AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

10-1-79
Vol. 44 No. 191
Pages 56305-56662

federal register

Monday
October 1, 1979

Highlights

Briefings on How to Use the Federal Register—For details on briefings in **Washington, D.C.**, and **Long Island, New York**, see announcement in the Reader Aids Section at the end of this issue.

56520 **Improving Government Regulations** Agencies announce schedule of publication dates for semiannual agendas (Part III of this issue)

56377 NASA publishes semiannual agenda

56389 NFAH publishes semiannual agenda

56387 NSF publishes semiannual agenda

56504 Treasury/IRS publishes semiannual agenda (Part II of this issue)

56590 **Privacy Act** NLRB issues annual publication of systems of records; comments by 10–30–79 (Part VI of this issue)

56369 **Oil** DOE/ERA extends comments period on proposal on distribution of strategic petroleum reserve crude oil from 10–10–79 to 10–20–79

56608 **Housing** HUD/FHC issues rules on management and disposition of HUD-owned multifamily housing projects; effective 11–8–79, comments by 11–30–79 (Part VIII of this issue)

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Highlights

FEDERAL REGISTER Published daily, Monday through Friday, (not published on Saturdays, Sundays, or on official holidays), by the Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408, under the Federal Register Act (49 Stat. 500, as amended; 44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). Distribution is made only by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

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Area Code 202-523-5240

56434 **China** Treasury gives notice of postponement of unblocking of assets blocked by virtue of interests of the People's Republic of China or its nationals

56306 **Rural Housing** USDA/FHA rules on recapture of Section 502 subsidy; effective 10-1-79

56324 **Real Property** HUD issues rules on relocation assistance and property acquisition; effective 11-8-79

56325 **Community Development Block Grants** HUD issues rules on real property acquisition by state agencies; effective 11-8-79

56329 **Loan Guaranty** VA increases maximum permissible interest rate on new, guaranteed, insured and direct loans; effective 9-26-79

56402 **Policy Research on Work and the Aged** HEW announces grant awards

56333 **Medical Assistance Program** HEW/HCFA issues rules on penalties for failure to make a satisfactory showing of an effective institutional utilization control program; effecfive 12-31-79

56628 **Water** EPA announces availability of quality criteria (Part XI of this issue)

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56660 **Public Telecommunications and Information Administration** NTIA gives notice of closing date for applications (January 9, 1980) and of proposed modification of priorities (Part XII of this issue)

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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

Commodity Credit Corporation

7 CFR Part 1421

[CCC Grain Price Support Regs., 1979 Crop Flaxseed Supplement]

Grains and Similarly Handled Commodities; 1979-Crop Flaxseed Purchase Program

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: The purpose of this rule is to set forth the availability date the final purchase rates and discounts under which Commodity Credit Corporation (CCC) will extend price support on 1979-crop flaxseed. This rule is needed in order to provide a price support program for flaxseed. This rule will enable eligible flaxseed producers to enter into purchase agreements on their eligible 1979-crop flaxseed.

EFFECTIVE DATE: October 1, 1979.

ADDRESS: Price Support and Loan Division, ASCS, USDA, 3741 South Building, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT: Merle Strawderman, ASCS, (202) 447–7973.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking was published in the **Federal Register** on January 4, 1979, 44 FR 1116 stating that the Department of Agriculture proposed to make determinations and issue regulations relative to a price support program for the 1979 crop of flaxseed. Such determinations included determining the level of support and other related program provisions. Producers were given until March 5 to respond. Three responses were received concerning a purchase program for flaxseed. Two responses suggested the purchase rate be raised, and one response suggested the purchase rate remain as it is. Upon consideration of the comments, it has been determined that a purchase program will be conducted for 1979-crop flaxseed and that the national average purchase rate for 1979-crop flaxseed will be $4.50 per bushel. The basic purchase rates established by CCC as stated herein are determined on the basis of statutory requirements.

Final Rule

The General Regulations Governing Price Support for 1978 and Subsequent Crops, and any amendments thereto, and the 1978 and Subsequent Crops Flaxseed Loan and Purchase Regulations, and any amendments thereto, in this Part 1421, are further revised as provided below effective as to the 1979 crop of flaxseed.

The material previously appearing in these sections shall remain in full force and effect as to the crops to which it is applicable.

Subpart—1979 Crop Flaxseed Purchase Program

Sec.
1421.175 Purpose.
1421.176 Availability.
1421.177 Purchase rates and discounts.

Authority: Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714 b and c); secs. 301, 401, 63 Stat. 1054, as amended (7 U.S.C. 1447, 1421).

Subpart—1979 Crop Flaxseed Purchase Program

§ 1421.175 Purpose.

This subpart contains program provisions which together with the 1978 and Subsequent Crops Flaxseed Loan and Purchase Program regulations and the General Regulations Governing Price Support for 1978 and Subsequent Crops, and any amendments to such regulations, set forth the requirements with respect to purchases of 1979-crop flaxseed.

§ 1421.176 Availability.

Producers desiring to offer eligible flaxseed for purchase by CCC must complete a purchase agreement (Form CCC–614) before May 31, 1980, on flaxseed in the States of Minnesota, Montana, North Dakota, South Dakota, and Wisconsin, and on or before April 30, 1980, on flaxseed in all other States. Purchases will be made by CCC from producers with completed purchase agreements after the above dates.

§ 1421.177 Purchase rates and discounts.

(a) *Basic purchase rates (counties).* Basic purchase rates per bushel are established for flaxseed grading No. 1 containing 9.1 to 9.5 percent moisture and are as follows:

County	Rate per bushel
Minnesota	
Becker	$4.58
Beltrami	4.65
Big Stone	4.62
Blue Earth	4.68
Brown	4.66
Carlton	4.72
Carver	4.70
Chippewa	4.66
Clay	4.58
Clearwater	4.62
Cottonwood	4.64
Dakota	4.70
Dodge	4.70
Douglas	4.64
Faribault	4.67
Fillmore	4.67
Freeborn	4.68
Goodhue	4.70
Grant	4.62
Hennepin	4.72
Hubbard	4.63
Itasca	4.70
Jackson	4.63
Kandiyohi	4.68
Kittson	4.53
Koochiching	4.63
Lac Qui Parle	4.64
Lake of the Woods	4.55
Le Sueur	4.70
Lincoln	4.60
Lyon	4.63
McLeod	4.70
Mahnomen	4.58
Marshall	4.57
Martin	4.65
Meeker	4.70
Mower	4.68
Murray	4.61
Nicollet	4.68
Nobles	4.60
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Pope	4.66
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Rock	4.57
Roseau	4.54
St. Louis	4.72
Scott	4.70
Sibley	4.70
Stearns	4.68
Steele	4.70
Stevens	4.64
Swift	4.66
Todd	4.66
Traverse	4.60
Wabasha	4.70
Waseca	4.70
Washington	4.70
Watonwan	4.66
Wilkin	4.59
Winona	4.68
Wright	4.70
Yellow Medicine	4.66
State Wght. Avg.	4.58

County	Rate per bushel
Montana	
Carter	4.30
Custer	4.26
Daniels	4.27
Dawson	4.31
Fallon	4.31
McCone	4.29
Powder River	4.24
Prairie	4.28
Richland	4.31
Roosevelt	4.30
Sheridan	4.29
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Wibaux	4.32
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Sully	4.47
Todd	4.41
Tripp	4.43
Turner	4.49
Union	4.51
Walworth	4.45
Yankton	4.51
Ziebach	4.36
State Wght. Avg.	4.55
Texas (Special purchase program only counties)	
Atascosa	4.31
Bee	4.40
Bell	4.24
Bexar	4.30
Caldwell	4.28
Calhoun	4.33
Comal	4.28
DeWitt	4.32
Dimmit	4.20
Duval	4.34
Frio	4.27
Goliad	4.38
Gonzales	4.30
Guadalupe	4.29
Hidalgo	4.27
Jackson	4.31
Jim Wells	4.39
Karnes	4.37
Kleberg	4.39
Lamar	4.14
Live Oak	4.38
McMullen	4.33
Matagorda	4.32
Nueces	4.42
Refugio	4.41
San Patricio	4.42
Victoria	4.35
Wharton	4.34
Wilson	4.34
State Wght. Avg.	4.37

(b) *Discounts.* The basic purchase rate shall be adjusted, as applicable by the following discounts:

(1) *Test weight.* Three cents for each pound under 49 pounds to 42 pounds and 4 cents for each ½ pound under 42 pounds.

(2) *Heat damage.* One-half cent for each .1 of one percent over .2 of one percent.

(3) *Moisture.* Two cents for each ½ of one percent over 9.5 percent to 11 percent, and 3 cents for each ½ of one percent over 11 percent.

(4) *Weed control law (where required by § 1421.25).* Fifteen cents per bushel.

(5) *Other factors.* Flaxseed that is (i) weevily, (ii) musty, (iii) or sour, shall not be eligible for purchase. In the event quantities of flaxseed exceeding the limits shown in paragraph (b) of this section are inadvertently accepted by CCC, such quantities will be discounted on the basis of the schedule of discounts as provided by the Kansas City Commodity Office for settlement purposes. Such discount will be established not later than the time of delivery of the flaxseed to CCC and will be adjusted from time to time as CCC determines appropriate to reflect changes in market conditions. Producers may obtain schedules of such factors and discounts at county ASCS offices approximately one month prior to the expiration of their purchase agreement.

Note.—This final rule has been determined not significant under the USDA criteria implementing Executive Order 12044. This regulation contains necessary operating provisions needed to implement the national average flaxseed loan rate, which was determined to be significant, announced on June 20, 1978, for which an approved impact statement is available from Harry Sullivan, ASCS, (202) 447–7951.

Signed at Washington, D.C., on September 24, 1979.

John W. Goodwin,

Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc. 79–30377 Filed 9–28–79; 8:45 am]

BILLING CODE 3410–05–M

Farmers Home Administration

7 CFR Part 1951

Recapture of Section 502 Rural Housing Subsidy

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration (FmHA) is adding regulations regarding the recapture of subsidies granted on section 502 Rural Housing (RH) loans pursuant to section 502 of the Housing Act of 1949 (the "Act"), 42 U.S.C. 1472, approved on or after October 1, 1979. The intended effect of this action is to reduce program costs and enable FmHA to serve additional families. This action is required by the Housing and Community Development Amendments of 1978, Pub. L. 95–557, Section 506.

EFFECTIVE DATE: October 1, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Mathias (Matt) J. Felber, 202–447–4295.

SUPPLEMENTARY INFORMATION: On February 12, 1979, FmHA published a proposed rule at 44 FR 8898 through 8900, to add a new Subpart I to Part 1951, Chapter XVIII, Title 7 Code of Federal Regulations. The proposed rule detailed regulations pertaining to the method of recapture and release of liens upon sale or non-occupancy of FmHA borrowers' dwellings which were financed with RH loans.

Interested persons were invited to submit comments concerning the proposed rule by April 13, 1979. In addition to changes we made in response to comments received we made some other nonsubstantive changes. These changes were to make the rules clearer and easier to read. The 19 comments received addresssed 11 items concerning the regulation.

1. The first comment questioned compliance with the provision of the law that mandates an adequate incentive be provided for the borrower to assure that the property is adequately maintained.

Recapture of subsidy will reduce the profit a subsidized borrower may receive from the sale of the dwelling. However, with recapture the amount the borrower received in subsidy and net proceeds from the sale after recapture will always be equal to or greater than the amount received from a sale by a nonsubsidized borrower. This provides a maintenance incentive to the subsidized borrowers. In addition, the amount of subsidy to be recaptured is reduced when a loan is outstanding for more than 5 years. As an example for a loan with an average interest rate of 1%, 78 percent of the value appreciation would be recaptured if the property were sold during the first five years; but only 65 percent or less would be recaptured after 15 years.

2. The second comment recommended that the regulation be revised so that the borrowers who reside in the dwelling and continue the loan for 33 years not be required to pay back any subsidy received on the loan.

This suggestion was not adopted because we do not believe it is consistent with the intent of recapture and would discourage graduation. However, if the borrowers still occupy the property when the loan is paid in full at the end of 33 years, recapture of the subsidy amount will be deferred until the borrowers sell or fail to occupy the home.

3. The third comment received stated that an incentive should be given to borrowers who continue to occupy the dwelling for longer periods of time.

The current regulations provide for a reduction of up to 40 percent in the amount to be recaptured from that borrower who remains on the program for the full 33 years. The reductions are graduated from a 3 percent reduction after 5 years to a 40 percent reduction at 33 years. Incentives of this magnitude should be adequate to encourage the borrower to continue with the loan.

4. A fourth comment received was that recapture should be based on a new lender's appraisal, when available.

This comment was not adopted because recapture will be based on the reported selling price in most cases. An appraisal will be needed only when the reported sale price does not appear to be realistic. In such cases, an FmHA appraisal would be appropriate.

5. A fifth comment recommended that any appreciation resulting from borrower contribution at or before loan closing be paid to the borrower.

This suggestion was adopted. The regulation will give the borrower gains that are the result of the borrower's initial equity. To accomplish this, the amount to be repaid the Government will be reduced by the percent the borrower's initial equity represents of the total value of the property.

6. The sixth comment received stated that the subsidy repayment agreement should be in plain English and in the first person rather than the third person.

This suggestion was adopted.

7. The seventh comment received stated that the formula for recapture is difficult to comprehend.

We have rewritten the subsidy repayment agreement and formula. Recapture is now computed by multiplying the "value appreciation" by a percentage factor. The factor represents the average Government cost of providing the subsidy less a maintenance incentive to the borrower. The calculations may be easily made with little chance for error. The change from a formula to a percent did not change the amount to be recaptured.

8. The eighth comment stated that in many cases the securing of the subsidy prohibited the making of subsequent loans.

We agee and have changed the regulations so that subsequent loans will be possible even when the amount of subsidy granted plus existing debt exceeds the value of the real estate provided the subsequent loan is for an authorized 502 RH purpose.

9. A ninth comment stated that recapture will proportionately recover more from borrowers with subsequent 502 RH loans than from other borrowers with all loans subject to recapture.

We do not agree with this comment because only the subsidy granted on the subsequent loan is considered in the recapture process. We did, however, rewrite that paragraph for clarity.

10. A tenth comment stated that the allowance for selling expenses was unclear.

We agree with this comment and have rewritten the seller's expense part of the agreement.

11. An eleventh comment stated that recapture should be effective when the final rule is published, not October 31, 1978.

This comment is adopted and recapture will only apply to loans approved on or after October 1, 1979.

As a result of these comments the following changes were made:

(1) Section 1951.401 has been revised to change the date after which subsidy is to be recaptured from October 30, 1978, to October 1, 1979.

(2) Section 1951.402 has been revised to clarify that borrower(s) with loans subject to recapture may receive the amount of their original equity and appreciation on that equity.

(3) Section 1951.407(b)(4)(i) has been revised to clarify that if the appraised value is to be used rather than the selling price, the borrower will be informed of the appraised value before the date of payoff.

(4) Section 1951.407(b) has been revised to deal separately with sale and transfer.

(5) Section 1951.407(c) has been added to deal with refinancing, graduation, and offers to pay in full. This subsection provides that a borrower who has paid the principal and interest on the RH loan in full may defer repayment of the subsidy until the dwelling is sold or is no longer occupied by the borrower. Subordination of FmHA mortgages in certain cases and graduation is covered.

(6) Section 1951.408 has been added to provide for making a subsequent loan(s) or subordination(s) when the outstanding amount of loans and subsidy granted exceeds the market value of the security. The intended effect is to permit the consideration of a subsequent FmHA loan or subordination in accordance with § 1822.17 of Subpart A of Part 1822 or § 1872.3 of Subpart A. of Part 1872. Neither will be approved when the amount of the subsequent FmHA loan or the amount of the loan to which the FmHA loan(s) would be subordinate, plus all other liens against the security, would be in excess of the value of the security as recommended by the appraiser. However, if the loan for which subordination is being

requested is for a 502 RH purpose, the amount of other liens will not include the subsidies granted on the RH loans, unless there is a lien of record which is junior to an RH loan which is subject to recapture. In cases of a junior lien, the full subsidy will be considered a lien.

(7) Section 1951.409 has been revised to require the Finance Office to furnish annually to the borrower a statement of the cumulative amount of subsidy granted on the loan that is subject to recapture.

(8) Sections 1951.411 and 1951.412 have been added to provide a mechanism for dealing with situations where loans made prior to October 1, 1979, are assumed by eligible 502 borrowers on or after such date.

(9) Exhibit A has been revised to refer to the borrower in the first person rather than the third person.

(10) Exhibit A, paragraph 3, has been revised so that the borrower clearly understands that the only security for the subsidy granted is the real estate secured by the mortgage.

(11) Exhibit A, paragraph 4, has been added to allow the borrower to pay off the principal and interest owed and delay repaying the subsidy amount until title to the property is conveyed or the dwelling is no longer occupied by the borrower.

(12) Exhibit A, paragraph 6(c), has been clarified so that the borrower paid from sale proceeds.

(13) Exhibit A, paragraph 6(f), has been clarified and expanded to allow the payment to the borrower of appreciation on initial equity. This amount and its percentage of the market value of the security is part of the agreement.

(14) Exhibit A, paragraph 6(g), has been clarified and now provides factors to be used in determining the amount to be recaptured. As changed, recapture will be based on the average interest rate paid by the borrower over the life of the loan, and this paragraph provides factors for combinations of interest rate and the period of time the loan was outstanding. This change was made to simplify the computation of the amount of subsidy to be recaptured.

(15) Exhibit C has been added to provide an orderly manner for determining the amount necessary to pay off the FmHA loan(s) and the amount of subsidy be recaptured.

Accordingly, Subpart I of Part 1951 is added and reads as follows:

PART 1951—SERVICING AND COLLECTIONS

Subpart I—Recapture of Section 502 Rural Housing Subsidy

Sec.

1951.401 Purpose.
1951.402 Policy.
1951.403–1951.405 [Reserved]
1951.406 Recapture of subsidy.
1951.407 Determining amount of subsidy to be recaptured.
1951.408 FmHA loans, subordinations, or junior liens on property securing a loan subject to recapture.
1951.409 Finance Office responsibility.
1951.410 Assumptions of loans with subsidy subject to recapture.
1951.411 Modification of security instruments for loans being transferred.
1951.412 Servicing of loans approved after October 30, 1978 and before October 1, 1979.
1951.413 Subsidy Repayment Fact Sheet.
1951.414–1951.450 [Reserved]
Exhibit A—Subsidy Repayment Agreement.
Exhibit B—Subsidy Repayment Fact Sheet.
Exhibit C—Determining 502 Payoff and amount of subsidy to be recaptured.

Authority.—42 U.S.C. 1480; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.

Subpart I—Recapture of Section 502 Rural Housing Subsidy

§ 1951.401 Purpose.

This Subpart outlines the policies and procedures for the recapture of interest credits or Homeownership Assistance Program (HOAP) subsidy granted on initial and subsequent section 502 Rural Housing (RH) loans, transfers, and credit sales approved on or after October 1, 1979.

§ 1951.402 Policy.

The policy of the Farmers Home Administration (FmHA) is to recapture all or a portion of the Interest Credit and HOAP Assistance (hereafter known as "subsidy") granted, while providing incentive for the borrower to occupy and maintain the property in marketable condition. The real estate that secures the RH loan is the only security for the subsidy granted the borrower.

§§ 1951.403–1951.405 [Reserved]

§ 1951.406 Recapture of subsidy.

Subsidy granted on section 502 RH initial and subsequent loans and credit sales made or assumed on same or new terms is subject to recapture if the loan, assumption, or credit sale is approved on or after October 1, 1979. The subsidy is to be repaid when:

(a) The borrower sells, transfers, or without the Government's consent does not occupy the property or requests a release of the Government's lien on the property, or

(b) The security is liquidated by foreclosure, or the property is voluntarily conveyed to the Government.

§ 1951.407 Determining amount of subsidy to be recaptured.

The amount of subsidy to be repaid to the Government will be based on the amount of subsidy granted on the loan, the appreciation in property value between the closing date of the loan and the date the account is satisfied, the method by which the loan is satisfied, the period of time the loan is outstanding, and the amount of equity the borrower has in the property when the loan being made or assumed is closed.

(a) *Voluntary conveyance or foreclosure.* The unpaid balance of loans being liquidated by voluntary conveyance or foreclosure is the sum of unpaid principal, interest, and total subsidy granted on the loan. In cases of foreclosure or voluntary conveyance no deficiency judgment will be sought to recover any subsidy.

(b) *Sale or transfer.* The unpaid balance of loans being liquidated by sale or transfer is the sum of unpaid principal, interest, and a share of the subsidy. The amount of subsidy to be repaid by the borrower will be determined based on provisions of the "Subsidy Repayment Agreement" (Exhibit A incorporated as a part hereof), executed by the borrower whose loans(s) are subject to this Subpart at the same time the first Interest Credit Agreement is signed on or after October 1, 1979. The County Supervisor will compile the following information and complete Exhibit C when the loan is to be repaid.

(1) The original borrower equity in the security property when the first loan subject to recapture was approved. (See item 6(f) Exhibit A).

(2) The unpaid balance of any prior lien.

(3) The selling expense to be paid by the borrower.

(4) The market value of the property on the date the loan is to be paid in full determined by:

(i) The reported selling price, unless the County Supervisor believes the amount is substantially below the property value. In such cases, an appraisal of the security property will be made. If the appraised value is 5 percent or more above the reported selling price, recapture will be based on the appraised value rather than the reported selling price. (If the appraised value is to

be used rather than the selling price, the borrower will be informed of the appraised value), or

(ii) An appraisal in the case of a transfer, voluntary conveyance, or foreclosure.

(5) The number of months the first loan subject to recapture of subsidy was outstanding. See "Date of Note" on the Subsidy Repayment Agreement (Exhibit A).

(6) The amount of subsidy granted, unpaid principal and interest owned, and the average interest rate paid by the borrower will be obtained from the Finance Office.

(c) *Refinancing, graduation or offer to pay in full.* Borrowers who continue to occupy the dwelling as a permanent residence may pay the principal and interest owed on the loan in full and delay repaying the amount of subsidy owed until the dwelling is sold or no longer occupied by the borrower. In such cases, the amount of subsidy to be repaid will be determined when the principal and interest balance is paid. The mortgage securing the FmHA RH loan(s) will not be released of record until the total amount owed the Government is repaid. The FmHA mortgage securing the subsidy owed may be subordinated to permit graduation or refinancing in accordance with the conditions in § 1951.408(c).

§ 1951.408 FmHA loans, subordinations, or junior liens on property securing a loan subject to recapture.

A subordination or subsequent FmHA loan will not be approved if the total indebtedness exceeds the value of the security as recommended by the appraiser. The indebtedness on a property securing an RH loan subject to recapture will be:

(a) In the case of a request for a subsequent RH loan or a subordination for an authorized 502 RH purpose (and there are no non RH liens junior to the initial RH loan), the sum of prior lien(s) and the 502 RH unpaid principal and interest owed, not including any subsidy, or

(b) In the case of a request for a subsequent RH loan or a subordination for an authorized 502 RH purpose and there is a non RH lien junior to the initial RH lien, it will be the sum of prior lien(s), the 502 RH unpaid principal and interest owed and the total subsidy granted, or

(c) In the case of a request for a subordination for other than an authorized 502 RH purpose, it will be the sum of prior lien(s), the 502 RH unpaid principal and interest owed, and the amount of subsidy which will remain as a lien on the property. For the purpose of this instruction, "other than a 502 RH purpose" includes but is not limited to:

(1) Refinancing of prior lien(s) and/or the 502 RH loan(s).

(2) Improvements or additions to the security for which 502 RH loan funds could not be authorized.

§ 1951.409 Finance Office responsibility.

The Finance Office shall keep a cumulative record of interest credits and HOAP assistance granted on each loan approved or assumed after October 1, 1979. When requested by the County Office, the Finance Office will determine the average interest rate paid by the borrower over the life of the loan(s). Annually, the Finance Office will notify the borrower and County Office of the cumulative amount of subsidy granted that is subject to recapture.

§ 1951.410 Assumptions of loans with subsidy subject to recapture.

An RH loan, with subsidy subject to recapture, may be assumed in the same manner as any other loan. In such cases the amount of subsidy to be repaid by the borrower as determined by Exhibit C may be assumed and amortized with principal and interest in lieu of making a subsequent loan to repay the subsidy.

§ 1951.411 Modification of security instruments for loans being transferred.

(a) When a section 502 RH loan is secured by a lien which does not contain the covenant securing recapture of subsidy, and such loan is assumed by an eligible low or moderate income applicant, a new or supplemental mortgage will be recorded which explicitly secures the recapture of any subsidy which may be granted on the loan being assumed. Recapture, however, will not apply on loans approved on or before October 1, 1979, and a new or supplemental mortgage will not be taken to secure recapture when the loan is assumed by or on behalf of a deceased borrower's spouse, or family who were members of the household and directly dependent on the borrower for their support at the time of the borrower's death.

(b) Also a new mortgage will be taken if a subsequent loan is being made in conjunction with the transfer or if required by State Supplement. In all other cases, a supplemental mortgage approved by OGC will be executed and recorded.

§ 1951.412 Servicing of loans approved after October 30, 1978, and before October 1, 1979.

RH loans approved after October 30, 1978, and before October 1, 1979, have a new mortgage, modified mortgage or a supplemental mortgage that secures the right to recapture the subsidy granted. These borrowers also signed a statement acknowledging that they understood that the subsidy is subject to recapture. Since recapture will not apply to these borrowers, the County Supervisor will take the following servicing action:

(a) Return the signed statements, which acknowledge the right to recapture, with a letter explaining that the subsidy granted or to be granted will not be subject to recapture. This servicing action should be done as soon as possible, however, in no case should it be later than the time interest credits are renewed.

(b) Release as a valueless lien, any supplemental mortgage that was taken only to secure the right to recapture.

(c) Mortgages taken to secure the loan being made as well as the right to recapture will not be releases of record unless the account is paid in full. Payment in full of such account will not include any subsidy granted.

§ 1952.413 Subsidy Repayment Fact Sheet.

For all RH loans that will be secured by a mortgage, the applicant will be given a copy or mailed a copy of Exhibit B of this regulation, "Subsidy Repayment Fact Sheet" within three (3) business days after receipt of the application in the County Office.

§§ 1951.414—1951.450 [Reserved]

Exhibit A

U.S. Department of Agriculture, Farmers Home Administration

Subsidy Repayment Agreement

Date of Note _____ Amount of Note _____ Date of mortgage _____ Date of Note _____ Amount of Note _____ Date of mortgage _____

Type of assistance:
1. Interest credit ☐
2. Homeownership Assistance Program ☐
Address of Property: _____

Borrower:
Co-Borrower:

1. This agreement entered into pursuant to 7 CFR 1951–I, between the United States of America, acting through the Farmers Home Administration (FmHA) (herein called "the Government") pursuant to section 521 of Title V of the Housing Act of 1949 and the borrower(s) whose name(s) and address(es) appears above (herein sometimes referred to as "borrower"), supplements the note(s) from borrower to the Government as described above, and any promissory note(s) for loans made to borrower in the future by the Government. Such future notes, when executed, will be listed below the signature line of this Subsidy Repayment Agreement.

2. I (we) agree to the condition set forth in this agreement for the repayment of the subsidy granted me (us) in the form of

interest credits or Homeownership Assistance Program (HOAP) subsidy (hereinafter called "subsidy").

3. I (we) agree that the real property described in the mortgage(s) listed above is pledged as security for repayment of the subsidy received or to be received. I (we) agree that the subsidy is due and payable upon the transfer of title or non-occupancy of the property by me (us). I (we) understand that the real estate securing the loan(s) is the only security for the subsidy received. I (we) further understand that I (we) will not be required to repay any of the subsidy from other than the value (as determined by the Government) of the real estate, mortgaged by myself (ourselves) in order to obtain a Section 502 Rural Housing (RH) loan.

4. I (we) understand that so long as I (we) continue to own the property and occupy the dwelling as my (our) residence, I (we) may repay the principal and interest owed on the loan and defer repaying the subsidy amount until title to the property is conveyed or the dwelling is no longer occupied by me (us). If such a request is made, the amount of subsidy to be repaid will be determined when the principal and interest balance is paid. The mortage securing the FmHA RH loan(s) will not be released of record until the total amount owed the Government has been repaid.

