smaller installments over a 24-month period or, if the Director determines it to be in the best interests of the project, over a 36-month period, with the first installment to be made at closing.

(b) In addition, the initial contribution must be sufficient to meet the project's immediate physical and financial needs as specified by HUD in its review pursuant to § 265.8.

§ 265.12 Prohibition Against Payment to the Nonprofit Owner.

(a) Except as provided in paragraph (b) and (c) of this section, the non-profit owner selling the project shall not receive any remuneration in any form, either in direct payment in respect of the transfer or in respect of any other contribution to the nonprofit, its parent of affiliate organizations, in excess of nominal consideration necessary to effect the sale.

(b) Where the total equity contribution of the purchaser is 10 percent of the sum of the unpaid mortgage principal balance and the interest delinquencies, the nonprofit may receive a payment if it is in addition to the 10% contribution.

(c) The nonprofit may be reimbursed in order to repay advances or loans made to assure the continued operation of the project made within the previous 24 months, if approved by the Director.

§ 265.13 Tenant Participation.

The Director shall assure that the requirements of 24 CFR Part 401 for tenant input are adhered to and that tenant comments received pursuant to 24 CFR Part 401 are reviewed and considered fully prior to recommending any transfer for approval.

§ 265.14 Computation of Rents.

The rental formula to be used for the new profit-motivated owner shall be the same formula as applied previously to the nonprofit owner. No allowance shall be made in the rent schedule for a return on equity to the profit-motivated owner.

§ 265.15 Limits on Distributions.

(a) No distribution can be made until a written finding is made by the Director that all the project's physical and financial needs have been met.

(b) The owner shall be limited in any one year to a maximum distribution of six percent of its actual cash investment in the project.

§ 265.16 Cash Contributions.

(a) Cash contributions paid pursuant to a transfer shall be placed either in the reserve for replacement account and withdrawn for project needs subject to HUD approval or paid directly to the mortgagee as a prepayment on the mortgage, or to HUD in the case of Secretary-held mortgages.

(b) The Director shall determine the appropriate use of the cash contributions.

§ 265.17 Prepayment Prohibition.

Prepayment of mortgages in whole or in part of projects transferred from nonprofit to profit-motivated ownership shall be prohibited without the prior written approval of the Commissioner.

§ 265.18 Procedure for Review and Approval.

(a) The Director shall review all applications for transfer of physical assets and make written findings as to whether or not all the requirements of this part are met.

(b) The Director may reject any such application upon a written finding of its failure to meet any of the conditions or criteria of this Part.

(c) If the Director determines that all of the conditions and criteria are met, a written recommendation containing supporting documentation shall be forwarded to the Commissioner for review and approval or disapproval. The supporting documentation shall include:

(1) The results of the full review conducted pursuant to § 265.8,

(2) The owner's plan to respond to those results,

(3) Evidence of 2530 clearance,

(4) The new regulatory agreement,

(5) The Director's findings made pursuant to § 265.10,

(6) A summary and copies of any tenant input received pursuant to 24 CFR Part 401, and,

(7) In the case of proposed purchase by limited dividend partnership entities, a sample copy of the investor's prospectus.

Issued at: Washington, D.C., July 27, 1979.

Patricia Roberts Harris,

Secretary of the Department of Housing and Urban Development.

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Part V

Department of Housing and Urban Development

Office of the Assistant Secretary for Fair Housing and Equal Opportunity

Nondiscrimination and Equal Opportunity in Housing Under Executive Order 11063

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Fair Housing and Equal Opportunity

[24 CFR Part 107]

[Docket No. R-79-700]

Nondiscrimination and Equal Opportunity in Housing Under Executive Order 11063

AGENCY: Department of Housing and Urban Development.

ACTION: Proposed rule.

SUMMARY: Executive Order 11063, Equal Opportunity in Housing was issued November 20, 1962 (27 FR 11527). Regulations implementing the Executive Order were issued under program authorities administered by various agencies that were incorporated in the Department of Housing and Urban Development when it was established in 1965. These are the first Department-wide regulations proposed under E.O. 11063.

Pursuant to the delegation of the authority with respect to E.O. 11063 from the Secretary of Housing and Urban Development to the Assistant Secretary for Equal Opportunity, now the Assistant Secretary for Fair Housing and Equal Opportunity, 37 FR 12253 (June 21, 1972), it is proposed to publish compliance and enforcement procedures to be utilized by the Department in implementing its responsibilities under the Executive Order. HUD will rescind or revise obsolete regulations and issuances pursuant to E.O. 11063 including the Nondiscrimination and Equal Opportunity in Housing Regulations, 24 CFR 200.300, when formal rulemaking is issued.

DATES: Comments due: November 26, 1979.

FOR FURTHER INFORMATION CONTACT: Marianne Freeman, Special Assistant, Assistant Secretary for Fair Housing and Equal Opportunity, Room 5240, Department of Housing & Urban Development, 451 7th Street, S.W., Washington, D.C. 20410, Telephone No. (202) 755-7007.

SUPPLEMENTARY INFORMATION: E.O. 11063 directs Federal departments and agencies to take all action necessary and appropriate to prevent discrimination because of race, color, creed, or national origin (1) in the sale, leasing, rental or other disposition of residential proporty and related facilities which are owned or operated by the Federal Government or provided with Federal assistance; and (2) in the lending practices with respect to residential proporty and related facilities of lending institutions insofar as such practices relate to loans insured or guaranteed by the Federal Government.

This Part provides in § 107.11 that where matters within the purview of E.O. 11063 involve discrimination in a program or activity of the Department subject to Title VI, Nondiscrimination in Federally Assisted Programs (24 CFR Part 1), shall apply. Title VI provides that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, denied the benefits of or otherwise subjected to discrimination under any program or activity receiving Federal financial assistance. The coverage of Title VI, however, does not extend to contracts providing Federal guarantees or insurance of loans. Nor does Title VI prohibit discrimination based on creed.

These regulations shall apply to complaints alleging discriminatory practices in programs or activities of the Department not subject to Title VI and to complaints alleging discrimination in HUD programs and activities when such complaints allege discriminatory practices based on creed.

Since certain HUD affirmative fair housing marketing requirements are based on E.O. 11063, this regulation further provides that violation of those requirements constitutes a discriminatory practice under this Part 107.

This regulation, in its major substantive provisions, (1) defines discriminatory practices and prohibits discrimination in programs and activites subject to E.O. 11063; (2) establishes certain record keeping requirements; and (3) establishes compliance and enforcement procedures, including imposition of sanctions, for implementation of the Order and this Part.

Specifically, § 107.15 defines in general terms practices deemed discriminatory under the Executive Order and gives examples of such practices.

Section 107.20 prohibits such discriminatory practices by any person receiving assistance from, doing business with, or participating in any HUD program involving housing or related facilities. This section would also stipulate that any person against whom a formal finding of discrimination has been made must take affirmative action to overcome the discrimination. Further, the section indicates that nothing in this Part precludes any person from taking affirmative action to prevent discrimination in housing or related facilities where the purpose of such action is to overcome prior discriminatory practice or usage.

Section 107.21 provides that all persons receiving assistance from, doing business with, or participating in any HUD program involving housing or related activities shall take all action necessary and appropriate to prevent discrimination. Regulations describing the obligations of persons covered by E.O. 11063 to prevent discrimination and enumerating the standards upon which HUD will review the efforts of such persons to provide equal housing opportunity in HUD programs or activities will be published separately.

HUD has determined that accurate information concerning persons benefitting from HUD programs or activities or applying for loans or other assistance with respect to residential property and related facilities is necessry in the administration of HUD E.O. 11063 responsibilities. Existing record keeping requirements for HUD programs and for compliance with the Equal Credit Opportunity Act with respect to race and national origin have been incorporated in this regulation. Thus, the regulation would require that all persons participating in any Departmental program or activity involving the provision of housing, related facilities or other assistance maintain such racial and national origin records as required by the Department. Also, all approved lenders participating in Departmental mortgage insurance programs, home improvememt loan programs, GNMA morgage purchase programs, or special mortgage assistance programs, are required to keep data on the race and national origin of applicants. Maintenance of data on the sex of persons participating in HUD programs and activities relating to housing and related facilities is not required under this Part 107 based on the extent of the coverage of E.O. 11063. However, data on the sex of participants is obtained in HUD programs and activities pursuant to HUD's data collection regulations (24 CFR Part 100).

The proposed regulations provide procedures for the receipt of complaints of alleged violation of the Executive Order; initiation of investigations and routine compliance reviews by the Secretary; resolution of matters through informal compliance meetings; the conduct of compliance reviews in the event of failure to resolve apparent violations through such informal means; and imposition of sanctions authorized in Part III of the Executive Order. Complaints may be filed by any person who perceives that a recipient of assistance from the Department may be violating a prohibition against

discrimination as provided by E.O. 11063 or this part.

The compliance procedures in this regulation are intended to establish a cumulative process which provides a setting for informal resolution of possible violations previous to imposition of sanctions. The vehicle provided for such informal resolution is the compliance meeting. Where preliminary analysis of a complaint, a compliance review intitiated by the Assistant Secretary for FH&EO, or other information indicates a possible violation of E.O. 11063 or this part, the person allegedly in violation shall be notified of the allegations in a Notice of Compliance Meeting and requested to attend such a meeting. The purpose of the compliance meeting is to acquaint the respondent with the nature of the alleged violation, afford an opportunity to respond, and clearly identify the actions which must be taken to remove or remedy a violation through informal means. The respondent will be given the opportunity, prior and during the meeting, to submit information to document compliance with E.O. 11063, with this part and with the Affirmative Fair Housing Marketing Regulations, the Fair Housing Poster Regulations, and the Advertising Guidelines to the extent to which they apply to the alleged violation. After the compliance meeting, the Department shall determine and notify the respondent whether an apparent violation exists.

Submission of information and appearance at the compliance meeting are voluntary. Failure to attend the meeting or to submit information requested in connection therewith does not prejudice the procedural rights of a respondent in a proceeding to impose sanctions under §§ 107.55, 107.60 or 107.65.

If the respondent cannot establish compliance and the matters cannot be resolved informally pursuant to the procedures outlined above, the Director of the Office of Regional FH&EO may conduct a compliance review or, where appropriate, refer the matter to the Assistant Secretary for FH&EO for possible imposition of sanctions. After the compliance review is concluded a report will be prepared indicating whether a finding of compliance or noncompliance has been made. Where noncompliance is found, the entire file is sent to the Assistant Secretary for FH&EO for review and for a determination as to whether to impose sanctions. Failure or refusal to remedy the discriminatory practices may constitute proper basis for initiating action to apply sanctions. The HUD procedures leading to the imposition of sanctions are set forth in §§ 107.40, 107.45, 107.50, 107.55 and 107.60. Those procedures in § 107.40 incorporating a compliance meeting follow accepted Departmental procedures in providing due process to the respondent and will replace the informal conference provided by present HUD regulations 24 CFR 200.300.

Interested persons are invited to comment on this proposed regulation by furnishing such written comments, data, and recommendations as they may desire. All such materials should be filed with Rules Docket Clerk, Office of the Secretary, Room 5218, Department of Hou ing and Urban Development, 451 7th Street, SW, Washington, D.C. 20410. Comments received on or before November 26, 1979, will be considered before adoption of a final regulation in this matter. Copies of all comments will be available for public inspection at the above address during regular business hours both before and after the close of the comment period.

A finding of Inapplicability with respect to environmental impact has been prepared in accordance with HUD Procedures for Protection and Enhancement of Environmental Quality. A copy of the Finding is available for inspection and copying in the Office of the Rules Docket Clerk at the above address. This regulation has been evaluated and has been found not to have major economic consequences for the general economy or for individual industries, geographic regions, or levels of government.

Accordingly, it is proposed to amend Subchapter A of Chapter I of Title 24 of the Code of Federal Regulations by establishing a new Part 107 to read as follows:

PART 107—NONDISCRIMINATION AND EQUAL OPPORTUNITY IN HOUSING UNDER EXECUTIVE ORDER 11063

Sec.

107.5 Authority.
107.10 Purpose.
107.11 Relation to other authorities.
107.15 Definitions.
107.20 Prohibition against discrimination.
107.21 Prevention of discrimination.
107.25 Provisions in legal instruments.
107.30 Recordkeeping requirements.
107.35 Complaints.
107.40 Compliance meeting.
107.45 Resolution of matters.
107.50 Compliance reviews.
107.55 Application of sanctions.
107.60 Sanctions and penalties.
107.65 Referral to the Attorney General.

Authority: E.O. 11063, Equal Opportunity in Housing, issued November 20, 1962 (27 FR 11527); delegation of authority by the Secretary of Housing and Urban Development published in 34 FR 12253 (June 21, 1972).

§ 107.5 Authority.

The regulations in this part are prescribed pursuant to the provision of E.O. 11063, Equal Opportunity in Housing, issued November 20, 1962 (27 FR 11527) together with the delegation of authority by the Secretary of Housing and Urban Development published in 34 FR 12253 (June 21, 1972) delegating the power and authority of the Secretary under E.O. 11063, with certain exceptions, to the Assistant Secretary for Fair Housing and Equal Opportunity (FH&EO).

§ 107.10 Purpose.

These regulations are to carry out the requirements of E.O. 11063 that all action necessary and appropriate be taken to prevent discrimination because of race, color, creed, or national origin in residential property and related facilities owned or operated by the Federal Government, or provided with Federal assistance by the Department of Housing and Urban Development and in the lending practices with respect to residential property and related facilities of lending institutions insofar as such practices relate to loans insured, guaranteed or purchased by the Department. These regulations are intended to assure compliance with the established policy of the United States that the benefits under programs and activities of the Department which provide financial assistance, directly or indirectly, for the provision, rehabilitation, or operation of housing and related facilities are made available without discrimination based on race, color, creed, or national origin. These regulations are also intended to assure compliance with the policy of this Department to administer its housing programs affirmatively, so as to achieve a condition in which individuals of similar income levels in the same housing market area have a like range of housing choices available to them regardless of their race, color, creed, or national origin.

§ 107.11 Relation to other authorities.

Where alleged discrimination on the grounds of race, color, or national origin is cognizable under E.O. 11063 and involves a matter subject to Title VI of the Civil Rights Act of 1964, the implementing regulations of Title VI, Nondiscrimination in Federally Assisted Programs, under Part 1 of this Title shall apply.

§ 107.15 Definitions.

As used in this Part 107—

(a) "Department" means the Department of Housing and Urban Development.

(b) "Secretary" means the Secretary of Housing and Urban Development.

(c) "State" includes the District of Columbia, the Commonwealth of Puerto Rico and the territories of the United States.

(d) "Assistance" includes (1) grants, loans, contributions, and advances of Federal funds; (2) the grant or donation of Federal property and interests in property; (3) the sale, lease, and rental of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration or a consideration which is reduced for the purpose of assisting the recipient or in recognition of the public interest to be served by such sale or lease to the recipient, when such order granting permission accompanies the sale, lease, or rental of Federal properties; (4) loans in whole or in part insured, guaranteed, or otherwise secured by the credit of the Federal Government; and (5) any Federal agreement, arrangement, or other contract which has as one of its purposes the provision of assistance.

(e) "Person" includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives or agents, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, fiduciaries and public entities.

(f) "Public entity" means a government or governmental subdivision or agency.

(g) "Discriminatory practice" means:

(1) Any discrimination on the basis of race, color, creed, or national origin in the sale, rental or other disposition of residential property or related facilities (including land to be developed for residential use), or in the use or occupancy thereof, where such property or related facilities are:

(i) Owned or operated by he Secretary;

(ii) Provided in whole or in part with the aid of loans, advances, grants, or contributions agreed to be made by the Department after November 20, 1962;

(iii) Provided in whole or in part by loans insured, guaranteed or otherwise secured by the credit of the Department after November 20, 1962; or

(iv) Provided by the development or the redevelopment of real property purchased, leased, or otherwise obtained from a State or local public agency or unit of general purpose local government receiving Federal financial assistance from the Department under a loan or grant contract entered into after November 20, 1962.

Examples of discriminatory practices under this paragraph include but are not limited to the following when based on race, color, creed or national origin:

(i) Denial to a person of any housing, accommodations, facilities, services, financial aid or other benefit provided under the program or activity;

(ii) Providing any housing, accommodations, facilities, services, financial aid, or other benefits to a person which are different, or are provided in a different manner, from those provided to others in the program or activity;

(iii) Subjecting a person to segregation or separate treatment in any matter related to the receipt of housing, accommodations, facilities, services, financial aid, or other benefits under the program or activity;

(iv) Restricting a person in any way to access to housing, accommodations, facilities, services, financial aid or other benefits, or in the enjoyment of any advantage or privilege enjoyed by others in connection with such housing, accommodations, facilities, services, financial aid, or other benefits under the program or activity;

(v) Treating persons differently in determining whether they satisfy any occupancy, admission, enrollment, eligibility, membership, or other requirement or condition which persons must meet in order to be provided any housing, accommodations, facilities, services, financial aid, or other benefits provided under the program or activity;

(vi) Denying a person opportunity to participate in a program or activity through the provision of services or otherwise, or affording the person an opportunity to do so which is different from that afforded others in the program or activity.

(2) Any discrimination on the basis of race, color, creed or national origin in the lending practices with respect to residential property and related facilities (including land to be developed for residential use) of lending institutions, insofar as such practices relate to loans, insured or guaranteed, by the Department after November 20, 1962.