5. I (we) agree that Paragraph 6 of this agreement is null and void should the property described in the mortgage(s) be voluntarily conveyed to the Government or liquidated by foreclosure.

6. When the debt is satisfied by other than voluntary conveyance of the property to the Government or by foreclosure, I (we) agree that sale proceeds will be divided between the Government and me (us) in the following order:

(a) Unpaid balance of loans secured by a prior mortgage as well as real estate taxes and assessments levied against the property which are due will be paid.

(b) Unpaid principal and interest owed on FmHA RH loans for the property and advances made by FmHA which were not subsidy and are still due and payable will be paid to the Government.

(c) I (we) will receive from the sale proceeds actual expenses incurred by me (us) necessary to sell the property. These may include sales commissions or advertising cost, appraisal fees, legal and related costs such as deed preparation and transfer taxes. Expenses incurred by me (us) in preparing the property for sale are not allowed unless authorized by the Government prior to incurring such expenses. Such expenses will be authorized only when FmHA determines such expenses are necessary to sell the property, or will likely result in a return greater than the expense being incurred.

(d) I (we) will receive the amount of principal paid off on the loan calculated at the promissory note interest rate.

(e) Any principal reduction attributed to subsidized interest calculations will be paid to the Government.

(f) I (we) will receive my original equity which is the difference between the market value of the security, as determined by the FmHA appraisal at the time the first loan subject to recapture of subsidy was made, and the amount of the FmHA loan(s) and any prior lien. This amount is ———— and represents ———— percent of the market value of the security. (The percent is determined by dividing my (our) original equity by the market value of the security when the loan was closed.) The dollar amounts and percent will be entered at the time this agreement is signed by me (us) and will be part of this agreement.

(g) The remaining balance, after the payments described in (a) thru (f) above have been paid is called *value appreciation*. The amount of value appreciation to be paid to the Government, in repayment or the subsidy granted, is the lesser of (1) the full amount of the subsidy or (2) an amount determined by multiplying the value appreciation by the appropriate factor in the following table.

Average Interest Rate Paid by Me (Us)

Number of months the loan was outstanding	1 pct or less	1.1 to 2 pct	2.1 to 3 pct	3.1 to 4 pct	4.1 to 5 pct	5.1 to 6 pct	6.1 to 7 pct	7.1 pct or greater
0 to 59	0.78	0.68	0.60	0.51	0.44	0.32	0.22	0.11
60 to 119	.75	.66	.58	.49	.42	.31	.21	.11
120 to 179	.73	.63	.56	.48	.40	.30	.20	.10
180 to 239	.65	.56	.49	.42	.36	.26	.18	.09
240 to 299	.59	.51	.46	.38	.33	.24	.17	.09
300 to 359	.53	.45	.40	.34	.29	.21	.14	.09
360 to 396	.47	.40	.36	.31	.26	.19	.13	.09

(h) I (we) will receive the amount of value appreciation less the amount paid the Government as determined in (g) above. I (we) will also receive an additional amount in proportion to my original equity by reducing the amount of value appreciation due to the Government by the percent of my (our) original equity as shown in (f) above.

(i) If I (we) am the recipient of HOAP, the amount of value appreciation to be recaptured will be calculated as if I (we) had paid 1 percent interest on the loan, unless the average interest rate paid by me (us) was greater than 1 percent. In such cases it will be determined based on the average interest rate paid by me (us).

(j) If this agreement is for a subsequent loan(s) only, the amount of repayment determined in (g) above will be reduced by the following percent: ————. This percent will be determined by dividing the amount of the loan(s) subject to recapture by the total outstanding RH debt. This percentage will be entered at the time I (we) sign this agreement.

(k) If this agreement is for more than one loan that is subject to recapture, the subsidy repayment computations will be based on the total subsidy granted on all loans.

7. When a FmHA RH loan is repaid by other than foreclosure, voluntary conveyance, or sale of property, the amount of subsidy to be repaid the Government will be determined in the same manner as described in paragraph 6 of this Exhibit but based on the appraised value determined by FmHA instead of sales price. In such cases, the subsidy due to the Government will remain a lien on the property until paid. It must be paid upon non occupancy, sale, or transfer of title to the property.

8. I (we) have read and agree to the provisions of this agreement.

Borrower ————————

Co-Borrower ————————

Date signed ————————

Accepted and Agreed to

By ————(FmHA Offical) ————

Title ————————

Date ————————

Exhibit B—Subsidy Repayment Fact Sheet

Subsidy granted by the Farmers Home Administration (FmHA) to section 502 Rural Housing borrowers on loans approved after October 1, 1979, is subject to recapture. This means that when a borrower's home is sold, transferred, or is no longer occupied as the borrower's residence, all or part of the interest credit or home ownership assistance subsidy granted on the loan must be repaid to the Government. The amount to be repaid will be determined on the basis of a formula that permits the borrower to retain a portion of the value appreciation available when the home is sold or the mortgage otherwise paid-off.

The purpose of granting a housing subsidy is to assist a borrower to obtain decent, safe, and sanitary housing. Housing subsidy costs have risen dramatically in recent years. Through the use of a subsidy repayment agreement, the borrower and the Government share this cost. The borrower's contribution to subsidy cost will be from equity acquired through appreciation of the mortgaged property. Therefore, the longer the borrower lives in and maintains the property the greater the portion of the subsidy the borrower may retain.

How will it work?

1. The Mortagages or Deeds of Trust, signed by those receiving interest credit or home ownership assistance subsidy, contain a provision making the amount of subsidy a lien against the property.

2. When a house is sold, transferred or no longer occupied as the borrower's residence, the amount of subsidy to be repaid will be due and payable.

3. When a borrower pays off the loan, but continues to live in the dwelling, the amount of subsidy to be repaid will be calculated. The borrower may elect to defer the repayment of subsidy, however, until the

property is sold or no longer used as the borrower's residence. This protects borrowers from being forced to sell their home because of subsidy recapture.

4. A chart printed on the subsidy repayment agreement which is available from any FmHA county office will be used to calculate borrower and FmHA shares of any value appreciation.

Exhibit C—Determining 502 Payoff and Amount of Subsidy to be Recaptured

Name of Borrower ———— Account No. ———— Amount of Loan(s) ———— Note Installment(s) $———— Total Subsidy granted ———— (Determined by Finance Office) Average Interest rate paid by Borrower ———% (Determined by Finance Office) No. of months first loan subject to recapture was outstanding: ————.

	Government	Borrower	Total
1. Selling Price			
2. Prior liens			
3. Unpaid Balance of FmHA RH Loan(s)			
4. Selling Expenses			
5. Principal paid at the Note Rate			
6. Principal attributed to subsidy			
7. Original Borrower Equity			
8. Value appreciation			
9. Subsidy Recaptured			
10. Difference (8–9)			
11. Total			

1. Selling Price is the value of the property determined by the sale price or an appraisal.

2. Prior liens refers to the amount of liens owed as of the sale date that are prior to the Government liens and includes, but may not be limited to prior mortgages, real estate taxes and assessments levied against the property.

3. Unpaid balance of FmHA RH loan(s). The amount of the unpaid principal and interest due as of the sale date plus any advances made by the government which were not subsidy.

4. Selling Expenses: Authorized expenses incurred by the borrower in order to sell the property. (If none enter "0").

5. Principal paid at the note rate. This is the difference between the initial loan amount and the balance owed on principal as of the selling date, figured with payments applied at the note rate.

6. Principal attributed to subsidy. This is the difference between (3) "unpaid principal balance" and the principal balance figured at the note rate. Enter "0" if there is no difference.

7. Original Borrower Equity, enter amount from 6(f) of the Subsidy Repayment Agreement.

8. Value appreciation. Item 1 less the total of items 2, 3, 4, 5, 6, and 7.

9. Subsidy Recaptured: Enter the amount determined by multiplying value appreciation by the appropriate factor in paragraph 6(g) of the Subsidy Repayment Agreement and subtract from that result any amount provided for in 6(h) of the Subsidy Repayment Agreement or the total amount of subsidy granted whichever is the smaller.

10. Difference: The difference between (8) "value appreciation" and (9) "Subsidy Recaptured."

11. As a check on the calculations total of Government plus Borrower columns will equal total of items 2 through 7 plus items 9 and 10 in the total column. This figure will also be the same as the selling price.

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

This final rule has been reviewed under the USDA criteria established to implement Executive Order 12044, "Improving Government Regulation." A determination has been made that this action is significant under those criteria. An approved Final Impact Analysis has been prepared and is available from the Office of the Chief, Directives Management Branch, Room 6346, South Building, Washington, DC 20250.

Dated: September 24, 1979.

Gordon Cavanaugh,

Administrator, Farmers Home Administration.

[FR Doc. 79-30282 Filed 9-28-79; 8:45 am]

BILLING CODE 3410-07-M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 100

Updating of Service Suboffice and Border Patrol Station Listing

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This final rulemaking order amends the regulations of the Immigration and Naturalization Service which specify our office locations to reflect jurisdictional realignments of several border patrol stations, the closing of two others, the closing of an interior location suboffice and the renaming of a port of entry. The office realignments and closings were made necessary by changes in Service workloads. These amendments are intended to update the Code of Federal Regulations and provide current information to the public.

EFFECTIVE DATE: October 1, 1979.

FOR FURTHER INFORMATION CONTACT: James G. Hoofnagle, Jr., Instructions Officer, Immigration and Naturalization Service, Washington, DC 20536. Telephone: (202) 633–3048.

SUPPLEMENTARY INFORMATION: The following summary of the amendments to 8 CFR 100.4 (c) and (d) made in this order is provided.

1. 8 CFR 100.4(c)(1) is amended by deleting "Syracuse, N.Y." because that office is no longer in operation.

2. 8 CFR 100.4(c)(2) is amended by redesignating the Haines, Alaska, port of entry, as "Dalton's Cache, Alaska." This change is being made because the Service has recently occupied new inspection facilities to serve the general area of Haines, Alaska, but which are located north of there in an area historically known as Dalton's Cache. This redesignation is being made to distinguish our office from the office of the Customs Service, still located in Haines, Alaska.

3. Several amendments are made to 8 CFR 100.4(d) relative to the jurisdictional lines of certain border patrol stations. These lines have been redrawn because of changes in border patrol workloads. For the same reason, two new substations have been designated and two border patrol stations have been closed.

(a) In Sector No. 1, Lincoln, Maine, will be deleted, and in Sector No. 2, Whitehall, New York, will be deleted since these border patrol stations have been closed.

(b) In Sector No. 11, the border patrol stations at Oxnard, Calif., and San Luis Obispo, Calif., will be deleted, and those two stations will be added to the listing of stations shown under Sector No. 10, to reflect their jurisdictional realignment.

(c) In Sector No. 14, the listing will be amended to reflect the establishment of border patrol substations of Naco, Arizona, and Ajo, Arizona.

In the light of the foregoing, the following amendments are hereby prescribed to Chapter I of Title 8 of the Code of Federal Regulations.

PART 100—STATEMENT OF ORGANIZATION

§ 100.4(c) [Amended]

1. In § 100.4(c), *Suboffices,* in subparagraph (1), *Interior locations,* delete "Syracuse, N.Y."

2. In § 100.4(c), *Suboffices,* in subparagraph (2), *Ports of entry for aliens arriving by vessel or by land transportation,* in District No. 32, in the list of Class A ports, delete "*Haines, Alaska", and insert "*Dalton's Cache, Alaska," in alphabetical sequence.

3. In § 100.4(d), *Border Patrol Sectors,*

(a) In Sector No. 1, delete Lincoln, Maine.

(b) In Sector No. 2, delete Whitehall, N.Y.

(c) In Sector No. 10, add Oxnard, Calif., and San Luis Obispo, Calif., to the listing of stations, in alphabetical sequence.

(d) In Sector No. 11, delete Oxnard, Calif., and San Luis Obispo, Calif.

(e) In Sector No. 14, amend "Douglas, Ariz." to read "Douglas, Ariz. (Naco, Ariz.)", and amend "Gila Bend, Ariz." to read "Gila Bend, Ariz. (Ajo, Ariz.)"

* * * * *

(Sec. 103; 8 U.S.C. 1103)

These amendments are published pursuant to 5 U.S.C. 552 as amended by Pub. L. 93–502 (88 Stat. 1561), and the authority contained in section 103 of the Immigration and Nationality Act, (8 U.S.C. 1103), 28 CFR 0.105(b), and 8 CFR 2.1. Compliance with the provisions of section 353 of Title 5 of the United States Code as to notice of proposed rulemaking and delayed effective date is unnecessary in this instance because the amendments contained in this order relate to Service organization and management.

Effective date: The amendments contained in this order will become effective on October 1, 1979.

Dated: September 25, 1979.

Leonel J. Castillo,

Commissioner of Immigration and Naturalization.

[FR Doc. 79–30304 Filed 9–28–79; 8:45 am]

BILLING CODE 4410–10–M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 51

Licensing and Regulatory Policy and Procedures for Environmental Protection; Uranium Fuel Cycle Impacts From Spent Fuel Reprocessing and Radioactive Waste Management; Correction

AGENCY: Nuclear Regulatory Commission.

ACTION: Correction of errors appearing in the published final rule.

SUMMARY: The Nuclear Regulatory Commission is correcting certain errors and omissions in the final fuel cycle rule as published in FR Doc. 79–23868.

EFFECTIVE DATE: October 1, 1979.

FOR FURTHER INFORMATION CONTACT: E. Leo Slaggie, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC, 20555, 202–634–3244.

In FR Doc. 79–23868, appearing at page 45362 in the issue for Thursday, August 2, 1979, make the following corrections in Table S–3 on pages 45372 and 45373:

1. The entry for "Fission products and transuranics" under Effluents—Radiological (Curies) should be:

.203

instead of

203

2. The note opposite the entry for Ra–226 under Effluents—Radiological (Curies) should read:

From UF_6 production

instead of

From Uf_6 production

3. To the note opposite "Solids (buried on site)" under Effluents—Radiological (curies) should be added the following:

Approximately 60 Ci comes from conversion and spent fuel storage. No significant effluent to the environment.

Dated at Washington, DC, this 25th day of September 1979.

For the Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 79–30350 Filed 9–28–79; 8:45 am]

BILLING CODE 7590–01–M

FEDERAL RESERVE SYSTEM

12 CFR Part 226

[Reg. Z; FC–0161]

Truth in Lending; Final Official Staff Interpretation

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final Official Staff Interpretation.

SUMMARY: The Board is publishing in final form official staff interpretation FC–0161 of Regulation Z, Truth in Lending, regarding proper disclosures for a credit sale transaction in which the downpayment is separately financed. The agency is taking this action after reviewing the comments received upon republication of the interpretation.

DATE: October 1, 1979.

FOR FURTHER INFORMATION CONTACT: Maureen P. English, Section Chief, Division of Consumer Affairs, Board of Governors of the Federal Reserve System, Washington, DC 20551, (202) 452–3867.

SUPPLEMENTARY INFORMATION: (1) FC–0161 concerned a credit sale in which a customer without sufficient cash for the downpayment is referred by the seller to another party for the downpayment financing. The staff expressed the view that the money received from the downpayment transaction and paid to the seller may be shown as a "cash downpayment" on the credit sale disclosures given in connection with the primary financing.

(2) FC–0161 was published on March 14, 1979, with an effective date of April 14, 1979. In response to a request for public comment submitted in accordance with § 226.1(d), the effective date was suspended and the interpretation was republished for public comment on April 23, 1979. Sixteen comments were received.

(3) Some of the commenters opposed the interpretation because it would permit giving two disclosure statements concerning a single purchase of goods. They asserted that this would be confusing to customers, would defeat the credit-shopping purpose of the act, and might encourage the practice of "loan splitting." Commenters supporting the interpretation stressed that since both credit transactions arising from the sale are fully disclosed, consumers would get complete information regarding the financing and that separate disclosures more accurately mirror the economic reality of two separate obligations. Several commenters asserted that giving a combined set of disclosures would defeat rather than promote credit shopping since it would prevent a customer from comparing either part of the financing arrangements with other credit sources.

(4) After fully considering the arguments contained in the request for republication and the comments received, the staff continues to believe that FC–0161 correctly interprets Regulation Z. The staff believes that, in the situation discussed in the interpretation, separate disclosures should be given and that it is appropriate for the money received from the downpayment transaction to be disclosed as a cash downpayment on the credit sale disclosures provided in connection with the primary financing. Full disclosure of all aspects of the financing arrangements is thus provided to the customer and the information is presented in a way that reflects the two distinct credit obligations undertaken. The letter has been revised to stress that its applicability is limited to the facts and issues as set forth therein, and that it therefore does not countenance giving two sets of disclosures for what is in fact a single credit obligation.

(5) Official Staff Interpretation FC–0161, as revised, which follows, is effective immediately.

(6) Authority: 15 U.S.C. 1640(f).

§ 226.8(c) Where the downpayment is separately financed, it may be disclosed as a "cash downpayment" on the credit sale disclosures for the underlying credit transaction.

This will reply to your letter of * * *, and is in substitution of our letter to you dated February 5, 1979. Your inquiry concerns the proper disclosures under Regulation Z for a credit sale transaction in which the downpayment is separately financed. You posit the following situation: a dealer sells an item to a customer pursuant to an instalment sale contract providing for an immediate downpayment and instalment payments over a period of several months. Since the customer does not have sufficient cash to make the full downpayment he or she is referred by the dealer to a finance company. The customer obtains financing of the downpayment and receives a set of Truth in Lending disclosures for that transaction (hereafter referred to as the "downpayment transaction"), then gives the downpayment to the dealer in cash, receives a set of Truth in Lending disclosures for the underlying credit sale transaction (hereafter referred to as the "primary transaction"), and signs the retail instalment contract. The dealer then assigns the instalment sale contract to another financial institution.

You ask whether, in the disclosures for the primary transaction, the separately-financed downpayment may be disclosed as a "cash downpayment" pursuant to § 226.8(c)(2). That section requires disclosure of:

The amount of the downpayment itemized, as applicable, as downpayment in money, using the term "cash downpayment," downpayment in property, using the term "trade-in," and the sum, using the term "total downpayment."

It is the staff's opinion that since the dealer receives the downpayment in money it is appropriate for that amount to be included in the "cash downpayment" on the disclosures for the primary transaction.

Although there is a single sale of goods in the situation you pose, there are two credit transactions involved in this sale, and two sets of Truth in Lending disclosures are being given. The fact that the dealer may be a creditor with regard to both of these credit transactions (for example, as either the extender or arranger for the extension of credit with regard to the primary transaction, and as an arranger with regard to the downpayment transaction) does not affect the designation of the amount of the downpayment as a cash downpayment on the disclosures provided in connection with the primary transaction. The downpayment transaction is a separate credit transaction, for which full Truth in Lending disclosures have been given; the fact that the downpayment amount is itself the subject of a credit transaction does not affect its status as a cash downpayment as to the primary transaction. It is still a downpayment that the creditor receives in money (as opposed to property) even though payment of that money by the customer is deferred.

We would stress that the conclusion reached in this letter is strictly limited in its applicability to the facts and issues discussed above; it does not apply to a situation where a single extension of credit is artificially divided and disclosed as if it were two transactions. This is an official staff interpretation of Regulation Z issued after republication for comment in accordance with § 226.1(d)(2) of the regulation. It will become effective upon publication in the **Federal Register.**

Very truly yours,

Nathaniel E. Butler,

Associate Director.

Board of Governors of the Federal Reserve System, September 25, 1979.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 79-30340 Filed 9-28-79; 8:45 am]

BILLING CODE 6210-01-M

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12 CFR Part 265

Rules Regarding Delegation of Authority

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: In order to expedite and facilitate performance of certain of its functions, the Board of Governors has amended its Rules Regarding Delegation of Authority. The amendments are intended to expand the scope of authority previously delegated for bank holding company formations, bank share acquisitions by existing bank holding companies, mergers of bank holding companies, acquisitions and retentions of companies engaged in nonbanking activities by bank holding companies, bank holding companies engaging *de novo* in activities determined by the Board to be permissible for bank holding companies and bank mergers.

EFFECTIVE DATE: September 21, 1979.

FOR FURTHER INFORMATION CONTACT: Michael E. Bleier, Senior Counsel (202-452-3721), Legal Division, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: The Bank Holding Company Act (12 U.S.C. 1841 *et seq.*) generally prohibits, except with prior approval of the Board, any action to be taken that causes any company to become a bank holding company; any bank holding company to acquire direct or indirect ownership or control of any voting shares of a bank if, after the acquisition, the company would directly or indirectly own or control more than 5 per cent of the voting shares of the bank; any bank holding company to merge or consolidate with any other bank holding company; any bank holding company to acquire or retain companies engaged in nonbanking activities, or engage *de novo* in nonbanking activities the Board has previously determined to be permissible for bank holding companies. Section 18(c) of the Federal Deposit Insurance Act (12 U.S.C 1828(c)) generally prohibits, except with prior approval of the Board, the merger, consolidation, acquisition of assets, or assumption of liabilities of insured banks where the resulting bank would be a State-chartered bank that is a member of the Federal Reserve System.

The Reserve Banks presently have delegated authority to approve, under certain conditions, formations of bank holding companies, mergers and consolidations of bank holding companies, acquisitions by existing bank holding companies of banks and bank shares, acquisitions by bank holding companies of certain existing finance companies, industrial banks, and insurance companies, applications to engage *de novo* in certain nonbanking activities the Board has previously determined to be permissible for bank holding companies, and bank mergers where the resulting bank would be a member of the Federal Reserve System.

After evaluating the manner in which such delegated authority has been exercised and the Board's experience in considering applications filed under sections 3(a) and 4(c)(8) of the Bank Holding Company Act and section 18(c) of the Federal Deposit Insurance Act, the Board has, by the instant amendments, expanded the scope of that delegated authority so that Reserve Banks may approve all applications, including retention applications and applications to engage *de novo* in permissible nonbanking activities, filed under sections 3(a) and 4(c)(8) of the Bank Holding Company Act and section 18(c) of the Federal Deposit Insurance Act, and under the provisions of section 18(c)(4) of the Federal Deposit Insurance Act, to furnish to the Comptroller of the Currency and the Federal Deposit Insurance Corporation reports on competitive factors involved in a bank merger required to be approved by one of those agencies, unless one or more of the following criteria is present:

(1) A member of the Board of Governors has indicated an objection prior to the Reserve Bank's action; or

(2) The Board has indicated that the delegated authority shall not be exercised in whole or in part; or

(3) A written substantive objection to the application has been properly made; or

(4) The application raises a significant policy issue or legal question; or

In formations, bank acquisitions or mergers,.

(5) The transaction involves two or more banking organizations:

(i) That rank among a State's ten largest banking organizations; or

(ii) Each banking organization has over $100 million in market deposits and after consummation the acquiring organization would control over 5 per cent of market deposits; or

In nonbank acquisitions.

(6) The nonbanking activities involved do not clearly fall within activities the Board has previously determined to be permissible; or

(7) The bank holding company has total domestic banking assets of over $1 billion and seeks to acquire a nonbanking organization that appears to have a significant presence in a permissible nonbanking activity.

The Reserve Banks' delegated authority also includes authority to approve applications filed under section 3(a) of the Bank Holding Company Act and section 18(c) of the Federal Deposit Insurance Act where it is found that an emergency exists requiring expeditious action or immediate action is required to prevent the probable failure of a bank or bank holding company. The authority to approve bank share acquisitions includes authority to approve acquisition by a bank holding company of bank shares acquired through the exercise of *pro rata* stock rights, retention of bank shares acquired in a fiduciary capacity, and acquisition of additional shares of a bank in which the bank holding company already owns 25 per cent or more of any class of voting securities.

The Board continues to be of the view that, as a matter of general policy, it is not appropriate for a Reserve Bank to act on applications when a director or senior officer of (1) the holding company, (2) any subsidiary bank of the holding company, (3) the merging banks, or (4) the nonbanking company to be acquired or retained, is a director of a Federal Reserve Bank or branch. In such a situation, the Secretary of the Board will have the authority to approve such applications if all of the other regulatory criteria for approval under delegated authority have been met.

Applications falling outside the standards for delegated authority will be submitted to the Board for further consideration.

The provisions of section 553 of Title 5, United States Code, relating to notice, public participation, and deferred effective date are not followed in connection with the adoption of these amendments because the changes involved are procedural in nature and do not constitute a substantive rule subject to the requirements of such section. The amendments are effective September 21, 1979.

1. In order to accomplish this delegation, § 265.2(a) is amended by deleting subparagraphs (3), (4), (5), (6), and (7), renumbering subparagraphs (8), (9), (10), (11), (12), (13), (14), (15), (16), (17) and (18) as subparagraphs (3), (4), (5), (6), (7), (8), (9), (10), (11), (12) and (13), respectively, and amending subparagraph (2) to read as follows:

§ 265.2 Specific functions delegated to Board employees and to Federal Reserve Banks.

(a) The Secretary of the Board (or, in the Secretary's absence, the Acting Secretary) is authorized:

* * * * *

(2) Under the provisions of sections 18(c) and 18(c)(4) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c) and 1828(c)(4)), §§ 3(a) and 4(c)(8) of the Bank Holding Company Act (12 U.S.C.1842(a) and 1843(c)(8)) and §§ 225.3(b) and (c), and §§ 225.4(a) and (b) of Regulation Y (12 CFR 225.3(b) and (c), and 225.4(a) and (b)), to furnish reports on competitive factors involved in a bank merger to the Comptroller of the Currency and the Federal Deposit Insurance Corporation and to approve applications the Reserve Bank could approve under subparagraph (20) of paragraph (f) of this section, except for the fact that condition (ii) of that subparagraph has not been met because a director or senior officer of any holding company, bank, or company to be acquired or retained, involved in the transaction, is a director of a Federal Reserve Bank or branch.

* * * * *

2. In order to accomplish this delegation, § 265.2(c) is amended by deleting subparagraph 16 and renumbering subparagraphs (17), (18), (19), (20), (21), (22), (23), (24), and (25) as subparagraphs (16), (17), (18), (19), (20), (21), (22), (23), and (24). Section 265.2(f) is amended by deleting subparagraphs (22), (23), (24), (28), (29), (30), (31), (32), (33), and (52), and footnotes (2), (3), (4), (5), (6), (7), (8), (9), (10), (11) and (12), and renumbering subparagraphs (25), (26), (27), (34), (35), (36), (37), (38), (39), (40), (41), (42), (43), (44), (45), (46), (47), (48), (49), (50), (51), (53), (54), (55), and (56) as subparagraphs (25), (26), (27), (28), (29), (30), (31), (32), (33), (34), (35), (36), (37), (38), (39), (40), (41), (42), (43), (44), (45), (46), (47), (48) and (49), respectively, and amending subparagraph (20) to read as follows:

§ 265.2 Specific functions delegated to Board employees and to Federal Reserve Banks

* * * * *

(f) Each Federal Reserve Bank is authorized as to member banks or other indicated organizations headquartered in its district:

* * * * *

(20) Under the provisions of section 18(c) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c)), 3(a) and 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1842(a) and 1843(c)(8)) and §§ 225.3(b) and (c), and §§ 225.4(a) and (b) of Regulation Y (12 CFR 225.3(b) and (c), and 225.4(a) and (b)), to approve applications requiring prior approval of the Board, and under the provisions of section 18(c)(4) of the Federal Deposit Insurance Act (12 U.S.C. 1828(c)(4)), to furnish to the Comptroller of the Currency and the Federal Deposit Insurance Corporation reports on competitive factors involved in a bank merger required to be approved by one of those agencies, unless one or more of the following conditions is present:

(i) A member of the Board has indicated an objection prior to the Reserve Bank's action; or

(ii) The Board has indicated that such delegated authority shall not be excercised by the Reserve Bank in whole or in part; or

(iii) A written substantative objection to the application has been properly made; or

(iv) The application raises a significant policy issue or legal question on which the Board has not established its position; or

In formations, bank acquisitions or mergers:

(v) The proposed transaction involves two or more banking organizations:

(*a*) That rank among a State's ten largest banking organizations in terms of total domestic banking assets; or

(*b*) Each of which has more than $100 million of total deposits in banking offices in the same local banking market that, after consummation of the proposal, would control over 5 per cent of total deposits in banking offices in that local market; or

In nonbank acquisitions:

(vi) The nonbanking activities involved do not clearly fall within activities that the Board has designated as permissible for bank holding companies under § 225.4(a) of Regulation Y; or

(vii) The proposal would involve the acquisition by a banking organization that has total domestic banking assets of $1 billion or more of a nonbanking organization that appears to have a

significant presence in a permissible nonbanking activity [2]
(12 U.S.C. 248k)

Effective date: This amendment is effective on all applications pending on September 21 and on all future applications.