(3) Nothing in paragraphs (g)(1) or (2) of this section shall prohibit a recipient from taking any actions to prevent discrimination; overcome prior discriminatory practice or usage; or to overcome the effects of conditions which resulted in limiting participation by persons of a particular race, color, creed or national origin.

(4) Noncompliance with relevant affirmative fair housing marketing requirements contained in HUD programs and regulations.

§ 107.20 Prohibition against discrimination.

(a) No person receiving assistance from, doing business with or participating in any program or activity of the Department involving housing and related facilities shall engage in a discriminatory practice.

(b) Where the person has been found by the Department or any other Federal Department, agency, or court to have previously discriminated against persons on the ground of race, color, creed, or national origin, the recipient must take affirmative action to overcome the effects of prior discrimination.

(c) Nothing in this part precludes a person from taking affirmative action to prevent discrimination in housing or related facilities where the purpose of such action is to overcome prior discriminatory practice or usage or to overcome the effects of conditions which resulted in limiting participation by persons of a particular race, color, creed or national origin.

§ 107.21 Prevention of discrimination.

All persons receiving assistance from, doing business with or participating in any program or activity of the Department involving housing and related facilities shall take all action necessary and proper to prevent discrimination on the basis of race, color, creed, or national origin.

§ 107.25 Provisions in legal instruments.

All contracts, grants and agreements providing assistance for the provision of housing and related facilities and those involving sales, rental, or management of properties owned by the Secretary of Housing and Urban Development, all corporate charters, regulatory agreements, and other instruments relating to multifamily and land development projects, approvals of financial institutions and other lenders as approved FHA mortgagees, all requests for subdivision reports under home mortgage procedures and for preapplication analysis of multifamily and land development projects and all guaranty agreements shall hereafter contain provisions or statements requiring compliance with Executive Order 11063 or this part. All such contracts and other instruments shall indicate that the failure or refusal to comply with the requirements of the Executive Order or this part shall be a proper basis for the imposition of

sanctions, as appropriate, including future rejection of applications and refusal by the Department to enter into contracts with and insure or guarantee loans involving persons or entities identified with such refusal or failure.

§ 107.30 Recordkeeping requirements.

(a) All persons receiving assistance through any program or activity of the Department involving the provision of housing and related facilities subject to E.O. 11063 shall maintain racial and national origin data required in such program or activity.

(b) All lenders participating in Departmental mortgage insurance programs, home improvement loan programs, GNMA mortgage purchase programs, or special mortgage assistance programs, shall maintain data regarding the race and national origin of each applicant and joint applicant for assistance with regard to residential property and related facilities. This data shall be noted in the following categories: American Indian/Alaskan Native, Asian/Pacific Islander, Black, White, Hispanic, Other (specify). If an applicant or joint applicant refuses to voluntarily provide the information or any part of it, that fact shall be noted and the information shall be obtained through observation. Applications shall be retained for a period of at least twenty-five (25) months following the date the record was made.

(c) A failure to comply with any of the requirements of paragraph (a) or (b) of this section shall be deemed *prima facie* evidence of a discriminatory practice.

§ 107.35 Complaints.

(a) The Assistant Secretary for Fair Housing and Equal Opportunity, or designee, shall conduct such compliance reviews, investigations, inquiries, and informal meetings as may be necessary to effect compliance with this part.

(b) Complaints under this part may be filed by any person and must be filed within 180 days of the alleged act of discrimination unless the time for filing is extended by the Assistant Secretary for Fair Housing and Equal Opportunity. Complaints must be signed by the complaintant and may be filed with the Assistant Secretary for Fair Housing and Equal Opportunity, Washington, D.C., 20410, or any regional or area office of the Department. All complaints shall be forwarded to the Director, Office of Regional Fair Housing and Equal Opportunity in the appropriate Regional Office which has jurisdiction in the area in which the property is located.

(c) Upon receipt of a timely complaint, the Director of the Office of Regional FH&EO shall determine whether the complaint indicates a possible violation of the Executive Order or this Part. The Director of the Office of Regional FH&EO or a designee shall conduct an investigation into the facts.

§ 107.40 Compliance meeting.

(a) Where preliminary analysis of a complaint, a compliance review initiated by the Assistant Secretary for FH&EO, or other information indicates a possible violation of E.O. 11063, or this part, the person allegedly in violation shall be notified of the allegations in a Notice of Compliance Meeting and requested to attend a compliance meeting. The purpose of the compliance meeting is to provide the respondent with the opportunity to address matters raised and to remedy such possible violations speedily and informally by further verifying their validity or lack of validity; identifying the possible remedies; and effecting a resolution as provided in § 107.45.

(b) The Notice of Compliance Meeting shall be sent to the last known address of the person allegedly in violation, by certified mail, or through personal service. The Notice will advise such person of the right to respond within seven (7) days to the matters and to submit information and relevant data evidencing compliance with E.O. 11063, the Affirmative Fair Housing Marketing Regulations, 24 CFR 200.600, the Fair Housing Poster Regulations, 24 CFR Part 110, the Advertising Guidelines for Fair Housing, 37 FR 6700, April 1, 1972, other affirmative marketing requirements applicable to the HUD program or activity and any revisions thereto. Further, the person will be offered an opportunity to be present at the meeting in order to submit any other evidence showing such compliance. The date, place, and time of the schedule meeting will be included in the Notice.

(c) The Area Office having jurisdiction over the program will prepare a report concerning the status of the respondent's participation in HUD programs to be presented to the respondent at the meeting. The Area Manager shall be notified of the meeting and may attend the meeting.

(d) At the Compliance Meeting the respondent to the matters under consideration may be represented by counsel and shall have a fair opportunity to present any relevant matters.

(e) During and pursuant to the Compliance Meeting, the Director of the Office of Regional FH&EO shall consider all evidence relating to the alleged violation, including any action taken by the person allegedly in violation to implement Executive Order 11063.

(f) If the evidence shows no violation of the Executive Order or this Part, the Director of the Office of Regional FH&EO shall so notify the person(s) involved within ten (10) days of the meeting. A copy of this notification shall be submitted to the Assistant Secretary for FH&EO.

(g) If the evidence indicates an apparent failure to comply with the Executive Order or this part, and the matter cannot be resolved informally pursuant to § 107.45, the Director of the Office of Regional FH&EO shall so notify the respondent no later than ten (10) days after the date on which the compliance meeting is held, in writing by certified mail, return receipt requested, and shall advise the respondent whether the Department will conduct a comprehensive compliance review, or, where appropriate, refer the matter to the Assistant Secretary for FH&EO for possible imposition of sanctions. A copy of this notification shall be submitted to the Assistant Secretary for FH&EO. The compliance review shall be conducted to determine whether the respondent has complied with the provisions of Executive Order 11063, Title VIII of the Civil Rights Act of 1968, HUD regulations and HUD Affirmative Fair Housing Marketing requirements.

(h) If the applicant fails to attend the meeting scheduled pursuant to this section, the Director of the Office of Regional FH&EO shall so notify the person no later than ten (10) days after the date of the scheduled meeting, in writing by certified mail, return receipt requested, and shall advise the person as to whether the Department may conduct a comprehensive compliance review or, where appropriate, refer the matter to the Assistant Secretary for FH&EO for possible inposition of sanctions. A copy of this notification shall be submitted to the Assistant Secretary for FH&EO.

§ 107.45 Resolution of matters.

(a) Attempts to resolve and remedy matters found in a complaint investigation or a compliance review shall be made through the methods of conference, conciliation, and persuasion.

(b) Efforts to remedy matters shall be directed toward achieving a just resolution of the probable violation and obtaining assurance(s) that the respondent will satisfactorily remedy any violation of Executive Order 11063 and will take actions to eliminate the discriminatory practices and prevent reoccurrences. Compensation to

individuals from the respondent may also be considered.

(c) The terms of settlements shall be reduced to a written agreement, signed by the respondent and the Assistant Secretary for FH&EO or a designee. Such settlements shall seek to protect the interests of the complainant, if any, other persons similarly affected, and the public interest. A written notice of the disposition of matters pursuant to this section and of the terms of settlement shall be given the Area Manager by the Assistant Secretary for FH&EO or a designee and the complainant, if any. The Assistant Secretary for FH&EO or a designee may, from time to time, review compliance with the terms of the settlement and may, upon finding of a violation(s), take enforcement action provided under this part.

§ 107.50 Compliance reviews.

(a) Compliance reviews shall be conducted by the Director of the Office of Regional FH&EO or a designee. Complaints alleging a violation(s) of this part or information ascertained in the absence of a complaint indicating apparent failure to comply with this part shall be referred immediately to the Director of the Office of Regional FH&EO. The Regional Director of the Office having jurisdiction over the programs involved and the Area Manager shall be notified of all alleged violations of the regulations. A complaint is not a prerequisite for the initiation of compliance review.

(b) The purpose of a compliance review is to determine whether the respondent is in compliance with the Executive Order or this part. Where allegations may also constitute a violation of the provisions of Title VIII of the Civil Rights Act of 1968, HUD regulations and Affirmative Fair Housing Marketing requirements, a review may be undertaken to determine compliance with those requirements. The applicant shall be given at least five (5) days notice of the time set for any compliance review and the place or places for such review.

§ 107.55 Compliance report.

Following completion of a compliance review, a report shall be prepared promptly and the Assistant Secretary for FH&EO shall make a finding of compliance or noncompliance. If it is found that the respondent is in compliance, all persons concerned shall be notified of the finding. Where a finding of noncompliance is made, the report shall specify the violations found. The respondent shall be sent a copy of the report by certified mail, return receipt requested, together with a Notice that the matter has been forwarded to the Assistant Secretary for FH&EO for a determination as to whether actions will be initiated for the imposition of sanctions. The Regional Director of the Office having jurisdiction over the programs involved and the Area Manager shall also receive a copy of the report and the notice of intention to refer the matter to the Assistant Secretary for FH&EO.

§ 107.60 Sanctions and penalties.

Failure or refusal to comply with the requirements of this part shall be proper basis for applying sanctions. Violations of the regulations and requirements under E.O. 11063 of other Federal Departments and agencies may also result in the imposition of sanctions by this Department. Such sanctions as are specified by E.O. 11063, the contract through which Federal assistance is provided, and such sanctions as are specified by the rules or regulations of the Department governing the program under which Federal assistance to the project is provided, shall be applied in accordance with the relevant regulations. Actions which may be taken include: Cancellation, termination, or suspension, in whole or in part of the contract or agreement; refusal to approve a lender or withdrawal of approval; a determination of ineligibility or debarment from any further assistance or contracts, in specified programs and under specified conditions; provided, however, that sanctions of debarment, suspension, ineligibility are subject to the Department's regulations under Part 24 of this title; and provided further, that no sanction under Section 302(a), (b), and (c) of E.O. 11063 shall be applied by the Assistant Secretary for FH&EO without the concurrence of the Secretary.

§ 107.65 Referral to the Attorney General.

If the results of a complaint investigation or a compliance review demonstrate that any person, or specified class of persons, has violated E.O. 11063 or this part, and efforts to resolve the matter(s) by informal means have failed, the Assistant Secretary for FH&EO in appropriate cases shall recommend that the General Counsel refer the case to the Attorney General of the United States for appropriate civil or criminal action under Section 303 of Executive Order 11063.

Issued at Washington, D.C., July 30, 1979.

Sterling Tucker,

Assistant Secretary for Fair Housing and Equal Opportunity.

[FR Doc. 79-29849 Filed 9-25-79; 8:45 am]

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federal register

Wednesday
September 26, 1979

Part VI

Department of Housing and Urban Development

Office of the Assistant Secretary for Fair Housing and Equal Opportunity

Advertising Guidelines for Fair Housing; Proposed Rulemaking

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[24 CFR Part 109]

[Docket No. R-79-699]

Nondiscrimination in Fair Housing Advertising; Proposed Rulemaking

AGENCY: Department of Housing and Urban Development.

ACTION: Proposed rulemaking.

SUMMARY: This Department proposes to reissue the Advertising Guidelines for Fair Housing (37 FR 6700, April 1, 1972), with certain revisions, as regulations. This proposed regulation also takes into account the amendment of Title VIII of the Civil Rights Act of 1968, (42 U.S.C. 3601 et seq.) prohibiting discrimination on account of sex in the sale, rental or financing of a dwelling.

The regulation will establish specific guidance for newspaper publishers, real estate firms, banks, building and loan associations and other individuals, firms or corporations concerning nondiscrimination in advertising the sale, rental, financing or other services in connection with residential real estate, as provided in Section 804(c) of Title VIII of the Civil Rights Act of 1968.

DATES: Comments due: November 26, 1979.

ADDRESSES: Send comments to Rules Docket Clerk, Office of General Counsel, Clerk, Room 5218, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: Marianne Freeman, Special Assistant, Assistant Secretary for Fair Housing and Equal Opportunity, Room 5240, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410, Telephone: (202) 755-7007.

SUPPLEMENTARY INFORMATION:

Background

Title VIII of the Civil Rights Act of 1968, the Federal Fair Housing Law, as enacted April 11, 1968, prohibited discrimination in the provision of brokerage services in the sale, rental, and financing of housing on the basis of race, color, religion, and national origin. The Housing and Community Development Act of 1974, which became effective on August 22, 1974, (Pub. L. 93-383) amended the provisions of Sections 804, 805, and 806 of Title VIII of the Civil Rights Act of 1968, Pub. L. 90-284 (42 U.S.C. 3604, 3605, 3606) by adding the word "sex" after the word "religion" in each place it appeared in the Sections.

Thus, as amended, Section 804(c) of Title VIII of the Civil Rights Act of 1968, 42 U.S.C. 3604(c), makes it unlawful to make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling (any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy, as a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof) that indicates any preference, limitation, or discrimination based on race, color, religion, sex, or national origin, or an intention to make any such preference, limitation, or discrimination.

On April 1, 1972, prior to the amendment of Title VIII, the Department published the Advertising Guidelines for Fair Housing in order to facilitate and promote compliance with Section 804(c). The Guidelines indicate graphic and written expressions which are appropriate for the preparation, publication, and general use of advertising matter with respect to the sale or rental of a dwelling as defined by the Act.

The Guidelines were issued for the purpose of assisting all advertising media, advertising agencies, and all other persons who use advertising or who make, print, or publish or cause to be made, printed, or published any classified or display advertisement with respect to the sale, rental, or financing of a dwelling by the owner or an agent, in complying with the requirements of Title VIII.

Conformance with the guidelines is considered in evaluating compliance with Title VIII in connection with investigations by the Assistant Secretary for Fair Housing and Equal opportunity of advertising practices and policies under the Title.

Since their issuance, these Guidelines have been integrated into the Fair Housing and Equal Opportunity requirements of the Department's various programs. The Guidelines for use of logo-type or slogan (Paragraph C.1 of the Guidelines) are a requirement of the Affirmative Fair Housing Marketing (AFHM) Regulations Section 200.620(e) and (f). Affirmative Fair Housing Marketing Plans are imposed in most housing programs including the FHA subsidized and unsubsidized housing programs, the Section 8 New Construction Program—24 CFR 880.218(a), the Section 8 Substantial Rehabilitation Program—24 CFR 881.218(a), and the Housing Finance and Development Agency Program New Construction and Substantial Rehabilitation projects under Subpart C of 24 CFR Part 883—24 CFR 883.309(c)(7) and the Section 515 Rural Rental Program of the Agriculture Department, provided with HUD Section 8 subsidies under the HUD-Agriculture Memorandum of Understanding see 24 CFR 883.814(a), approved by the Farmer's Home Administration. Adherence to these Guidelines is also a requirement of the HUD-VA Nondiscrimination Certification. In addition, adherence to these Guidelines is a requirement for participation in HUD's voluntary affirmative marketing agreements executed by the various segments of the housing industry and the Department.

Furthermore, conciliation agreements entered into in resolution of Title VIII complaints often include a provision that respondents such as owners, developers, and managers, of the dwellings will conform to the Advertising Guidelines. The Department of Justice has required adherence to the Advertising Guidelines in its consent decrees involving pattern or practice suits. In addition, at the time the Federal Financial Regulatory Agencies adopted their Nondiscrimination Policy Statements, they incorporated the fair housing advertising principles in the prohibitions against discrimination in lending practices by financial institutions which are subject to their control.

Summary of Proposed Action

The Advertising Guidelines for Fair Housing have been considered as providing substantive guidance with regard to compliance with Section 804(c) of Title VIII even though the April 1, 1972 guidelines were not published as rules and regulations.

Based on experience in administering Title VIII, and the effort of other Federal agencies to assure fair housing, the Department has determined that the Guidelines should be reissued as Regulations in order to attain better enforcement and to assure consistency in obtaining compliance with Section 804(c).

In addition, the present guidelines were published prior to enactment of the Housing and Community Development Act of 1974, which amended Title VIII to prohibit discrimination in housing based on sex. The amendment of the statute to prohibit discrimination on the basis of sex has necessitated an in-depth review of sex discrimination to develop appropriate revisions since the mere addition of the word "sex" to the existing Guidelines does not deal with the complex problems of sex

discrimination in the marketing of housing.

An examination of fair housing complaints the Department has received disclosed that many cases alleging discrimination on the basis of the marital status of the applicant in fact involved different treatment of persons based on sex. For example, a divorced woman may be denied rental housing or forced to meet different rental conditions, whereas a divorced man in the same situation is accepted or given favorable treatment. Thus, it has been Departmental policy to accept and investigate all such complaints in order to ascertain if, in fact, the disparate treatment accorded is actually based on the sex of the applicant and therefore covered by the Fair Housing Act.

The following are examples of types of situations involving discrimination on the basis of sex:

1. *Discrimination Based on Sex in the Financing of Housing.* This may involve refusal to finance housing for unmarried persons based on sex, or a refusal to consider in whole or in part all income of persons obligated to pay in the financing of a dwelling because of the sex of such persons.

2. *Discrimination Based on Sex in the Rental of Housing.* These complaints may involve refusal to rent to unmarried persons of either sex who may be seeking a unit alone or on a shared basis with a person of the same or different sex, or imposing different conditions for rental on women than those imposed on men. Some of the complaints of discrimination involve the denial of units to persons in certain occupations such as airline stewardesses, or waitresses (or the denial to either sex in student categories). Complaints also involve the refusal to count or the discounting of income based on the sex of persons in determining eligibility to rent housing.

In view of the problems discussed, the existing Guidelines have been reviewed and comprehensive regulations are proposed which would provide the media or marketers of housing with specific information concerning ways to avoid discrimination on the basis of sex in advertisements.

Authority

The proposed Regulations are issued under the Authority of Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 et. seq.).

Interested persons are invited to comment on the proposed Regulations by furnishing such written comments, data, and recommendations as they may desire. All such materials should be filed with the Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410. Comments received on or before November 26, 1979, will be considered before adoption of the final Regulations in this matter. Copies of all comments will be available for public inspection at the above address during regular business hours both before and after the close of the comment period.

A finding of Inapplicability with respect to environmental impact has been prepared in accordance with HUD Procedures for Protection and Enhancement of Environmental Quality. A copy of the Finding is available for inspection and copying in the Office of the Rules Docket Clerk at the above address. This regulation has been evaluated and has been found not to have major economic consequences for the general economy or for individual industries, geographic regions, or levels of government.

Accordingly, it is proposed to revise Chapter I of Subtitle B of Title 24 to include a new Part 109 to read as follows:

PART 109—FAIR HOUSING ADVERTISING

Sec.

109.5 Policy.
109.10 Purpose.
109.15 Definitions.
109.20 Use of Words, Phrases, Sentences and Visual Aids.
109.25 Selective Use of Advertising Media and Content.
109.30 Fair Housing Policies and Practices.

Authority: Title VIII, Civil Rights Act of 1968 (42 U.S.C. 3601 et seq.)

§ 109.5 Policy.

It is the policy of the United States to provide, within constitutional limitations, for fair housing throughout the United States. The provisions of Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 et seq.) make it unlawful to discriminate in the sale, rental, and financing of housing, and in the provision of brokerage services on account of race, color, religion, sex or national origin. Section 804(c) of Title VIII of the Civil Rights Act of 1968, 42 U.S.C. 3604(c), as amended, makes it unlawful to make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex or national origin, or an intention to make such preference, limitation or discrimination.

§ 109.10 Purpose.

These regulations are for the purpose of assisting all advertising media, advertising agencies and all other persons who use advertising to make, print, or publish or cause to be made, printed, or published any classified or display advertisement with respect to the sale, rental, or financing of a dwelling by owners or agents, in compliance with the requirements of Title VIII. These regulations also describe the matters this Department will review in evaluating compliance with Title VIII in connection with investigations of complaints alleging discriminatory housing practices involving advertising.

§ 109.15 Definitions.

(a) "Secretary" means the Secretary of Housing and Urban Development.

(b) "Assistant Secretary means the Assistant Secretary for Fair Housing and Equal Opportunity.

(c) "Dwelling" means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

(d) "Family" includes a single individual.

(e) "Person" includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees in bankruptcy, receivers, and fiduciaries.

(f) "To rent" includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises not owned by the occupant.

(g) "Discriminatory housing practice" means an act that is unlawful under Section 804, 805, or 806 of Title VIII of the Civil Rights Act of 1968.

§ 109.20 Use of words, phrases, sentences, and visual aids.

The following words, phrases, symbols, and forms typify those most often used in residential real estate advertising to convey either overt or tacit discriminatory intent. Their use should, therefore, be avoided in order to eliminate their discriminatory effect. In considering a complaint under Title VIII, the Assistant Secretary will normally consider the use of these and comparable words, phrases, symbols, and forms to indicate a possible violation of the Title and to establish a need for seeking resolution of the complaint, if it is apparent from the

context of the usage that discrimination within the meaning of the Title is likely to result.

(a). *Words descriptive of dwelling, landlord, and tenant.* White private home, Colored home, Jewish home, Female residence, Male residence, Hispanic residence.

(b). *Words indicative of race, color, religion, sex or national origin.*—(1). *Race*—Negro, Black, Caucasian, Oriental, American Indian.

(2). *Color*—White, Black, Colored.

(3). *Religion*—Protestant, Christian, Catholic, Jew, Hebrew.

(4). *National Origin*—Mexican American, Puerto Rican, Philippine, Polish, Hungarian, Irish, Italian, Chicano, African, Hispanic, Chinese, Indian, Latino.

(5). *Sex*—the exclusive use of words in advertisements including those involving the rental of separate units in a single or multi-family dwelling tending to imply that the housing being advertised is available to persons of only one sex and not the other, except where the sharing of living areas is involved.

(6). *Catch words.* Words such as restricted, ghetto, and disadvantaged should be avoided. Also, words such as private, integrated, traditional, and phrases such as "broad approval" or "membership approval" if used in a discriminatory context should be avoided.

(c). *Symbols or logotypes.* Symbols or logotypes which imply or suggest race, color, religion, sex, or national origin.

(d). *Colloquialisms.* Locally accepted words or phrases which imply or suggest race, color, religion, sex, or national origin.

(e). *Directions to real estate for sale or for rent (use of maps or written instructions).* Directions can imply a discriminatory preference, limitation, or exclusion. For example, references to real estate location can be made in terms of racial or national origin significant landmarks such as an existing black development (signal to blacks) or an existing development known for its inclusion of minorities (signal to whites) and should not be used. Specific directions given from or to a racial or national origin significant area may indicate a preference and should not be used. References to a synagogue, congregation or parish may also indicate a religious preference and should not be used

(f). *Area (location) description.* Names of facilities which cater to a particular racial, national origin or religious group such as country club or private school designations, or which are used exclusively by one sex, should not be used to describe an area.

§ 109.25 Selective use of advertising media or content.

The selective use of advertising media or content when particular combinations thereof are used exclusively with respect to various housing developments or sites can lead to discriminatory results and may indicate a violation of Title VIII. The use of English language media alone in an area where there are also available non-English language media catering to non-English speaking people, or the selective use of human models in advertisements, may have discriminatory impact. The following are examples of the selective use of advertising:

(a). *Selective geographic advertisements.* Such selective use may involve the strategic placement of billboards, brochure advertisements distributed within a limited geographic area by hand or in the mail, or advertising in particular geographic coverage editions of major metropolitan newspapers or in newspapers of limited circulation which are mainly advertising vehicles for reaching a particular segment of the community, or in displays or announcements only in selected sales offices.

(b). *Selective use of equal opportunity slogan or logo.* When placing advertisements such selective use may involve placing the equal opportunity slogan or logo in advertising reaching some geographic areas, but not others, or with respect to some properties but not others.

(c). *Selective use of human models when conducting an advertising campaign.* Some selective advertising may also involve the use of human mdels primarily in media that cater to one racial or national origin segment of the population that is not balanced by a complementary advertising campaign that is directed at other groups, or the use by a developer of racially mixed models to advertise one of the developments and not others. Similar care must be exercised in advertising in publications or other media directed at one particular sex. Such selective advertising may involve the use of human models of members of only one sex in displays, photographs or drawings to indicate preference for one sex or the other.

§ 109.30 Fair Housing Policy and Practices.

The following practices should be used to indicate Fair Housing policies and practices in real estate advertising:

(a). *Use of Fair Housing logotype, statement, or slogan.* All advertising of residential real estate for sale, rent, or financing should contain an equal housing opportunity logotype, statement, or slogan as a means of educating the homeseeking public that the property is available to all persons regardless of race, color, religion, sex, or national origin. Table I (see appendix) indicates suggested sizes for the use of the logotype. In all space advertising which is less than 4 column inches of a page in size the equal housing opportunity slogan should be used. The advertisement may be grouped with other advertisements under a caption which states that the housing is available to all without regard to race, color, religion, sex, or national origin. Alternatively, 3–5 percent of the advertisement copy may be devoted to a statement of the equal housing opportunity policy of the owner or agent. Table II (see appendix) contains copies of the suggested Equal Housing Opportunity logotype, statement and slogan.

(b). *Use of human models.* Human models in photographs, drawings, or other graphic techniques may not be used to indivate exclusiveness on the basis of race, color, religion, sex, or national origin. If models are used in display advertising campaigns, the models should be clearly definable as reasonably representing majority and minority groups in the metropolitan area and both sexes. Models, if used, should indicate to the general public that the housing is open to all without regard to race, color, religion, sex, or national origin, and is not for the exclusive use of one such group.

(c). *Notification of Fair Housing Policy*—(1). *Employees.* All publishers of advertisements, advertising agencies, and firms engaged in the sale or rental or financing of real estate should provide a printed copy of their nondiscriminatory policy to each employee and officer.

(2). *Clients.* All publishers of advertisements and advertising agencies should post a copy of their nondiscrimination policy in a conspicuous place wherever persons come to place advertising and should have copies available for all firms and persons using their advertising services.

(3). *Publishers notice.* All publishers should publish at the beginning of the real estate advertising section a notice such as that appearing in Table III (see appendix).

Issued at Washington, D.C., July 30, 1979.

Sterling Tucker,

Assistant Secretary for Fair Housing and Equal Opportunity.

The following three tables may serve as a guide for the use of the Equal Housing Opportunity logotype, statement, slogan, and publisher's notice for display advertising:

Table I

A simple formula can guide the real estate advertiser in using the Equal Housing Opportunity logotype, statement, or slogan. If other logotypes are used in the advertisement, then the Equal Housing Opportunity logo should be of a size equal to the largest of the other logotypes; if no other logotypes are used, then the following guidelines can be used. In all instances, the type should be bold display face and no smaller than 8 points.

Approximate size of advertisement	Size of logotype in inches
½ page or larger	2×2
⅛ page up to ½ page	1×2
4 column inches to ⅛ page	½×½
Less than 4 column inches	(1)

[1] Do not use.

Table II.—Illustrations of Logotype, Statement, and Slogan

Equal Housing Opportunity Logotype:

Equal Housing Opportunity Statement: We are pledged to the letter and spirit of U.S. policy for the achievement of equal housing opportunity throughout the Nation. We encourage and support an affirmative advertising and marketing program in which there are no barriers to obtaining housing because of race, color, religion, sex, or national origin.

Equal Housing Opportunity Slogan: "Equal Housing Opportunity."

Table III.—Illustration of Publisher's Notice

Publisher's notice: All real estate advertised in this newspaper is subject to the Federal Fair Housing Act of 1968 which makes it illegal to advertise "any preference, limitation, or discrimination based on race, color, religion, sex, or national origin, or intention to make any such preference, limitation, or discrimination.

This newspaper will not knowingly accept any advertising for real estate which is in violation of the law. Our readers are hereby informed that all dwellings advertised in this newspaper are available on an equal opportunity basis."

[FR Doc. 79-29851 Filed 9-25-79; 8:45 am]

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federal register

Wednesday
September 26, 1979

Part VII

Department of Energy

Grant Programs for Schools and Hospitals and Buildings Owned by Units of Local Government and Public Care Institutions

DEPARTMENT OF ENERGY

10 CFR Parts 450 and 455

Grant Programs for Schools and Hospitals and Buildings Owned by Units of Local Government and Public Care Institutions; Regulatory Analysis

AGENCY: Department of Energy.

ACTION: Notice of Availability of Regulatory Analysis and Summary of Regulatory Analysis.

SUMMARY: The President, by Executive Order 12044, has directed agencies of the Executive Branch to conduct a Regulatory Analysis of regulations which they prepare that are likely to have a major economic impact. An objective of the Regulatory Analysis is to examine alternative regulatory provisions which might permit achievement of the regulatory goals at a lower cost.

In keeping with these objectives, the Department of Energy has prepared a Regulatory Analysis of its rules to implement Title III, Parts 1 and 2 of the National Energy Conservation Policy Act (NECPA). The rules provide for Grant Programs for Schools and Hospitals and Buildings Owned by Units of Local Government and Public Care Institutions to assist schools and hospitals, local government and public care institutions in identifying and implementing energy conservation maintenance and operating procedures and in evaluating energy conservation measures and to assist schools and hospitals in acquiring and installing energy conservation measures.

Pursuant to the regulations published in the **Federal Register** on April 2, 1979 (44 FR 19340) and on April 17, 1979 (44 FR 22940), this Summary of the Regulatory Analysis is published subsequent to publication of those rules.

ADDRESSES: A copy of the complete Regulatory Analysis may be obtained by contacting:

Mr. Ronald Milner, Office of State and Local Programs, Department of Energy, Room 2H043, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, (202) 252–2325.

Copies of this summary and of the complete Regulatory Analysis are available in the Freedom of Information Reading Room, Department of Energy, Room GA–142, Forrestal Building, 1000 Independence Avenue, S.W. Washington, D.C. 20585.

FOR FURTHER INFORMATION CONTACT:
Mr. Ronald Milner, (202) 252–2325.

Summary of Regulatory Analysis

I. Statement of Problem

The rapid rise in energy demand and costs since the beginning of the decade has interfered with the ability of many public institutions to provide services to their constituencies. As part of a comprehensive effort to deal with the national energy crisis, Congress established a program under Title III of the National Energy Conservation Policy Act (NECPA) to aid service institutions in their efforts to conserve energy.

The legislation authorized 3-year funding of $900 million in matching grants for schools and hospitals, and 2-year funding of $65 million in matching grants for public care facilities and local government buildings. The financial assistance outlined in the Act funds four program activities: preliminary energy audits (PEA), energy audits (EA), technical assistance programs (TA), and energy conservation measures (ECM). To implement these activities, the Act provides for grants to States as well as to eligible local governments and institutions. Schools and hospitals may qualify for all four activities, but local governments and public care institutions are eligible only for PEA, EA, and TA.

Preliminary energy audits (PEA), which provide basic buildings data, including the identification of major energy using systems, will be implemented through grants to States. The information and data obtained through the preliminary energy audit is intended to serve as the basis for subsequent program decisions and development of the State Plan.

Energy audits (EA) include the identification of operations and maintenance procedures that can be undertaken to reduce energy use or the rate of growth in energy consumption. EAs provide information necessary to identify buildings most in need of TA grants or most likely to benefit from additional conservation actions. Energy audits will be implemented through grants to States.

Technical assistance (TA) programs, which involve detailed analyses by professional engineers or architect-engineer teams or other technical professionals qualified pursuant to the State Plan, provide the economic and energy saving assessments of energy conservation measures for schools, hospitals, public care institutions or to buildings owned by local governments. All of the above institutions who qualify are eligible for TA grant awards.

Energy conservation measures (ECM) grants will provide financial assistance for the acquisition and installation of energy conservation measures such as insulation, storm windows and doors, multi-glazed windows and doors, caulking, automatic energy control systems, solar heating and cooling systems and others. The grants are made to schools and hospitals only based on provisions in the relevant State Plan and as a result of technical assistance programs undertaken by the institution.

II. Objectives of the Program

The major objectives of the NECPA grant programs are two-fold:

- Save energy and reduce the associated costs to institutions; and
- Facilitate and encourage the shift from scarce energy resources such as petroleum products, to renewable energy resources, such as solar.

There are certain additional program objectives which were determined by DOE in developing regulations to implement the legislation. These program objectives together with the overall policy objectives cited above, are the standards used in analyzing the effects of the regulations. The program objectives include:

- Maximize the participation of eligible institutions;
- Minimize the costs of administering the program to the States and the institutions; and

Ensure that special consideration is provided to those institutions most in need which would not otherwise be able to participate.

III. Alternatives to the Program

As the price of energy rises, market forces themselves will provide more incentive to undertake energy-conserving actions. Many institutions have already begun conservation programs in response to rising energy prices. Public and private, non-profit institutions, however, often lack the resources, the expertise or the motivation necessary to undertake energy conserving actions. Consequently, many institutions may be unable or unwilling to take full advantage of the opportunities for energy conservation and the associated cost savings. The NECPA, Title III grant programs were designed to help overcome some of these obstacles by providing information and financial assistance to public and private, non-profit institutions.

There are Federal energy conservation programs which impact on institutions which were in existence prior to enactment of NECPA. If NECPA had not been funded or enacted, these programs would have been able, to a limited extent, to provide assistance to many of the institutions eligible for

funding under NECPA. However, the scope and/or funding of these programs is not *directly* aimed at the institutions funded by NECPA, and the impact on conservation and energy savings could not be expected to have the same projected impact.