By order of the Board of Governors, September 21, 1979.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 79-30335 Filed 9-28-79; 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 79-CE-16-AD; Amdt 39-3580]

Airworthiness Directives; Great Lakes Models 2T-1A-1 and 2T-1A-2 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new Airworthiness Directive (AD) applicable to the Great Lakes Models 2T-1A-1 and 2T-1A-2 airplanes having a Lycoming IO-360-B1F6 or AIO-360-B1G6 engine installed. It requires an inspection of the induction system drain at the location of the fitting weld to the induction elbow to ascertain whether this drain is open and repetitive inspections of the alternate air door for distortion, heat damage or cracks. Correction of any unsatisfactory condition disclosed by these inspections is required prior to further flight of the airplane.

This AD is necessary because the cited conditions may result in failure of the alternate air doors, pieces of which may be carried into the engine induction system and cause engine power loss and subsequent forced landings or landing accidents.

EFFECTIVE DATE: October 8, 1979.

COMPLIANCE: As prescribed in the body of the Airworthiness Directive.

ADDRESSES: Copies of the Airworthiness Directive and supporting documentation for this action may be obtained from the Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106 and at Room 916, 800 Independence Avenue, S.W., Washington, D.C. 20591.

[2] While other situations may involve the issue of significant presence, the Board regards, as a general guideline, any company that ranks among the 20 largest independent firms in any industry as having a significant presence.

FOR FURTHER INFORMATION CONTACT: Paul O. Pendleton, Aerospace Engineer, Engineering and Manufacturing District Office, Federal Aviation Administration, Central Region, Room 238, Terminal Building, Mid-Continent Airport, Wichita, Kansas 67209, telephone (316) 942-7927.

SUPPLEMENTARY INFORMATION: Several failures of alternate air doors have occurred on these airplanes. Pieces of these failed doors are carried to the engine induction system by the induction air flow and obstruct the engine induction system. Partial or total engine power loss usually follows. One forced landing and one accident have resulted from these circumstances. In addition, the induction system drain on some airplanes may be ineffective because the drain fitting was not cleared after it was welded to the induction elbow. This permits excess priming fuel to collect in the induction system and provides fuel for an induction system fire should a backfire occur during engine starting. Blockage in this location can be removed by drilling through the fitting with a drill having the same diameter as the inside of the fitting.

Since the unsafe condition described herein is likely to exist or develop in other airplanes of the same type design, the FAA is issuing an AD requiring a one-time visual inspection of the aircraft induction system for blocked or restricted drains and repetitive inspections of the alternate air doors for cracks, distortion, or heat damage. It also requires correction of any of these conditions found. The manufacturer is not producing airplanes and cannot furnish replacement parts. Accordingly, sufficient information to permit field fabrication of replacement parts is included in this AD.

The FAA has determined that there is an immediate need for a regulation to assure safe operation of the affected airplanes. Therefore, notice and public procedure under 5 U.S.C. 553(b) is impracticable and contrary to the public interest and good cause exists for making the amendment effective in less than thirty (30) days after the date of its publication in the **Federal Register.**

Adoption of the Amendment

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

Great Lakes: Applies to Models 2T-1A-1 and 2T-1A-2 airplanes having a Lycoming IO-360-B1F6 or AIO-360-B1G6 engine installed.

Compliance: Required as indicated unless already accomplished.

To preclude engine induction system blockage by pieces of failed alternate air doors and resulting power loss, accomplish the following:

(A) Within the next 25 hours time-in-service after the effective date of this AD:

1. Visually inspect the aircraft induction system drain-fitting located in the induction elbow below the fuel injector for blockage or restriction. If the hole is restricted in the weld area or not drilled through the elbow, before further flight open up the restricted hole or drill a hole in the elbow at the fitting location using a No. 10 (.193) drill.

(B) Within 25 hours time-in-service after the effective date of this AD and each 100 hours time-in-service thereafter:

1. Visually inspect the alternate air door for distortion, heat damage and cracks. If any of these conditions are noted, before further flight repair the existing door or fabricate and install a new door in accordance with Figure 1 of this AD.

2. Visually inspect the induction system including the filter for cleanliness, security and damage from backfire or induction system fires. Before further flight, repair or replace any damaged components necessary to restore the system to an airworthy condition.

(C) Any equivalent method of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

This amendment becomes effective on October 8, 1979.

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

Note.—The FAA has determined that this document involves a regulation which is not considered to be significant under the procedures and criteria prescribed by Executive Order 12044 and as implemented by Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A copy of the final evaluation prepared for this document is contained in the docket. A copy of it may be obtained by writing to Donald L. Page, Aerospace Engineer, Engineering and Manufacturing Branch, FAA, Central Region, 601 East 12th Street, Kansas City, Missouri 64106; telephone (816) 374-3446.

Issued in Kansas City, Missouri on September 21, 1979.

John E. Shaw,

Acting Director, Central Region.

BILLING CODE 4910-13-M

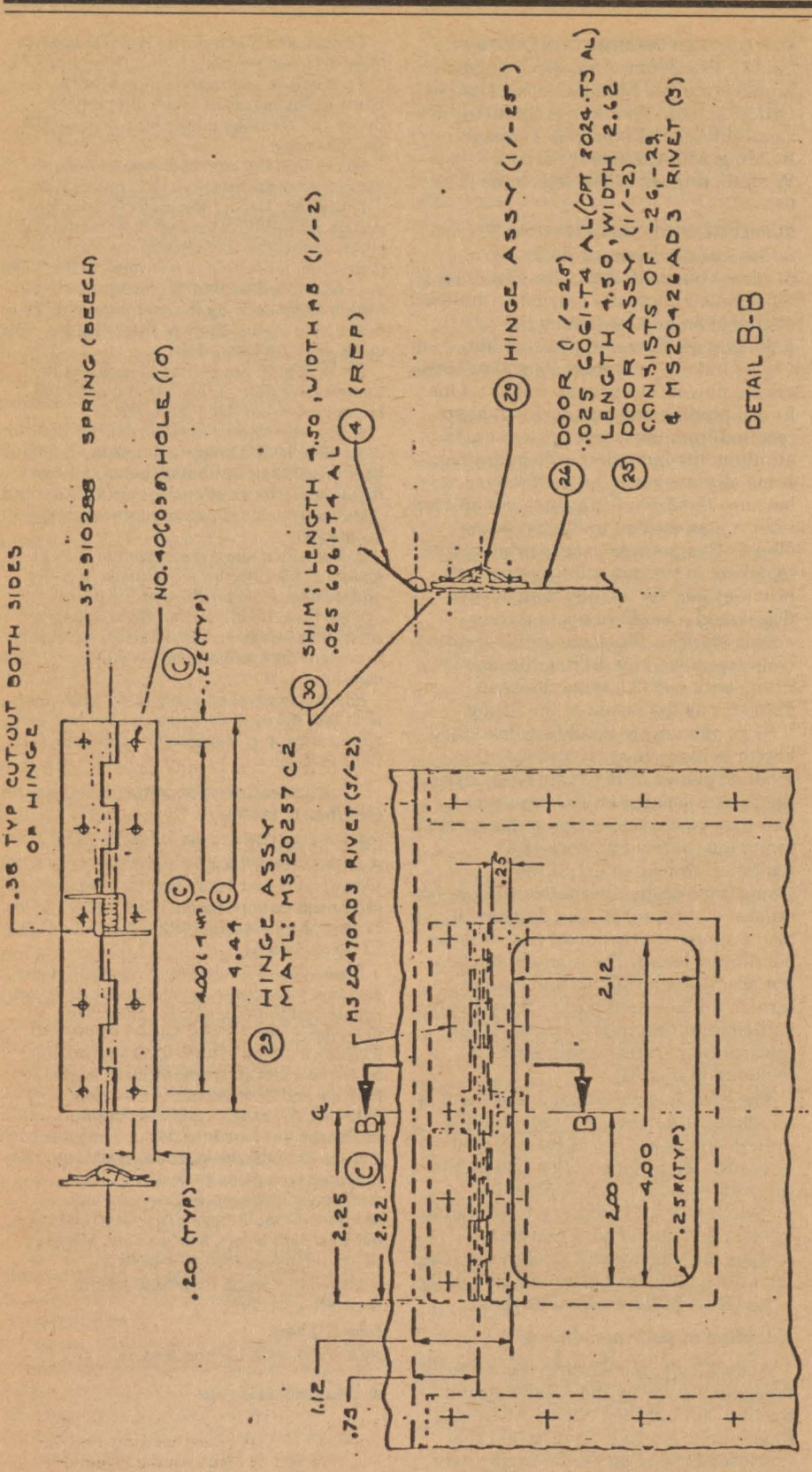


FIGURE 1

[FR Doc. 79-30291 Filed 9-28-79; 8:45 am]
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14 CFR Part 39

[Docket No. 18197; Amdt. 39-3584]

Societe Nationale Industrielle Aerospatiale Model SA 330F Puma Helicopters; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final Rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that requires repetitive inspections of the tail boom and pylon for cracks and loose rivets and, if necessary, modifications on Societe Nationale Industrielle Aerospatiale (SNIAS) Model SA 330F helicopters. The AD is prompted by reports of cracking in service which could result in excessive tail deflection, possible tail rotor failure, and a loss of helicopter control.

DATES: Effective November 1, 1979. Compliance schedule—as prescribed in body of AD.

ADDRESSES: The applicable service bulletins may be obtained from: Societe Nationale Industrielle Aerospatiale, Division Helicopters, Service Technique Apres-Vente, Boite Postale 13, 13722 Marignane, France.

Copies of the service bulletins are contained in the Rules Docket, Room 916, 800 Independence Avenue, S.W., Washington, D.C. 20591.

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

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring repetitive inspection of the tail boom and pylon for cracks and loose rivets and, if necessary, modifications on Societe Nationale Industrielle Aerospatiale (SNIAS) Model SA 330F helicopters was published in the **Federal Register** at 43 FR 34787.

The proposal was prompted by reports of cracks and loose rivets on the tail boom and pylon of SNIAS Model SA 330F Puma helicopters. Such cracking could result in excessive tail deflection and possible tail rotor failure.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No comments were received. Accordingly, the proposal is adopted without substantive change. Clarifying language has been added concerning the FAA-approved equivalent to the manufacturer's service bulletin and paragraph (b) has been restructured to clearly reflect the intent of the service bulletin referenced in that paragraph.

Adoption of the Amendment

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

Societe Nationale Industrielle Aerospatiale (SNIAS): Applies to Model SA 330F Puma helicopters, certificated in all categories.

Compliance is required as indicated, unless already accomplished.

(a) To detect tail boom cracks and prevent excessive tail deflection, accomplish the following on helicopters that do not incorporate SNIAS Modification AMS 07.11.464 or SA 330 Service Bulletin No. 53.09:

(1) Within the next 50 hours time in service after the effective date of this AD and, thereafter, at intervals not to exceed 50 hours time in service since the previous inspection, inspect the tail boom structure at frame 12349 beneath the intermediate gear box forward attachment and at location of anchor nuts for cracks in accordance with Puma SA 330 Service Bulletin No. 05.30, dated March 8, 1973, or an FAA-approved equivalent.

(2) If during an inspection required by paragraph (a)(1) of this AD, only one crack that does not break through the doubler is found, continue to inspect in accordance with paragraph (a)(1) of this AD at intervals not to exceed 25 hours time in service since the previous inspection until incorporation of SA 330 Service Bulletin No. 53.09, dated March 8, 1973, or an FAA-approved equivalent.

(3) If during an inspection required by paragraph (a)(1) or (a)(2) of this AD, any crack is found extending to the end of the doubler, P/N 330F.24.2019.21, or into its flange, or more than one crack is found, immediately replace the doubler, P/N 330A.24.2019.21 in accordance with Puma SA 330 Service Bulletin No. 53.09, dated March 8, 1973, or an FAA-approved equivalent.

(b) To detect tail pylon cracks and prevent excessive tail deflection, accomplish the following on helicopters that incorporate SNIAS Modification 07.11.141/S256 or that are fitted with a tail skid without a reinforcement plate under the tail skid attachment fitting:

(1) Within the next 50 hours time in service after the effective date of this AD and, thereafter, at intervals not to exceed 50 hours time in service since the previous inspection, inspect the tail pylon structure for cracks and loose rivets in accordance with Puma SA 330 Service Bulletin 05.33, dated August 1, 1973, or an FAA-approved equivalent.

(2) If during any inspection required by paragraph (b)(1) of this AD, a defect described in subparagraphs (1) or (2) of paragraph 1.D. of Puma SA 330 Service Bulletin 05.33, dated August 1, 1973, or an FAA-approved equivalent, is found, and that defect does not exceed the limits noted in the subparagraphs (1) or (2), repeat the inspections required in paragraph (b)(1) of this AD at intervals not to exceed 25 hours time in service since the last inspection.

(3) If during any inspection required by paragraph (b)(1) or (b)(2) of this AD, a defect is found to equal or exceed the limits noted in subparagraphs (1) or (2) of paragraph 1.D. of Puma SA 330 Service Bulletin No. 05.33, dated August 1, 1973, or an FAA-approved equivalent, within the next 25 hours time in service, reinforce the tail structure in accordance with Puma SA 330 Service Bulletin No. 53.12, dated October 24, 1973, or an FAA-approved equivalent.

(4) If during an inspection required by paragraph (b)(1) or (b)(2), a defect is found that is not specified in subparagraphs (1) and (2) of paragraph 1.D of Puma SA 330 Service Bulletin No. 05.33, dated August 1, 1973, or an FAA-approved equivalent, within the next 25 hours time in service after finding the defect, repair the defect in accordance with the Puma Structural Repair Manual, or an FAA-approved equivalent.

(c) For purposes of this AD, an FAA-approved equivalent must be approved by Chief, Aircraft Certification Staff, AEU-100, FAA, Europe, Africa, and Middle East Region, c/o American Embassy, Brussels, Belguim, Telephone: 513.38.30.

This amendment becomes effective November 1, 1979.

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

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

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

M. C. Beard,

Director, Office of Airworthiness.

[FR Doc. 79-30273 Filed 9-28-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 79-NW-32-AD; Amdt. 39-3577]

Boeing Model 727 Series Airplane; Airworthiness Directive

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment revises Airworthiness Directive (AD) 79-04-01 which requires inspections and/or replacement of main landing gear lock system components on Boeing Model 727 series airplanes whose failure have resulted or could result in a gear-up landing. This amendment contains several changes due to recent findings or service experience.

DATES: Effective date October 9, 1979.

ADDRESSES: Boeing Service Bulletins specified in this directive may be obtained upon request to the Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. Those documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108.

FOR FURTHER INFORMATION, CONTACT: Mr. Gerald R. Mack, Airframe Section, ANW-212, Engineering and Manufacturing Branch, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108.

SUPPLEMENTARY INFORMATION: Amendment 39-3410 (44 FR 9735), AD 79-04-01, requires inspection and/or replacement of certain main landing gear lock system components. Nineteen known failures have occurred in the lock system which caused out-of-sequence and subsequent jamming of the gear and wheel well door and, in nine incidents resulted in gear-up landings. Other failures have occurred in the alternate extension system which prevented extension of the main landing gear by manual means. Subsequent to issuance of Amendment 39-3410, data or information have been supplied to the FAA which warrants changes to the AD. These changes are described below.

Paragraph A

1. Based on revised technical data, the replacement and initial inspection threshold of the uplock upper shaft may be increased from 35,000 landings to 46,000 landings.

2. An additional uplock universal block part number is added.

3. Recent discovery of a crack in a downlock crank indicates that it should be included in the AD.

4. A recent failure of a downlock rod resulted in an out-of-sequence condition and a subsequent gear-up landing. Metallurgical examination indicated that the failure was caused by fatigue induced damage initiating at the rod's drain holes. The rod had been inspected approximately 700 landings prior to the failure, less than half of the required 1500 landing interval. Therefore, the interval is reduced to 500 landings.

Paragraph B

1. An eddy current inspection method has been included as an alternate to replacement of the main landing gear manual extension horizontal support.

2. Reference is made to an approved installation of the improved horizontal support which does not require replacement of the gearbox housing.

Paragraph C

As a result of an investigation of a recent gear-up landing caused by an out-of-sequence condition and jamming, the uplock hook assembly rotational force test procedures have been revised and clarified and it has been determined that the interval should be reduced from 6000 landings to 1500 landings. The out-of-sequence was attributed to binding of the uplock hook from corrosion build-up between the hook bushings. In addition, the terminating action and effectivity have been expanded. The additional terminating action modification consists of installing a grease fitting on the uplock hook to provide additional corrosion protection.

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

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13), is amended by amending Airworthiness Directive 79-4-01, (Amdt. 39-3410, 44 FR 9735), as follows:

1. By amending Paragraph A to read:

"A. Unless already accomplished, within the next 1,500 landings from the effective date of this AD, or prior to the accumulation of the threshold listed in the table below, whichever occurs later, replace the components listed in the table in accordance with Boeing Service Bulletin Nos. 727-32-211, Revision 4, or 727-32-237, Revision 2, or later FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region. As an alternate to replacement, the applicable components may be inspected for cracks in accordance with inspection methods specified in Boeing Service Bulletin No. 727-32-211, Revision 4, or later FAA approved revisions, or other methods approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region, at the intervals specified in the table. Cracked parts must be replaced prior to further flight.

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Component	Part No.	Replacement or Initial Inspection Threshold (landings)	Repeat Inspection Interval not to exceed (landings)
Uplock Lower Crank Bolt	NAS 1105-28	7,000	To be replaced
	BACP18T5-( )	7,000	
	MS20392-5C( ) (oversize option)	12,000	
	MS20392-6C( ) (oversize option)	50,000	
Downlock Rod Bolt (Inboard)	NAS 1105-13DW Optional Bolts: BACB30LJ5U13 BACB30GE5-14 NAS 1105-14	20,000	To be replaced
	BACB30NE5-15 Optional Bolts: BACB30LJ5U15 BACB30GE5-16	20,000	To be replaced
Downlock Rod Bolt (Outboard)	NAS 1105-13DW	20,000	To be replaced
	BACB30LM5DU12 Optional Bolts: BACB30NE5D12 BACB30GE5D12 NAS 1305-12D	20,000	To be replaced

Component	Part No.	Replacement or Initial Inspection Threshold (landings)	Repeat Inspection Interval not to exceed (landings)
Downlock Torque Shaft	65-78698-1,-2, - 5,-6, -7,-8	35,000	3,000
Downlock Rod Assy.	69-20527-2 69-33654-1 69-33654-2 69-33654-3 69-33654-4	12,000	*
	69-33654-5	35,000	3,000
Downlock Torque Tube Assy,	65-26921-17 65-26921-18	37,000	3,000
Uplock Universal Block	65-24488-1	10,000 flt hrs or 4 years, which ever occurs first.	1,500
	-4	48,000 landings	3,000
Uplock Universal Bolt	NAS 1106-44 69-47743-1	11,000	to be replaced
Uplock Upper Shaft Assy.	65-25851-1 65-25851-2 65-25851-5 65-25851-6	46,000	3,000
Uplock Lower Crank	65-49325-1,-2, 65-49325-5,-6, 65-49325-7,-8	3,000	1,500
Downlock Crank	69-20528-1 -2 -3 -4	68,000	1,500

* Within 1500 landings from the last inspection or within 500 landings from the effective date of this amendment, which ever occurs first, thereafter not to exceed 500 landings.

2. By amending Paragraph B to read:

"B. Unless already accomplished, within the next 3,000 landings from the effective date of this AD, replace (1) the left and right hand main gear manual extension gearbox horizontal supports, P/N 65-24575-1, with P/N 65-69156-1 and (2) the left and right hand main gear manual extension support yokes, P/N 65-26300-1/2 or 65-26300-7/8, 65-81412-1/2, with P/N 65-26300-21/-22 or 65-26300-23/-24 in accordance with the applicable procedures of Boeing Service Bulletin Numbers 32-164, Revision 2, and 727-32-204, Revision 1, or later FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region. Replacement of the gearbox housing is not required if the bushing/fastener configuration described in Boeing Service Bulletin No. 727-32-164, Revision 2, or later FAA approved revisions, or equivalent approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region, is installed in each horizontal support attach hole for the gearbox housing. As an alternate to replacement of items (1) and (2) above, within the next 3,000 landings from the effective date of this AD, and thereafter at intervals of 3,000 landings, eddy current inspect the horizontal supports and penetrant or eddy current inspect the support yokes in accordance with Boeing Service Bulletin No. 727-32-164, Revision 2, and Boeing Service Bulletin No. 727-32-204, Revision 1, or later FAA approved revisions, or in an equivalent manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region. Cracked parts must be replaced prior to further flight."

3. By amending Paragraph C to read:

"C.1. Within the next 600 landings from the effective date of this amendment" unless accomplished within the last 900 landings in accordance with the original issue of this AD, and thereafter at intervals not to exceed 1500 landings, accomplish the rotational force tests on the main landing gear uplock hook assemblies (2 per airplane) in accordance with the procedures specified in Paragraph III of Boeing Service Bulletin No. 727-32-212, Revision 2, or later FAA approved revisions, for assembly P/Ns 65-24485-3, -4, and -6, and Boeing Service Bulletin No. 727-32-245, Revision 4, for assembly P/Ns 65-24485-7, or later FAA approved revisions, or alternate procedures approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region. Rework and/or replace uplock hook assembly components as required to obtain the acceptable hook rotational forces specified in the service bulletins.

2. Terminating action to the requirements of Paragraph C.1 above consists of accomplishment of the main landing gear uplock assembly modification per Boeing Service Bulletin No. 727-32-245, Revision 4, or later FAA approved revisions, or an alternate approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region."

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer, may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. These documents may also be examined at FAA Northwest Region 9010 East Marginal Way South, Seattle, Washington 98108.

This amendment becomes effective October 9, 1979.

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

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

Issued in Seattle, Washington, on September 19, 1979.

C. B. Walk, Jr.,

Director, Northwest Region.

(The incorporation by reference provisions in the document were approved by the Director of the Federal Register on June 19, 1967.)

[FR Doc. 79-30292 Filed 9-28-79; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 79-NW-33-AD; Amend. 39-3581]

Boeing Model 727 Series Airplanes; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD) to require a one-time inspection of the main landing gear side strut assembly for proper installation. The manufacturer, during quality control acceptance procedures, discovered that the side strut lower segments had been installed on the wrong side of three airplanes in production. In addition, one operator reported improper installation of a side strut universal fitting. Such an improper installation could prevent clean breakaway of the gear as intended in the event of an abnormal landing.

DATES: Effective date October 11, 1979. Compliance required within 60 days from the effective date.

ADDRESSES: The Boeing Service Bulletin specified in this directive may be obtained upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. These documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, Telephone (206) 767-2516.

FOR FURTHER INFORMATION, CONTACT: Mr. Gerald R. Mack, Airframe Section, ANW-212, Engineering and Manufacturing Branch, FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, Telephone (206) 767-2516.

SUPPLEMENTARY INFORMATION: The Boeing Commercial Airplane Company discovered in production that the main landing gear side strut lower segments had been improperly installed on three Model 727 series airplanes. The left hand segment had been installed on the right hand landing gear side strut and the right hand segment had been installed on the left hand landing gear side street. Also, an operator discovered improper installation of the side strut universal fitting. Reversal of the side strut lower segments and/or the universal fittings may negate the clean breakaway feature of the side strut design in the event of a severe overload condition.

Since this condition is likely to exist in other Boeing Model 727 series airplanes, action is taken herein to require a one-time inspection for proper installation of the main landing gear side strut assembly and corrective action as necessary.

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

Adoption of the Amendment

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

Boeing: Applies to Model 727 series airplanes, certificated in all categories, line numbers 1 through 1361 inclusive. Compliance required within 60 days from the effective date of this AD, unless already accomplished.

To protect the aircraft structure in the event of an excessively hard landing by providing the desired separation characteristics of the main landing side strut, accomplish the inspection of the side strut assemblies (2 per airplane) for correct installation in accordance with Boeing Service Bulletin No. 727-32-268, Revision 1, or in an equivalent manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region. If incorrect parts are found installed, remove the affected part and install a correct part prior to further flight.

Report finding of incorrect installation to the Chief, Engineering and Manufacturing Branch, FAA Northwest Region. (Reporting approved by the Bureau of Budget under BOB No. 04-R0174).

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer, may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. These documents may also be examined at FAA Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108.

This amendment becomes effective October 11, 1979.

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

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

Issued in Seattle, Washington, September 21, 1979.

C. B. Walk, Jr.,

Director, Northwest Region.

(The incorporation by reference provisions in the document were approved by the Director of the **Federal Register** on June 19, 1967.)

[FR Doc. 79-30290 Filed 9-28-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 79-EA-37; Amdt. 39-3579]

Piper Aircraft; Airworthiness Directives

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment revokes AD 74-10-03 and issues a new airworthiness directive applicable to Piper PA-24, PA-30 and PA-39 type airplanes and requires a repetitive inspection of the two aileron bulkheads for cracks and replacement where necessary. It appears that in spite of compliance with AD 74-10-03, cracks have still occurred in the inspected areas. These cracks, if failure occurs, could be the source of an accident.

EFFECTIVE DATE: October 4, 1979. Compliance is required as set forth in the AD.

ADDRESSES: Piper Service Bulletins may be acquired from the manufacturer at Piper Aircraft Corporation, 820 East Bald Eagle Street, Lock Haven, Pennsylvania 17745.

FOR FURTHER INFORMATION CONTACT: C. Kallis, Airframe Section, AEA-212, Engineering and Manufacturing Branch, Federal Building, J.F.K. International Airport, Jamaica, New York 11430; Tel. 212-995-2875.

SUPPLEMENTARY INFORMATION: Airworthiness Directive 74-10-03 calls for replacement of cracked Nose-Ribs and for Aileron Spar Reinforcement Plate with Kit 757 162 or equivalent for the Nose-Ribs and new Piper parts or equivalent parts for any of the other parts found cracked upon inspection. In spite of the installment of reinforcement Kit (757 162) and the replacement parts, reports of cracked parts continue to be received. As a result, Piper Aircraft developed an improved reinforcement for the structure involved. It has issued Service Letter No. 850 dated April 18, 1979, reflecting a new Kit 763 893. In view of the air safety problem, notice and public procedure hereon are impractical and the amendment may be made effective in less than 30 days.

Adoption of the amendment

Accordingly, and pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by revoking AD 74-10-03 and issuing a new airworthiness directive, as follows:

Piper: Applies to the following Piper Model airplanes:

PA-24—Serial Nos. 24-1 and up
PA-24-250—Serial Nos. 24-1 and up
PA-24-260—Serial Nos. 24-3642, 24-4000 and up
PA-24-400—Serial Nos. 26-1 and up
PA-30—Serial Nos. 30-1 and up
PA-39—Serial Nos. 39-1 and up,

certificated in all categories except airplanes incorporating Piper Kit Part No. 763 893:

(a) Within the next 50 hours in service, after the effective date of this AD, unless already accomplished within the past 50 hours in service and at intervals not to exceed 100 hours in service thereafter, inspect in accordance with paragraph "Instructions" in Service Letter No. 850 dated April 18, 1979, Parts 1, 2, 3, 4a, b and c or equivalent inspection.

(b) Upon incorporation of Piper Kit No. 763 893 or equivalent, compliance with this AD may be terminated.

(c) Equivalent parts and inspections and alterations must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

(d) Upon submittal of substantiating data by an owner or operator through an FAA Maintenance Inspector, the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region, may adjust the inspection intervals specified in this AD.