IV. Regulatory Provisions

In developing the regulations, eight provisions having alternatives which could significantly alter the impact of the programs were considered. Each of the eight provisions are discussed below:

(a) *Allocation Formula.* The formula used to allocate funds among the States for the technical assistance programs and energy conservation measures is based on population, climate and fuel cost as required by NECPA. Specifically, the allocation formula is:

$$(1)\quad K = \frac{.07}{n} + .1\,\frac{(Sfc)}{Nfc} + .83\,\frac{(Sp)\ (Sc)}{NPC}$$

where Sfc = the average retail cost per million Btus of energy in the State's region
Nfc = the summation of Sfc numerators for all States
n = number of eligible States
Sp = population of State
Sc = sum of the State's heating and cooling degree-days
NPC = sum of Sp × Sc for all States

The purpose of this allocation formula is to distribute available funds among the States according to the relative energy needs of the institutions within the States as required by the law. NECPA specified that population be considered since it correlates with the numbers of institutions in the States. Climate was specified since it correlates with the level of energy use in those buildings. DOE chose to use the product of population and climate rather than incorporate them as separate additive factors. The product of population and climate is believed to better reflect the relative energy needs of institutions within the States by jointly favoring States having institutions with high levels of energy use and States having large numbers of institutions.

In designing the allocation formula, DOE could have chosen to place greater emphasis on cooling degree-days to reflect that more energy is expended in providing a degree of cooling than is expended in providing a degree of heating. DOE could have also chosen to place more emphasis on heating to reflect that, for many applications, heating is more essential than cooling. DOE chose to consider heating and cooling degree-days equally in order that no one sector of the country would be unduly favored.

Other allocation formulae considered by DOE tended to widen the spread of allocation, favoring larger states at the expense of smaller ones. However, NECPA specified that no state could receive less than 0.5 percent of the total amount funded by the grant program. Therefore, the formula selected by DOE includes a factor .07/n to assure that the requirement is met.

(b) *Use of Simple Payback Methodology to Identify and Rank Eligible Energy Conservation Measures.* NECPA program success requires that all measures for which financial assistance is provided must be cost-effective. Therefore, an economic analysis was included as a factor for determining the eligibility of proposed energy conservation measures, and for ranking those measures for funding. Three alternatives were considered during the selection of an economic analysis methodology.

(1) Allow each State to specify the methodology to be used in that State;

(2) Specify simple payback as a ranking factor; and

(3) Specify another economic analysis methodology as a ranking factor.

The simple payback methodology was selected because it is widely used and understood and thereby should reduce the administrative burden placed upon applicants.

However, simple payback does not consider changes in non-energy related recurring costs (such as increases or decreases in operating and maintenance cost) resulting from a measure, price escalations, or discount rates. This may result in some measures appearing to be either more or less cost effective than would actually be the case. Also, simple payback considers only the energy savings accruing over the payback period and does not consider the total energy savings over the life of the measure. Therefore, simple payback does not differentiate between measures having long useful lives and greater cumulative energy savings and those having shorter useful lives and correspondingly smaller cumulative energy savings.

Therefore, DOE is considering the use of Life Cycling Costing (LCC) as the economic analysis methodology to be required for use in subsequent grant cycles of this program. LCC considers the time value of money, fuel price escalations and future operating, maintenance and other costs over the life of a project. Any such change in the specified methodology would customarily entail an amendment to the regulations.

(c) *Technical Assistance Analyst Qualifications.* NECPA directed that DOE provide guidelines for use by the States in identifying persons qualified to conduct technical assistance programs. In establishing the guidelines, DOE considered three alternatives:

(1) Provide only general guidelines and allow States maximum flexibility to qualify technical assistance analysts;

(2) Provide precise criteria and allow States no flexibility;

(3) Suggest the criteria but allow States to propose alternate criteria in their State Plan.

Due to the highly specialized nature of technical assistance programs, it is essential that only those individuals having the appropriate background, training and experience be considered as qualified technical assistance analysts. Therefore, alternate (3) was adopted, with the caveat that State's alternate criteria meet high standards.

(d) *Ranking Criteria.* NECPA directed DOE to provide guidelines describing the factors which States could consider in determining which applications would be given priority for financial assistance. Three alternatives were considered in determining the manner in which guidelines would be provided:

(1) Provide precise ranking criteria and allow States no flexibility in the ranking of applications;

(2) Provide general guidelines and allow States maximum flexibility; and

(3) Provide specific criteria but allow States to select the weights to be applied to each criterion.

DOE chose to provide specific criteria, listed according to their priority, in order to assure a standard basis upon which applications would be ranked and to assure that the criteria were consistent with National energy conservation goals. However, in consideration of the differing conditions which exist between States, DOE also chose to allow States to select the weights which would be applied to each criterion so that the States could take into consideration special conditions which may exist within their borders, and to allow the addition of other criteria if considered appropriate.

(e) *Hardship Provisions.* NECPA required that 10 percent of the funds made available for schools and hospitals for technical assistance and energy conservation measures be allocated for the purpose of making grants in excess of the 50 percent Federal share to those schools and hospitals determined to be in a class of severe hardship. In establishing the manner in which hardship would be determined, three alternatives were considered:

(1) Retain within DOE the 10 percent reserved for hardship grants and make all determinations regarding institutions' needs for financial assistance in excess of 50 percent;

(2) Allocate the funds reserved for hardship among States according to a separate formula and allow States to identify institutions eligible for hardship funding;

(3) Allocate all funds available for technical assistance and energy conservation measures, require States to reserve 10 percent of their allocations for hardship, and allow States to identify both the institutions eligible for hardship funding and to recommend to DOE the amounts for which they should be funded.

Since States are in a better position to identify those institutions which are in need of financial assistance in excess of 50 percent and to determine the minimum amounts necessary to enable them to participate in these programs, DOE chose alternative (3). [This will disadvantage states which have relatively more institutions which might qualify for hardship funding.]

(f) *BTU Conversion Factors.* In order to represent the total energy use of institutional buildings participating in the grant programs, and the overall energy savings resulting from the adoption of improved maintenance and operating procedures and the implementation of selected conservation measures, the rules require the use of specific factors to convert the standard physical units of fuels and electricity to their equivalent in British Thermal Units (Btus). These Btu conversion factors are set forth in section 450.42(a)(11).

After having identified the actual Btu content of petroleum products and the factors affecting the assumed Btu content of other fuels, DOE considered two alternatives:

(1) To specify the Btu conversion factors to be used under all circumstances, regardless of the actual Btu content of the fuels used in a particular building; or

(2) To specify the Btu conversion factors of only those fuels whose Btu content was uniform nationwide (petroleum products).

In order to ensure consistency in the data gathered under the program, DOE chose to establish specific conversion factors for all major energy forms used in buildings eligible for assistance under the program. This decision will result in some technical distortions at the local and State levels, but these distortions are expected to be generally very small and are not likely to have any significant affect on the distribution of funds.

(g) *State Administrative Cost Limits and Responsibilities.* In accordance with NECPA, State responsibilities include development of a State Plan, evaluation and ranking of grant applications, and program administration within the State. In selecting the limits to be placed on State administrative expense grants consistent with those responsibilities, DOE considered three alternatives:

(1) Provide States with a specified dollar amount for administrative expenses;

(2) Limit State administrative expense grants to a percentage of their allocation for technical assistance programs and energy conservation measures;

(3) Limit State administrative expenses grant to a percentage of the amounts granted for technical assistance programs and energy conservation measures in that State.

Since State expenses in the administration of the programs are generally related to the level of technical assistance and energy conservation measures activities in a State, DOE chose to limit administrative expenses grants to a percentage of the technical assistance and energy conservation measures applications funded. DOE reviewed the manner in which administrative costs are treated in other Federal grants programs to States. While treatment varies among agencies and in some cases, from program to program within a given agency, it is believed that the procedures set by these regulations will foster the objective of minimizing State administrative cost. In selecting this alternative, DOE considered various percentage limits. The 5 percent limit chosen is considered generally consistent with current practice, and will provide sufficient funds coupled with State matching funds to help defray State expenses in administering the program.

(h) *Reporting Requirements.* In determining the reporting requirements under these programs, DOE took into consideration the types of information required and reporting frequency necessary for effective program management, as well as the need to minimize the reporting burdens placed upon States and grantees.

Under the programs, grantees are required to submit semiannual progress and financial status reports; final reports upon completion of technical assistance programs or energy conservation measures; and, annual energy use reports for a minimum of three years following installation of energy conservation measures. States are required to submit semi-annual progress and financial status reports and annual reports containing estimates of energy use reductions resulting from implementation of energy conservation maintenance and operating procedures and installation of energy conservation measures. The information to be provided by these reports is considered to be the minimum necessary to enable DOE to carry out its program management responsibilities and to monitor program effectiveness.

V. Economic Impacts of the Program.

The economic impacts of these regulations at the national level and at the institutional level have been analyzed, and the results are as follows:

(a) National Economic Issues

1. *Employment.* The number of persons expected to be employed as a result of the programs is 13,750 or a very small fraction of the civilian labor force. The program is not expected to appreciably affect predicted unemployment rates.

2. *Gross National Product (GNP).* The total expenditures over a 3-year period for the technical assistance and energy conservation programs would be $1.85 billion or an average of $0.617 billion per year. Assuming that the GNP for 1979 is $2,000 billion, the expenditures of the programs would be .03 percent of GNP which is considered to be an insignificant amount.

3. *Private Domestic Investment.* The average investment per year for schools, hospitals, and local governments participating in the programs will be at most $0.308 billion (the investment required assuming no in-kind contribution). Total private domestic investment for the United States for 1978 was $345.6 billion. Average investment in the program is 0.09 percent of total private domestic investment, a relatively insignificant amount.

4. *Inflation.* Given the small relative expenditures involved in the technical assistance and energy conservation programs (an average of $0.617 billion per year), no immediate effects on price levels is expected. The long run effects of the programs on the price level involve more uncertainty. If energy price increases are greater than expected, cost savings derived from the program will increase. Under certain conditions (such as sharp increases in energy prices), the cost savings could be significant enough to have deflationary effects.

5. *Capital Markets and Interest Rates.* While forecasts of future interest rates vary, hospitals and schools that borrow to finance part of the expenditures on engineering analyses and energy

conservation measures can expect interest rates in the range of 10–12 percent.

The estimated amount of debt financing by hospitals, schools and local governments for these programs is $0.278 billion over a 3-year period, which is 30 percent of the expenditures by the institutions. The amount of financing needed will not affect interest rates.

6. *Energy Demand.* Energy consumption by schools and hospitals averages approximately 2.0×10^5 Btu's/sq. ft. per year. Energy used by primary and secondary schools was 104,445 Btu's/sq. ft. for 1977–78. Colleges and universities used 1.85×10^5 Btu's/sq. ft. in the academic year 1974–75. Energy usage by hospitals averaged 289,000 Btu's/sq. ft. in 1978.

Using these figures for energy usage per square foot and estimates of square footage for schools and hospitals, the estimated energy consumption per year is 1.01×10^{15} Btu's. This represents end-use and not primary energy consumption. An estimated 30.8 percent of building space, 2.19×10^9 sq. ft., will be affected by the program; this 2.19×10^9 sq. ft. corresponds to $.312 \times 10^5$ Btu's of energy use. Assuming a 25 percent savings in energy use, the estimated energy savings per year is $.078 \times 10^5$ Btu's.

(b) Economic Issues at the Institutional Level

1. *Capital Expenditure Requirements.* Hospitals, schools and local governments are expected to finance 25–30 percent of the expenditures required for the technical assistance and energy conservation programs by debt financing. The remaining expected sources of funds for the projects include equity and in-kind contributions.

2. *Effect of Regulation on Competition Among Architectural/Engineering Firms.* The technical assistance programs requires a technical assistance analyst(s) to perform an engineering analysis. This engineering analysis will normally be performed by an outside architectural and engineering group unless the school or hosptial has an especially strong engineering staff. Outside engineering groups will normally be architectural and engineering consultants but in some cases may be professors of nearby universities or local professionals who are willing to contribute services to the community.

An estimated 10–25 percent of the engineers working in energy-related areas are qualified to perform engineering analyses. There is funding for an average of 770 over a 3-year period for the technical assistance projects. The ratio of the number of qualified engineers to the number of positions funded could range from 5.65–14.13. [The effect on the program on A/E firms will be monitored as the program becomes operative.]

3. *Impact of the Program on Suppliers of Energy Conserving Equipment.* Most of the equipment, except for solar components, is manufactured by established firms. These supplies and equipment are standard materials used by the construction industry. Until the initial phases of program implementation are completed, it is impossible to assess the possible effects of the program on the overall demand for these supplies and equipment.

The solar equipment industry is in the initial stages of development. Even though the extent to which hospitals and schools will apply for grants to cover solar measures is uncertain, it is expected that the solar equipment needed can be obtained.

VI. Urban and Community Impact Analysis

The allocation formula targets proportionately higher rates of energy conservation expenditures to States and regions of the country which have high population densities and which experience long and severe winters. Thus per capita allocations of DOE grant awards differ between regions and States. The milder regions (III, IV, VI, and IX) receive the same or less than their population would indicate, while the colder regions (I, II, V, VII, VIII, and X) receive the same or more than their population alone would indicate.

The regulations make no provisions that States consider community type in the evaluation of applications. State energy agencies will rank all buildings in order of priority for funding. These priorities are established on the basis of energy conservation potential as indicated by energy audits.

Thus the program is aimed at conserving energy, *not,* for example, at changing employment patterns, nor revitalizing depressed communities. While there may be some positive impact on personal income, tax receipts, employment, or on urban renewal, such impact would very likely be only a modest incidence of the program.

Each State formulates and administers its own conservation program with DOE's approval. State energy agencies will receive, review and rank applications for financial assistance. The geographic distribution (urban vs. suburban vs. rural) that results depends on which buildings meet the criteria established by the States in accordance with the regulations and *not* necessarily on location of buildings. However, State programs *are* required to be operated so as to assure equitable distribution of available grant funds. While the condition of buildings (potential for energy savings) is very important, the willingness and ability of institutions to participate, as well as the number and extent of institutions requiring hardship funding in excess of 50 percent can also have an impact on priority rankings.

This program is to be administered by the State. Each State is required to formulate a State Plan for the operation of these grant programs which they will present to DOE for approval. Thus the plan reinforces the States' important role in managing Federal conservation programs at State and local levels.

State buildings unless they are schools and hospitals, are not eligible for this program. However, it is estimated that local governments may own or operate buildings totaling 1.4 billion gross square feet of floor space area and use about 0.25 quadrillion Btu's annually. The portion of the program addressing local government and public care buildings differs from the Schools and Hospitals portion in that grants can be used for audits and technical assistance, but not for energy conservation projects. Assuming that local government and public care buildings receive an equitable distribution of funds (which regulations require), there should be a relatively uniform distribution of beneficial impacts between urban, suburban and rural areas.

Issued in Washington, D.C. September 20, 1979.

Maxine Savitz,

Deputy Assistant Secretary, Conservation and Solar Applications.

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federal register

Wednesday
September 26, 1979

Part VIII

Endangered Species Scientific Authority

Bobcat, Lynx, River Otter, Alaskan Brown Bear, and Alaskan Gray Wolf; Export Findings 1979-80 Season

ENDANGERED SPECIES SCIENTIFIC AUTHORITY

50 CFR Part 810

Export of Appendix II Species: Bobcat, Lynx, River Otter, Alaskan Brown Bear, and Alaskan Gray Wolf—Export Findings for the 1979–80 Season

AGENCY: Endangered Species Scientific Authority.

ACTION: Final rulemaking.

SUMMARY: On July 12, 1979 and September 7, 1979, (44 FR 40841 and 44 FR 52289), the Endangered Species Scientific Authority (ESSA) proposed findings on a state-by-state basis as to whether commercial export of bobcat, lynx, and river otter taken in 1979–80 will not be deterimental to the survival of those species; and proposed findings for each of these species as to whether such export will not be detrimental to the survival of similar species protected by the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). Both findings must be positive before export can be allowed. Findings for export of brown bear and gray wolf from Alaska were proposed relative only to whether export will not be detrimental to other populations of the same species. These findings are meant to satisfy ESSA's responsibilities under Article IV, paragraph 2 of the CITES. These proposals were preceded by an advanced notice of proposed rulemaking published in the April 30, 1979 **Federal Register** (44 FR 25383). The ESSA has received substantial comment on the proposal, primarily in the form of state reports in support of no detriment findings. The ESSA hereby establishes final export findings for this season. Federal export permits may be issued only for pelts that were harvested in states for which the U.S. Fish and Wildlife Service, serving as the U.S. Management Authority for the CITES (MA), is satisfied the state programs assure that the pelts to be exported will be legally obtained and tagged, and for which the ESSA has made positive findings as described above.

EFFECTIVE DATE: September 26, 1979.

ADDRESS: Comments should be addressed to the Executive Secretary, Endangered Species Scientific Authority, 18th and C Streets, N.W., Washington, D.C. 20240. Forthcoming comments and comments already received will be available for public inspection at 1717 H Street, N.W., Washington, D.C., Room 536, 7:45 a.m. to 5:30 p.m., Mondays through Fridays except Federal holidays.

FOR FURTHER INFORMATION CONTACT:

For information concerning biological findings by the ESSA contact: Dr. Peter C. Escherich, Staff Zoologist, Endangered Species Scientific Authority, 18th and C Streets, N.W., Washington, D.C. 20240 (202/653–5948).

For information concerning findings by the Management Authority and state tagging programs contact: Ronald Singer, Staff Biologist, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235–2418).

For information concerning Federal Export Permits contact: Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235–1903).

Supplementary Information

The CITES and its implementing regulations, 50 CFR Part 23, control international trade in animal and plant species, subspecies or geographically separate populations included in any of three CITES Appendices. A list of species included in the appendices can be found at 50 CFR 23.23. Currently, 54 nations are party to the CITES. The CITES is implemented in each Party country by one or more scientific authorities and one or more management authorities. The CITES appendices are distinct from the list of species issued under the Endangered Species Act of 1973, as amended, 16 U.S.C. 1531 et seq., 50 CFR 17.11.

All five species discussed in this notice are included in Appendix II. Acording to Article II, paragraph 2 of the CITES, Appendix II is to include:

(a) All species which although not necessarily now threatened with extinction may become so unless trade in specimens of such species is subject to strict regulation in order to avoid utilization incompatible with their survival, and

(b) Other species which must be subject to regulation in order that trade in specimens of certain species referred to in sub-paragraph (a) of this paragraph may be brought under effective control.

Although the CITES provides for the inclusion of species in Appendix II for two distinct purposes, Parties proposing additions in the past usually have not clearly identified the purpose of listing in their original proposals or in other supporting documents. At the second meeting of the Conference of the Parties (held in San Jose, Costa Rica in March 1979), the Parties recommended "that proposals for additions to Appendix II should make it clear whenever possible whether the proposal is made under Article II 2(a) or Article II 2(b) . . ." (Com. 2.13, also see Com. 2.12). This recommendation is intended to clarify the responsibility of the Parties' scientific authorities in making findings on applications to export or to import specimens of species protected by the CITES.

As discussed in our notice of April 30, 1979 (44 FR 25383), the MA may grant an export permit for a specimen of an Appendix II species only after the ESSA has found that the export "will not be detrimental to the survival of that species" (Article IV 2(a)). For specimens of species included in Appendix II under Article II 2(a), because of potential threat to their own survival, we are addressing the potential effect of exports on the listed species itself; for species included in Appendix II under Article II 2(b), to protect other species, we are addressing how such exports may affect the status of the species intended to be protected: those associated species included in Appendix II under Article II 2(a), or included in Appendix I.

In certain cases it may be necessary to include a species in Appendix II both because it may become threatened with extinction and because its trade must be regulated to effectively control trade in other species included because of biological jeopardy. In such cases the ESSA is making two findings on detriment, one with respect to Article II 2(a) and the other with respect to Article II 2(b).

In the notice of April 30 (44 FR 25383) and July 12, 1979 (44 FR 40841), the ESSA described the rationale for treatment of the bobcat, lynx, and river otter as having been included in Appendix II under both Article II 2(a) and Article II 2(b). As cited in those notices, both the Berne criteria for addition (Conf. 1.1, 5.11.1976) and the original statements for addition of the Felidae and Lutrinae to Appendix II support such an approach. Thus, the ESSA is establishig findings for these species both on whether export is not detrimental to the survival of the indicated species and whether export is not determinal to other species of cats and otters.

At the second meeting of the Conference of the Parties, the Parties agreed that the Alaskan and Canadian populations of brown bear, *Ursus arctos*, and wolf, *Canis lupus*, were to be treated as being included in Appendix II under Article II 2(b). These agreements became effective on June 28, and the ESSA limits its review of export of Alaskan brown bear and gray wolf to findings made with respect to Article II 2(b). When reviewing proposals to

export these Alaskan specimens, the ESSA only considers and only makes a finding on the probable impact that export of specimens from Alaska will have on the status of other populations of the same species.

Guidelines for ESSA Findings on Export

Article II 2(a)

For the bobcat, lynx, and river otter, the ESSA published guidelines in the April 10, 1978, **Federal Register** (43 FR 15097), and further amplified and discussed these guidelines on July 7, 1978 (43 FR 29469). These guidelines were originally developed for the 1978–79 season, but are considered equally applicable to the 1979–80 season (see 44 FR 25383, April 30, 1979, and 44 FR 40841, July 12, 1979).

These guidelines depend on analysis of both biological information and management programs adopted by the states. A Working Group on these species recommended the following minimum requirements for these (see 43 FR 11081, March 16, 1978):

Minimum Requirements for Biological Information

1. Population trend information * * * the method of determination to be a matter of state choice.
2. Information on total harvest of the species.
3. Information on distribution of harvest.
4. Habitat evaluation.

Minimum Requirements for a Management Program

1. There should be a controlled harvest * * * methods and seasons to be a matter of state choice.
2. All pelts should be registered and marked.
3. Harvest level objective should be determined annually.

As in previous years, not all states meet every one of the requirements, which were considered as minimums by the Working Group. The ESSA has approved export in the past from states when it considered that other information would provide a reasonable basis for a finding of no detriment. This was done with the understanding that early stages of research and progress toward improved management might be inhibited or made more difficult were no export allowed at all. The progress in both these areas over the past two years has been encouraging, and we wish to recognize the efforts made by the states. Many of these changes are recorded in our tables of findings for last year and in the present findings.

There remains only one state, New Mexico, in which the wildlife department has not been granted regulatory authority over the bobcat, although the species was either unregulated or bountied in a large proportion of the states only a few years ago. In New Mexico, a substantial effort has been made to assess the status of that species and has demonstrated to the ESSA that export subject to a quota in 1979–80 will not be detrimental to the survival of the species in that state.

In some cases, rigorous historical data may be irretrievably lost, but intensive efforts are currently being made to improve the states' information both on populations and harvests, and other information may provide reasonable assurances that export will not be detrimental. Such assurances are further strengthened by states' actions in providing new controls on harvest and sale where these have been less rigorous in the past and where current conditions call for such changes. Thus, the ESSA can find export will not be detrimental to the survival of the species for this season, but anticipates further improvement as the results of new research and management initiatives become more apparent.

Application of these guidelines to brown bear and gray wolf from Alaska is not discussed because these populations are considered to have been included in Appendix II under Article II 2(b) only (see 44 FR 25480, May 1, 1979, and 44 FR 9689, February 14, 1979), and thus only a finding relative to that article is required of the ESSA.

Article II 2(b)

These findings under Article II 2(b) address the question of potential detriment to other associated species. As described in more detail in the April 30, 1979, **Federal Register** (44 FR 25383), we are addressing two major concerns: (1) that specimens of the exported species are sufficiently distinguishable from specimens of the similar species protected by the CITES to prevent a detrimental confusion in trade, and (2) that trade in the species concerned does not stimulate trade in similar protected species which would be detrimental to those species. Because the CITES defines "species" to include "any species, subspecies, or geographically separate population thereof" (Article I(a)), important units to consider are other populations or subspecies of the species under consideration as well as related species which are particularly difficult to distinguish. Each of the five species under consideration here has similar relatives in one or both of these categories which are included in the appendices, and which are the basis for the inclusion of the present species under Article II 2(b).

Summary of General Comments

As in the past, the majority of comments have been from state wildlife agencies supplying updated information on status and management and research programs. These comments are summarized in the tables and discussions of findings for each species contained in the present notice, the proposal (July 12, 1979, 44 FR 40841) and supplemental proposal (Sept. 7, 1979, 44 FR 52289). Seven states provided additional comments which are not reflected in the tables.

Maine indicated that reporting is also required for hunters, so the "How Reported" column of the table should also contain an "HR" as well as a "TR." They also identified a study to be initiated which will compare bobcat and coyote prey, interactions, and densities in that state. California indicated that their "recent changes and comments" section would be clarified by a rewording of the second sentence to read "All pelts held must be tagged and data *on* specimens turned in." Massachusetts confirmed their previous plans of requiring mandatory turn-in of bobcat carcasses, and provided dealer report numbers of 121 otters and 23 bobcats. Age structures now calculated indicate no change in average age of otters taken since the previous season. An apparent decrease in age of bobcats taken relies on such small samples (15 and 7) that it cannot be considered statistically meaningful.

Florida, Alaska, and Louisiana expressed concern over the ESSA's making findings relative to Article II 2(b). These comments largely reflect more extensive comments made by Florida, Louisiana and other states relative to ESSA findings on American alligator exports and their potential effects on other crocodilian species. In the ESSA's final findings regarding export of American alligator, to be issued this month, the question of this authority is discussed extensively, and will not be repeated here. Further discussion of actual findings made relative to Article II 2(b) for these species will be found below in that section of this notice.

Louisiana also suggested that additional "Consequences of no [export]" (in the Environmental Assessment section of the July 12 proposal) should include impacts on the fur industry, impact on other species which trappers may switch to, and reductions in incentives for habitat conservation. West Virginia disagreed with ESSA's statement in that section

that "to some extent, a decrease in harvest would result in increased population of these species." However, we have previously pointed out (43 FR 29173, July 7, 1978) that, according to the best available data for bobcat, most annual natural mortality may occur in the fall, before the trapping season, and that a model presuming harvest of a "fall surplus" is inappropriate for this species. Thus, although there are levels of harvest which can probably be sustained over long periods, substantial harvests may keep the population at some level below the maximum possible.

Louisiana also stated that mandatory tagging was less effective than their system of reporting through dealer audits. We recognize Louisiana's experience in this area, and note that the MA has approved their system for supplying export tags. On the other hand, we know of no other state with a comparable system. While some states have dealer reports which are apparently reliable, many others either have had no dealer reporting requirements or have had problems with low compliance with requirements and with sale of pelts to out-of-state or unlicensed dealers.

The Interior Alaska Trappers Association submitted a comment objecting to continued inclusion of lynx and river otter on the Appendices, although their status was reviewed by the MA in preparation for the CITES meeting of March, 1979, and the data found insufficient to warrant recommending removal (43 FR 55313, Nov. 27, 1978). They further object to federal controls on export of these species and on wolf and brown bear, although these are required by law.

Defenders of Wildlife submitted a lengthy comment urging the ESSA "to reconsider its proposed bobcat findings for the 1979–80 season in their entirety," and cite several aspects of the findings with which they disagree. They also suggested that the Management Authority has not established an adequate program for controlling trade, and that as a result no export should be allowed; we refer interested parties to the memorandum to the ESSA from the Wildlife Permit Office, quoted elsewhere in this notice, which describes their program and findings. Defenders characterized the ESSA's guidelines for export approval as inadequate and suggested additional areas in which they feel data should be required to properly evaluate "the species' role in the ecosystem", such as "current population levels and distribution of the species, its demographic characteristics, its movement patterns, its food habits, and the relation between the Appendix II species and other species." The ESSA recognizes the value of such data in evaluating the species' role, but feels that given the information required in the guidelines, as well as the results of much other research available in these areas, that it may be unnecessary to require such specific information from everywhere in the species' range. As was done for last years' findings, the ESSA has approved export for some states where not all the guidelines are met rigorously, but only because we consider other information sufficient for a finding of no detriment. A single year's information cannot be taken alone, and previous material has been considered in making those findings, although the information used may not have been reprinted in this year's tables. In the July 12 proposal, all of the previous notices were referenced, with an indication that they "should be consulted for background data relevant to the current proposed findings."

Defenders' comments also raised again the issue of making findings based on subspecies rather than by state and referenced their comment on last year's proposals. An extensive discussion of the problems of that approach was published in last year's final rulemaking (43 FR 39305, September 1, 1978), and will not be repeated here in detail. Although the ESSA recognized the mandate to protect subspecies, our state-by-state approach provides a more precise and responsive mechanism than would findings based primarily on subspecies. In addition, bobcat subspecies are much more poorly defined than is apparent from Defenders' comment, adding weight to this conclusion. The current comment from Defenders cites California and Nevada as states with extensive range for more than one subspecies but which do not manage on a subspecies basis. Both, however, provide information which could allow them to manage on even more local bases than subspecies if necessary. Nevada is currently assessing bobcat harvest and status by individual mountain ranges, whereas California has harvest data from each of 58 counties, and is currently, or has recently conducted intensive research on bobcats within the distribution of each of its resident subspecies.

Defenders also objected to ESSA's procedure of not publishing proposals for all states simultaneously. The same procedure was followed last season without objection. The ESSA would prefer to present all proposals early in the summer, in order to give maximum notice to all interested parties before the season, but a number of problems have prevented states from providing pertinent biological and management information earlier. These problems include state administrative procedures laws requiring set periods and review before new regulations can be effected, state laws with late dates for turn-in of harvest data by dealers or trappers, funding for data analysis which may not become available until a new fiscal year, and slow response rates to mail surveys or questionnaires. Thus, to provide maximum availability of proposals for comment, we have published material as it has become available. A small number of states are given export approval in this notice without a formal comment period.

Harvest season for these species generally begins in the fall of the year and some begin as early as October 1. State agencies must have some notice of ESSA findings on export before the season begins so that any conditions imposed on export may be fulfilled. Additionally, in a number of states, the practices of trappers and fur buyers are affected by the ESSA findings and it is important to provide them with notice of those findings before the season begins. Therefore, the ESSA finds it impractical to provide notice and opportunity for comment on findings approving export from states that have only recently been able to supply relevant information and for which export approval was not proposed. We note, however, that additional information presented to the ESSA concerning such findings will be considered in that findings may be modified as necessary. The ESSA also anticipates receiving state comments earlier in the season in subsequent years.

Defenders of Wildlife also submitted comments on the September 7 supplemental proposal (44 FR 52289). Much of their comment repeats concerns expressed in their previous comment, cited above. In addition, they objected specifically to approval of exports from certain states, basing their comments on restatements and recharacterizations of information selected from material previously summarized or discussed by the ESSA, but arriving at different conclusions. No new information is provided which alters the ESSA's proposed findings.

A comment from TRAFFIC(USA) and the IUCN/SSC Otter Specialist Group recognized the general improvement that has been made by states in their record-keeping. Concern was expressed over control and record-keeping at the ports, as well as concern at export of a

small number of pelts apparently from closed states. Prior to the request in the TRAFFIC/Otter Group letter, we had expressed our concern to the MA over export from closed states and have also provided all states with the MA's export statistics. Recommendations were made by the TRAFFIC/Otter Group that no exports be allowed from several specific states. For most of these, information lacking at the time of their review has now been received, problems cited have been corrected, or our information is contrary to that cited in their comment. Their comment indicates that two reports suggest a decline of otters in Arkansas. We have seen neither of these reports, so we are unable to assess their validity. We would be interested in receiving these, as well as comments on these by the Arkansas Game and Fish Commission. Suggestions were also made that all tagging be mandatory, that reproductive status be included in harvest reports, and that baseline population models be developed from untrapped populations to assess better the effect of trapping.

Three additional comments were received from individuals who requested that no export be allowed for one or more of the species considered here, but provided little substantive information or analysis.

Management Authority Findings

Before the MA may issue permits for foreign export of Appendix II species taken from the wild, the MA must be satisfied that specimens were not obtained in violation of State or federal law, and the ESSA must advise the MA that the export will not be detrimental to the survival of the species (CITES, Article IV, paragraph 2). Although this notice refers to ESSA "approval" of export, the term indicates that the ESSA has no objection to issuance of export permits by the MA and in no way suggests limitation of the authority of the MA to withhold permits on other grounds. Further, the MA, in issuing permits, provides the means by which ESSA conditions on export are met.

In a memorandum dated September 14, 1979, the Wildlife Permit Office, U.S. Fish and Wildlife Service, notified the ESSA of their review of state tagging systems for CITES-controlled species. Their review process was described as follows:

1979 Fur Export Program for CITES-Controlled Species

This is our final report on the Service's implementation of CITES requirements towards the 1979 export of controlled fur species.

Our review process included an analysis of each State's CITES-controlled species tagging program and how this program could satisfy the Service that tagged pelts were not obtained in violation of state law.

All involved States were contacted in June by mail and were asked to notify the WPO of their current tagging program as well as to provide us with samples of their 1979–80 tag(s) (sample letter #1 attached). States that received provisional approval for their 1978–79 export program were reminded that program compliance standards would have to be met to gain approval for 1979 export (sample letter #2 attached). Phone discussions were utilized to supplement the letters when additional information was required or clarification was needed.

Attachment #3 is a reporting form showing our review process for each State, our commentary, and our conclusion concerning the State's tagging program. In the near future, we intend to give each State a copy for its records and where necessary, to suggest improvements in individual State programs. A complete set will be sent to you [the ESSA] as well.

The attached chart (item #4) shows our review of the involved State's tagging programs as well as our conclusions concerning the export of CITES-controlled fur species for 1979–80.

Attachment #3 included a list of criteria against which each program was to be judged:

(1) Each skin must be marked with a tag that is:
(a) made of metal or some other permanent material;
(b) applied within a specific time of taking that is set by the State; and
(c) permanently attached to each skin.*
(2) The tags must show:
(a) State of origin;
(b) year of taking;
(c) species; and
(d) be serially unique.
(3) A sample of each State tag must be sent to the WPO.

Attachment #4 is a table presenting the conclusions of the Service concerning approval of states' programs. No state for which the ESSA has approved export was identified as being disapproved by the Wildlife Permit Office. The following states were given a "+" in the "1979 Program Approved" column, indicating approval of the program:

Alabama, Alaska, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Kansas, Louisiana, Maine, Michigan, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Mexico, New York, North Dakota, Oklahoma, South Carolina, Tennessee, Texas, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming, Navajo Nation.

The following states were given a "P" in the "1979 Program Approved" column, indicating provisional approval:

Arizona, Maryland, Massachusetts, New Hampshire, North Carolina, Oregon, South Dakota, Utah.