Effective Date: This amendment is effective October 4, 1979.

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

Issued in Jamaica, New York, on September 19, 1979.

Murray E. Smith,

Director, Eastern Region.

[FR Doc. 79-30275 Filed 9-28-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 79-AL-19]

Revocation of Skwentna, Alaska, Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment will revoke the Skwentna, Alaska, transition area. The Skwentna instrument approach procedure has been canceled. Therefore, need for a transition area no longer exists. The Skwentna transition area underlies the 1200 foot portion of the Anchorage transition area. Therefore, revocation of the Skwentna transition area will cause only that airspace between 700 feet and 1200 feet above the surface to revert to uncontrolled airspace.

EFFECTIVE DATE: 0901 G.m.t., January 24, 1980.

FOR FURTHER INFORMATION CONTACT: Jerry M. Wylie, Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, P.O. Box 14, 701 C Street, Anchorage, Alaska 99513, telephone (907) 271-5903.

SUPPLEMENTARY INFORMATION: The purpose of this amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to revoke the Skwentna, Alaska, transition area.

The Skwentna, Alaska, transition area was last described in § 71.181 of the Federal Aviation Regulations (44 FR 442) on January 2, 1979. The Skwentna transition area was designated to protect an instrument approach procedure on the Skwentna NDB. The Skwentna instrument approach procedure has been canceled. There is no anticipated need for an IFR procedure to Skwentna, Alaska, in the foreseeable future. Since this amendment will result only in a minor change in controlled airspace, and would reduce the constraints and impact on the public, I find that notice and public procedure thereon are unnecessary.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (44 FR 442) is amended by revoking the Skwentna, Alaska, transition area.

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

Note.—The FAA has determined that this document involves a regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 1134, February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, and anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation.

Issued in Anchorage, Alaska, on September 24, 1979.

Robert L. Faith,

Director, Alaskan Region.

[FR Doc. 79-30274 Filed 9-28-79; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 71

[Airspace Docket No. 79-ASW-46]

Revocation of Transition Area: Yoakum, Texas

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of the action being taken is to revoke the transition area at Yoakum, Tex. The intended effect of the action is to release unnecessary controlled airspace designated for aircraft executing an instrument approach procedure to the Yoakum Municipal Airport. The circumstance which created the need for the action is the notification to the FAA that the proposed nondirectional radio beacon (NDB) will not be installed as planned. Coincident with this action the airport is changed from Instrument Flight Rules (IFR) to Visual Flight Rules (VFR).

EFFECTIVE DATE: November 29, 1979.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101; telephone 817-624-4911, extension 302.

SUPPLEMENTARY INFORMATION:

History

In Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR 71) as republished (44 FR 442) the Yoakum, Tex., transition area is designated for the protection of aircraft executing instrument approach procedures to the Yoakum Municipal Airport. Since the proposed NDB will not be installed and no instrument approach procedure will be established, the revocation of the transition area is appropriate. This action will release the constraints and, in effect, the impact on the user imposed by the transition area. Therefore, public circularization of this action was not considered necessary.

The Rule

This amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR 71) revokes the Yoakum, Tex., transition area.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart G of Part 71 of the Federal Regulations (14 CFR Part 71) as republished (44 FR 442) is amended, effective 0901 GMT, November 29, 1979, as follows:

In Subpart G, 71.181 (44 FR 442), the following transition area is revoked:

Yoakum, Tex.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Yoakum Municipal Airport (latitude 29°18'50"N., longitude 97°08'18"W.) and within 3.5 miles either side of the 143° radial extending from the 5-mile radius to a point 8 miles southeast of the NDB (latitude 29°18'50"N., longitude 97°08'18"W.).

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

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

Issued in Fort Worth, Tex., on September 18, 1979.

Henry N. Stewart,

Acting Director, Southwest Region.

[FR Doc. 79-30279 Filed 9-28-79; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

[Docket No. C-2987]

Korvette's, Inc.; Prohibited Trade Practices, and Affirmative Corrective Actions

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 order requires a New York City department store chain, among other things, to cease failing to provide its stores with statutorily required warranty material; and to make the terms of written warranties on consumer products available to prospective purchasers prior to sale. The firm is further required to develop and implement a program to instruct its sales personnel about the availability and location of warranty information; and maintain adequate business records for a period of two years.

DATES: Complaint and order issued August 16, 1979.[1]

FOR FURTHER INFORMATION CONTACT: Leroy Richie, Director, 8R, New York Regional Office, Federal Trade Commission, 2243-EB Federal Bldg., 26 Federal Plaza, New York, N.Y. 10007. (212) 264-1207.

SUPPLEMENTARY INFORMATION: On Friday, June 8, 1979, there was published in the **Federal Register**, 44 FR 33097, a proposed consent agreement with analysis In the Matter of Korvette's, Inc., a corporation, for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions

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

or objections regarding the proposed form of order.

No comments having been received, 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-Corrective Actions and/or Requirements: § 13.533 Corrective actions and/or requirements; 13.533–20 Disclosures; 13.533–25 Displays, in-house; 13.533–37 Formal regulatory and/or statutory requirements; 13.533–45 Maintain records; 13.533–75 Warranties. Subpart-Neglecting, Unfairly or Deceptively, To Make Material Disclosure: § 13.1852 Formal regulatory and statutory requirements; 13.1852–55 Magnuson-Moss Warranty Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46; interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 110(b), 88 Stat. 2190; 15 U.S.C. 2310)

Carol M. Thomas,

Secretary.

[FR Doc. 79-30334 Filed 9-28-79; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1316

Delegation of Authority Between Criminal Division and Drug Enforcement Administration To Remit or Mitigate Civil Forfeitures

AGENCY: Department of Justice, Drug Enforcement Administration.

ACTION: Final order.

SUMMARY: Effective August 10, 1979, the Attorney General authorized the Administrator of the Drug Enforcement Administration to remit or mitigate civil forfeitures of property valued at $10,000 or less, which arise under the Comprehensive Drug Abuse Prevention and Control Act of 1970 [Department of Justice Order Number 845–79, 44 Fed. Reg. 48675, Monday, August 20, 1979]. This final order amends the regulations of the Drug Enforcement Administration to reflect this change in authority.

EFFECTIVE DATE: October 1, 1979.

FOR FURTHER INFORMATION CONTACT: William M. Lenck, Chief Counsel, Drug Enforcement Administration, Department of Justice, Washington, D.C. 20537 (202–633–1276).

§§ 1316.75, 1316.77 and 1316.78 [Amended].

By virtue of the authority vested in me by 21 U.S.C. 881(d), 19 U.S.C. 1618, 28 CFR 0.100(b) and Department of Justice Order Number 845–79, §§1316.75, 1316.77 and 1316.78 of Part 1316 of Title 21, Code of Federal Regulations are amended by striking out "$2,500" each place it appears and inserting "$10,000" in its place.

Date: September 25, 1979.

Peter B. Bensinger,

Administrator, Drug Enforcement Administration.

[FR Doc. 79-30379 Filed 9-28-79; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24 CFR Part 42

[Docket No. R-79-518]

Uniform Relocation Assistance and Real Property Acquisition, Community Development Block Grant Program

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

ACTION: Final rule.

SUMMARY: HUD is issuing a final rule explaining when the acquisition of real property by a State agency and resulting displacement are considered to be for an activity assisted under the community development block grant program and to be subject to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act) and HUD implementing rules at 24 CFR Part 42.

EFFECTIVE DATE: November 8, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Harold J. Huecker, Director, Relocation and Real Estate Division, HUD/Community Planning and Development, 451 Seventh Street, SW., Washington, D.C. 20410, 202–755–6336.

SUPPLEMENTARY INFORMATION: On March 31, 1978 (43 FR 13836), a proposed comprehensive revision of 24 CFR Part 42 was published in the **Federal Register** for public comment. Among other things, it proposed a rule declaring that the Uniform Act and HUD implementing regulations at 24 CFR Part 42 apply to certain acquisitions and displacements taking place within a three-year period prior to submission of an application for related assistance to be provided with a community development block grant under Title I of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301). The proposal was designed to prevent a State agency from circumventing the Uniform Act by acquiring real property and displacing the occupants prior to submitting a request to HUD for block grant funding for related construction, rehabilitation and demolition assistance.

On April 17, 1979, the Supreme Court of the United States issued decisions, No. 77–874, *Alexander et al.* v. *United States Department of Housing and Urban Development et al.*, and No. 77–1463, *Harris, Secretary of Housing and Urban Development, et al.*, v. *Cole et al.*

In the opinion discussing these two cases, the Court stated "* * * that persons directed to vacate property for a federal program cannot obtain relocation assistance unless the agency also intended at the time of acquisition to use the property for such a program or project."

On May 29, 1979 (44 FR 30946), HUD issued a final rule containing revisions of 24 CFR Part 42 that were based on the proposed rule issued March 31, 1978. In the preamble to that final rule HUD indicated that in the light of the Supreme Court's decision in the *Alexander* and *Cole* cases, the Department was examining how its rules for determining applicability of the Uniform Act to real property acquisitions and resulting displacements could best encompass a test of intent which is in keeping with the Court's view of the requisites of the Uniform Act. The Department further indicated that, until it has reached this determination and issued a revised rule, it would retain its existing rule governing the applicability of the Uniform Act to community development block grant program activities.

The Department has now completed its review. Based on that review, including consideration of comments received in response to the March 31, 1978 proposed rule, the Department is adopting at § 42.79(c) a revised rule outlining the applicability of the Uniform Act to the community development block grant program.

The Department believes that the rule is in keeping with the Supreme Court's opinion that the Uniform Act applies to an acquisition and resulting displacement only when the State agency intends at the time of the acquisition to use the property for the program or project for which it is ultimately used.

The revised rule continues an assumption implicit in the existing rule. It states that any acquisition of real property by a State agency and any displacement resulting from the acquisition of real property by a State

agency shall be considered to be for an activity assisted under the community development block grant program and to be subject to the regulations in this part if the acquisition or displacement occurs on or after the date of the submission of the application requesting Federal financial assistance which is granted for an activity for which the acquisition has been or will be undertaken.

In order to comply with the Supreme Court decision, however, the Department has provided a procedure (see § 42.79(c)(1)) under which the State agency may request HUD Area Office concurrence in a determination that an acquisition after submission of an application for community development block grant assistance did not in fact take place for a block grant assisted activity and does not come within the purview of the Uniform Act of HUD rules at 24 CFR Part 42.

At § 42.79(c)(2), the revised rule specifies that a State agency or HUD may determine that an acquisition prior to the submission of an application for related assistance and any resulting displacement are, in fact, carried out for an assisted activity and are subject to the Uniform Act and the rules at 24 CFR Part 42.

To assure fair treatment of affected property owners and occupants who believe that the State agency has erred in determining that a particular acquisition or resulting displacement did not take place for an assisted activity and is therefore not subject to HUD Uniform Act regulations, § 42.79(c)(3) specifies their right of appeal. Under the Department's rules governing appeals under the Uniform Act, if the State agency denies the appeal, the affected person may appeal to HUD.

Under these paragraphs (c)(2) and (c)(3) of § 42.79, a State agency's initial determination that these regulations do not apply to a particular real property acquisition or displacement may be reversed. To minimize this possibility and accompanying uncertainty, § 42.79(c)(2) also provides that the State agency may at any time seek a HUD determination as to whether the Uniform Act and the regulations at 24 CFR Part 42 apply to a particular acquisition that was carried out prior to the submission of the CDBG application.

These latter two provisions of the revised rule are in keeping with the intent of the proposed rule—to provide for coverage of State agency acquisitions and resulting displacements that take place prior to the submission of an application for related financial assistance.

A Finding of Inapplicability with regard to the Environmental Impact of these rules 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 during regular business hours in the Office of the Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410.

(Sec. 213, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).)

For the reasons described above, § 42.79(c) has been revised to read as follows:

§ 42.79 Project.

* * * * *

(c) *Community development block grant program.* (1) Any acquisition of real property by a State agency and any displacement resulting from the acquisition of real property by a State agency shall be considered to be for an activity assisted under the community development block grant program (see § 42.61(a)) and to be subject to the regulations in this part if the acquisition or displacement occurs on or after the date of the submission of the application requesting Federal financial assistance which is granted for an activity for which the acquisition has been or will be undertaken. However, if the State agency determines that an acquisition or displacement was not carried out for an assisted activity, and the HUD Area Office serving the locality concurs in that determination, such acquisition or displacement shall not be subject to these regulations. The State agency's request for HUD concurrence shall include its certification that at the time of the acquisition it did not intend to use the property for an assisted activity and appropriate documentation to establish that fact.

(2) The State agency or HUD may determine that an acquisition prior to submission of an application for financial assistance and any resulting displacement were carried out for an assisted activity and are subject to these regulations. In the absence of such a determination by the State agency or HUD, any such acquisition or displacement occurring prior to submission of an application shall not be subject to these regulations. The State agency may at any time request a HUD determination as to whether or not such an acquisition and any resulting displacement are considered to be for an assisted activity and to be subject to these regulations. The request shall be submitted to the HUD Area Office and shall include appropriate background documentation.

(3) If the owner or occupant of a property disagrees with the State agency's determination that the Uniform Act and the regulations in this part do not apply to the acquisition of the property by the State agency or to a displacement resulting from the acquisition, he/she may file an appeal under Subpart J (Appeals), whether or not the acquisition or displacement occurs before or after submission of the application for financial assistance. The specific payments and other assistance for which an appeal may be filed are set forth in § 42.703(a).

* * * * *

Issued at Washington, D.C., September 24, 1979.

Robert C. Embry, Jr.,

Acting Secretary, Housing and Urban Development.

[FR Doc. 79-30362 Filed 9-28-79; 8:45 am]

BILLING CODE 4210-01-M

Office of the Assistant Secretary for Community Planning and Development

24 CFR Part 570

[Docket No. R-79-519]

Community Development Block Grant; Uniform Relocation Assistance and Real Property Acquisition

AGENCY: Office of Assistant Secretary for Community Planning and Development, HUD.

ACTION: Final rule.

SUMMARY: HUD is issuing a final rule explaining when the acquisition of real property by a State agency (all block grant recipients are State agencies) and resulting displacement are considered to be for an activity assisted under the community development block grant program and to be subject to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act) and HUD implementing rules at 24 CFR Part 42.

EFFECTIVE DATE: November 8, 1979.

FOR FURTHER INFORMATION CONTACT: Harold J. Huecker, Director, Relocation and Real Estate Division, HUD/

Community Planning and Development, 451 Seventh Street, S.W., Washington, D.C. 20410, 202–755–6336.

SUPPLEMENTARY INFORMATION: On March 31, 1978 (43 FR 13858), HUD proposed revision of 24 CFR 570.602 to explain when the Uniform Act and HUD implementing regulations at 24 CFR Part 42 apply to the acquisition of real property for a community development block grant program and resulting displacements. For the reasons explained in the preamble to 24 CFR 42.79(c) published as a final rule elsewhere in the **Federal Register** on this same date, the Department is issuing the following final rule conforming 24 CFR 570.602 to the revised 24 CFR 42.79(c).

A Finding of Inapplicability with regard to the Environmental Impact of these rules has been prepared in accordance with HUD Procedures for Protection and Enhancement of Environmental Quality. A copy of that finding is available for inspection in the Office of the Rules Docket Clerk at the address indicated above.

(Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.); sec. 213, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601); sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

§ 570.602 [Amended]

1. Section 570.602 (a) and (b) are replaced by the following § 570.602(a):

* * * * *

(a) The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act) and HUD implementing regulations at 24 CFR Part 42 apply to any acquisition of real property by a State agency (defined at 24 CFR 42.85) that is carried out for an activity assisted under this Part and to the displacement of any family, individual, business, nonprofit organization or farm that results from such acquisition.

(1) Any acquisition of real property by a "State agency" and any displacement resulting from such acquisition of real property shall be considered to be for an activity assisted under the community development block grant program and to be subject to the regulations at 24 CFR Part 42 if the acquisition or displacement occurs on or after the date of the submission of the application requesting Federal financial assistance which is granted for an activity for which the acquisition has been or will be undertaken. However, if the recipient determines that an acquisition or displacement was not carried out for an assisted activity, and the HUD Area Office serving the locality concurs in that determination, such acquisition or displacement shall not be subject to these regulations. The recipient's request for HUD concurrence shall include its certification that at the time of the acquisition it did not intend to use the property for an assisted activity and appropriate documentation to establish that fact.

(2) The recipient or HUD, which shall monitor compliance with the Uniform Act, may determine that an acquisition prior to submission of an application for financial assistance and any resulting displacement were carried out for an assisted activity and are subject to these regulations. In the absence of such a determination by the recipient or HUD, any such acquisition or displacement occurring prior to submission of an application shall not be subject to these regulations. The recipient may at any time request a HUD determination as to whether or not such an acquisition and any resulting displacement are considered to be for an assisted activity and to be subject to these regulations. The request shall be submitted to the HUD Area Office and shall include appropriate background documentation.

(3) If the owner or occupant of a property disagrees with the recipient's determination that the Uniform Act and the regulations at 24 CFR Part 42 do not apply to the acquisition of the property or to a displacement resulting from the acquisition, he/she may file an appeal under 24 CFR Part 42 Subpart J (Appeals), whether or not the acquisition or displacement occurs before or after submission of the application for financial assistance. The specific payments and other assistance for which an appeal may be filed are set forth in 24 CFR 42.703(a).

* * * * *

§ 570.602(c) [Redesignated as § 570.602(b)]

2. Section 570.602(c) is redesignated as § 570.602(b).

§ 570.602(d) [Redesignated as § 570.602(c)]

3. Section 570.602(d) is redesignated as § 570.602(c).

* * * * *

Issued at Washington, D.C., September 24, 1979.

Robert C. Embry, Jr.,

Assistant Secretary for Community Planning and Development.

[FR Doc. 79-30361 Filed 9-28-79; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco, and Firearms

27 CFR Part 201

[T.D. ATF-61]

Distilled Spirits Plant Losses After Tax Determination

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF).

ACTION: Final rule, Treasury decision.

SUMMARY: This rule implements regulations that prescribe an increase in the amount of allowable losses occurring during bottling operations at distilled spirits plants. Present regulatory allowances are not providing adequate coverage for losses incurred by distilled spirits plants, as was intended by the law. These regulatory changes are intended to more nearly cover actual losses without jeopardizing the revenue.

DATES: These regulations are effective for the computation year beginning July 1, 1978.

FOR FURTHER INFORMATION CONTACT: Norman P. Blake, Research and Regulations Branch, 202–566–7626.

SUPPLEMENTARY INFORMATION: This Treasury decision is the result of a notice of proposed rulemaking published in the **Federal Register** on July 2, 1979, 44 FR 38573 (Notice No. 323). The notice proposed to amend 27 CFR § 201.485a by increasing the allowable operational losses at distilled spirits plants to the maximum statutory limit of 2 percent of the total completions. It was also proposed that a physical inventory would be required to support a claim, either, tentative or final.

Discussion of Comments

Comments were received from four interested parties. All of the commentors fully supported the proposal to increase the allowable losses to 2 percent. One commentor took exception, but did not object, to the proposed requirement for a physical inventory to support tentative loss claims.

Background

Effective July 1, 1959, 26 U.S.C. Section 5008(c)(3)(A) provided a maximum allowable loss schedule for bottling losses based upon completions. A schedule was formulated under 27 CFR 201.485a to insure that proprietors of distilled spirits plants would provide for minimum losses by running a closely supervised bottling operation and thereby provide adequate protection for the revenue.

The schedule established after enactment of law is, however, flexible. Authorization is provided the Secretary or his delegate to reduce or increase the amount of the maximum allowable losses in the schedule when he finds that such an adjustment is necessary to more nearly provide for the actual losses without jeopardy to the revenue. The only other stipulation in the law is that in no event shall allowable losses exceed 2 percent of total completions.

Treasury Decision ATF–31, effective July 1, 1976, addressed the problem of losses for cordials, liqueurs, cocktails, and other distilled spirits specialties. This decision afforded industry the opportunity to use a separate schedule (under 27 CFR 201.485a(b)(2)) for determining allowable losses resulting from the bottling of these products.

Since issuance of T.D. AFT–31, the Bureau has received several petitions from the distilled spirits industry requesting an overall increase in the maximum allowable loss schedule. In response to these petitions, ATF initiated a study to determine whether the current schedule is adequately fulfilling the intent of the law.

The Bureau's study shows that many plants are not being compensated for their losses up to the statutory limit of 2 percent. Since 1958 many changes in distilling and bottling procedures (changes in filters and chill proofing), modernization of equipment (faster line speeds), and consumer preferences (demand for lower proof products and the trend to larger sizes) have made the original premises on which the current loss schedule is based obsolete. Also, apart from the tax, the value of the spirits lost has also drastically increased over the years. This is an additional incentive to industry for closer supervision and attentiveness to bottling operations and losses which in turn results in greater protection of the revenue.

Legislative intent made provisions in the law for increases in the schedule, up to a 2 percent maximum, when the original schedule was found not to be consistent with protection of the revenue or the increase was justifiable on the basis of actual losses. Therefore, in order to more fully comply with the intent of the law without increasing administrative costs in enforcing the statutory provisions, the Bureau is issuing the following changes to the regulations.

Regulatory Changes

Generally, the following amendments will eliminate a maximum loss schedule and impose a standard of loss allowance to be at the maximum statutory limit of 2 percent of total completions. In effect this will also eliminate the need for an optional schedule and the necessity for a separate computation for cordials, liqueurs, cocktails, mixed drinks, and specialties added to the regulations in 1976 by T.D. ATF–31. These changes will also effect some minor, simplifying changes to ATF F 5110.13, Pages 1 and 2 (Statement of Losses at Bottling Premises).

In order to supplement these changes, amendments are also made to the regulations incorporating prior legal rulings regarding inventories taken to support claims filed under this section. To increase protection of the revenue, physical inventories taken under this section will be required to support either tentative or final claims.

These changes will more closely align the regulations with the intent of the law and remove the inadequacies of the original schedule due to numerous changes in plant operations, new products, new trends, and the higher cost of the product. It will not add any new administrative burden on the government or require the adoption of any new costly investigative techniques. It will eliminate extra forms and filing procedures for the alcoholic beverage industry and will not jeopardize the revenue.

Drafting Information

The principal author of this document is Norman P. Blake of the Bureau of Alcohol, Tobacco and Firearms. However, other personnel of the Bureau and of the Treasury Department have participated in the preparation of this document, both in matters of substance and style.

Authority and Issuance

Accordingly, under the authority contained in 26 U.S.C. 7805 (68A Stat. 917), 27 CFR Part 201 is amended as follows:

§ 201.45 [Amended]

Paragraph 1. Section 201.45(d)(3), is amended by deleting, in the last sentence, Form 2611 and inserting ATF Form 5110.13.

Par. 2. Section 201.485a is completely amended to read as follows:

§ 201.485a Maximum allowable losses.

The proprietor will compute and claim operating losses collectively for all spirits. Loss allowances will be for actual losses incurred not to exceed 2 percent of total completions. The maximum allowable loss not to exceed 2 percent of all completions during the computation year in proof gallons applies to all products.

(Sec. 201, Pub. L. 85–859, 72 Stat. 1323, as amended (26 U.S.C. 5008))

§ 201.486 [Amended]

Par. 3. Section 201.486 is amended to completely delete paragraph (c) and redesignate paragraph (d) to read (c).

§ 201.488 [Amended]

Par. 4. Section 201.488 is amended to completely delete paragraph (b) and to redesignate the following paragraphs (c), (d), and (e), as (b), (c), and (d).

Par. 5. Section 201.491 is amended to remove references to Page 2 of Form 2611 under § 201.485a (b)(1) and (b)(2). As amended, § 201.491 reads as follows:

§ 201.491 Claims and supporting data.

(a) Any person filing a claim under § 201.45(d) shall file with the claim, as supporting data, ATF F 5110.13, Page 1, to show computation of the losses described in §§ 201.485 and 201.487, as applicable. Proprietors shall also prepare ATF F 5110.13, Page 2, to support claims which include losses of Puerto Rican and/or Virgin Islands spirits.

(b) Any person filing a final claim for operational loss under §§ 201.485 and 201.487 shall file the final claim within 6 months of the close of the computation year.

(c) Any person filing a claim under § 201.45(c) to cover losses by accident or disaster as described in § 201.484 shall file the claim within 6 months from the date of the loss.

(Sec. 201, Pub. L. 85–859, 72 Stat. 1323 as amended, (26 U.S.C. 5008))

Par. 6. Section 201.492 is amended to read as follows:

§ 201.492 Inventories.

Any proprietor intending to file claim under § 201.45(d) shall before beginning business on the first business day of the first period for which he intends to file claim (either tentative or final) and at the close of the last business day of each period for which any such claim (either tentative or final) is to be filed, take a physical inventory of all alcoholic ingredients that have been dumped for use in the production of spirits products and which are in process (i.e., those which are not "completions" as defined in § 201.11). The proprietor shall show, in the record of such inventory, the contents of each container in proof gallons, and as to each container, whether the contents are (a) spirits withdrawn by him from bond directly to his bottling premises for rectification or bottling, as provided in this part, or which are otherwise eligible for loss

allowance by reason of the provisions of section 5008(c)(5), I.R.C., (b) other spirits, (c) wines which have been dumped for use in the manufacture of distilled spirits products, or (d) a mixture of such spirits or wines with each other, or with alcoholic flavoring or blending ingredients. The record of any inventory taken, under this section, for the first business day of the first period for which a proprietor intends to file a claim shall show as to paragraphs (c) and (d) of this section the proof gallons of each component comprising the contents of each container. Physical inventories required under the provisions of this section shall be taken under such supervision, or verified in such manner as the regional regulatory administrator may require. The proprietor shall record in similar detail the quantities of alcoholic ingredients on-hand which are not in process. The proprietor shall, at least 3 days in advance, advise the assigned officer, or the area supervisor, of the date and time he will take any physical inventory under this section.

(72 Stat. 1323, as amended; 26 U.S.C. 5008)

§ 201.563 [Amended]

Par. 7. Section 201.563 is amended, in the next to the last sentence, by deleting Form 2611 and inserting ATF Form 5110.13.

Signed: September 7, 1979.

G. R. Dickerson,

Director.

Approved: September 19, 1979.

Richard J. Davis,

Assistant Secretary (Enforcement and Operations).

[FR Doc. 79-30448 Filed 9-28-79; 8:45 am]

BILLING CODE 4810-31-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 51

[DoD Directive 1322.11] [1]

Education and Training in Human/Race Relations for Military Personnel

AGENCY: Office of the Secretary of Defense.

ACTION: Revision of final rule.

SUMMARY: This revision changes the title of the "Defense Race Relations Institute" to "Defense Equal Opportunity Management Institute." The policies and responsibilities remain the same. This program was established to eliminate human/racial tensions, unrest, and violence.

EFFECTIVE DATE: August 2, 1979.

FOR FURTHER INFORMATION CONTACT: Colonel Clarence A. Miller, Office of the Deputy Assistant Secretary of Defense (Equal Opportunity), Room 3E326, The Pentagon, Washington, D.C. 20301, Telephone: 202-695-0107.

SUPPLEMENTARY INFORMATION: In FR Doc. 78-34535 appearing in the Federal Register on December 12, 1978 (43 FR 58083) the Office of the Secretary of Defense published Part 51, "Education and Training in Human/Race Relations for Military Personnel," effective September 12, 1978. This amendment revises §§ 51.1 (a) and (b); 51.4(b), (1), (iii) and (v); 61.5(a), (1); and 51.6 (a) and (b), reading as follows:

§ 51.1 Purpose.

This part: (a) Is reissued to expand its coverage to Human/Race Relations and Equal Opportunity; extend Race Relations Education Board membership to the Coast Guard; defines the mission of Defense Equal Opportunity Management Institute; establish an annual curriculum review requirement; and provide for nomination and approval of faculty and staff.

(b) Incorporates those provisions in 32 CFR Part 191 relating to the Defense Equal Opportunity Management Institute and the Race Relations Education Board.

* * * * *

§ 51.4 Organization and functions.