Supplemental Table for Bobcat and River Otter

For each of the states included in the following tables, the ESSA has received additional information relative to the findings under Article II 2(a) for bobcat or river otter. Consequently, we are publishing summaries of this information in the same format as used in our proposals of July 12 (44 FR 40841) and September 7 (44 FR 52289). Description of the table categories follows, along with explanations of abbreviations used.

Harvest level objective for 1979–80

As recommended by the Working Group, it is desirable to define a permissable, desirable, or project level of harvest prior to setting regulations or controls on that harvest. Setting such as objective serves two functions: It clarifies the intent of those controls, which can aid in making decisions on the nature and level of controls to use, and it provides a standard by which the effect of those controls can later be measured. We cite here objectives or projections which have been defined to us by the individual states. These are not quotas or limits, although certain states may have treated them as such, in various forms, in their own regulations (e.g., California and Massachusetts, for bobcats). Where agencies have given us a number it is included here; qualitative objectives are indicated here by abbreviations:

M=Maintain: The state intends to maintain a harvest approximately equal to that in the previous season or to the average of that in serveal recent seasons.
D=Decrease: The state intends to decrease harvest.
I=Increase: The state intends to increase harvest.
NS=None specified: The state has not identified to the ESSA a harvest level objective for 1979–80.
P=Totally protected: There is no open season for 1979–80. The species may be included in a state list of endangered wildlife, or there may be a temporary moratorium.
X=Not present: The species may never have occurred there, or may have been extirpated in historical times.

Reported harvest, 1978–1979

The state's reported harvest for the 1978–1979 trapping season. In certain

(*) Appropriate tags must accompany finished fur products to the port where the tags will be collected by USFWS officers. The tags are necessary to show source and tag numbers of pelts used in the manufacture.

cases (see abbreviations below), more than one reporting system was used, and the differing reports are given with appropriate designations. Problems of comparing harvest reports made by different systems are discussed in the March 16, 1978, notice (43 FR 11081):

TR = Trapper report: Mandatory report by trapper of each kill. In most cases, this includes tagging of the pelt by a state official. This is generally considered the most reliable measure of harvest.

HR = Hunter report: Mandatory report by hunter (as for trapper).

DR = Dealer report: Mandatory report by fur dealers in state of all furs bought and sold. Such reports may be misleading when no distinction is made for skins originating in one state and sold in another. Multiple sales of the same pelt can also reduce accuracy of this method.

TS = Trapper survey; HS = Hunter survey; DS = Dealer survey: Voluntary survey or reports from a sample of trappers, hunters, or fur dealers. Results of these are commonly extrapolated, with a wide range of reliability, depending on attention to statistical limitations.

VT = Voluntary tag: State provides tags, but does not require their application to all pelts taken. Because such tags are required for identification of legally taken and approved pelts on export, pelts bearing such tags apparently receive higher prices, producing an incentive for tagging. (See also tagging column.)

Tagging

The Working Group recommended that all pelts "be registered and marked." The ESSA and the MA have required as a condition of export that all pelts be clearly identified as to state of origin and season of taking. These recommendations and conditions have generally been met through the application of state-supplied tags to pelts. State requirements and mechanisms for tagging vary widely and, as described above, may have effects on the state's own ability to gather data, on programs in nearby states, as well as on the degree to which tags may identify legally taken hides from the indicated states. Abbreviations, as follows, are used to summarize the states' tagging programs. Dates following an abbreviation indicate, where known, the first year that program was applied:

MTA = Mandatory tag, applied by agent: All animals of that species taken or possessed must be tagged; a state agent applies the tag.

MSA = Mandatory tag for sale or transport of pelt, applied by agent: Only pelts to be sold or to enter interstate commerce must be tagged; a state agent applies tag. In some cases, there may be a substantial kill not falling in these categories which is not included in such tagging.

VTA = Voluntary tag, applied by agent: Tags are applied by state agents, but are not required by the state for any particular category of pelt.

MTT = Mandatory tag for taking or possession, but issued to trapper, hunter, or dealer;

MST = Mandatory tag for taking or for sale or transport, but issued to trapper, hunter or dealer;

VTT = Voluntary tag, issued to trapper, hunter, or dealer: In these cases the state may have less control over which pelts are actually tagged.

Local Data and Management

The Working Group recommended that there be "information on distribution of harvest." In addition, the ESSA is required to consider in its finding the "species throughout its range * * *," and the CITES defines species to include subspecies and populations. Not all situations may require data on management more detailed than on a statewide level, especially in small states with little diversity in natural habitat. On the other hand, large states, especially those with considerable variety of habitat and uneven distribution of harvest effort, may find it essential to gather data in local units and to have different regulations for different parts of the state. These are indicated by the abbreviations below:

LH = Local harvest data: Harvest data is available by county or game management unit.

LR = Local research: Intensive research projects are being carried out in two or more diverse sites within the state, providing data which may be useful in differential management of local populations.

LS = Local surveys: Qualitative surveys of abundance have been carried out which suggest abundance by county or game management unit.

LM = Local management: Regulations or other measures which may affect local abundance or harvest are set differently for different areas within the state.

Recent Management Changes and Other Comments

Continued improvement in management regimes and research programs can have an important bearing on whether the ESSA can find that export will not be detrimental.

Findings and Conditions Under Article II 2(a) for the 1979–80 Season

The ESSA's findings under Article II 2(a) for pelts harvested during the coming fur season are given here. The ESSA is also making a separate finding under Article II 2(b) for export of bobcat, lynx and river otter pelts.

In addition, as described above, the Management Authority must have made a positive finding concerning the adequacy of the state's tagging system as a means of identifying the state of origin and season of taking and whether the pelt is legally taken.

A = Approved: The ESSA finds that export of specimens of this species will not be detrimental to its survival. The ESSA considers that expected harvest under the state's planned management regime will not be detrimental to the survival of the species in that state. As a condition to this finding, all pelts must be clearly identified as to state of origin and season of taking. The purpose of this condition is to provide a record of the harvest and to facilitate research efforts.

Q: ### = Quota: Exports from this state are approved for pelts taken during the 1979–1980 season, on the condition that exports are limited to the specified quota, and pelts are clearly identified to state and season.

NEA = No export approved: Explanation given in "comments" for the state.

P = Protected, or X = Not present; no export approved: As in harvest objective column. A finding in favor of export for the 1979–1980 season would be inconsistent with current state conditions.

Bobcat

State	Harvest objectives, 1979–80	Reported harvest, 1978–79 No.	Reported harvest, 1978–79 How reported	Tagging	Local data and management	Recent changes and comments	Findings and conditions under article II 2(a) for 1979–80
Georgia	M	4,410 4,869	DR VT	VTA'78	LS	'79–'80: Trapping season reduced by 23 days, licenses to be required for all persons selling pelts. Extensive scent post survey established throughout state, to be combined with 3 intensive local surveys. Age structure and reproductive data to be analyzed.	A
Mississippi	4,000 max	3,142 2,673	TS DS	MST'78 MSA'79	LH, LS	'79–'80: Taking only allowed by trappers. Season reduced by 18 days in most of state. Improved procedures for tagging ad accounting of tag applied. Baseline data on harvest per unit effort available by county. Considerable research planned.	A

Bobcat

State	Harvest objectives, 1979–80	Reported harvest, 1978–79 No.	How reported	Tagging	Local data and management	Recent changes and comments	Findings and conditions under article II 2(a) for 1979–80
North Carolina	850	861	DR	VITT'79		Extensive research planned. New tagging system requires strict accounting of pelts to be tagged before issuance of tags, and no tags may be used on out-of-state pelts.	A
North Dakota	M	49	VT	VTA'78 MTA'79	LH	'79–'80: Tagging to be done by agent, carcass to be required for tag. Age structure analysis continuing. Little change seen in harvest.	A
Oklahoma	3,250–4,745 max	2,903 2,902	DR TR	MITT'78 MSA'79	LH, LS	'78–'79: Daily limit of 2, season limit of 8. '79–'80: Tags to be replaced with agent-applied tags, improved dealer reporting system (past harvests underestimated by poor reporting). Scent station records indicate stable to increasing population. Considerable research planned.	A
Texas	21,000	14,256 18,261 ±4,240	TR TS	MSA'78 MST'79	LH, LS	'79–'80: Will issue tags through dealers, but require strict accountability, return of unused tags, and limit period of availability. State is working with neighboring states to develop uniform method for tagging and reporting of pelts.	A
Wyoming	M or D	1,304 3,227	TS DR	VTA'77		'79: Game and Fish Department given regulatory authority. Season reduced from year-round to seven months. Age structure analysis suggests improving status ('77–'78).	A

River Otter

State	Harvest objectives, 1979–80	Reported harvest, 1978–79 No.	How reported	Tagging	Local data and management	Recent changes and comments	Findings and conditions under article II 2(a) for 1979–80
Georgia	M	3,643 3,000	DR VT	VTA'78		'79–'80: Trapping season reduced by 23 days, license to be required for all persons selling pelts. Age structure and reproductive data collection begun, '78–'79, to be continued, based on collection of carcasses, eye lenses, and canine tooth sections.	A
Mississippi	1,500 max	952	TS	MST'78 MSA'79	LH, LS	Three-fold increase in beaver impoundments over past ten years has significantly increased available habitat. '79–'80: Season reduced by 18 days in most of state. Improved precedures for tagging and accounting of tags applied. Baseline data on harvest per unit effort available by county. Apparent decrease in trapper success not statistically significant.	A
Nevada	NS					Limited season for otter, few taken, no export requested or new data supplied.	NEA
North Carolina	1,125	1,357	DR	VTT'79		Extensive research planned. New tagging system requires strict accounting of pelts to be tagged before issuance of tags, and no tags may be used on out-of-state pelts.	A
Texas	NS					Although Texas has limited open season, no export requested or new data supplied. Status survey in progress.	NEA
Vermont	80 max	76	TR	MTA'73	LH	To increase sample collection for age, sex, reproductive, and food habits data. More stringent furbuyer reporting system planned for 1978.	A

ESSA Findings Under Article II 2(b)

The ESSA finds that export of specimens of bobcat and lynx will not be detrimental to the survival of other species of felids protected by the CITES.

The ESSA finds that export of specimens of river otter will not be detrimental to the survival of other species of otters protected by the CITES.

The ESSA finds that export of specimens of Alaskan brown bear will not be detrimental to the survival of other populations of this species.

The ESSA finds that export of specimens of Alaskan gray wolf will not be detrimental to the survival of other populations of this species.

Conditions: The ESSA establishes the following conditions for these findings:

1. Bobcat, lynx, and river otter pelts may only be exported if taken in states approved under Article II 2(a), subject to the conditions described under those findings, and must be tagged according to standards and conditions established by the MA. The July 12 proposal gave details on the MA's 1978–79 standards and conditions for tagging systems, which will not be repeated here. Further information on MA findings is included in the memo quoted above in the discussion of ESSA findings under Article II 2(a).

2. Specimens of brown bear and gray wolf may only be exported if legally taken in the State of Alaska and must be tagged according to the regulations of that state.

General Discussion

As we have discussed previously, the major issues under the finding relative to Article II 2(b) involve identification and possible stimulation of trade in similar species and populations.

The ESSA must depend upon effective enforcement of the CITES. To the degree that the ESSA can place confidence in the system provided for controlling trade, we can be correspondingly satisfied that existing procedures are adequate to ensure that specimens of one species will not be confused, intentionally or unintentionally, with specimens of other species.

Tagging of pelts helps provide assurance that specimens will be identified properly. Without tags, pelts would only be identified by paper documentation accompanying entire shipments. For such shipments, there would be many opportunities for confusing the identity of individual specimens. Tagging is particularly important because certain populations of these species are protected or may be threatened, and we know of no unequivocal way to distinguish between at least some specimens of these species taken from different parts of their distributions.

As most states already tag harvested pelts of these species, this condition will not result in significant additional burdens to state game agencies nor to the industry beyond that required for the conditions placed on the finding under Article II 2(a) and by the MA. For these reasons, and because tagging is useful as a vehicle for facilitating research, we believe this condition is very appropriate.

The April 30 notice discussed a possible condition requiring marking on the reverse side of exported hides in addition to the tagging requirement. Although applying this condition to one or more species might significantly reduce problems of identification, it was the judgment of the ESSA that available information concerning possible abuse of the trade in these species is

insufficient to warrant such a condition, and it was not proposed (see 44 FR 40854, July 12, 1979).

In the July 12 **Federal Register** notice, the ESSA proposed four possible alternative conditions concerning either (a) no restriction as to which countries may receive exported pelts or export only to: (b) countries which are Parties to the CITES and which have not taken reservations for the species in trade or for species which that species was included in the appendices to protect, (c) countries whose wildlife trade and wildlife trade regulation have been reviewed by the ESSA and found to provide assurances that contributing the U.S. pelts to their trade will not be detrimental to other species included in the appendices, or (d) countries which meet either condition (b) or (c) above.

Of these possible alternatives, the ESSA finds that other controls, as well as the nature of the trade in these species, make it unnecessary at this time to restrict the countries to which pelts may be exported. In the July 12, proposal, we pointed out that such limitations in trade were originally proposed for export of American alligator (44 FR 31583, May 31, 1979). However, we see considerable difference between the crocodilians and these furbearers. A substantial proportion of the trade in other crocodilians, including several on Appendix I, is known to involve countries which either are not parties to CITES or which have taken specific reservations to Appendix I crocodilians. Trade in some crocodilian species is known to have been detrimental to their survival, and such trade still occurs in volume for several endangered crocodilian species. In addition, the potential for confusing crocodilian products is great, particularly where small pieces are involved. As was discussed in detail in the July 12 proposal, most of the trade in these five furbearers from the U.S. is already with CITES Parties, and none of the major importing Party countries have taken reservations for these or related species. U.S. Fish and Wildlife Service records for 1978 indicate that for bobcat, lynx, and river otter, 85% went to CITES countries, 8% to unidentified countries, and only 7% were known to have gone to non-CITES parties. All known exports of brown bear and gray wolf went to CITES Parties.

Thus, in general a restriction of trade in these species to CITES Parties would have litte effect, because the majority of U.S. trade is already with those countries. The small U.S. trade with non-CITES Parties is distributed among seven different countries, further diluting any potential effect on trade by individual countries or companies. As noted above, we must give some weight to the provisions of the CITES as being implemented and enforced by the Party countries. The 1978 Annaul Report of the Secretariat for the CITES includes an analysis of the International Trade in Felidae 1977 (CITES Doc. 2.6, Annex 2), which is based on reports from the CITES Parties and on customs statistics for 1977. Although that report identifies problems in data collection, as might be expected in what was only the first or second year of enforcement of CITES for most of the countries, the volume of Appendix I cat skins in trade is insignificant for those countries, which adds weight to a reliance on CITES controls. Because many of the non-CITES countries trading in these species were also recorded in this report, and few Appendix I species are involved there also, it would appear that even these conditions are improving, and that opportunities for look-alike confusion in trade may be decreasing.

Regarding the question of stimulation of trade, comments by the states of Florida and Louisiana suggest that the availability of relatively plentiful species may prevent switching by the trade to more endangered species. Some weight may be given this argument by the generally acknowledged observation that the increasing demand for bobcat resulted to some degree from trade bans on many threatened populations of tropical spotted cats, although the CITES Secretariat report does report a large trade yet in Appendix II ocelot and margay from South America.

Discussions of world trade in the present species are included in the July 12 proposal and will not be repeated here except in summary.

Bobcat and Lynx. These two species are similar to each other, but dissimilar to most other cat species in trade, and thus unlikely to be confused with species other than the European lynx, which is generally well protected and reported as increasing in many localities (M. Fernex, 1979. Reintroducing the lynx. Council of Europe, Environment Features 79–1). In addition, most of our trade is with CITES Parties, and there is also considerable trade in lynx from Canada and possibly the Soviet Union. Thus we find it unnecessary to restrict trade in these species to certain countries.

River Otter. Although this species is especially difficult to distinguish from other otters, the tagging systems for otters in the U.S. have been established longer than those for bobcat and lynx, and their reliability is somewhat higher. The requirement of tags on pelts exported from the U.S. can provide aid to other countries in identifying legitimate pelts of U.S. *Lutra canadensis.* Again, the great bulk of U.S. exports go to CITES Parties, providing further assurance that documentation will be required and examined. We are aware of past trade data concerning other otter species exported from South America (N. DuPlaix, ed. 1978. Otters. IUCN Publ. New Series), but there is no indication that confusion with *L. canadensis* played a role in that trade. Thus we find it unnecessary to restrict trade in river otters to certain countries.

Brown Bear from Alaska. All known trade in these specimens from the U.S. consists of well-documented trophies being shipped to individual hunters in CITES Parties, and we can find little evidence of extensive commercial trade in this species. Thus we find it unnecessary to restrict trade in brown bears from Alaska to certain countries.

Gray Wolf from Alaska. Alaska requires close accounting of all pelts taken and shipped, and in addition the U.S. fractional contribution of wolves to combined worldwide trade in wolf and coyote pelts can hardly be measured. Thus we find it unnecessary to restrict trade in gray wolf from Alaska to certain countries.