* * * * *

(b) The *Defense Equal Opportunity Management Institute (EOMI)* is established as a DoD field activity, operating under the supervision and direction of the Office of the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) and subject to policy guidance by the RREB. Located as a tenant on an established military installation, the EOMI will be supported administratively and logistically by the Military Department responsible for the host installation.

(1) The mission of the EOMI is to:

* * * * *

(iii) Subject to its primary responsibility of training EOMI students, act as a resource and provide consultant services to DoD activities requesting assistance in equal opportunity/equal employment opportunity.

* * * * *

(v) Evaluate EOMI's program effectiveness.

* * * * *

§ 51.5 Responsibilities.

* * * * *

(a) The *Assistant Secretary of Defense (MRA&L)* shall identify, accept, and approve nominations for key staff billets and all faculty billets at the EOMI.

(b) The *Secretaries of the Military Departments* shall:

(1) Select and assign full-time human/race relations and equal opportunity instructors and staff personnel who will be trained by the EOMI.

* * * * *

§ 51.6 Programing, budgeting, and financing.

The Military Department assigned responsibility for administrative and logistical support will be responsible for programing, budgeting, and financing all operational expenses of the EOMI, except as indicated below, and will identify separately all such expenses in its Operation and Maintenance budget and financial plan submitted to the Office of the Secretary of Defense.

(a) The pay, allowances (including subsistence), and travel reimbursements of DoD personnel permanently or temporarily assigned to assist in the management or operation of the EOMI, including instructors, will be borne by the parent Military Service of assignment. The salaries and expenses, including travel, of civilian personnel temporarily assigned will be borne by the DoD Component of assignment.

(b) Pay, allowances, and travel costs (not integral to courses of instruction) of military and civilian personnel assigned as students at the EOMI will be borne by their sponsoring DoD Components.

* * * * *

(Pub. L. 92-261, sec. 301, 80 Stat. 379 (5 U.S.C. 301, 10 U.S.C. 133))

September 25, 1979.

H. E. Lofdahl,

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

[FR Doc. 79-30323 Filed 9-28-79; 8:45 am]

BILLING CODE 3810-70-M

32 CFR Part 231

[DoD Directive 1000.11] [1]

Banking Offices on DoD Installations

AGENCY: Office of the Secretary of Defense.

ACTION: Amendment of final rule.

[1] Copies may be obtained, if needed, from the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, Pa. 19120. Attention: Code 301.

[1] Copies may be obtained, if needed, from the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA 19120. Attention: Code 301.

SUMMARY: This revision clarifies certain aspects and definitions regarding DoD support of banking facilities, and leasing agreements of land, improvements and construction of Government-owned buildings by banks serving on military installations worldwide.

EFFECTIVE DATE: June 21, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. Burton B. Moyer, Office of the Deputy Assistant Secretary of Defense (Management Systems), OASD (Comptroller), The Pentagon, Washington, D.C. 20301, Telephone: 202–697–8281.

SUPPLEMENTARY INFORMATION: In FR Doc. 77–33742 appearing in the **Federal Register** on November 23, 1977 (43 FR 59972) the Office of the Secretary of Defense published DoD policies regarding banks on DoD installations. This amendment revises §§ 231.5(a) (1), (3), and (4); 231.5(b)(1), (b)(1)(v), (b)(2) and (b)(3), reading as follows:

* * * * *

§ 231.5 Logistical support and services.

* * * * *

(a) *Nonself-Sustaining Banking Facilities.* * * *

(1) Generally, space in Government buildings and logistical support will be furnished in support of banking facilities on a nonreimbursable permit for a period of 5 years, subject to renewal for an additional 5 years by mutual agreement.

* * * * *

(3) In the event of a notice by the Treasury Department that a domestic banking facility has become a self-sustaining organization, the nonreimbursable permit under which it occupies DoD space shall be terminated and a lease will be negotiated in accordance with § 231.5(b)(1).

(4) In those exceptional instances where a nonself-sustaining banking facility is authorized to construct its own building on Government-owned land, no ground rent will be charged until the facility is determined to be self-sustaining or until expiration of the term of lease, whichever occurs sooner. When either of these events occur, a fair market rental, as determined by appraisal in accordance with § 231.5(b)(1) will be charged. Conditions of construction under § 231.5(b)(3) apply.

(b) *Self-Sustaining Banking Offices—*(1) *Lease of Land.* A lease of land for construction of a building to house a self-sustaining banking office shall be at appraised fair market rental value as defined in § 231.7(j). The term of the lease will not exceed 25 years. Once determined, the charges will be applicable for the entire term of the lease.

* * * * *

(v) If title to improvements passes to the United States, arrangements may be made for continued occupancy by the banking office, provided that a mutually acceptable lease is negotiated which includes provisions for fair market rental value on the land and improvements, and payment of utilities and other support service costs by the lessee.

(2) *Lease of Government-owned building.* A lease of an existing Government structure to house a self-sustaining banking office shall be at appraised fair market rental value and shall take into consideration those factors enumerated in § 231.7(j).

* * * * *

(3) *Construction of building.* A banking institution authorized to operate a banking office on a military installation may construct a building to house its activities, subject to the following provisions.

* * * * *

(10 U.S.C. Sec. 136)

September 26, 1979.

H. E. Lofdahl,

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

[FR Doc. 79–30324 Filed 9–28–79; 8:45 am]

BILLING CODE 3810–70–M

VETERANS ADMINISTRATION

38 CFR Part 36

Increase in Maximum Permissible Interest Rate on New, Guaranteed, Insured and Direct Loans

AGENCY: Veterans Administration.

ACTION: Final regulations.

SUMMARY: The VA (Veterans Administration) is increasing the maximum interest rate on guaranteed, insured and direct loans for new homes and condominiums. The interest rate is also increased on loans for the purchase of a mobile home lot or for site preparation over $2,500 on a lot previously acquired by a veteran. The maximum interest rate is increased because the former interest rate was not sufficiently competitive to induce private sector lenders to make VA guaranteed or insured loans without imposing substantial discounts. The increase in the interest rate will assure a continuing supply of funds for home mortgages; thereby allowing veterans to purchase a home with the assistance of a no downpayment VA loan.

EFFECTIVE DATE: September 26, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. George D. Moerman, Loan Guaranty Service (264), Department of Veterans Benefits, Veterans Administration, 810 Vermont Ave., NW, Washington, D.C. 20420 (202–389–3042).

SUPPLEMENTARY INFORMATION: The Administrator is required to establish a maximum interest rate for loans guaranteed, insured or made by the Veterans Administration as he finds the mortgage money market demands. Recent market indicators—including the rate of discount charged by lenders on VA and Federal Housing Administration loans, the general increase in interest rates charged by lenders on conventional loans, and the results of the bi-weekly Federal National Mortgage Association auctions—have shown that the mortgage money market has become more restrictive. The maximum rate in effect for VA guaranteed loans has not been sufficiently competitive to induce private sector lenders to make VA guaranteed or insured loans without imposing substantial discounts. To assure a continuing supply of funds for home mortgages through the VA loan guaranty program it has been determined that an increase in the maximum permissible rate is necessary. The increased return to the lender will make VA loans competitive with other available investments and assure a continuing supply of funds for guaranteed and insured mortgages.

No change is being made in the maximum interest rate applicable to the mobile home loan program at this time except as to loans to purchase mobile home lots.

A loan to purchase a mobile home lot is similar to other real estate loans and for the purpose of assuring a continuing supply of funds and consistency with other real estate programs, the rate on these loans is also being increased.

The increase in the maximum interest rate is accomplished by amending §§ 36.4212(a) (2) and (3), 36.4311(a), and 36.4503(a), Title 38 Code of Federal Regulations. Compliance with the procedure for publication of proposed regulations prior to final adoption is waived because compliance would create an acute shortage of mortgage funds pending the final date which would necessarily be more than 30 days after publication in proposed form.

Approved: September 25, 1979.

Max Cleland,

Administrator.

1. In § 36.4212, paragraph (a) (2) and (3) is revised to read as follows:

§ 36.4212 Interest rates and late charges.

(a) The interest rate charged the borrower on a loan guaranteed pursuant to 38 U.S.C. 1819 may not exceed the following maxima except on loans guaranteed or insured pursuant to guaranty or insurance commitments issued by the Veterans Administration prior to September 26, 1979. (38 U.S.C. 1819(f).)

* * * * *

(2) 10½ percent simple interest per annum for that portion of the loan which finances the purchase of a lot and the cost of necessary site preparation, if any.

(3) 10½ percent simple interest per annum on that portion of a loan which will finance the cost of the site preparation necessary to make a lot owned by the veteran acceptable as the site for the mobile home purchased with the proceeds of the loan except that a rate of not to exceed 12 percent may be charged if the portion of the loan to pay for the cost of such necessary site preparation does not exceed $2,500.

* * * * *

2. In § 36.4311, paragraph (a) is revised to read as follows:

§ 36.4311 Interest rates.

(a) Excepting loans guaranteed or insured pursuant to guaranty or insurance commitments issued by the Veterans Administration which specify an interest rate in excess of 10½ per centum per annum, effective September 26, 1979, the interest rate on any loan guaranteed or insured wholly or in part on or after such date may not exceed 10½ per centum per annum on the unpaid principal balance. (38 U.S.C.1803(c)(1).)

* * * * *

3. In § 36.4503, paragraph (a) is revised to read as follows:

§ 36.4503 Amount and amortization.

(a) The original principal amount of any loan made on or after October 1, 1978, shall not exceed an amount which bears the same ratio to $33,000 as the amount of the guaranty to which the veteran is entitled under 38 U.S.C. 1810 at the time the loan is made bears to $25,000. This limitation shall not preclude the making of advances, otherwise proper, subsequent to the making of the loan pursuant to the provisions of § 36.4511. Loans made by the Veterans Administration shall bear interest at the rate of 10½ percent per annum. (38 U.S.C. 1811(d) (1) and (2)(A).)

* * * * *

[FR Doc. 79-30351 Filed 9-28-79; 8:45 am]

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 413

[FRL 1331-2]

Effluent Guidelines and Standards, Electroplating Point Source Category, Pretreatment Standards for Existing Sources

AGENCY: U.S. Environmental Protection Agency.

ACTION: Final rule; correction.

SUMMARY: The following corrections are to be made in the Agency's Electroplating pretreatment final regulation that appeared in the **Federal Register** on Friday, September 7, 1979 (FR Doc. 79-27905). The corrections represent editing, typing and composing errors.

DATES: These corrections are effective October 1, 1979.

FOR FURTHER INFORMATION CONTACT: Ernst P. Hall, Effluent Guidelines Division (WH-552), Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460, (202) 426-2576.

Date: September 26, 1979.

James N. Smith,

Acting Assistant Administrator for Water and Waste Management.

1. Section 413.03(b) is revised to read as follows:

§ 413.03 (b) [Amended].

* * * * *

(b) For the purpose of enforcement of pretreatment standards, consecutive samples taken and analyzed shall be considered as being taken on consecutive days even though one or more non-sampling days intervene. In applying the pretreatment standards where more than one but less than 30 samples have been taken and analyzed during any month, the following formula shall be used to establish the standard for each pollutant which the average of the samples shall not exceed:

$$L_x = L_{30} + F_x (L_1 - L_{30})$$

Where:

L_x = Standard not to be exceeded by the average of x consecutive samples.

L_1 = Maximum for any one day.

L_{30} = Standard not to be exceeded by the average of 30 consecutive days.

F_x = Multiplier for number of samples analyzed (from table below).

Values of F_x

Number samples	F_x
1	1.00
2	0.597
3	0.430
4	0.335

Values of F_x—Continued

Number samples	F_x
5	0.266
6	0.223
7	0.186
8	0.167
9	0.141
10	0.127
11	0.114
12	0.102
13	0.089
14	0.077
15	0.064
16	0.058
17	0.052
18	0.045
19	0.039
20	0.033
21	0.030
22	0.026
23	0.023
24	0.020
25	0.016
26	0.013
27	0.010
28	0.007
29	0.003
30	0.000

2. Section 413.14(d) is revised to read as follows:

§ 413.14(d) [Amended].

* * * * *

(d) Alternatively, the following mass-based standards are equivalent to and may be applied in place of those limitations specified under paragraph (c) of this section upon prior agreement between a source subject to these standards and the publicly owned treatment works receiving such regulated wastes:

Pollutant or pollutant property	Pretreatment standard (mg/sq m-operation)	
	Maximum for any 1 day	Average of daily values for 30 consecutive monitoring days shall not exceed—
CN,T	29	9
Cu	176	70
Ni	160	70
Cr	273	98
Zn	164	70
Pb	23	12
Cd	47	20
Total metals	410	195

3. Section 413.20 is revised to read as follows:

§ 413.20 Applicability: Description of the electroplating of precious metals subcategory.

The provisions of this subpart apply to discharges of process wastewaters resulting from the process in which a ferrous or nonferrous basis material is plated with gold, silver, iridium, palladium, platinum, rhodium, ruthenium, or any combination of these.

4. Paragraphs 413.22 (a) through (d) are revised to read as follows, with paragraphs (e) and (f) deleted:

§ 413.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any 1day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	(Metric units) milligrams per square meters per operation	
Silver	16	8
Gold	16	8
CN, A	16	8
CN, Total	160	80
Cr, Total	160	80
CrVI	16	8
Iridium	16	8
Osmium	16	8
Palladium	16	8
Platinum	16	8
Rhodium	16	8
Ruthenium	16	8
Phosphorus	320	160
TSS	6400	3200
pH	Within the range 6.0 to 9.5	
	(English units) pounds per million square feet per operation	
Silver	3.3	1.6
Gold	3.3	1.6
CN, A	3.3	1.6
CN, Total	32.7	16.4
Cr, Total	32.7	16.4
CrVI	3.3	1.6
Iridium	3.3	1.6
Osmium	3.3	1.6
Palladium	3.3	1.6
Platinum	3.3	1.6
Rhodium	3.3	1.6
Ruthenium	3.3	1.6
Phosphorus	65.4	32.7
TSS	1308	654
pH	Within the range 6.0 to 9.5	

(b) Stripping, where followed by a rinse and conducted in conjunction with electroplating for the purpose of salvaging improperly plated parts, may be included under the term "operation" for the purpose of calculating effluent discharges.

(c) Electroless plating on non-metallic materials for the purpose of providing a conductive surface on the basis material, preceeding the actual electroplating step and forming an integral step in the plating line and followed by a rinse may be included under the term "operation" for the purpose of calculating effluent discharges.

(d) Pursuant to section 308 of the Act, point sources subject to the provisions of this subpart shall maintain records of production expressed in sq m or sq ft as defined in § 413.11 for the purpose of determining compliance with the effluent limitations in § 413.12(a). For the purpose of complying with the requirements of this paragraph, a discharger may establish a correlation between area plated and another parameter, such as ampere-hours used in plating.

Note.—At 41 FR 53019, December 3, 1976, § 413.22 was suspended indefinitely.

5. Section 413.24(e) is revised to read as follows:

§ 413.24(e) [Amended].

* * * * *

(e) For wastewater sources regulated under paragraph (c) of this section, the following optional control program may be elected by the source introducing treated process wastewater into a publicly owned treatment works with the concurrence of the control authority. These optional pollutant parameters are not eligible for allowance for removal achieved by the publicly owned treatment works under 40 CFR 403.7. In the absence of strong chelating agents, after reduction of hexavalent chromium wastes and after neutralization using calcium oxide (or hydroxide) the following limitations shall apply:

Pollutant or pollutant property	Pretreatment standard (mg/1): Maximum for any 1 day	Pretreatment standard (mg/1): Average of daily values for 30 consecutive monitoring days shall not exceed—
CN, T	0.8	0.23
Pb	0.6	0.3
Cd	1.2	0.5
TSS	20.0	10.0
pH	Within the range 7.5 to 10.0	

6. Paragraphs 413.42 (a) through (d) are revised to read as follows, with paragraphs (e) and (f) deleted:

§ 413.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed
	(Metric units) milligrams per square meter per operation	
Copper	90	45
Nickel	90	45
Cr, Total	90	45
CrVI	9	4.5
Zinc	90	45
CN, Total	90	45
CN, A	9	4.5
Fluoride	3600	1800
Cadmium	54	27
Iron	180	90
Tin	180	90
Phosphorus	180	90
TSS	3600	1800
pH	Within the range 6.0 to 9.5	
	(English units) pounds per million square feet per operation	
Copper	18.4	9.2
Nickel	18.4	9.2
Cr, Total	18.4	9.2
CrVI	1.8	9.2
Zinc	18.4	9.2
CN, Total	18.4	9.2
CN,A	1.8	9.2
Flouride	738	369
Cadmium	8.8	4.4
Iron	36.8	18.4
Tin	36.8	18.4
Phosphorus	36.8	18.4
TSS	738	369
pH	Within the range 6.0 to 9.5	

(b) For any point source subject to such effluent limitations with a total employment of less than 11 persons, with a discharge from the establishment of wastewater generated from the metal finishing process of less than 7,800 liters per hour (2,061 gallons per hour) and with a production rate of less than 4.9 sq m per hour per employee (52.7 sq ft per hour per employee), the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged:

Effluent Characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed
	(Metric units) milligrams per square meters per operation	
CN,A	9	4.5
CN,Total	90	45
Flow	Equalize	
pH	Within the range 6.0 to 9.0	
	(English units) pounds per million square feet per operation	
CN,A	1.8	.92
CN,Total	18.4	9.2
Flow	Equalize	
pH	Within the range 6.0 to 9.0	

(c) Pursuant to section 308 of the Act, point source subject to the provisions of this subpart shall maintain records of production expressed in sq m or sq ft as defined in § 413.11 for the purpose of determining compliance with the effluent limitations in § 413.12(a). For the purpose of complying with the requirements of this paragraph, a discharger may establish a correlation between area plated and another parameter, such as ampere-hours used in plating.

Note.—At 41 FR 53019, Dec. 3, 1976, § 413.42 was suspended indefinitely.

7. Paragraphs 413.52 (a) through (d) are revised to read as follows, with paragraphs (e) and (f) deleted:

§ 413.52 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed
	(Metric units) milligrams per square meter per operation	
Copper	80	40
Nickel	80	40
Cr, Total	80	40
CrVI	8	4
Zinc	80	40
CN, Total	80	40
CN,A	8	4
Fluoride	3600	1800
Cadmium	48	24
Iron	160	80
Tin	160	80
Phosphorus	160	80
TSS	3600	1800
pH	Within the range 6.0 to 9.5	
	(English units) pounds per million square feet per operation	
Copper	16.4	8.2
Nickel	16.4	8.2
Cr, Total	16.4	8.2
CrVI	1.6	.82
Zinc	16.4	8.2
CN, Total	16.4	8.2
CN,A	1.6	.82
Fluoride	646	323
Cadmium	9.8	4.9
Iron	32.8	16.4
Tin	32.8	16.4
Phosphorus	32.8	16.4
TSS	646	323
pH	Within the range 6.0 to 9.5	

(b) For any point source subject to such effluent limitations with a total employment of less than 11 persons, with a discharge from the establishment of wastewater generated from the metal finishing process of less than 7,800 liters per hour (2,061 gallons per hour) and with a production rate of less than 4.9 sq m per hour per employee (52.7 sq ft per hour per employee), the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed
	(Metric units) milligrams per square meter per operation	
CN,A	8	4
CN,Total	80	40
Flow	Equalize	
pH	Within the range 6.0 to 9.0	
	(English units) pounds per million square feet per operation	
CN,A	1.6	.82
CN,Total	16.4	8.2
Flow	Equalize	
pH	Within the range 6.0 to 9.0	

(c) Pursuant to section 308 of the Act, point source subject to the provisions of this subpart shall maintain records of production expressed in sq m or sq ft as defined in § 413.11 for the purpose of determining compliance with the effluent limitations in § 413.12(a). For the purpose of complying with the requirements of this paragraph, a discharger may establish a correlation between area plated and another parameter, such as ampere-hours used in plating.

Note.—At 41 FR 53019, Dec. 3, 1976, § 413.52 was suspended indefinitely.

8. Section 413.54(d) is revised to read as follows:

§ 413.54(d) [Revised].

* * * * *

(d) Alternatively, the following mass-based standards are equivalent to and may apply in place of those limitations specified under paragraph (c) of this section upon prior agreement between a source subject to these standards and the publicly owned treatment works receiving such regulated wastes:

Pollutant or pollutant property	Pretreatment Standard (mg/sq m-operation): Maximum for any 1 day	Pretreatment Standard (mg/sq m-operation): Average of daily values for 30 consecutive monitoring days shall not exceed
CN,T	29	9
Cu	178	70
Ni	160	70
Cr	273	98
Zn	164	70
Pb	23	12
Cd	47	20
Total metals	410	195

9. Paragraphs 413.62 (a) through (d) are revised to read as follows, with paragraphs (e) and (f) deleted:

§ 413.62 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) The following limitations establish quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed
	(Metric units) milligrams per square meters per operations	
Copper	120	60
Nickel	120	60
Cr, Total	120	60
CrVI	12	6
Zinc	120	60
Cn, Total	120	60
CN,A	18	9
Fluoride	4800	2400
Cadmium	72	36
Iron	240	120
Tin	240	120
Phosphorus	240	2400
TSS	4800	2400
pH	Within the range 6.0 to 9.5	
	(English units) pounds per million square feet per operation	
Copper	24.6	12.3
Nickel	24.6	12.3
Cr, Total	24.6	12.3
CrVI	2.4	1.2
Zinc	24.6	12.3
CN, Total	24.6	12.3
CN,A	3.8	1.9
Flouride	984	492
Cadmium	14.8	7.4
Iron	49.2	24.6
Tin	49.2	24.6
Phosphorus	49.2	24.6
TSS	984	492
pH	Within the range 6.0 to 9.5	

(b) For any point source subject to such effluent limitations with a total employment of less than 11 persons, with a discharge from the establishment

of wastewater generated from the metal finishing process of less than 7,800 liters per hour (2,061 gallons per hour) and with a production rate of less than 4.9 sq m per hour per employee (52.7 sq ft per hour per employee), the following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed
	(Metric units) milligrams per square meters per operation	
CN, A	9	4.5
CN, Total	90	45
Flow	Equalize	
pH	Within the range 6.0 to 9.0	
	(English units) pounds per million square feet per operation	
CN, A	1.8	.92
CN, Total	18.4	9.2
Flow	Equalize	
pH	Within the range 6.0 to 9.0	

(c) Pursuant to section 308 of the Act, point source subject to the provisions of this subpart shall maintain records of production expressed in sq m or sq ft as defined in § 413.11 for the purpose of determining compliance with the effluent limitations in § 413.12(a). For the purpose of complying with the requirements of this paragraph, a discharger may establish a correlation between area plated and another parameter, such as ampere-hours used in plating.

Note.—At 41 FR 53019, Dec. 3, 1976, § 413.62 was suspended indefinitely.

[FR Doc. 79-30365 Filed 9-28-79; 8:45 am]

BILLING CODE 6560-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Care Financing Administration

42 CFR Part 456

Medical Assistance Program; Penalty for Failure To Make a Satisfactory Showing of an Effective Institutional Utilization Control Program

AGENCY: Health Care Financing Administration (HCFA), HEW.

ACTION: Final regulation.

SUMMARY: This regulation provides for reduction of the Federal share of Medicaid payments to a State if its Medicaid agency does not demonstrate, to the satisfaction of the Administrator of HCFA, that it has an effective program of control over the utilization of inpatient institutional services. The regulation specifies (1) the requirements agencies must meet to avoid a reduction in Federal matching; (2) the content and format of quarterly reports that agencies must make to show that they have met these requirements; (3) a formula for reduction in Federal matching payments that is based on the number of patients in those facilites in which the requirements were not met; and (4) the procedures for making required reductions.

This regulation implements section 20 of the Medicare-Medicaid Anti-Fraud and Abuse Amendments of 1977 (Pub. L. 95–142), and incorporates existing policies established by HCFA to implement Section 1903(g) of the Social Security Act. The purpose is to moderate the severity of the previous penalty formula, to authorize the Administrator to grant limited exceptions to States that do not meet the on-site patient review requirements and to codify more effective management procedures for the program.

EFFECTIVE DATE: December 31, 1979.

FOR FURTHER INFORMATION CONTACT: Carlton Stockton, (301) 597–1350

SUPPLEMENTARY INFORMATION:

Background

Section 1903 (g) of the Social Security Act requires a reduction in Federal matching payments for the costs of inpatient institutional services under Medicaid in every quarter for which a State fails to make a satisfactory showing that it has an effective program of control over the utilization of those services.

Section 1903 (g) specifies the four basic requirements of a utilization control (UC) program. With respect to each patient:

1. The need for inpatient services must be certified, and periodically recertified, by a physician;

2. A plan of care must be established and periodically reviewed by a physician;

3. The State must have a continuous program of utilization review under which the admission of each recipient is either reviewed or screened; and

4. The State must have an effective program of medical and independent professional review. Before the 1977 amendments made by Pub. L. 95–142, the statute required that the Federal medical assistance percentage, with respect to amounts paid for long stay services, be reduced by one-third for each quarter and each category of institution for which UC requirements were not met. Although we announced reductions under these provisions amounting to millions of dollars during 1977, these reductions were postponed by the Congress. (See Pub. L. 95–59; Pub. L. 95–142.)

Pub. L. 95–142 made a number of changes to section 1903(g). The legislative history of these changes indicates that they were designed to lessen the severity of the required reductions, to establish a reasonable timetable for the submission of showings to HEW and the subsequent HEW review and validation, and to give adequate notice to the States of any resulting reductions. Specifically, these changes address the (1) timing of annual medical review (MR) and independent professional review (IPR); (2) staffing requirements for MR teams in skilled nursing facilities; (3) exceptions to the requirement that the State perform 100 percent of the required reviews; (4) timing for submission of a State's showing; (5) performance of validation surveys; (6) change in the reduction formula; and (7) timing of the final notice to a State of any reductions.

Notice of Proposed Rulemaking

On November 1, 1978, HCFA published a notice of proposed rule making (NPRM) (43 FR 50922) that specified the basic requirements of an effective utilization control (UC) program with respect to inpatient institutional services, and HCFA's methods and procedures for reducing the Federal share of Medicaid payments if States fail to demonstrate that they have such a program. Twenty-three comments were received from State agencies and others. In general, the commenters supported the approach taken in the NPRM. The following discussion of those comments follows the outline of the issues presented in the NPRM preamble.

Elimination of UC Requirement for Discharge Planning

Section 1903(g) specifies four UC requirements: physician certification and recertification of the need for care; physician plan of care; utilization review; and annual medical and independent professional review of care. Section 456.652 of the proposed rule limited the requirements which the States must meet to avoid reductions in FFP to the four specified in the statute. The former penalty regulation contained an additional requirement for discharge planning in skilled nursing facilities. One commenter assumed that the requirement for discharge planning was

being eliminated altogether and objected to its deletion. The regulations still require discharge planning in skilled nursing facilities (42 CFR §§ 456.346–456.348). However, the requirement will no longer be subject to the quarterly showing and penalty provisions of this regulation. It remains a State plan requirement, enforced through plan compliance procedures under section 1904 of the Act.

Utilization Review (UR) Requirement

Section 1903(g) specifies that a State must have "in effect a continuous program of review of utilization pursuant to section 1902(a)(30) whereby each admission is reviewed or screened. . . ." As amended by the Social Security Amendments of 1975 (Pub. L. 94–182), section 1903(g)(1)(C) no longer explicitly requires continued stay review (periodic review of the care of patients who are in the facility a specified length of time). Section 1902(a)(30) requires that State plans provide such methods and procedures "relating to the utilization of . . . care and services available under the plan (including but not limited to utilization review plans as provided for in section 1903(i)(4) . . . as may be necessary to safeguard against unnecessary utilization of such care and services . . ." Section 1903(i)(4) requires that all hospitals and skilled nursing facilities participating in Medicaid have in effect a utilization review (UR) plan that meets the requirements of section 1861(k) of the Act. Section 1861(k)(3) explicitly requires continued stay review. Under this authority, HCFA plans to propose UR regulations for continued stay review. We believe that continued stay review is of major importance as a means of improving the quality of patient care and, therefore, that it should be a procedure subject to the UC penalty.