Regulations Promulgation

PART 810—EXPORT OF APPENDIX II SPECIES

Accordingly, Part 810, Chapter VIII, Title 50 of the Code of Federal Regulations, is hereby amended. The current unlettered "Annex" to Part 810 is deleted. New Annexes C, D, E, F, and G are added and read as follows (findings prior to 1979–80 are adopted from previous determinations):

Annex C—Bobcat (*Lynx rufus*)

States for which the ESSA has found that export of the indicated season's harvest will not be detrimental to the survival of the species.

1977–78 Harvest: Alabama (Quota 4,000), Arizona (Q 8,000), Arkansas (Q 3,000), California (Q 6,000), Colorado (Q 4,000), Florida (Q 3,500), Georgia (Q 4,000), Idaho (Q 1,475), Louisiana (Q 4,000), Maine (Q 500), Massachusetts (Q 50), Michigan (Q 350), Minnesota (Q 150), Mississippi (Q 4,000), Montana (Q 1,070), Nebraska (Q 400), Nevada (Q 2,225), New Mexico (Q 6,000), New York (Q 225), North Carolina (Q 800), North Dakota (Q 165), Oregon (Q 3,000), South Dakota (Q 500), Tennessee (Q 1,000), Texas (Q 10,000), Vermont (Q 200), Virginia (Q 1,500), Washington (Q 6,000), West Virginia (Q 500), Wisconsin (Q 300), Wyoming (Q 2,000), Navajo Nation (Q 500).

For further information: See 42 FR 43729, August 30, 1977; 43 FR 11081, March 16, 1978; and 43 FR 29469, July 7, 1978.

1978–79 Harvest: Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Kansas, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Mexico (Q 6,000), New York, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming (Q 2,000), and the Navajo Nation.

Condition on findings: Pelts must be clearly identified as to state of origin and season of taking.

For further information: See 43 FR 11096, March 16, 1978; 43 FR 13913, April 3, 1978; 43 FR 15097, April 10, 1978; 43 FR 29469, July 7, 1978; 43 FR 35013, August 7, 1978; 43 FR 36293, August 16, 1978; and 43 FR 39305, September 1, 1978.

States for which the ESSA has found that export of the indicated season's harvest will not be detrimental to the survival of the species and to the survival of similar felid species included in the CITES appendices.

1979–80 Harvest: Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Kansas, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Mexico (Q: 6,000), New York, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming, Navajo Nation.

Condition on findings: Pelts must be clearly identified as to state of origin and season of taking, including tagging according to standards and conditions established by the MA.

For further information: See 44 FR 25383, April 30, 1979; 44 FR 31583, May 31, 1979; 44 FR 40842, July 12, 1979; 44 FR 52289, September 7, 1979; and 44 FR [insert page and date of present FR notice].

Annex D—River Otter (*Lutra canadensis*)

States for which the ESSA has found that export of the indicated season's harvest will not be detrimental to the survival of the species.

1977–78 Harvest: Alabama (Quota 1,500), Alaska (open), Arkansas (Q 400), Connecticut (Q 100), Delaware (Q 60), Flordia (Q 6,000), Georgia (Q 4,000), Louisiana (Q 7,500), Maine (Q 600), Maryland (Q 165), Massachusetts (Q 68), Michigan (Q 810), Minnesota (Q 700), Mississippi (Q 350), Montana (Q 36), New Hampshire (Q 200), New York (Q 700), North Carolina (Q 1,200), Oregon (Q 335), Rhode Island (Q 15), South Carolina (Q 650), Vermont (Q 50), Virginia (Q 585), Washington (Q 770), Wisconsin (Q 1,200).

For further information: See 42 FR 43729, August 30, 1977; 43 FR 11081, March 16, 1978; and 43 FR 29469, July 7, 1978.

1978–79 Harvest: Alabama, Alaska, Arkansas, Connecticut, Delaware, Florida, Georgia, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Montana, New Hampshire, New York, North Carolina, Oregon, Rhode Island, South Carolina, Vermont, Virginia, Washington, Wisconsin.

Condition on findings: Pelts must be clearly identified as to state of origin and season of taking.

For further information: See 43 FR 11096, March 16, 1978; 43 FR 13913, April 3, 1978; 43 FR 15097, April 10, 1978; 43 FR 29469, July 7, 1978; 43 FR 35013, August 7, 1978; 43 FR 36293, August 16, 1978; and 43 FR 39305, September 1, 1978.

States for which the ESSA has found that export of the indicated season's harvest will not be detrimental to the survival of the species and to the survival of similar otter species included in the CITES appendices.

1979–80 Harvest: Alabama, Alaska, Arkansas, Connecticut, Delaware, Florida, Georgia, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Montana, New Hampshire, New York, North Carolina, Oregon, South Carolina, Vermont, Virginia, Washington, Wisconsin.

Conditions on findings: Pelts must be clearly identified as to state of origin and season of taking, including tagging according to standards and conditions established by the MA.

For further information: See 44 FR 25383, April 30, 1979; 44 FR 31583, May 31, 1979; 44 FR 40842, July 12, 1979; 44 FR 52289, September 7, 1979; and 44 FR [insert page and date of present FR notice].

Annex E—Lynx (*Lynx canadensis*)

States for which the ESSA has found that export of the indicated season's harvest will not be detrimental to the survival of the species.

1977–78 Harvest: Alaska (open), Idaho (Quota 25), Minnesota (Q 25), Montana (Q 200), Washington (Q 35).

For further information: See 42 FR 43729, August 30, 1977; 43 FR 11081, March 16, 1978; and 43 FR 29469, July 7, 1978.

1978–79 Harvest: Alaska, Idaho, Minnesota, Montana, Washington.

Condition on findings: Pelts must be clearly identified as to state of origin and season of taking.

For further information: See 43 FR 11096, March 16, 1978; 43 FR 13913, April 3, 1978; 43 FR 15097, April 10, 1978; 43 FR 29469, July 7, 1978; 43 FR 35013, August 7, 1978; 43 FR 36293, August 16, 1978, and 43 FR 39305, September 1, 1978.

States for which the ESSA has found that export of the indicated season's harvest will not be detrimental to the survival of the species and to the survival of similar felid species included in the CITES appendices.

1979–80 Harvest: Alaska, Idaho, Minnesota, Montana, Washington.

Condition on findings: Pelts must be clearly identified as to state of origin and state of taking, including tagging according to standards and conditions established by the MA.

For further information: See 44 FR 25383, April 30, 1979; 44 FR 31583, May 31, 1979; 44 FR 40842, July 12, 1979; 44 FR 52289, September 7, 1979; and 44 FR [insert page and date of present FR notice].

Annex F—Gray wolf (*Canis lupus*)

State for which the ESSA has found that export of the indicated season's harvest will not be detrimental to the survival of Alaskan gray wolf.

1977–78 Harvest: Alaska.

Condition on findings: Pelts must be tagged as required by the state of Alaska.

1978–79 Harvest: Alaska.

Condition on findings: Pelts must be tagged as required by the state of Alaska.

State for which the ESSA has found that export of the indicated season's harvest will not be detrimental to the survival of other wolf populations.

1979–80 Harvest: Alaska.

Condition on findings: Pelts must be tagged as required by the state of Alaska.

For further information: See 44 FR 25383, April 30, 1979; 44 FR 31583, May 31, 1979; 44 FR 40842, July 12, 1979; 44 FR 52289, September 7, 1979; and 44 FR [insert page and date of present FR notice].

Annex G—Brown bear (*Ursus arctos*)

States for which the ESSA has found that export of the indicated season's harvest will not be detrimental to the survival of Alaskan brown bear.

1977–78Harvest: Alaska.

Condition on findings: Pelts must be tagged as required by the state of Alaska.

1978–79 Harvest: Alaska.

Condition on findings: Pelts must be tagged as required by the state of Alaska.

State for which the ESSA has found that export of the indicated season's harvest will not be detrimental to the survival of other brown bear populations.

1979–80 Harvest. Alaska.

Condition on findings: Pelts must be tagged as required by the state of Alaska.

For further information: See 44 FR 25383, April 30, 1979; 44 FR 31583, May 31, 1979; 44 FR 40842, July 12, 1979; 44 FR 52289, September 7, 1979; and 44 FR [insert page and date of present FR notice].

Publication of these final findings has been approved by the members of the Endangered Species Scientific Authority.

Dated: September 20, 1979.

William Y. Brown,

Executive Secretary.

[FR Doc. 79–29767 Filed 9–25–79; 8:45 am]

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY*	USDA/ASCS		DOT/SECRETARY*	USDA/ASCS
DOT/COAST GUARD	USDA/APHIS		DOT/COAST GUARD	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/FHWA	USDA/FSQS		DOT/FHWA	USDA/FSQS
DOT/FRA	USDA/REA		DOT/FRA	USDA/REA
DOT/NHTSA	MSPB/OPM		DOT/NHTSA	MSPB/OPM
DOT/RSPA	LABOR		DOT/RSPA	LABOR
DOT/SLSDC	HEW/FDA		DOT/SLSDC	HEW/FDA
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

***NOTE: As of July 2, 1979, all agencies in the Department of Transportation, will publish on the Monday/Thursday schedule.**

REMINDERS

The items in this list were editorially compiled as an aid to **Federal Register** users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.

Rules Going Into Effect Today

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Office of the Assistant Secretary for Community Planning and Development—

46836 8–9–79 / Community development block grants; households who could reasonably be expected to reside; interim rule

50248 8–27–79 / Community Development Block Grants; technical provisions

[Corrected at 44 FR 54294, 9–19–79]

47512 8–13–79 / Section 312 Rehabilitation Loan Program; interim rule

Office of Assistant Secretary for Housing—

46835 8–9–79 / Mutual mortgage insurance and improvement loans; dollar limitation increase for solar energy systems

Office of the Secretary—

30946 5–29–79 / Uniform relocation assistance and real property acquisition

47508 8–13–79 / Uniform relocation assistance and real property acquisition

TRANSPORTATION DEPARTMENT

Federal Aviation Administration—

50314 8–27–79 / Standards for Lithium Sulfur Dioxide batteries

Next Week's Deadlines for Comments On Proposed Rules

AGRICULTURE DEPARTMENT

Agricultural Marketing Service—

54302 9–19–79 / Handling of cranberries; allocation of base quantity to producers from established reserve; comments by 10–4–79

54303 9–19–79 / Milk in Indiana area; changes in order provisions; comments by 10–4–79

Animal and Plant Health Inspection Service—

49695 8–24–79 / Foreign quarantine notices for nursery stock plants and seeds; comments by 10–1–79

48230 8–17–79 / Hawaiian and territorial quarantine notice; fruits and vegetables; comments by 10–1–79

45631 8–3–79 / Importation of male horses from countries affected with contagious equine metritis; comments by 10–2–79

45634 8–3–79 / Revision of erysipelothrix rhusiopathiae bacteria potency test; comments by 10–2–79

Federal Crop Insurance Corporation—

44857 7–31–79 / Proposed combined crop insurance regulations; comments by 10–1–79

44861 7–31–79 / Proposed sunflower crop insurance regulations; comments by 10–1–79

Food and Nutrition Service—

54076 9–18–79 / National School Lunch and School Breakfast Programs; comments by 10–6–79

49694 8–24–79 / National School Lunch Program and school breakfast program; foods in competition; comments period extended from 9–6–79 to 10–6–79

[Originally published at 44 FR 40004, 7–6–79]

Food Safety and Quality Service—

44874 7–31–79 / Use of enzyme threatened substances as binders and extenders; comments by 10–1–79

CIVIL AERONAUTICS BOARD

45637 8–3–79 / Implementation of National Environmental Policy Act of 1969; comments by 10–2–79

COMMODITY FUTURES TRADING COMMISSION

51225 8–31–79 / Petitions for confidential treatment; comments by 10–1–79

ENERGY DEPARTMENT

38994 7–3–79 / Commercially generated radioactive waste; comments by 10–4–79

Economic Regulatory Administration—

34468 6–15–79 / Amendments to extend current provisions of entitlements program relating to residual fuel oil; comments by 10–1–79

45958 8–6–79 / Minimum criteria for required program measures for State energy conservation plans; notice of inquiry; comments by 10–5–79

50605 8–29–79 / Phased Deregulation at upper tier crude oil; comments by 10–5–79

Federal Energy Regulatory Commission—

53178 9–13–79 / Floodplain management and protection of wetlands; comments extended to 10–1–79

[Originally published at 44 FR 49466, 50052, Aug. 23 and Aug. 27, 1979]

Leasing Policy Development Office—

45900 8–3–79 / Leasing; acquisition and disposition of Federal royalty oil; comments by 10–5–79

ENVIRONMENTAL PROTECTION AGENCY

45970 8–6–79 / Air quality control regions, criteria and control techniques, attainment status designation; comments by 10–5–79

51924 9–5–79 / Air quality inplementation plans; requirements for preparation, adoption and submittal and approval and promulgation of State implementation plans; comments by 10–5–79

44904 7–31–79 / Approval and promulgation of implementation plans; Arkansas plan for nonattainment areas; comments by 10–1–79

44908 7–31–79 / Approval and promulgation of implementation plans; Louisiana plan for nonattainment areas; comments by 10–1–79

44912 7–31–79 / Approval and promulgation of implementation plans; Oklahoma plan for nonattainment areas; comments by 10–1–79

45218 8–1–79 / Pesticide use restrictions; comments by 10–1–79

54069 9–18–79 / Requirements for preparation, adoption and submittal of implementation plans; comments by 10–5–79

FEDERAL COMMUNICATIONS COMMISSION

47962 8–16–79 / Enid, Okla.; FM broadcast stations; table of assignments; Comments by 10–5–79

48287 8–17–79 / Fee refunds and future FCC fees; comments by 10–1–79

44192 7–27–79 / Granbury, Tex; changes in FM table of assignments; reply comments by 10–6–79

39550 7–6–79 / Inquiry concerning 9 khz channel spacings for AM broadcasting; comments by 10–1–79

3663 1–17–79 / Inquiry on technical improvements to television receivers and certain transmitter standards; reply comments by 10–1–79

30135 5–24–79 / Land mobile radio systems; multiple licensing; reply comments by 10–5–79

49704 8–24–79 / One-way radio paging in the special emergency radio service; reply comments by 10–1–79

48299 8–17–79 / Operation of wireless inflight entertainment system; reply comments by 10–1–79

47963 8–16–79 / Paradise, Calif.; FM broadcast stations; table of assignments; comments by 10–5–79

47964 8–16–79 / Plainview, Tex; FM broadcast stations; table of assignments; comments by 10–5–79

44574 7–30–79 / Rio Grande City and Roma-Los Soenz, Tex.; FM broadcast stations; table of assignments; reply comments by 10–6–79

44194 7–27–79 / Riverside and Santa Ana, Calif.; changes in television table of assignments; reply comments by 10–6–79

39513 7–6–79 / Second computer inquiry; tentative decision and further notice of inquiry and rule making; comments by 10–1–79

44193 7–27–79 / Thomaston, Ga.; changes in FM table of assignments; reply comments by 10–6–79

44195 7–27–79 / Tullahoma, Tenn.; changes in television table of assignments; reply comments by 10–6–79

43495 7–25–79 / Vancouver, Wash.; television broadcast stations; table of assignments; reply comments by 10–5–79

FEDERAL ELECTION COMMISSION

51962 9–5–79 / Contributions to and expenditures by delegates; comments by 10–5–79

FEDERAL EMERGENCY MANAGEMENT AGENCY

45652 8–3–79 / Criteria for land management and use in National Flood Insurance Programs; comments by 10–2–79

FEDERAL HOME LOAN BANK BOARD

45635 8–3–79 / Federal Savings and Loan System; insurance of accounts; securing Eurodollar deposts; comments by 10–1–79

FEDERAL RESERVE SYSTEM

50809 8–30–79 / Truth-in-lending; Official Staff interpretation; comments by 10–1–79

FOREIGN CLAIMS SETTLEMENT COMMISSION

49703 8–24–79 / National Security information, E.O. 12065; implemention; comments by 9–30–79

GENERAL SERVICES ADMINISTRATION

53161 9–13–79 / Federal employee parking; comments by 10–1–79

HEALTH, EDUCATION, AND WELFARE, DEPARTMENT—

Education Office—

38400 6–29–79 / Financial assistance to local and state agencies to meet special educational needs; comments by 10–1–79

Food and Drug Administration—

45642 8–3–79 / Allergenic products; antigen E potency test; comments by 10–2–79

45645 8–3–79 / Diagnostic X-ray systems and their major components; amendments to performance standard; comments by 10–2–79

44884 7–31–79 / Model regulations editorial revisions; comments by 10–1–79

40016 7–6–79 / Prescription drug products; patient labeling requirements; comments by 10–4–79

Human Development Services Office—

45032 7–31–79 / Grants for State and community programs on aging; comments by 10–1–79

45947 8–6–79 / University Affiliated Facilities Program; comments by 10–5–79

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Office of the Secretary—

45568 8–2–79 / Community Development Block Grant Program; environmental review procedures; comments by 9–30–79

45416 8–2–79 / Part-time career employment program; comments by 10–1–79

INTERIOR DEPARTMENT

Heritage Conservation and Recreation Service—

51829 9–5–79 / Procedures for the identification and protection of archeological, architectural, historic, and scientific properties; comments by 10–4–79

[Originally published at 44 FR 45417, 8–2–79]