Section 456.652(a)(3) of the proposed regulation published November 1, provided that a State must make a satisfactory showing that it met the requirement for "a continuous program of utilization review under which the admission of each recipient is reviewed or screened in accordance with section 1903(g)(1)(C) of the Act". That section is being promulgated in final form without change. However, since section 1903(g)(1)(C) incorporates UR requirements under section 1902(a)(30), and section 1902(a)(30) incorporates the UR requirement for continued stay, we intend to propose amending the penalty regulation, after we have published a final UR regulation, to include continued stay review.

Recipients in Out-of-State Facilities

The NPRM did not include a proposed rule on this issue, but did specifically solicit comments on the problems facing the States and the best method of administering UC requirements for services provided to recipients of one State who are cared for in facilities in another State.

Statutory Provisions

Section 1903(g)(1) refers to "services furnished under the State plan". It seems to require that a State ensure that all UC requirements are met for all recipients receiving inpatient services under its plan, regardless of whether the recipients are in facilities located within the State or in another State. However, section 1903(g)(1) also specifies that a State must make a satisfactory showing that there is an effective UC program "in operation in the State". This seems to limit this penalty provision to recipients cared for in facilities in the State.

Sections 1903(g)(1) (A) and (B) specify that physician certification and plan of care requirements be met for each recipient receiving services under the plan.

Section 1903(g)(1)(C) requires a continuous program of utilization review under section 1902(a)(30), which refers to care and services available under the plan.

Section 1903(g)(1)(D) incorporates the requirements for medical review (MR) and SNFs and independent professional review (IPR) in ICFs set forth in sections 1902(a) (26) and (31) of the Act respectively. Sections 1902(a) (26)(A) and (31)(A) refer to care provided under the State plan, but sections 1902(a) (26)(B) and (31)(B), which contain the on-site review requirement, explicitly limit this requirement to facilities located "within the State".

Although the statute requires that a State meet the requirements for physician certification and recertification, plan of care and utilization review for all recipients for which it claims FFP under its plan, the on-site review requirement for MR and IPR is specifically limited to facilities located within the State.

Comments and Final Regulation

Most comments on this issue related to the on-site review requirement, which would cause States the most administrative expense and possible duplication of effort. Twelve States and one private organization commented on ways to meet the on-site review requirement. They suggested three alternative solutions: 1) require MR and IPR teams to review *all* Medicaid recipients in a facility including those paid for by another State; 2) mandate that States have reciprocal agreements with each other for reviewing each other's recipients; 3) allow States flexibility to work out arrangements between themselves or with PSROs for performing MR and IPR. Almost all commenters pointed out the strain that would be placed on interstate relations if HCFA required that MR or IPR teams cross State borders to review the care of State recipients in out-of-State facilities.

We have concluded that we do not have the statutory authority to penalize a State for failure to conduct on-site medical and independent professional reviews for recipients for whom they do not claim FFP—i.e., recipients from other States who are in facilities within the State. In addition, we think there is no practical way to require a State to do, or be responsible for, on-site reviews for its recipients who are in facilities in other States. Consequently we will continue the current practice of not requiring States to review patients in out-of-State facilities. States remain free, of course, to make reciprocal arrangements to monitor the care given their recipients out-of-State. However, this review will not be subject to the UC penalty, except where a State owns and operates a long-term care institution located in another State. In this case, the State owning the institution will be required to report the institution or facility on its quarterly showing and to provide for appropriate on-site review.

One commenter suggested (by enclosing a copy of the State's invoice statement for long-term care facilities) that each out-of-State facility be required to sign a statement for each recipient certifying that the requirements for physician certification, recertification, plan of care and facility-based utilization review had been met. On the sample invoice, the certification was confined to physician certification and recertification and was printed on the back of the invoice statement. We have not evaluated this certification system, but mention it here for Medicaid agency consideration.

Recipients in Facilities Without Valid Provider Agreements

We proposed in the NPRM to hold States accountable for assuring that the UC requirements are met for facilities without valid provider agreements if the State claims or intends to claim FFP for payments to those facilities. This situation usually occurs when a facility continues to provide services while appealing a denial or termination of its agreement. All commenters on this issue agreed with HCFA's position. We have

retained the provision as proposed, with minor clarifications.

Inpatient Psychiatric Services for Recipients Under 21

We also proposed in the NPRM to apply the UC requirements to inpatient psychiatric services furnished to recipients under 21 in non-hospital facilities. Section 1905(h)(1)(A) of the Act defines inpatient psychiatric services for individuals under 21 as those services provided in an institution accredited "as a psychiatric hospital" by the Joint Commission on Accreditation of Hospitals (JCAH). JCAH does not accredit psychiatric hospitals as such, but rather accredits "psychiatric facilities" which may include non-hospitals institutions or programs. The proposed regulation broadened the definition of the term "mental hospital" to include these psychiatric facilities or programs accredited by JCAH. Thus, the statutory UC requirements applicable to mental hospitals were also made applicable to these psychiatric facilities or programs.

Four States and one private organization commented on the proposed definition of "mental hospital".

One commenter opposed the requirement for Medicaid acceptance of JCAH accreditation of mental hospitals in general. Section 1905(h)(1)(A) of the Act requires this result, and no regulatory change can be made.

One commenter foresaw confusion between the terms "mental hospital" and "institution for mental disease". We defined the term "mental hospital" in the NPRM in order to make inpatient psychiatric services subject to the UC requirements. We have eliminated the definition and, instead, specify in § 456.652 of the final regulation that, to make a satisfactory showing to the Administrator, the agency must meet the requirements specified in §§ 456.481 and 456.482, dealing with inpatient psychiatric services for individuals under age 21. We have eliminated the term "institution for mental diseases" in the final regulation, and use instead the language in Part 456, Subpart I (dealing with annual inspections of care) which refers to facilities that primarily care for mental patients. We have also amended the definition of "psychiatric facility" in Subpart I to make clear that the term includes all facilities or programs that provide inpatient psychiatric services to individuals under 21, for which FFP is provided under Part 441, Subpart D.

Two commenters saw potential confusion over the fact that JCAH also accredits acute care hospitals and that these facilities may, in turn, have psychiatric units. Medicaid patients in psychiatric units of general or acute care hospitals are subject to the UC requirements for physician certification, recertification, plan of care and utilization review because those requirements apply to all hospitals under section 1903(g), but they are not subject to medical review since the annual medical review requirement of section 1903(g)(1)(D) does not apply to acute care hospitals. We have amended the definition of "psychiatric facility" in Subpart I to clarify this point.

Onsite Facility Review Requirement

We proposed in the NPRM that annual reviews would be considered timely if they are performed by the end of the calendar quarter corresponding to the quarter in which a facility entered the program or the quarter in which the facility had been inspected the previous year. Under this interpretation, States would not be required to track the length of time each individual recipient was in a facility, and the review date would not relate to the length of stay of any individual recipient in that facility.

We also proposed not to alter the anniversary due date of a facility if a level of care were added to or deleted from the facility's provider agreement.

All comments received supported these two provisions. However, several States took exception to our proposal that where, on the day of the scheduled review, no Medicaid patients are found in the facility, the due date for an on-site inspection would be moved to the next quarter. The States commented that this provision was overly restrictive and that the review date should be moved forward one year, since this would still mean no patient would be in the facility for more than one year without being reviewed. However, this would be inconsistent with the regulatory scheme in which the timing of reviews is based on facilities and not on the length of time individuals were in those facilities. Additionally, we do not believe that to require the State to contact the facility in each subsequent quarter to determine if there are Medicaid patients in the facility is unduly burdensome. In most cases, the State will merely telephone the facility to determine whether to schedule another review. We have clarified the regulation to specify that a review team visit is not required until the State finds that Medicaid patients are in the facility.

Review Team Composition Requirements

The NPRM proposed to delete the requirement in the existing regulation that a physician be a member of the on-site review team in skilled nursing facilities. This change implements an amendment made by Pub. L. 95–142, which allows States to have either a physician or registered nurse on the team. One commenter opposed the change, citing the benefits of physician evaluations. Since our proposed change was required to implement the statute, we are retaining it. However, neither the statute nor the regulation prevents a State from adding a physician to its review team if it wishes to do so.

The Exception Clauses

Section 20 of Pub. L. 95–142 amended section 1903(g) to require the Secretary to find a showing satisfactory with respect to the requirement for medical review (MR) or independent professional review (IPR)—

> "if the showing demonstrates that the State has conducted such an onsite inspection during the 12-month period ending on the last date of the calendar quarter—
>
> "(i) in each of not less than 98 per centum of the number of such hospitals and facilities requiring such inspection, and
>
> "(ii) in every such hospital or facility which has 200 or more beds,
>
> and that, with respect to such hospitals and facilities not inspected within such period, the State has exercised good faith and due diligence in attempting to conduct such inspection, or if the State demonstrates to the satisfaction of the Secretary that it would have made such a showing but for failings of a technical nature only."

The proposed regulations provided that FFP would not be reduced for a State's failure to conduct all required on-site inspections if the 98 percent and 200 bed adherence level was achieved by the close of the showing quarter, and the failure to achieve 100 percent compliance was clearly beyond the agency's control and could not have been reasonably anticipated. Additionally, we proposed to excuse, under the "technical failings" exceptions failures to achieve 100 percent compliance by the close of the showing quarter if the failure was due to circumstances within the State agency's control and the reviews were completed within 30 days after the close of the showing quarter. We proposed not to excuse, under either provision, a State's failure to complete reviews in any facility with 200 or more beds certified for Title XIX use or in more than 2 percent of the combined total of all facilities requiring inspections.

Commenters on the proposed rule believed that it too narrowly construed the statutory exception clauses and did not reflect the intent of Congress. Specifically, commenters argued that the statute does not limit the "good faith

and due diligence" exception to circumstances beyond the State agency's control, and that the legislative intent behind "failings of a technical nature" was to excuse States from having to meet the 98 percent, 200-bed standard. They also objected that allowing only 30 days for completion of reviews under the "technical failings" exception was too rigid. Other commenters requested that HCFA specify what circumstance we would consider to be beyond a State agency's control so that the State would qualify for the "good faith and due diligence" exception. Finally, commenters found drafting inconsistencies between our intended purpose, as expressed in the preamble to the proposed rule, and the rule itself (§ 456.653). After reviewing the legislative history of this provision and considering the comments, we have revised § 456.653. The following summary of the legislative history may be helpful in understanding our conclusions.

The concept of allowing States some tolerance level for the on-site review requirements originated in the House Interstate and Foreign Commerce Committee Report on H.R. 3 (H. Rep. No. 95–393, Pt. II, 95th Cong., 1st Sess. (1977)). The Committee provided that if a State had made a good faith attempt to perform the on-site review requirements in all facilities scheduled for review in a quarter, and succeeded in reviewing all large institutions (those with 200 or more beds) and at least 98 percent of all institutions, it would be found in compliance with section 1903(g).

The Senate Finance Committee version of H.R. 3 also included the concept of a tolerance level, but instead of using the 98 percent formula included in the House-passed bill, the Senate version provided for a more general waiver authority if a State's non-compliance were "of a technical nature only, or . . . due to circumstances beyond the control of the State". (S. Rep. No. 95–453, 95th Cong., 1st Sess., pp. 41, 86–87 (1977).)

The House-Senate Conference report accepted the more narrowly defined tolerance level of the House but combined it with language from the Senate.

As expressed in the Conference Report, if a State attempts in good faith to perform reviews in all institutions, and "actually reviews all large institutions and 98 percent of all other institutions (or fails to meet this standard only for technical reasons), it will be considered in full compliance with the requirements of the law". (H. Rep. No. 95–673, 95th Cong., 1st Sess., p. 48 (1977).) As enacted, section 1903(g)(4)(B) provides that a State's showing with reference to the on-site review requirements will be found satisfactory if it meets the 98 percent and 200-bed standard and the State has exercised good faith and due diligence in attempting to review those facilities not inspected, or if the State demonstrates that it would have met the standard except for failings of a technical nature.

We have retained the good faith and due diligence exception as published in the NPRM. However, we have revised the final regulation to allow States, under the technical failing exception, to reach the 98 percent, 200-bed standard (rather than a standard of 100%) within 30 days of the close of the quarter if there were circumstances (within their control) during the showing quarter which prevented the reviews from taking place. We believe that this change accurately reflects Congressional intent.

Good Faith and Due Diligence Exception

Under this exception we will find a State's showing satisfactory, with respect to the on-site review requirements, if by the close of the showing quarter, the State has reviewed 98 percent of all facilities and all facilities with 200 or more certified Title XIX beds, and if the State attempted, in good faith and with due diligence, to review all other facilities but failed because of circumstances beyond the State agency's control which could not have been anticipated. We believe that the inherent meaning of the phrase "good faith and due diligence" is that the State agency made attempts to perform reviews but was prevented from doing so by circumstances over which it had no control. These circumstances could arise at the facility (as, for example, a review team is prevented from entering a facility due to quarantine or court order), or could arise from severe and unpredictable weather disturbances, preventing the team from getting to the facility.

Technical Failings Exception

Under this exception, we will find a State's showing satisfactory, if, despite the fact that a State fails to meet 100 percent compliance by the end of the showing quarter, the State is, nevertheless, able to meet the 98 percent, 200-bed standard by the date of submittal of the state's showing to HCFA (30 days past the close of the showing quarter). The only guidance as to what would constitute a "failing of a technical nature" is from the Senate Report. That report indicates the two factors to be considered: (1) that a State has performed reviews in most, but not all facilities by the close of the showing quarter, and (2) that the unreviewed facilities were reviewed within "several weeks" of the close of the quarter. We believe that requiring the 98 percent, 200-bed standard to be met by the end of the 30-day period allowed by statute for submission of showings is consistent with the legislative guidance.

Data Requirements for Quarterly Showing

PSRO Assumption of Review

Several States objected to the proposed State plan requirement (§ 456.7) that the States submit quarterly the names, addresses and provider numbers of those facilities that are under binding PSRO review. The intention of this requirement was to ensure that both HCFA and the State know in which facilities the State must still meet UC requirements. One State agency suggested, as an alternative, that we add a column to the quarterly showing format that would be used by each State to report the date on which it was relieved of review responsibility for each particular facility. We believe that this procedure will accomplish our original objective with little or no additional burden on State agencies. We have, therefore, deleted the requirement as a separate State plan requirement, and included this information as an item in the quarterly showing (§ 456.654).

Submittal of Provider Agreements

Commenters indicated confusion over the requirement that copies of provider agreements be submitted to document beginning and ending provider agreement dates (§ 456.654). Some commenters interpreted this provision as requiring that provider agreements must be submitted every quarter for every facility participating in a State's program. This is not the case. The State must report beginning and ending provider agreement dates on the quarterly showing only for facilities that entered or left the program during the year covered by the showing, and must submit provider agreements only for those facilities. The regulation has been changed to clarify this requirement.

Quarterly Showing Format

In commenting on requirements for quarterly showing content and submittal (§ 456.654), several States made specific suggestions for revising the report. These recommendations, for the most part, concerned consolidation, simplification, and, as already mentioned, alternative methods for

reporting facilities under PSRO review. HCFA has revised the quarterly showing format, taking into consideration all of these suggestions.

One commenter suggested that we require that a State show the number of Medicaid beds for each facility on the quarterly showing so that we may determine more easily if a facility with more that 200 Medicaid beds was not reviewed. The number of Medicaid beds in a facility often fluctuates and, thus, States would have to update these data quarterly. We have decided that we will not impose this burden on all States by requiring this information as an additional item on the quarterly showing.

Dual-Certified Facilities

Several commenters objected to our proposal to count twice facilities that are certified for both SNF and ICF care in determining the total number of facilities requiring inspection and the total number of unreviewed facilities. We count reviews completed at each level of care in a facility separately because the statute requires that recipients in SNFs receive one type of annual review (medical review) which recipients in ICFs receive another type (independent professional review). Regulatory requirements differ in some respects (see Part 456, Subpart I). Moreover, section 1903 (g)(5) requires that disallowances be made for each level of care for which UC requirements are not met. We therfore must require that States report each dual-certified facility both as a SNF and as an ICF and report the date each required annual review was completed.

As long as the team composition and the review process used for each level of care meet Federal requirements, States are free to schedule simultaneous medical and independent professional review in a facility certified for both types of care. However, whether a single review team or two review teams are used, both the SNF portion and the ICF portion of a dual-certified facility must be reviewed, and each recipient in the facility at the time of the review must be reviewed. (See § 456.608 of this part.) The review must take place some time during the twelve-month period ending on the last day of the showing quarter, as long as there are Medicaid recipients at each level of care in the facility.

One commenter suggested that, in determining whether a facility has more than 200 beds, only beds that are occupied by Medicaid patients should be counted. The statute requires that States perform review in all facilities with "200 or more beds" (section 1903(g)(4)(B)). As proposed in the NPRM, we will count only beds that are certified for Medicaid use (where these data are available), because we believe that this is the only feasible way to administer the requirement.

Another commenter suggested that, if only one level of care is reviewed in a dual-certified facility, only the Medicaid patients in the unreviewed portion of the facility be counted in the penalty calculation. The regulations provide that, in the case of a dual-certified facility with one level of care unreviewed, only those beds certified for Medicaid use at the level of care that is not reviewed will be counted in the penalty calculation.

Timing of Fiscal Reductions

Several commenters requested clarification of § 456.656 with respect to when reductions will be taken and suggested that no actual reductions should be taken until after administrative review by the Departmental Grant Appeals Board and judicial review, if the review is sought by the State.

States must submit their quarterly showing to the HCFA Regional Office within 30 days after the close of the calendar quarter. Within 60 days of the close of the calendar quarter, HCFA makes a final determination as to whether the showing is satisfactory on its face. This determination is made *before* a grant award is issued to the State based on the Quarterly Statement of Expenditures for the showing quarter. If the showing is unsatisfactory, the reduction must be made in that grant award. HCFA has no statutory authority to delay making the required reduction if it has knowledge of a State's unsatisfactory showing before an award is made.

Under existing procedure, however, showings are not validated by HCFA, and disallowances resulting from validation surveys are not determined, until several months after the grant award has been issued to the State based on the Quarterly Statement of Expenditures for the quarter being validated. In this case, since the award has already been issued, no reduction will be made until after the administrative reconsideration process.

It should be noted, however, that HCFA has proposed to change the latter procedure so that funds will be recovered when the disallowance is made, and then restored to the State if an appeal is successful. See the Notice of Proposed Rule Making revising 45 CFR Part 201, Grants to States for Medical Assistance (43 FR 38345, August 25, 1978).

42 CFR Part 456 is amended as set forth below:

1. Section 456.601 is revised to read as follows:

§ 456.601 Definitions.

For purposes of this subpart—

"Facility means a skilled nursing facility, an institution for mental diseases, or an intermediate care facility.

"Intermediate care facility" includes institutions for the mentally retarded or persons with related conditions but excludes Christian Science sanatoria operated, or listed and certified, by the First Church of Christ Scientist, Boston, Mass.

"Institution for mental diseases" includes a mental hospital, a psychiatric facility, and a skilled nursing or intermediate care facility that primarily cares for mental patients.

"Psychiatric facility" includes a facility or program that provides inpatient psychiatric services for individuals under 21, as specified in § 441.151 of this chapter, but does not include psychiatric wards in acute care hospitals.

2. Section 456.611 is amended by adding a new paragraph (c) to read as follows:

§ 456.611 Reports on inspections.

* * * * *

(c) The report must include the dates of the inspection and the names and qualifications of the members of the team.

3. The table of contents is amended by adding a new Subpart J to Part 456 to read as follows:

Subpart J—Penalty for Failure To Make a Satisfactory Showing of An Effective Institutional Utilization Control Program

Sec.

456.650 Basis, purpose, and scope.
456.651 Definitions.
456.652 Requirements for an effective utilization control program.
456.653 Acceptable reasons for not meeting requirements for annual on-site review.
456.654 Requirements for content of showings and procedures for submittal.
456.655 Validation of showings.
456.656 Reductions in FFP.
456.657 Computation of reductions in FFP.

Authority: Secs. 1102 and 1903(g) of the Social Security Act (42 U.S.C. 1302 and 1396 b(g)).

4. A new Subpart J is added to read as follows:

Subpart J—Penalty for Failure To Make a Satisfactory Showing of an Effective Institutional Utilization Control Program

§ 456.650 Basis, purpose and scope.

(a) *Basis.* Section 1903(g) of the Act requires that FFP for long-stay inpatient services at a level of care be reduced, by a specified formula, for any quarter in which a State fails to make a satisfactory showing that it has an effective program of utilization control for that level of care.

(b) *Purpose.* This subpart specifies—

(1) What States must do to make a satisfactory showing;

(2) How the Administrator will determine whether reductions will be imposed; and

(3) How the required reductions will be implemented.

(c) *Scope.* The reductions required by this subpart do not apply to services provided—

(1) Under a contract with a health maintenance organization; or

(2) In facilities for which a Professional Standards Review Organization (PSRO) has assumed binding review responsibility. (See § 463.27 of this chapter.)

§ 456.651 Definitions.

For purposes of this subpart—

"Facility", with respect to inpatient psychiatric services for individuals under 21, includes a psychiatric program as specified in § 441.151 of this chapter.

"Level of care" means one of the following types of inpatient services: hospital, mental hospital, skilled nursing facility, intermediate care facility, or psychiatric services for individuals under 21.

"Long-stay services" means services provided to a recipient after a total of 60 days of inpatient stay (90 in the case of mental hospital services) during a 12-month period beginning July 1, not counting days of stay paid for wholly or in part by Medicare.

§ 456.652 Requirements for an effective utilization control program.

(a) *General requirements.* In order to avoid a reduction in FFP, the Medicaid agency must make a satisfactory showing to the Administrator, in each quarter, that it has met the following requirements for each recipient:

(1) Physician certification and recertification of the need for inpatient care, as specified in §§ 456.60, 456.160, 456.260, 456.360 and 456.481.

(2) A plan of care established and periodically reviewed and evaluated by a physician, as specified in §§ 456.80, 456.180, 456.280, 456.380 and 456.481.

(3) A continuous program of utilization review under which the admission of each recipient is reviewed or screened in accordance with section 1903(g)(1)(C) of the Act; and

(4) A regular program of reviews, including medical evaluations, and annual on-site reviews of the care of each recipient, as specified in §§ 456.170, 456.270, 456.370, 456.482 and subpart I of this part.

(b) *Annual on-site review requirements.* (1) An agency meets the quarterly on-site review requirements of paragraph (a)(4) of this section for a quarter if it completes on-site reviews of each recipient in every facility in the State, and in every State-owned facility regardless of location, by the end of the quarter in which a review is required under paragraph (b)(2) of this section.

(2) An on-site review is required in a facility by the end of a quarter if the facility entered the Medicaid program during the same calendar quarter 1 year earlier or has not been reviewed since the same calendar quarter 1 year earlier. If there is no Medicaid recipient in the facility on the day a review is scheduled, the review is not required until the next quarter in which there is a Medicaid recipient in the facility.

(3) If a facility is not reviewed in the quarter in which it is required to be reviewed under paragraph (b)(2) of this section, it will continue to require a review in each subsequent quarter until the review is performed.

(4) The requirement for an on-site review in a given quarter is not affected by the addition or deletion of a level of care in a facility's provider agreement.

(c) *Facilities without valid provider agreements.* The requirements of paragraphs (a) and (b) of this section apply with respect to recipients for whose care the agency intends to claim FFP even if the recipients receive care in a facility whose provider agreement has expired or been terminated.

§ 456.653 Acceptable reasons for not meeting requirements for annual review.

The Administrator will find an agency's showing satisfactory, even if it failed to meet the annual review requirements of §456.652(a)(4), if—

(a) The agency demonstrates that—(1) It completed reviews by the end of the quarter in at least 98 percent of all facilities requiring review by the end of the quarter;

(2) It completed reviews by the end of the quarter in all facilities with 200 or more certified Medicaid beds requiring review by the end of the quarter; and

(3) With respect to all unreviewed facilities, the agency exercised good faith and due diligence by attempting to review those facilities and would have succeeded but for events beyond its control which it could not have reasonably anticipated; or

(b) The agency demonstrates that it failed to meet the standard in paragraph (a) (1) and (2) of this section by the close of the quarter for technical reasons, but met the standard within 30 days after the close of the quarter. Technical reasons are circumstances within the agency's control.

(c) Facilities that are reviewed under paragraph (b) of this section, after the quarter in which they were due for review, retain their original anniversary quarter due date for purposes of subsequent reviews.

§ 456.654 Requirements for content of showings and procedures for submittal.

(a) An agency's showing for a quarter must—

(1) Include a certification by the agency that the requirements of § 456.652(a) (1) through (4) were met during the quarter for each level of care or, if applicable, a certification of the reasons the annual on-site review requirements of § 456.652(a)(4) were not met in any facilities;

(2) For all mental hospitals, skilled nursing facilities, intermediate care facilities, and facilities providing inpatient psychiatric services for individuals under 21, participating in Medicaid any time during the 12–month period ending on the last day of the quarter, list each facility by level of care, name, address and provider number;

(3) For each facility entering or leaving the program during the 12–month period ending on the last day of the quarter, list the beginning or ending dates of the provider agreement and supply a copy of the provider agreement;

(4) If binding review authority has been assumed by a PSRO for a facility for which a showing would otherwise have had to be made, list the date the PSRO assumed review responsibility;

(5) List all dates of on-site reviews completed by review teams anytime during the 12–month period ending on the last day of the quarter;

(6) For all facilities in which an on-site review was required but not conducted, list the facility by name, address and provider number;

(7) For each on-site review in a mental hospital, skilled nursing or intermediate care facility that primarily cares for

mental patients, or inpatient psychiatric facility, list the name and qualifications of one team member who is a physician; and

(8) For each on-site review in an intermediate care facility or skilled nursing facility that does not primarily care for mental patients, list the name and qualifications of one team member who is either a physician or registered nurse.

(b) The quarterly showing must be in the form prescribed by the Administrator.

(c) The quarterly showing must be postmarked or received within 30 days after the close of the quarter for which it is made, unless the agency demonstrates good cause for later submittal and the showing is postmarked or received within 45 days after the close of the quarter. Good cause means unanticipated circumstances beyond the agency's control.

§ 456.655 Validation of showings.

(a) The Administrator will periodically validate showings submitted under § 456.654. Validation procedures will include on-site sample surveys of institutions and surveys at the Medicaid agencies.

(b) The Administrator will not find an agency's showing satisfactory if the information obtained through his validation procedures demonstrates, that any of the requirements of § 456.652(a) (1) through (4) were not met during the quarter for which the showing was made.

§ 456.656 Reductions in FFP.

(a) If the Administrator determines an agency's showing does not meet each of the requirements of this sub-part, he will give the agency 30 days notice before making the required reduction.

(b) If the Administrator determines that a showing for any quarter is unsatisfactory on its face, he will make the required reduction in the grant award based on the Quarterly Statement of Expenditures for that quarter. (See 45 CFR 201.5(a)(3).)

(c) If the Administrator finds a showing satisfactory on its face, but after validation determines the showing to be unsatisfactory, he will notify the agency of any required reduction in FFP no later than the first day of the fourth calendar quarter following the calendar quarter for which the showing was made. Any required reduction will be made by amending or adjusting the agency's grant award.

(d) The agency may request reconsideration of a reduction in accordance with the procedures specified in 45 CFR Part 16.

§ 456.657 Computation of reductions in FFP.

(a) For each level of care specified in a provider agreement, and for each quarter for which a satisfactory showing is not made, the amount of the reduction in FFP is computed as follows:

(1) For each level of care, the number of recipients who received services in facilities that did not meet the requirements of this subpart is divided by the total number of recipients who received services in facilities for which a showing was required under this subpart. If any of the requirements specified in § 456.652(a)(1) through (4) were not met for any recipient in a facility, the reduction will be computed on the total number of recipients in that facility at the level of care in question.

(2) The fraction obtained in paragraph (aX1) of this section is multiplied by one-third.

(3) the product obtained in paragraph (aX2) of this section is multiplied by the Federal Medical Assistance Percentage (FMAP).

(4) The product obtained in paragraph (a)(3) of this section is multiplied by the agency payments for longstay services furnished during the quarter at that level of care.

(b) If any of the data required to compute the amount of the reduction in FFP are unavailable, the Administrator will substitute an estimate. If the agency determines the exact data to the satisfaction of the Administrator, the estimate may later be adjusted. If the number of recipients in individual facilities is not available, the fraction specified in paragraph (a)(1) of this section will be estimated, for each level of care, by dividing the number of facilities in which the requirements were not met by the total number of facilities for which a showing is required under this subpart.

(Secs. 1102 and 1903(g) of the Social Security Act; (42 U.S.C. 1302 and 1396 b(g)))

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program)

Dated: August 28, 1979.

Earl M. Collier, Jr.,

Acting Administrator, Health Care Financing Administration.

Approved: September 24, 1979.

Patricia Roberts Harris,

Secretary.

[FR Doc. 79-30348 Filed 9-28-79; 8:45 am]

BILLING CODE 4110-35-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Parts 221, 3400, 3410, 3420, 3422, 3430, 3440, 3450, 3460, 3470, 3500, 3501, 3502, 3503, 3504, 3507, 3511, 3520, 3521, 3524, 3525, 3526, 3550, 3564, 3565, 3566, and 3568

Coal Management; Federally Owned Coal; Correction

AGENCY: Bureau of Land Management, Interior.

ACTION: Correction notice.

SUMMARY: The final rulemaking published in the Thursday, July 19, 1979 **Federal Register** (44 FR 42584), on Circular No. 2449, contained some errors. This notice is being published to correct those errors.

DATE: Effective on October 1, 1979.

ADDRESS: Any suggestions or inquiries on this notice should be sent to: Director (141), Bureau of Land Management, Department of the Interior, 1800 C. Street, NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Don R. Mitchell, (202) 343-4537; or Robert C. Bruce (202) 343-8735.

The corrections are as follows:

PART 3400—COAL MANAGEMENT—GENERAL

1. The last sentence of § 3400.4(a), page 42609, is corrected as follows:

§ 3400.4 Responsibilities.

(a) * * * If the region is a multi-state region under the jurisdiction of more than one Bureau of Land Management State Office, each State Director shall designate a Bureau of Land Management representative for each state.

* * * * *

PART 3420—COMPETITIVE LEASING

§ 3420.2-3 [Amended]

2. Section 3420.2-3(e)(3)(i)(B), page 42618, is corrected as follows:

* * * * *

(e) * * *

(3) * * *

(i) * * * or (B) the ownership of the surface estate of qualified surface owners who expressed such a preference is transferred to surface owners who are not qualified surface owners or to qualified surface owners who subsequently provide consent to such mining; and * * *.

3. The first sentence of § 3420.3-2(k), page 46620, is corrected as follows:

* * * * *

(k) Two years after the adoption of each new regional lease sale schedule, the Secretary shall review the final regional leasing target which applies to that schedule through the process set out in paragraphs (b) through (j) of this section and, if necessary, revise the final regional leasing target for the final 2 years of the sale schedule. * * *

4. Section 3420.4–2(d), page 42621, is corrected as follows:

§ 3420.4–2 Expressions of leasing interest.

* * * * *

(d) Entities qualifying for public body leasing opportunities as defined in section 3420.1–4(b)(1) of this title shall make their intentions known through submission of expressions of leasing interest when called for by the Secretary.

* * * * *

PART 3430—NONCOMPETITIVE LEASING

5. Section 3430.3–2(c), page 42630, is corrected as follows:

§ 3430.3–2 Environmental analysis.

* * * * *

(c) The environmental assessment or environmental impact statement shall be prepared containing recommendations on lease terms and special stipulations regarding:

* * * * *

6. Section 3432.1(b), page 42632, is corrected as follows:

§ 3432.1 Application.

* * * * *

(b) The lessee shall file the application for modification in the Bureau of Land Management State Office having jurisdiction over the lands involved (43 CFR Subpart 1821), describing the additional lands desired, the lessee's needs or reasons for such modification, and the reasons why the modification would be to the advantage of the United States.

7. Section 3437.1–1(b)(2), page 42634, is corrected as follows:

§ 3437.1–1 Qualified exchange proponents.

* * * * *

(b) * * *

(2) Who have had or whose lessees have had the regulatory authority not issue a surface mining permit because the holding is in an alluvial valley floor, and who otherwise meet the criteria of the provisions in section 510(b)(5) of the Surface Mining Control and Reclamation Act. Any such person may propose an exchange under this subpart.

PART 3470—COAL MANAGEMENT PROVISIONS AND LIMITATIONS

8. The table of contents of Subpart 3472, page 42643, is corrected as follows:

Subpart 3472—Lease Qualification Requirements

Sec.
3472.1 Qualifications.
3472.1–1 Qualified applicants and bidders.
3472.1–2 Special leasing qualifications.
3472.1–3 Acreage limitations.
3472.2 Filing of qualification statements.
3472.2–1 Sole party in interest statement.
3472.2–2 Contents of qualification statement.
3472.2–3 Signature of applicant.
3472.2–4 Special qualifications heirs, and devisees (estates).
3472.2–5 Special qualifications, public bodies.

9. The titles to §§ 3472.1, 3472.1–1, 3472.1–2 and 3472.1–3, page 42644, are corrected as follows:

§ 3472.1 Qualifications.

§ 3472.1–1 Qualified applicants and bidders.

§ 3472.1–2 Special leasing qualifications.

§ 3472.1–3 Acreage limitations.

10. Section 3474.2, page 42649, is corrected as follows:

§ 3474.2 Type of bond required.

(a) A lease bond for each lease, conditioned upon compliance with all terms and conditions of the lease, except reclamation within a permit area, shall be furnished in the amount determined by the authorized officer. The amount of the bond may be changed if the authorized officer considers such a change to be proper and necessary.

(b) For exploration licenses, a bond shall be furnished in accordance with § 3410.3–5 of this title.

11. In the amendment portion of the rulemaking, page 42650, the phrase "PART 3041 (Deleted)" is corrected to read "Subpart 3041 (Deleted)".

PART 3500—LEASING OF MINERALS OTHER THAN OIL AND GAS; GENERAL

12. In the amendment portion of the rulemaking, page 42650, § 3501.2–3 is corrected as follows:

§ 3501.2–3 [Amended]

10. 43 CFR 3501.2–3(a) is amended by the deletion of the word "coal" so that the subsection begins "Phosphate * * *

13. In the amendment portion of the rulemaking, page 42650, § 3502.1–1 is corrected as follows:

§ 3502.1–1 [Amended]

12. 43 CFR 3502.1–1 is amended by the deletion of paragraph (c).

13. 43 CFR Part 3502 is amended by deleting §§ 3502.2–1 and 3502.2–2 and revising § 3502.2 to read as follows:

§ 3502.2 Individuals—Statement of citizenship.

If the applicant is an individual, he/she shall submit with each application for permit or lease a statement over his/her own signature setting forth the applicant's citizenship.

14. In the amendment portion of the rulemaking, page 42650, § 3502.9 is corrected as follows:

§ 3502.9 and 3502.9–1 [Deleted]

14. 43 CFR 3502.9 and 3502.9–1 are deleted in their entirety.

15. In the amendment portion of the rulemaking, page 42650, § 3504.5–1 is corrected as follows:

§ 3504.5–1, 3504.6–1, 3504.7–1 [Amended]

22. 43 CFR 3504.5–1, .6–1 and .7–1 are amended by the deletion of the word 'coal'.

PART 3560—SPECIAL LEASING ACTS

16. In the amendment portion of the rulemaking, page 42651, § 3564.6 is corrected as follows:

§ 3564.6 [Amended]

59. 43 CFR 3564.6 is amended by the deletion of the word 'coal in Part 211 and to'.

60. The third sentence of 43 CFR 3564.6 is amended to read, 'Leases for minerals subject to this subpart not listed in the preceding sentence shall be governed by the operating regulations in 30 CFR Part 231.'

17. In the amendment portion of the rulemaking, page 42652, § 3566.2 is corrected as follows:

§ 3566.2 [Amended]

62. In 43 CFR 3566.2, '30 CFR Part 211' is amended to read '30 CFR Part 231'.

James Curlin,

Acting Assistant Secretary of the Interior.

September 26, 1979.

[FR Doc. 79–30347 Filed 9–28–79; 8:45]

BILLING CODE 4310–84–M

NATIONAL TRANSPORTATION SAFETY BOARD

49 CFR Part 801

Public Availability of Information, Appendix—Fee Schedule

AGENCY: National Transportation Safety Board.

ACTION: Final rule.

SUMMARY: This revision sets forth price and other changes for obtaining copies

of factual investigative records and other documents available from the National Transportation Safety Board (Board) under the Freedom of Information Act. Certain changes in the fee schedule are now required to reflect the price terms of a new contract with the commercial reproducer.

EFFECTIVE DATE: October 1, 1979.

FOR FURTHER INFORMATION CONTACT: Fritz L. Puls, General Counsel, National Transportation Safety Board, Washington, D.C. 20594 (202–472–6033).

SUPPLEMENTARY INFORMATION: Pursuant to subsection (a)(4)(A) of the Freedom of Information Act (Pub. L. 93–502, November 21, 1974, amending 5 U.S.C. 552), fee schedules for document search and duplication must be published in the **Federal Register.** In 1975, after notice, the Board issued its regulations implementing this subsection. In an amended Appendix to 49 CFR Part 801, which was published at 43 FR 44534, September 28, 1978, a price list for documents published by or available from the Board was established, based on the provisions of the then current contract between the Board and the commercial reproducer. That contract terminates on September 30, 1979, and the Board has entered into a new contract which necessitates price changes for photocopy and photographic print services. The remaining changes are minor and either update or clarify the fee schedule.

Pursuant to 5 U.S.C. 553, the Board believes that notice of proposed rulemaking is unnecessary and impracticable since the changes in reproduction fees were subject to and are the result of a formally advertised procurement.

Accordingly, 49 CFR Part 801 is hereby amended by revising the Appendix—Fee Schedule as set forth below.

Appendix—Fee Schedule

1. Special services fees (pursuant to 31 U.S.C. 483a). Upon request, services relating to public documents are available at the following fees:

(a) Subscriptions (Calendar year):

(1) Initial decisions of the administrative law judges—$40.00 for one subscription, $30.00 for each additional subscription.

(2) Board safety enforcement opinions and orders—$20.00 for one subscription, $15.00 for each additional subscription.

(3) Board aircraft accident (probable cause) reports, brief format—$40.00 (U.S.) and $80.00 (foreign).

(4) Aircraft accident reports, narrative—$40.00 (U.S.) and $80.00 (foreign).

(5) Board safety recommendations—$60.00.

Note.—Send subscription orders for (a×1), (a×2), and (a×2), and (a×5) above to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594. Subscription orders for (a×3) and (4), above, should be forwarded to the National Technical Information Service, 5285 Port Royal Road, Springfield, Va. 22161.

(b) Document certification under the Board's seal—$4.

(c) Computer tapes and services for aviation accidents. Duplication of computer tapes (or a fraction thereof)—$40.

Note.—Computer tape requests should be addressed to the Chief, Information Systems Division, Bureau of Technology, National Transportation Safety Board, Washington, D.C. 20594.

(d) The basic fees set forth provide for ordinary first-class postage prepaid. If registered, certified, air, or special delivery mail is used, postal fees therefor will be added to the basic fee. Also, if special handling or packaging is required, such costs will be added to the basic fee.

(e) Subscription fees for (a) above, reproduction fees, and search fees are waived for qualifying foreign countries, international organizations, nonprofit public safety entities, State and Federal transportation agencies, and colleges and universities, after approval by the Director, Bureau of Administration. In addition, such fees may be waived or reduced for other recipients not in any of the foregoing categories, when determined by the Director, Bureau of Administration, to be appropriate in the interest of and contributing to the Board's program.

2. Reproduction fees. All documents in the Board's public files may be examined, without charge, in the Board's public reference room, located in the Public Inquiries Section. A self-service duplicator in the reference room is available to the public for reproduction at a nominal cost.

Accident dockets. Reproduction of accident dockets (statements, photographs, hearing transcripts, and other material contained in the board's accident investigation files) is accomplished by commercial contract. Requests must be forwarded to the Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594. The contractor may bill and/or collect full payment before duplicating the requested documents. Fees are subject to change depending upon the Board's annual contract award.

Current fees are:

(a) Photocopy:

Size (in inches).	
8½ by 11	$0.07
8½ by 14	.07
10 by 14	.01

(b) Photographic prints:

Size (in inches):	
8 by 10 black/white	$1.00
3½ by 5 color	1.00
5 by 7 color	1.50
8 by 10 color	1.50
2 by 2 color slide	2.00

(c) Hearing transcripts, $0.25 per page.

(d) Regular service—Usually, three weeks' time is required to service a request for reproduction. General aviation accident files dated prior to January 1, 1965, and air carrier accident files dated prior to January 1, 1964, are no longer available. Accident files for all transportation modes, dating from January 1, 1964, through December 31, 1975, are stored at the Federal Records Center; in filling any request for reproduction of these files, approximately two additional weeks will be needed for retrieval.

(e) Expedited service—A 2-percent surcharge will be made for accelerated service which will be provided within 2 working days commencing when the contractor has received advance payment or when telephone arrangements have been made with the contractor. Accelerated delivery service will be handled as follows:

Step 1. Customer places telephone or written request to the Board's Public Inquiries Section for desired accident file.

Step 2. The Board forwards order form and file to contractor.

Step 3. Contractor sends advance billing invoice, which shows total cost, to customer.

Step 4. Customer calls contractor direct and verifies that he is wiring payment to contractor, as specified by contractor, or customer returns a copy of the contractor's invoice with full payment enclosed.

Step 5. Contractor copies documents and mails them to the customer.

3. Document search fee—The Board has determined that it is in the public interest to eliminate fees for the first hour of search time. For all time expended beyond the initial hour in locating documents, the fee is $5 per hour.

4. Responses to safety recommendations. Single copies of responses to safety recommendations are available without charge.

5. Documents available without commercial reproduction cost until limited supplies are exhausted.

(1) Press releases.

(2) Aircraft accident reports, narrative, and brief format probable

cause reports (on request for specific accidents).

(3) Surface accident reports.

(4) Special studies.

(5) Safety Board regulations (chapter VIII of title 49, Code of Federal Regulations).

(6) Indexes to initial decisions, Board orders, opinions and orders, and staff manuals and instructions.

(7) Statistical data published by the Board.

(8) Safety recommendations.

6. Documents for sale by the Government Printing Office:

(1) Board's annual report.

(2) Volume I, National Transportation Safety Board Decisions (1967–1972).

(3) Volume II, National Transportation Safety Board Decisions (1973–1976).

(5 U.S.C. 552, 31 U.S.C. 483a, and 49 U.S.C. 1901 et seq.)

Signed at Washington, D.C. on this 26th day of September 1979.

James B. King,

Chairman.

[FR Doc. 79-30378 Filed 9-28-79; 8:45 am]

BILLING CODE 4910-58-M

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 213

[Docket No. RST-3, Notice No. 2]

Track Safety Standards; Responsibility of Directed Carrier

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Final rule

SUMMARY: This amendment to the Track Safety Standards clarifies those regulations by fixing responsibility for compliance in the event a carrier is directed by the Interstate Commerce Commission to provide service over the track of another carrier. The amendment is issued on an emergency basis and made effective immediately because of the recent issuance of a directed service order.

EFFECTIVE DATE: The amendment to Part 213 set forth in this document is effective on October 1, 1979.

FOR FURTHER INFORMATION CONTACT: Principal Drafter: Grady Cothen, Jr., Office of Chief Counsel, Federal Railroad Administration, Washington, D.C. 20590, Phone: 202–426–8220.

SUPPLEMENTARY INFORMATION: Section 213.5 of the Track Safety Standards imposes the responsibility for compliance with the standards on the "track owner". That term is not defined in the regulation.

The Interstate Commerce Commission (ICC) has issued the first major order directing a carrier to provide service over the track of another carrier pursuant to 49 U.S.C. 11125. That action has given rise to an immediate need to clarify the responsibility of directed carriers for compliance with minimum track safety standards. To a large extent, this is an issue anticipated by the provision of law which authorizes the ICC to order directed service, since the ICC is prohibited from "taking action that would . . . cause a directed carrier to operate in violation of section 421 of Title 45" [The Federal Railroad Safety Act] (49 U.S.C. 11125(b)(2)(A)). That is, the Congress anticipated that any directed carrier would be subject to minimum safety standards.

The clarification and revision of § 213.5 was an issue addressed in the notice of proposed rulemaking on the general revision of the Track Safety Standards published in the **Federal Register** of September 6, 1979 (44 FR 52104, 52106–52107). However, the comment period on the proposed rules does not close until November 30, 1979.

FRA has previously provided opportunity for oral and written comment on the general proposal that each operating carrier be made responsible for compliance with the track standards for all track over which it operates. See questions 8 and 9, Notice of Public Hearing, FRA General Safety Inquiry on the Track Safety Standards (43 FR 43339; September 25, 1978) (FRA Docket No. RSSI–78–5, Notice No. 4). A public hearing on the general revision of the standards was held on November 15 and 16, 1978.

Comments in the general inquiry proceeding, which laid the foundation for the notice of proposed rulemaking issued on September 6, 1979, have been reviewed once again for the purpose of considering the comments as they apply to this rulemaking. Most of the comments by railroad representatives opposed the extension of responsibility to entities other than track owners on the ground that a railroad conducting operations under joint use or similar arrangements might not have practical control over maintenance of a track segment, which would be assigned by agreement. Requiring multiple carriers to conduct inspections and bear responsibility for track conditions would dilute the capacity of those railroads to maintain their own properties. The National Railroad Passenger Corporation (Amtrak) noted that it could not be responsible for compliance with respect to operations over other railroads. Amtrak conducts most of its operations outside the Northeast Corridor through contracting railroads that provide train crews and establish operating restrictions.

It may be noted that these objections to assigning the responsibility for compliance to the operating carrier are not relevant to directed service. In the case of directed service by one railroad over the property of a second railroad that lacks resources to maintain its properties and conduct rail operations at an acceptable level, maintenance responsibility is clearly assigned to the directed carrier. To the extent revenues fail to provide adequate resources to maintain the railroad in keeping with the Track Safety Standards, the directed carrier may apply to the ICC for Federal funding. Most significantly, no entity other than the directed carrier has the practical ability to facilitate compliance with the standards.

Clearly, it is in the interest of the public and affected railroad employees to establish responsibility for compliance with minimum safety standards. Federal requirements other than the Track Safety Standards already have clear application to a carrier providing directed service. *See*, e.g., 49 CFR 215.7.

It would be neither practical nor fair to impose responsibility for the safety of current operations on the estate of a railroad which is unable to operate because of insufficient cash. Such a railroad would be legally disabled from "halting operations" over substandard track and practically disabled from making needed repairs. *See* 49 CFR 213.5(a). The directed carrier, on the other hand, is assured of resources adequate to maintain service at the level specified by the ICC (49 U.S.C. 11125(b)(5)).

Accordingly, § 213.5 of Part 213, Title 49, Code of Federal Regulations, is amended by adding the following new paragraph (d) to read as follows:

§ 213.5 Responsibility of track owners.

* * * * *

(d) A common carrier by railroad which is directed by the Interstate Commerce Commission to provide service over the track of another railroad under 49 U.S.C. 11125 is considered the owner of that track for purposes of the application of this part during the period the directed service order remains in effect.

This amendment is issued under the authority of section 202 of the Federal Railroad Safety Act of 1970 (84 Stat. 971; 45 U.S.C. 431) and § 1.49(n) of the Regulations of the Office of the

Secretary of Transportation (49 CFR 1.49(n)).

The FKA has determined that further notice and public procedure on this amendment to existing safety regulations are impracticable and contrary to the public interest in view of the immediate need to clarify responsibility for compliance with the Track Safety Standards and, thereby, facilitate their enforcement. For the same reason, this amendment is made effective immediately on publication in the **Federal Register.**

FRA has determined that this document does not contain a significant regulation. Therefore, a Regulatory Analysis under Executive Order 12044 is not required (E.O. 12044, 43 FR 12661; March 24, 1978).

The FRA has determined that this emergency rulemaking does not involve the issuance of a significant regulation within the meaning of the Department of Transportation's Regulatory Policies and Procedures (44 FR 11034; February 26, 1979), since the rulemaking merely clarifies responsibility for compliance with existing, substantive safety standards. For the same reason, this rulemaking does not constitute a major Federal action requiring an environmental assessment (44 FR 16062; March 16, 1979).

Issued in Washington, D.C. on September 26, 1979.

John M. Sullivan,

Administrator.

[FR Doc. 79-30412 Filed 9-27-79; 11:59 am]

BILLING CODE 4910-06-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1033

Kansas City Terminal Railway Co.—Directed To Operate Over—Chicago, Rock Island & Pacific Railroad Co., Debtor (William M. Gibbons, Trustee)

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Service Order No. 1398 (Directed Service).[1]

SUMMARY: Pursuant to 49 U.S.C. 11125, the Commission is directing the Kansas City Terminal Railway Company ("KCT") to provide service for traffic originating or terminating on the lines of the Chicago, Rock Island & Pacific Railroad Company, Debtor (William M. Gibbons, Trustee) ("RI").

[1] This order embraces the Peoria Terminal Company (PTC), a wholly-owned subsidiary of RI. All future references to RI shall include PTC.

This directed-service order is necessitated by the RI's inability to transport the traffic offered to it due to a cash position which makes its continuing opertions impossible, within the meaning of 49 U.S.C. 11125(a)(1).

DATES: This directed-service order will be effective at midnight (central time [CT]) of the date it is served. Unless otherwise extended by the Commission, the order shall expire at midnight (CT) of the 60th day after its service date.

FOR FURTHER INFORMATION CONTACT: Richard Schiefelbein (202-275-0826).

Background

The Chicago, Rock Island & Pacific Railroad Company, Debtor (William M. Gibbons, Trustee) ("RI") is currently suffering from a lack of cash which makes its continuing operations impossible in the face of national transportation requirements. Accordingly, we are exercising our authority under 49 U.S.C. § 11125 to direct another rail carrier to provide the service formerly provided by RI.

Directed Service Overview

Need for Directed Service—Under 49 U.S.C. 11125 (formerly section 1(16)(b) of the Interstate Commerce Act), the Commission is empowered to ensure the continuation of essential rail service for a period of 60 days—and, in extraordinary circumstances, for an additional 180 days—where a rail carrier:

"cannot transport the traffic offered to it because—

(1) Its cash position makes its continuing operation impossible;

(2) Transportation has been discontinued under court order; or

(3) It has discontinued transportation without a required certificate under section 10903 of this title." [*See* 49 U.S.C. § 11125(a)(1-3)]

On the basis of the facts before us, we find that RI suffers from the type of "cashlessness" described in 49 U.S.C. 11125(a)(1). That is, RI is unable to transport the traffic offered to it because its cash position is so poor that it makes continuing operation by RI impossible.

We are aware that certain RI employees are presently on strike. If RI's presently inadequate service were attributable to that strike, we would not feel free to direct service. However, we believe the cash situation of the RI, independent of the strike situation, requires us to act now to direct service. As indicated below, RI's cash position renders the Trustee incapable of normal operations if the employees were to return. It also renders him incapable of continuing the limited operations which he would otherwise be able to continue in the face of the strike. (We have, of course, crafted our order in such a manner as to avoid interference with the collective bargaining process to the maximum extent possible.)

Our specific finding that RI's cash position makes its continuing operations impossible is based on the following:

No one contends—not even the Trustee—that he has available or can obtain sufficient funds to recommence immediately operations over the entire system absent funding under the Emergency Rail Services Act, which we have been advised by the U.S. Department of Transportation (DOT) will not be forthcoming.

The Trustee has stated publicly that to commence full operation immediately would require $30 million. This does not include approximately $4 million in wages owed to employees for services performed prior to their going out on strike. Nor does it include payment of any substantial portion of $22.4 million in invoices payable, $11 million of which are over 60 days and impose constraints upon the railroad's ability to conduct normal operations. Finally, DOT has indicated that it will no longer extend track safety exemptions to RI in the absence of a program providing for rehabilitation of RI's lines to comply with minimum Federal Safety Standards. DOT estimates the cost of such rehabilitation to amount to $35 million. (*See* Appendix A.)

From the foregoing, it is clear that the RI Trustee lacks sufficient cash to commence full operations in time to meet the immediate needs of RI shippers. In view of the fact that the President has ordered RI workers back to work effective September 20, more complete service would be possible today but for the Trustee's lack of cash. We believe it is appropriate to find that RI lacks sufficient cash to provide the service required of it in the public interest.

We are aware that last Friday, September 21, 1979, before its reorganization court the RI Trustee projected ability to continue operating on a cash basis until October 10 under current operating conditions. However, in our view, this projection is based on unrealistically optimistic revenue projections, and in addition fails to take into account amounts which a railroad must expend to continue operating.

Our analysis of the cash flow available to the RI Trustee for operations through October 1, 1979, utilizing his own revenue projections, indicates the following:*

Rock Island Cash Flow Through October 1, 1979

(Dollar Amounts in Millions)

SOURCE OF CASH

Treasurer's Cash (Check-book balance)

As of 9/21/79—$6.0
Less: Restricted funds—$3.4
Total Treasurer's cash available to railroad—**$2.6
Agent's Receipts—$6.7
Other Receipts—$0.8
Total cash available to Rock Island by October 1, 1979—$10.1

*Note.—Amounts are derived from information obtained from the Trustee, the Department of Transportation or developed by our Commission's Bureau of Accounts.

**Note.—$2.0 of the $2.6 in Treasurer's cash is a drawdown of the escrowed land sale account which was made on September 17, 1979. The reorganization court has ordered the return of these funds to the escrowed land sale account as soon as feasible. In addition to the $2.0, the escrowed land sale account has an additional $6.3. As a practical matter, further court authorized use of these funds is unlikely. However, if the use of these funds was permitted by October 1, 1979, the Rock Island would have available to it, $16.4 in cash, to meet October 1, 1979, obligations of between $22.7 to $34.1.

USES OF CASH

Invoices Payable (Withheld Vouchers)

As of 9/20/79—$22.4
($11 are bills older than 60 days and can be advanced as claims against immediate cash)—$11.0
Lease Payments—$3.2
Accrued Payroll Liabilities—$4.0
Current Payroll Obligations—$3.8
Current Railroad Retirement and Withholding—$0.7
Total Rock Island obligations that are due by October 1, 1979, which can be advanced as claims against the immediate cash resources and that can adversely affect the availability of future trade credit—$22.7

Note.—If the $11.4 portion of Invoices Payable which is not more than 60 days old is considered as a current obligation due by October 1, 1979, total Rock Island obligations would increase to $34.1

We agree with DOT, whose analysis of the situation is attached hereto as Appendix A, that we are not obliged to sit by and refrain from entering an order under section 11125(a) simply because, by resorting to impermissible methods of cash management, a railroad may be able to continue some patently insufficient quantity of service.

In view of the critical need for immediate transportation of RI traffic—particularly the transportation of grain—we believe that continuation of RI service by another carrier is required by the public interest and is essential to the smooth flow of interstate commerce. Accordingly, we shall exercise our authority under 49 U.S.C. 11125 and direct service by another rail carrier (the "directed rail carrier" [DRC]) over RI lines, at least for an initial period of 60 days, unless subsequently modified by us.

Ancillary Rerouting under 49 U.S.C. 11124—As a necessary concomitant to our directed-service order, we shall also authorize the designated DRC to route RI traffic over its own or other lines (in the manner specified in the ordering paragraphs below), when such rerouting is the *only* feasible way in which RI traffic can be transported by the DRC. *See* 49 U.S.C. 11124 (formerly section 1(16)(a) of the Interstate Commerce Act). However, RI traffic shall be routed over RI lines wherever possible.

Public Notice and Hearings—The emergency nature of the situation compels us to conclude that advance public notice and hearings would be impractical and contrary to the public interest. Accordingly, we exercise our authority under 49 U.S.C. 11125(a) and 11124(B)(1) to waive advance public notice and hearings in the present circumstances.