Land Management Bureau—

45425 8–2–79 / Exchanges of public lands and interests: comments by 10–1–79

INTERNATIONAL COMMUNICATION AGENCY

53089 9–12–79 / Part-time career employment program; comments by 9–30–79

INTERSTATE COMMERCE COMMISSION

51830 9–5–79 / Legal assistance referral service for indigent or partially indigent participants in legal proceedings; comments by 10–5–79

NATIONAL CREDIT UNION ADMINISTRATION

43737 7–26–79 / Organization and operations of Federal credit unions; comments by 10–1–79

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

51586 9–4–79 / Planning and design objectives, controls, and standards on the western half of Square 457; comments by 10–4–79

PERSONNEL MANAGEMENT OFFICE

44818 7–31–79 / Adverse actions, interim regulations; comments by 10–1–79

26843 5–8–79 / Ethics in Government; financial reporting; comments by 9–30–79

44815 7–31–79 / Removal, reinstatement, and guaranteed placement in the Senior Executive Service; comments by 10–1–79

SECURITIES AND EXCHANGE COMMISSION

49465 8–23–79 / Designation of national market system securities; comments by 9–30–79

[Originally published at 44 FR 36912, 6–22–79]

47100 8–10–79 / Investment advisory or underwriting contracts; approval exemption; comments by 10–5–79

TRANSPORTATION DEPARTMENT

Coast Guard—

52010 9–6–79 / Great Lakes pilotage regulations; comments by 10–5–79

3444 6–14–79 / Proposal for existing tank barges to prevent oil pollution; comments by 9–30–79

34440 6–14–79 / Proposed design standards for tank barges to prevent oil pollution; comments by 9–30–79

Federal Aviation Administration—

51610 9–4–79 / Designation of alternate airways; comments by 10–3–79

National Highway Traffic Safety Administration—

42233 7–19–79 / Highway safety program; innovative project grants; comments by 10–1–79

TREASURY DEPARTMENT

Internal Revenue Service—

36071 6–20–79 / Credibility of foreign taxes; comments by 9–30–79

Next Week's Meetings

AGRICULTURE DEPARTMENT

Forest Service—

52013 9–6–79 / Coconino National Forest Grazing Advisory Board, Flagstaff, Ariz. (open), 10–1–79

47780 8–15–79 / Southwestern Region, Tonto National Forest Grazing Advisory Board; Phoenix, Ariz. (open), 10–1–79

Rural Electrification Administration—

51632 9–4–79 / Environmental impact statement, Panora, Iowa, 10–2–79

ARTS AND HUMANITIES, NATIONAL FOUNDATION

53592 9–14–79 / Dance Advisory Panel (closed), Washington, D.C., 10–5 through 10–8–79

53592 9–14–79 / Humanities Panel (closed), Washington, D.C., 10–3 through 10–5–79

52057 9–6–79 / Humanities Panel, Washington, D.C. (closed), 10–3 and 10–4–79

52057 9–6–79 / Humanities Panel, Washington, D.C. (closed), 10–4 and 10–5–79

53592 9–14–79 / Humanities Panel (closed), Washington, D.C., 10–5 and 10–6–79

53114 9–12–79 / Literature Advisory Panel, Washington, D.C. (partially open), 10–5 and 10–6–79

53592 9–14–79 / Media Arts Advisory Panel (closed), Los Angeles, Calif., 10–2 and 10–3–79

53114 9–12–79 / Museum Advisory Panel, Washington, D.C. (partially open), 10–2 and 10–3–79

CIVIL RIGHTS COMMISSION

53097 9–12–79 / Arkansas Advisory Committee, Little Rock, Ark., (open), 10–6–79

54326 9–19–79 / Connecticut Advisory Committee, Hartford, Conn. (open), 10–6–79

54326 9–19–79 / Maine Advisory Committee, Augusta, Me. (open), 10–2–79

51833 9–5–79 / Maryland Advisory Committee, Ellicott City, Md. (open), 10–3–79

53097 9–12–79 / North Dakota Advisory Committee, Bismark, N. Dak. (open), 10–5–79

54081 9–18–79 / West Virginia Advisory Committee, Charleston, W. Va. (open), 10–4–79

COMMERCE DEPARTMENT

Census Bureau—

51834 9–5–79 / Census Advisory Committee on the Black Population for the 1980 Census, Suitland Md. (open), 10–2–79

National Oceanic and Atmospheric Administration—

54328 9–19–79 / Gulf of Mexico Fishery Management Council, Galveston, Tex. (open), 10–1 through 10–3–79

54082 9–18–79 / North Pacific Fishery Management Council and Scientific and Statistical Committee and Advisory Panel, Sitka, Alaska (open), 10–2 through 10–5–79

54749 9–21–79 / Pacific Fishery Management Council's Groundfish Advisory Subpanel, Portland, Oreg. (open), 10–9–79

DEFENSE DEPARTMENT

Air Force Department—

53282 9–13–79 / USAF Scientific Advisory Board, Washington, D.C. (closed), 10–2 and 10–3–79

46912 8–9–79 / USAF Scientific Advisory Board Electronic Systems Division Advisory Group, Hanscom Air Force Base, Mass. (closed), 10–5–79

Office of the Secretary—

49009 8–21–79 / Department of Defense Wage Committee, Washington, D.C. (closed), 10–2–79

52016 9–6–79 / Defense Science Board Advisory Committee, Arlington, Va. (closed), 10–4 and 10–5–79

53769 9–17–79 / DOD Advisory Group on Electron Devices (AGED), New York, N.Y. (closed), 10–4–79

52017 9–6–79 / U.S. Court of Military Appeals Nominating Commission, Arlington, Va. (closed), 10–3–79

EMPLOYMENT POLICY, NATIONAL COMMISSION

54797 9–21–79 / Meeting, Washington, D.C. (open), 10–12–79

ENERGY DEPARTMENT

45985 8-6-79 / Energy Extension Service, coordination with private sector, Washington, D.C. (open), 10-2-79

53288 9-13-79 / Energy Extension Service National Advisory Board, Washington, D.C. (open), 10-3 and 10-4-79

ENVIRONMENTAL PROTECTION AGENCY

54118 9-18-79 / Science Advisory Board, Economic Analysis Subcommittee, Boston, Mass. (open), 10-5-79

46686 8-8-79 / Voluntary aftermarket part self-certification program; proposed regulations; Washington, D.C., 10-3 through 10-5-79

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

53570 9-14-79 / Open Committee (open), Washington, D.C., 10-4-79

GENERAL SERVICES ADMINISTRATION

53313 9-13-79 / Regional Public Advisory Panel on Architectural and Engineering Services, Auburn, Wash. (open), 10-5-79

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Food and Drug Administration—

53571 9-14-79 / Dental Devices Section of the Ophthalmic; Ear, Nose, Throat; and Dental Devices Panel (open), Washington, D.C., 10-1 and 10-2-79

53571 9-14-71 / Ear, Nose, and Throat Devices Section of the Ophthalmic; Ear, Nose, Throat; and Dental Devices Panel, Washington, D.C. (open), 10-3 and 10-4-79

52336 9-7-79 / Endocrinologic and Metabolic Drugs Advisory Committee, Rockville, Md. (open), 10-4-79

52336 9-7-79 / Science Advisory Committee, Carcinogenesis Subcommittee, Jefferson, Ark. (open), 10-4 and 10-5-79

52337 9-7-79 / Science Advisory Board, Pathology Subcommittee, Jefferson, Ark. (open), 10-5-79

National Institute of Health—

50657 8-29-79 / Annual NIH Instrumentation Symposium, Bethesda, Md., 10-3 through 10-5-79

50658 8-29-79 / Board of Regents, Bethesda, Md. (partially open), 10-4 and 10-5-79

49310 8-22-79 / Cardiology Advisory Committee, Bethesda, Md. (open), 10-1 and 10-2-79

49309 8-22-79 / National Arthritis Advisory Board, Arlington, Va. (open), 10-3-79

[Amended at 44 FR 53107, 9-12-79]

53802 9-17-79 / National Cancer Advisory Board and Subcommittees, Bethesda, Md. (open), 10-2 through 10-5-79

52039 9-6-79 / Pathobiological Chemistry Study Section Workshop, Bethesda, Md. (open), 10-2-79

52038 9-6-79 / Pulmonary Diseases Advisory Committee, Bethesda, Md. (open), 10-4-79

Office of the Secretary—

53580 9-14-79 / Board of Advisors to the Fund for the Improvement of Postsecondary Education (open), Washington, D.C., 10-4 and 10-5-79

52889 9-11-79 / Rights and Responsibilities of Women Advisory Committee, Washington, D.C., 10-4-79

Social Security Administration—

54128 9-18-79 / Social Security For Your Future, Washington, D.C. 10-3-79

INTERIOR DEPARTMENT

Land Management Bureau—

50920 8-30-79 / Arizona Strip District Advisory Board, St. George, Utah (open), 10-2-79

46953 8-9-79 / Canon City District Advisory Board, Carson City, Colo. (open), 10-3-79

52757 9-10-79 / Craig District Grazing Advisory Board, Craig, Colo. (open), 10-4-79

National Park Service—

54130 9-18-79 / Chattahoochee River National Recreation Area, Atlanta, Ga. (open), 10-4-79

54130 9-18-79 / Chattahoochee River National Recreation Area, Sandy Springs, Ga. (open), 10-6-79

52045 9-6-79 / National Park System Advisory Board, Lakewood, Colo. and Keystone, Colo. (open), 10-2 through 10-5-79

Surface Mining Reclamation and Enforcement Office—

54785 9-21-79 / Mining and Mineral Resources Research Advisory Committee, Washington, D.C. (open), 10-10-79

NATIONAL SCIENCE FOUNDATION

53821 9-17-79 / Cell Biology Subcommittee of the Advisory Committee for Physiology, Cellular and Molecular Biology, Washington, D.C. (closed), 10-4 through 10-6-79

53822 9-17-79 / Ecological Sciences Subcommittee of the Advisory Committee for Environmental Biology, Washington, D.C. (partially open), 10-3 through 10-5-79

53822 9-17-79 / Mathematical Sciences Subcommittee of the Advisory Committee for Mathematical and Computer Sciences, Washington, D.C. (partially open), 10-5 and 10-6-79

NUCLEAR REGULATORY COMMISSION

54368 9-19-79 / Reactor Safeguards Advisory Committee, Washington, D.C. (partially closed), 10-4 through 10-6-79

53592 9-14-79 / Reactor Safeguards Advisory Committee, Ad Hoc Subcommittee on the Three Mile Island, Unit 2 (open), Washington, D.C. 10-2-79

SMALL BUSINESS ADMINISTRATION

53117 9-12-79 / Region II Advisory Council, Clark, N.J. (open), 10-3-79

49036 8-21-79 / Region VIII Advisory Council, Fargo, N. Dak. (open), 10-3-79

54148 9-18-79 / Region VIII Advisory Council, Sioux Falls, Dakota (open), 10-5-79

STATE DEPARTMENT

Agency for International Development—

54800 9-21-79 / Joint Research Committee of the Board for International Agricultural Development, Arlington, Va. (open), 10-9 and 10-10-79

54801 9-21-79 / Asia Regional Work Group, Rosslyn, Va (open), 10-9-79

54801 9-21-79 / Latin America Regional Work Group, Washington, D.C. (open), 10-9-79

Office of the Secretary—

52780 9-10-79 / Advisory Committee to the U.S. National Section of the Inter-American Tropical Tuna Commission, La Jolla, Calif. (open), 10-4 and 10-5-79

53335 9-13-79 / Shipping Coordinating Committee, Washington, D.C. (open), 10-3-79

TRANSPORTATION DEPARTMENT

National Highway Traffic Safety Administration—

51692 9-4-79 / GM jack defects, Washington, D.C. (open), 10-4-79

VETERANS ADMINISTRATION

53602 9-14-79 / Wage Committee, Washington, D.C. (closed), 10-4-79

Next Week's Public Hearings

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

52852 9-11-79 / Mid-Atlantic and New England Fishery Management Councils, fixed gear regulations, Portsmouth, N.H., 10-3-79

DEPARTMENT OF ENERGY

Economic Regulatory Administration—

50847 8–30–79 / Mandatory petroleum price regulations; refiner investment incentives, Houston, Tex., 10–4–79

50847 8–30–79 / Mandatory petroleum price regulations; refiner investment incentives, New York, N.Y., 10–2–79

Federal Energy Regulatory Commission—

53538 9–14–79 / Filing of changes in rate schedules, Washington, D.C., 10–4 and 10–5–79

Office of the Secretary—

52842 9–11–79 / Outer Continental Shelf oil and gas sequential bidding process; leasing, Los Angeles, Calif., 10–4–79

52842 9–11–79 / Outer Continental Shelf oil and gas sequential bidding; leasing, New Orleans, La., 10–2–79

ENVIRONMENTAL PROTECTION AGENCY

51683 9–4–79 / Environment and conservation in non-nuclear energy research and development, Washington, D.C. (open), 10–3 through 10–5–79

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Food and Drug Administration—

35242 6–19–79 / Current good manufacturing practices in manufacturing, processing, packing, or holding human food, San Francisco, Calif., 10–3–79

47699, 447713 8–14–79 / Protection of human research subjects, San Francisco, Calif., 10–3–79

[Rescheduled at 44 FR 50359, 8–28–79]

INTERNATIONAL TRADE COMMISSION

46955 8–9–79 / Leather wearing apparel, New York, N.Y., 10–6–79

TREASURY DEPARTMENT

Internal Revenue Service—

44553 7–30–79 / Consolidated returns; Washington, D.C., 10–3–79

[Rescheduled at 44 FR 47550, 8–14–79]

List of Public Laws

Note: No public bills which have become law were received by the Office of the **Federal Register** for inclusion in today's **List of Public Laws.**

[Last Listing 9–24–79]

Documents Relating to Federal Grant Programs

This is a list of documents relating to Federal grant programs which were published in the **Federal Register** during the previous week.

DEADLINES FOR COMMENTS ON PROPOSED RULES

54910 9–21–79 / Commerce/Sec'y—Departmental administrative order on grants administration; comments by 11–20–79

54908 9–21–79 / Commerce/Sec'y—Grants: Disputes and appeals procedures; comments by 11–20–79

54950 9–21–79 / Justice/AG—Nondiscrimination based on handicap in federally assisted programs—implementation of section 504 of the Rehabilitation Act of 1973 and Executive Order 11914; comments by 12–21–79

APPLICATIONS DEADLINES

54778 9–21–79 / HEW/NIE—Program of Research Grants on Law and Government Studies in Education; apply by 10–18–79

54127 9–18–79 / HEW/OE—College work-study, national direct student loan, and supplemental educational opportunity grant programs; apply by 10–16–79 for establishing institutional eligibility and funds

54127 9–18–79 / HEW/OE—College work-study, national direct student loan, and supplemental educational opportunity grant programs; apply by 12–14–79 for applications, corrections, and certifications

54127 9–18–79 / HEW/OE—College work-study, national direct student loan, and supplemental educational opportunity grant programs; apply by 2–18–80 for submitting appeals for funds

MEETINGS

53803 9–17–79 / HEW/NIH—Communicative Disorders Review Committee, Bethesda, Md. (partially open), 10–25 through 10–27–79

53800 9–17–79 / HEW/NIH—Division of Research grants; October and November 1979 meetings

53802 9–17–79 / HEW/NIH—National Advisory General Medical Sciences Council, Bethesda, Md. (partially open), 10–24 and 10–25–79

53802 9–17–79 / HEW/NIH—National Cancer Advisory Board and its subcommittees, Bethesda, Md. (partially open), 10–2 through 10–5–79

53802 9–17–79 / HEW/NIH—Board of Scientific Counselors, Division of Cancer Biology and Diagnosis, Bethesda, Md. (partially open), 11–16 and 11–17–79

53468 9–19–79 / NFAH—Opera-Musical Theater Advisory Panel, Washington, D.C. (partially open), 10–11 through 10–13–79

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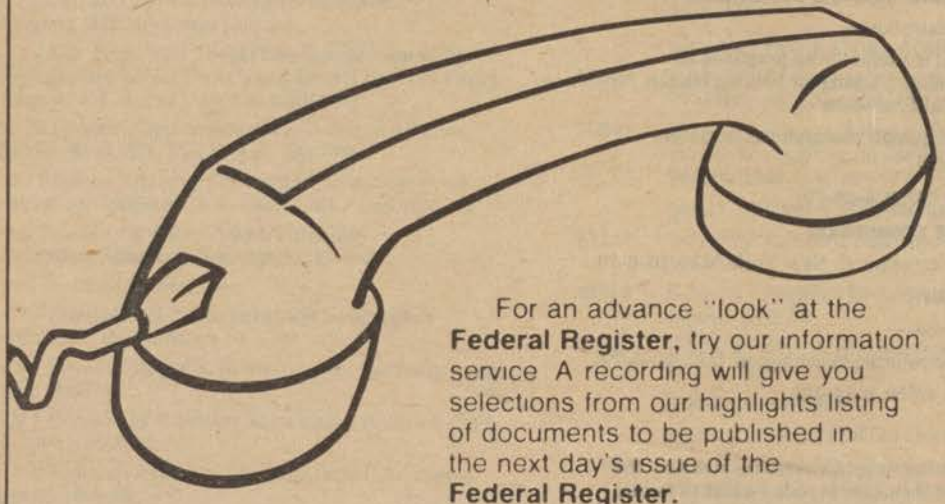

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