However, in determining whether and to what extent we should direct service over RI, we have consulted with various public and private entities, such as DOT, the involved rail carriers, labor organizations, and State transportation planning agencies, among others. These consultations lead us to find that RI's present inability to handle its traffic necessitates immediate action in the form of this directed-service order, which we are making effective on the service date of this decision.

Further, as discussed below (*see* "Initial 60-day Period" *infra*), we intend to schedule a series of public hearings in regions affected by the directed-service order. In this way, we shall assess the transportation needs of the localities served by—and the economic potential for—the RI lines over which directed-service has initially been ordered. This assessment will, in turn, assist us in planning for the period following the expiration of this 60-day directed-service order.

Purpose of Directed Service—The provision of directed rail service under 49 U.S.C. 11125 is an interim measure, and will not provide a permanent solution to the problems of RI, its users, or its employees. Rather, section 11125 applies only to those situation requiring immediate action to prevent severe transportation and economic dislocations. Although an expensive alternative appropriate only upon exhaustion of less cumbersome protective measures, directed service—used in conjunction with ancillary rerouting under 49 U.S.C. 11124—will permit continued rail operations over an impaired carrier's lines, while attention is focused on long-range restructuring alternatives.

Initial 60-Day Period—Section 11125 permits us to direct service for an initial period of not more than 60 days, with an option to extend the directed-service period for an additional 180 days if cause exists. As previously indicated, we believe directed service to be necessary here at least for an initial 60-day period. The character of the service we are directing during this initial 60-day period is briefly described below.

In selecting lines for directed service, the key factor is "essentially" of service. As section 11125's legislative history makes clear, we should direct operations only where service is essential. *See* S. Rep. No. 93–302, 93d Cong., 1st Sess., at 2 (1973). In the brief time available, however, we could not precisely identify what service is most essential. Therefore, in recognition of another purpose of section 11125 (*i.e.*, prevention of economic disruption) and in view of the fact that significant amounts of traffic exist on practically all RI lines, we have initially required the continuation of rail service to virtually all present RI shippers.

In order better to determine what RI service is most essential, we intend to schedule—during the initial 60-day period—a series of public hearings in areas affected by the directed-service order. We shall again carefully analyze the transportation needs of present RI shippers, as well as the economic potential for existing RI lines. Our primary concern will be twofold: (1) identification of "essential" RI services; and (2) at least temporary continuation of service to those critical shipping points which do not receive adequate service from other railroads or other transportation modes.

Prior to hearings, however, we shall initially direct service over virtually all RI lines, so as to permit shippers, consignees, employees, local communities and States time to adjust to possible dislocations resulting from the loss of rail service. *See* "Operating Plan for Directed Service" *infra*. Following hearings, we may direct service to fewer areas. We cannot ignore Congress earnest entreaty to economize where possible, as reflected in the legislation adopting the directed-service provisions now codified in 49 U.S.C. 11125. *See* Regional Rail Organization Act of 1973 (3R Act), Pub. L. No. 93–236, section 101(b)(6), 87 Stat. 986 (1974) [45 U.S.C. 701(b)(6)]. Thus, where the costs of directed service significantly exceed the benefits, we may subsequently remove

lines from the direction, or we may permit the DRC to raise existing rates.

We caution affected persons to recognize the fiscal and time constraints on directed service, and to prepare for a winding-down of many operations now conducted over RI lines. Patrons and others must realize that directed service can provide no more than a brief respite, and that our decisions to continue particular operations and preserve RI transit rates and prepaid charges may change following the initial 60-day period.

Selection of RI Lines for Directed Service—In deciding which RI lines require protection, we have considered, to the maximum extent possible under the limited time frame available, the following factors among others:

(1) The transportation requirements of RI patrons;

(2) The economic impact of a discontinuance of RI's service on RI patrons and on local communities;

(3) The amount of originating and terminating traffic on individual RI lines;

(4) The transportation requirements of connecting carriers;

(5) The condition of RI track; and

(6) Alternative carriers and transportation modes.

Further, we have attempted to maximize continuation of rail service and employment of RI employees, while minimizing the cost to the federal government.

In light of the foregoing factors—particularly the fact that significant volumes of traffic exist on virtually all RI lines, and that RI is the only rail carrier serving many grain elevators and localities—we have decided to direct service, at least initially, over the entire RI system except as follows. Pursuant to 49 U.S.C. 11125(b)(2)(A), we are not directing the DRC to provide service over any RI track not meeting minimum track safety standards as established by DOT's Federal Railroad Administration (FRA), although the DRC may seek to rehabilitate such track in accordance with the procedures outlined in this decision (*see* "Track Safety," *infra*), and may seek temporary waivers of the track safety standards from FRA.

Selection of DRC—In selecting a rail carrier or carriers to perform directed-service operations over RI's system, we have considered a number of approaches. The primary alternatives included the following: (1) Whether to select only one carrier or several; and (2) Whether to select a "neutral" carrier (*i.e.*, one located outside RI's service region) or a carrier familiar with RI and its service region.

A major difficulty with the "neutral carrier" approach was that such carriers tend to be unfamiliar with RI's territory and operations. The problem with designating only one carrier DRC was that this might substantially drain the managerial resources of the DRC and adversely affect its ability to operate its own system in violation of 49 U.S.C. 11125(b)(2)(B). Conversely, however, the problem with designating several carriers to be DRC's was that this might substantially complicate the administrative and accounting functions of directed-service operations.

We therefore settled upon designating as DRC a single railroad entity comprised of several member roads. In this way, the administrative and accounting functions of directed service could be handled relatively simply by a unified management team. Further, no single rail carrier would be required to commit so many managerial personnel to directed service as to affect adversely its own operational viability.

We have selected as DRC the Kansas City Terminal Railway Company (KCT).[2] The KCT is expected to establish a management team to manage the directed service operation. This team will consist of individuals from the KCT's owning railroads, supplemented by individuals from Southern Pacific Lines (SP), Western Pacific Railroad Company (WP), and Denver & Rio Grande Western Railroad Company (D&RG), at those railroads' options.

We direct KCT to negotiate any requisite agreements with carriers which desire to participate on the RI directed-service management team. Such agreements shall be subject to our approval (*see* "Approval for Actions", *infra*.)

In addition, since 49 U.S.C. 11125 does not permit the impaired carrier (RI) to serve as its own DRC, we shall require that RI, although an owner of KCT, not be a member of the RI directed-service management team.

Our selection of KCT (as modified for directed-service purposes) was mandated by its ability to conduct RI operations most efficiently, its familiarity with those operations, its proximity to RI lines, and the competitive balance existing in the affected regions, among other considerations. We conclude that KCT (as so modified) is capable of sustaining the financial and other requirements encountered in assuming its duties as DRC.

We also believe that the single-DRC approach affords several significant benefits to the DRC, the public, and the government. A unified management team is more easily administered—particularly with respect to recordkeeping functions—which, in turn, should enhance its quality of service and keep down the costs of directed service (which are reimbursable by the federal government). Simultaneously, no single railroad will be required to commit so many managerial personnel to directed service as to affect adversely the road's own operations. Moreover, the availability of initial and interim funding, as described below, should significantly ease the financial burdens associated with directed-service.

We therefore find that performance of the directed service will not substantially impair the ability of KCT or its member roads (as supplemented) adequately to serve their own patrons or fulfill their own outstanding common carrier obligations. *See* 49 U.S.C. 11125(b)(2)(B). Further, by virtue of our ancillary rerouting order under section 11124 and our provisions for track rehabilitation, the DRC will not be required to operate over RI track which does not comport the minimum FRA track safety standards. *See* 49 U.S.C. 11125(b)(2)(A).

Reimbursement Procedures—To ease the fiscal burdens involved in commencing service under the directed-service order, the DRC may elect to use the optional three-stage funding procedure established in our directed-service regulations. See *Submission of Cost Data to Justify Reimbursement for Directed Service*, 49 CFR 1126.3 (1978). This flexible procedure was recently established by us to provide for initial, interim, and final funding to assist a DRC in meeting the start-up and subsequent cash requirements involved in directed-service.

In an effort to facilitate further the DRC's ability to meet start-up costs here, we shall partially relax the reporting requirements associated with initial funding requests under § 1126.3(b). At present, initial funding requests must be documented by three

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[2] KCT's twelve owning member roads are:

(1) Burlington Northern (BN);

(2) St. Louis-San Francisco Railway Co. (Frisco);

(3) Kansas City Southern Lines (KCS);

(4) Chicago, Rock Island & Pacific Railroad Company, Debtor (William M. Gibbons, Trustee) (RI);

(5) Illinois Central Gulf (ICG);

(6) Missouri-Kansas-Texas Railroad Company (MKT);

(7) Chicago, Milwaukee, St. Paul & Pacific Railroad Company, Debtor (Richard B. Ogilvie, Trustee) (MILW);

(8) Missouri Pacific Railroad Company (Mopac);

(9) Atchison, Topeka & Santa Fe Railway Company (Santa Fe);

(10) Union Pacific Railroad (UP);

(11) Norfolk & Western Railway Company (N&W); and

(12) Chicago & North Western Transportation Company (CNW).

items: (i) a brief description of the DRC's initial operating plan for the directed service; (ii) a statement of its immediate cash requirements; and (iii) a statement of forecasted costs and revenues. *See* 49 CFR 1126.3(b)(i–iii). To streamline the initial funding process, we shall permit the DRC to omit from its "initial operating plan" certain data which we would ordinarily require.

Section 1126.3(b)(i) requires the DRC's initial operating plan to outline the following information: (1) The frequency and schedule of service planned; (2) The personnel and equipment to be utilized; (3) The crew change and interchange points to be observed; (4) Any immediate maintenance and repair work required; and (5) Its fuel and supply needs. However, start-up funds may well be needed by the DRC here before it can determine this information, which may take longer than usual in light of the recent RI strike. Therefore, we will permit KCT to apply for initial funding under 49 CFR 1126.3(b) without filing an initial operating plan containing all the information requested by § 1126.3(b)(i). Rather, KCT's initial operating plan need only contain that information which it has available to it at the time of its application for initial funding. KCT shall, however, submit an updated operating plan as soon as one is developed.

The accounting and administrative details of reimbursement requests are more fully discussed below (*see* "Accounting and Administrative Matters" *infra*).

The issuance of this directed-service order does not preclude interested rail carriers (including the DRC) from filing petitions with the Commission to operate all or part of the RI system on a non-compensated basis under 49 U.S.C. 11123 (formerly section 1(15) of the Interstate Commerce Act) or similar provisions. In addition, we urge the DRC to consider waiving its right to government reimbursement under 49 U.S.C. 11125(b)(5) where such reimbursement is not essential to the provision of directed-service operations.

Track Safety

Pursuant to 49 U.S.C. 11125(b)(2)(A), we are not directing KCT to operate over any RI lines certified by the FRA as below Class I track safety standards. *See* 49 CFR Part 213 (1978).

Prior to commencing service over a specified RI line, KCT shall inspect the line and related facilities over which it is to operate. If KCT determines that a particular segment does not meet FRA Class I safety standards, it shall immediately notify FRA and the Commission to permit a verification of track condition. Pending completion of the inspection—and any repairs authorized by us—KCT shall be relieved of any obligation to provide service over track which it has determined does not meet minimum FRA track safety standards.

If a track segment is verified by FRA and us as falling below FRA Class 1 standards, KCT shall have three options open to it: (1) It may rehabilitate the line in accordance with the procedures outlined in this decision (*see* "Maintenance and Rehabilitation of RI Lines and Equipment" *infra*); (2) It may petition FRA and the Commission for a waiver authorizing limited rail operations over sub-Class 1 track; or (3) It may invoke the ancillary rerouting authority we have granted it under section 11124 and reroute the traffic over its own or other lines in the manner specified in the ordering paragraphs below.

We have identified a number of the directed service lines as potentially requiring rehabilitation before KCT may safely conduct directed-service operations. Further, we note that other lines may also be subject to safety-related service interruptions. We cannot emphasize too strongly that our directed-service order is expressly contingent upon the track meeting minimum safety standards. Patrons of directed-service lines must realize that we cannot direct a carrier to operate over unsafe track. *See* 49 U.S.C. 11125(b)(2)(A).

Nothing in this order shall be construed as requiring the DRC to operate in violation of applicable safety laws. We find that the performance of directed service as provided by this decision should not violate the provisions of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431–441).

Operating Plan for Directed Service

Pursuant to 49 U.S.C. 11125, we shall direct KCT (as modified above) to enter upon and operate—at the pre-strike level of RI operations—all RI properties, subject to the exception described above, namely, track safety. In addition, to assure complete effectuation of our directions, we shall authorize the ancillary rerouting of RI traffic pursuant to 49 U.S.C. 11124 where such rerouting is necessary to complete shipment on traffic destined to or from RI stations. *See* the ordering paragraphs below.

As previously indicated, we are establishing one exception to this otherwise system-wide directed service order (*see* "Selection of RI Lines for Directed Service" *supra*). We are not requiring the DRC to operate over sub-Class I track, but rather are permitting it to rehabilitate such track, seek an appropriate waiver, or reroute traffic.

KCT shall operate all RI facilities necessary to the performance of service directed by this decision. We impose no responsibility on KCT regarding RI facilities not necessary to the performance of the directed service. Where signal control equipment or other essential operating systems lie outside the directed-service facilities, however, KCT shall be responsible for their operation.

While entry to the directed-service properties should occur immediately upon the effectiveness of this order, we acknowledge that KCT cannot initiate operations instantly. Therefore, we shall permit KCT to begin providing directed service over RI lines within 7 days of this decision's effectiveness. KCT should give priority to commencing communter services and moving grain shipments to convenient interchange points. If KCT cannot commence directed service within that time, it shall immediately explain to this Commission the reasons for the delay.

In performing directed service, we wish to give the DRC the maximum amount of flexibility and managerial discretion consistent with its obligation to provide service to RI shippers. In this way we hope to facilitate efficiency of service while keeping down the cost of directed service to the DRC and, ultimately, to the taxpayer. Whenever the DRC believes that alterations in its pattern of service would promote efficiencies and would not cause an undue hardship on RI shippers, it may petition us to remove a line or line segment from the directed-service order, or otherwise revise the order.

Car Equipment Supply and Distribution

All RI freight cars currently operating in the national rail car fleet shall be subject to the mandatory car service rules codified at 49 CFR Part 1033 (1978). For distribution purposes, RI cars shall be considered at home on all operating RI lines. The RI Trustee shall hold in place all assignments of RI cars to specific shippers or locations.

Hiring of RI Employees

General—49 U.S.C. 11125(b)(4) provides: "A directed carrier shall *hire* the employees of the other carrier [RI], to the extent that they previously provided that transportation for the other carrier, and *assume* the existing employment obligations and practices of the other carrier for those employees including agreements governing rate of pay, rules and working conditions, and employee protective conditions *for the period* during which the action of the Commission is effective." [Emphasis added]

The statute refects the general Congressional intent that those RI employees who formerly performed a particular rail service should, to the extent necessary to conduct directed service, continue to perform that service when a DRC steps in. See *Regional Rail Reorg. Act—Submission of Cost Data*, 348 I.C.C. 251, 267 (1975) (*Submission of Cost Data I*).

Therefore, in accordance with the procedures outlined below, the DRC shall—in conducting the directed-service operations required by this decision—hire the employees of RI to the extent necessary to conduct the directed service and assume RI's existing employment obligations and practices. Should it become evident to the DRC that RI employees who are members of the Brotherhood of Railway and Airline Clerks (BRAC) will not return to work at the pay level which existed before the strike, we authorize the DRC to pay such employees at the rate of pay generally prevailing in the railroad industry. [3] Although section 11125(b)(4) only requires the DRC to assume the impaired carrier's "existing employment obligations," we note that our action authorizing the DRC to pay the prevailing wage may be the only way in which we can comply with section 11125(b)(4)'s other mandate that the DRC "shall hire" the impaired carrier's employees. We shall accordingly consider this expense an appropriate cost of directed service.

Employee Selection—The legislative history of the directed-service provision reveals that "any controversy concerning the apportionment of employees would be resolved by the Commission in its directions." *See* S. Rep. No. 93-302, at 4. To assist us in carrying out that responsibility, the DRC shall—within two weeks of commencing directed service—submit a list of the RI employees hired for directed-service work, together with a statement of the principles followed in making the selections. The DRC shall serve a copy of its statement on representatives of all RI employees affected by its selection procedure. Representatives of any RI employees dissatisfied with the selection principles may petition us to resolve controversies over the principles.

Status of RI Employees—RI employees engaged in directed-service operations will neither lose their status as RI employees nor acquire an employment relationship with the DRC. Regarding those RI employees hired for directed-service operations, the DRC assumes existing RI employment obligations and policies only for events commencing with and for the duration of the directed service.

The mere hiring of RI employees for directed-service work will not terminate or otherwise change seniority and other rights which a RI employee may have accrued under RI employment agreements. Those RI employees hired for directed-service work and those not so hired will retain their respective employment standings.

Following release from directed-service employment or termination of directed operations, RI employees hired by the DRC shall revert to their status as RI employees.

RI Supervisory Personnel—The requirement to "hire RI employees" reaches beyond employees covered by collective bargaining agreements and includes all supervisory personnel who would have performed necessary functions on the directed-service properties. [4] *See Submission of Cost Data I, supra*, 348 I.C.C. at 281.

To avoid potential pension plan problems (*e.g.*, the possible need for the DRC to establish a special pension fund for RI supervisory personnel hired for directed-service purposes), we strongly suggest adoption of the following arrangement. Once the DRC has determined which RI supervisory personnel are necessary for directed-service purposes, the DRC shall hire those supervisory personnel for directed-service purposes on the following terms: (1) Salaries for these supervisory personnel should be paid directly to them by the DRC; but (2) Pension plan contributions and similar benefits owing to these supervisory personnel—as well as associated administrative costs—should be paid by the DRC to the RI Trustee, in care of a special escrow agent designated by the RI bankruptcy court to administer these funds as appropriate.

Rosters—The DRC must exhaust RI employment rosters before using other avenues to fill directed-service positions. We recognize that certain crafts or seniority districts may not have an adequate number of employees available for directed-service work. In such event, qualified RI employees in other seniority districts and crafts shall receive an opportunity for work.

If there is an insufficient number of RI employees qualified, willing or able to fill particular positions, the DRC may contract for the performance of those tasks, or may provide personnel from its own labor force as if under contract with the directed operation. The DRC may not add personnel to the RI rosters.

Extent of DRC's Obligation—The DRC shall be responsible for all wages, salaries or benefits owed to RI personnel for services rendered during directed operations. Amounts attributable to events occurring prior to commencement of directed service—or attributable to terminations resulting from the RI Trustee's reductions of service—remain obligations of the Trustee. See *Submission of Cost Data I, supra*, 348, I.C.C. at 267.

To the extent that RI employees earn vacation benefits during the directed-service period which will fall due after directed service has ceased, the DRC shall provide appropriate compensation. However, wages, salaries and vacation benefits earned prior to the commencement of directed service—even those which fall due during the directed-service period—constitute existing debts of RI for which we cannot make the DRC responsible. See *Regional Rail Reorg. Act—Submission of Cost Data*, 348 I.C.C. 320, 325 (1975) (*Submission of Cost Data II*); *accord* 49 U.S.C. 11125(b)(3).

Rate-Related Matters

Applicable Rates—During the initial 60-day period of directed service, any change specifically authorized by the Commission may be made in the level of existing rates or charges. Such changes in rules and regulations affecting rates or charges may be sought in accordance with 49 U.S.C. 10762(d)(1).

The DRC is authorized to act on behalf of RI in all matters pertaining to the establishment of rates, routes, and divisions applicable to the directed service.

However, to prevent severe transportation and economic dislocations, we have decided to preserve RI transit rates and prepaid charges which were in effect immediately prior to this directed-service order, by requiring the DRC to adopt applicable RI tariffs for at least 60 days.

[3] We note that this authorization does not constitute an undue interference in the RI's collective bargaining prerogatives, since the RI Trustee had already reached informal agreement with BRAC to pay the prevailing rate of pay.

[4] We defined the terms "employees" and "supervisory personnel" in *Submission of Cost Data I, Supra*, 348 I.C.C. at 281. (We there defined the term *employees* as it was defined in the Railway Labor Act [45 U.S.C. 151]. We also defined the term *supervisory personnel or officials* as including all those persons in a carrier's service who perform supervisory or management functions and who are not included in the term "employees" as previously defined.) However, as used in this decision, the term "employee" includes "supervisory personnel" unless otherwise stated.

Maintenance and Rehabilitation of RI Lines and Equipment—(A) Lines and Related Facilities

Minor Rehabilitation—The DRC shall be responsible for performing, without prior Commission authorization, "minor" rehabilitation to RI lines, rights-of-way, roadway structures, and related facilities, and shall keep us informed of such rehabilitation.

For purposes of this decision, "minor" rehabilitation of lines and related facilities shall consist of rehabilitation which: (1) would cost less than $5,000 per mile; (2) can be initiated within 30 days of the effective date of this decision; and (3) can be completed within 15 days. All other rehabilitation to lines and related facilities must receive prior Commission approval in the manner specified elsewhere in this decision.

Notwithstanding the above, the DRC may perform no rehabilitation to lines and related facilities which would bring total amount spent on rehabilitation to date over $5 million, unless specifically authorized by this Commission.

The DRC shall not contract-out any rehabilitation work to employees other than RI employees.

Substantial Rehabilitation—Any rehabilitation work to lines and related facilities which does not meet the foregoing standards shall be deemed "substantial" rehabilitation requiring prior Commission approval.

The DRC shall submit to us a statement on any proposed substantial rehabilitation, which shall contain: (1) A complete description of the track or related facility; (2) The States and counties in which it is located; (3) The mileposts delineating the extremities of the segment or structure; (4) An estimate of the total cost; (5) The type and quantity of materials required; (6) The anticipated starting and completion dates; and (7) Any resulting operating or cost benefits.

Based on the information set forth in the statement and our analysis of the line or facility, we will decide whether the need for continued operation justifies the proposed expenditure.

(B) Equipment

Minor Rehabilitation—The DRC shall be responsible for performing, without prior Commission authorization, "minor" rehabilitation (including routine maintenance) to RI freight cars, locomotives, and other equipment assigned to directed service, and shall keep us informed of all such rehabilitation.

For purposes of this decision, "minor" rehabilitation of equipment shall consist of rehabilitation and routine maintenance which: (1) Would not exceed $250 per unit, for car and other equipment other than locomotives; or (2) Would not exceed $3,000 per unit, for locomotives. All other rehabilitation of equipment must receive prior Commission approval.

Substantial Rehabilitation—Any rehabilitation to equipment which does not meet the foregoing standards shall be deemed "substantial" rehabilitation requiring prior Commission approval.

The DRC shall submit to us a statement on any proposed substantial rehabilitation of equipment, which shall contain: (1) A description of the equipment (including initial and number); (2) The type of work proposed; (3) The anticipated starting and completion times; (4) The facility where the work would be performed; (5) The owner of such facility; and (6) The estimated cost of rehabilitation. No substantial rehabilitation of equipment may be undertaken by the DRC without our prior approval.

Casualty Loss Reserves and Insurance

Liabilities and Expenses—We shall treat as compensable costs of directed service all liabilities and expenses arising out of wrecks or derailments, personal injury claims and actions, and damage to or destruction of property on directed-service lines.

Such liabilities and expenses may be handled either by establishing a reasonable "casualty loss reserve," or by obtaining necessary insurance in an amount reasonably estimated to cover major liabilities and expenses of this kind. All liabilities arising out of directed service, but not finally determined as of expiration of the direction, should be covered by the DRC's reserves.

Both reserves and the cost of appropriate insurance may be claimed as reimbursable costs of directed service. For outstanding claims covered by insurance, deductible amounts may be included in the reserve accounts. We note that certain underwriters may be willing to insure the entire directed-service operation. We encourage the DRC to participate in such a plan, which could result in substantial savings while providing maximum protection for both the DRC and the public.

Reserve accounts may be included in the directed-service cost form only if contingent liabilities not covered by (or in excess of) insurance have been incurred during directed service but not finalized in amount. Those amounts shall be dispensed to the DRC as the respective liabilities are finalized and certified by the Commission for payment. See *Submission of Cost Date I, supra* 348 I.C.C. at 278.

Prior to the acquisition of insurance or the establishment of a casualty loss reserve, any losses incurred in connection with directed-service will be treated as reimbursable costs.

Accounting and Administrative Matters

Initial and Interim Funding—As previously explained (*see* "Directed Service Overview" *supra*), the DRC may obtain "initial" funding to cover startup costs and "interim" funding to finance continued directed-service operations by filing the reports specified in 49 CFR 1126.3(b) and 1126.3(c), as modified by us earlier in this decision. At the end of the directed-service period, a final accounting will be performed to determine the complete costs of the directed service and to justify appropriate reimbursement.

We encourage the DRC to submit initial and interim funding requests, and we shall expedite certification to the Treasury Department for immediate payment. We emphasize that the DRC should file interim reports whenever it experiences cash flow difficulties.

In preparing the statement of immediate cash requirements (in initial funding requests) and the explanation of requests for additional cash (in interim funding requests), the DRC may base its data on estimating methods generally acceptable to DOT, or upon any other fully expository procedures. Since these are merely preliminary reports and can be supplemented at the final accounting stage, they need not be detailed or complex; simple explanations and reasonable estimates will do.

Compensation for RI Fuel, Materials and Supplies—The RI Trustee shall make available to the DRC fuel, fuel allocations, materials and supplies for the maintenance and operation of tracks, signals, and cars and locomotives. The DRC shall compensate the Trustee for all RI fuel, materials and supplies used in the performance of directed service. The Trustee shall receive compensation at the current replacement cost for fuel, materials and supplies actually used.

Inspection of RI Cars and Equipment—At the earliest possible date after this decision is served, the DRC shall inspect all RI freight cars, locomotives and other equipment to be used in directed service. The DRC shall perform those minor repairs necessary to return the equipment to service.

However, if necessary maintenance would entail placing the equipment in a major repair facility for a substantial period of time, the DRC may reject such equipment.

At its discretion, the DRC may elect to make necessary "substantial" equipment repairs (subject to our approval as described above; *see* "Maintenance and Rehabilitation of RI Lines and Equipment"). However, no compensation shall accrue to the RI Trustee during the period of any equipment's unserviceability.

After the initial assignment, all freight cars accepted through interchange for service in directed operations shall be subject to normal interchange inspection procedures.

Compensation for RI Cars—The DRC shall make payments to the RI Trustee in accordance with a lease agreement which must be approved by the Commission.

To the extent the DRC operates freight cars leased by RI and dedicated to a particular service, the DRC shall pay the Trustee an amount equal to the lease payments.

Compensation for RI Locomotives and Other Equipment—The RI Trustee shall supply to the DRC all necessary locomotives, cars and other equipment, pursuant to 49 U.S.C. 11123.

The RI Trustee shall be compensated for the use of locomotives and other equipment supplied to the DRC based upon the current rail industry lease rates, adjusted for the horsepower of the locomotives and the length of the lease.

If the Trustee believes that current rates do not provide an equitable rental, the DRC may negotiate a different basis (subject to our approval).

Compensation for RI Lines and Facilities—In the usual situation—where the DRC's costs of providing directed service exceed revenues therefrom—no compensation or rental for the use of RI lines and facilities is required. See *Lehigh & New England Ry. Co.* v. *ICC*, 540 F. 2d 71 (3d Cir. 1976), *cert. denied* 429 U.S. 1061 (1977); and *Submission of Cost Data I, supra*, 348 I.C.C. at 265. By ordering directed service, we confer substantial benefits on RI which, in most instances, are sufficient to discharge any obligation to pay rent for the use of its lines and facilities during directed service. For one thing, RI will avoid incurring any additional operating losses which might impair the interests of its creditors or further erode invested capital. In addition, for the directed-service period, the DRC will maintain—or possibly upgrade—RI lines and facilities, and will assume employee obligations for those RI employees hired to perform directed service. See *Submission of Cost Data I, supra*, 348 I.C.C. at 265.

However, where a directed-service operation is profitable, the DRC should pay rent to the RI Trustee for the use of RI lines and facilities. Such compensation shall be measured by the lessening of the rail property's operational capability (not to exceed normalized depreciation). The total rent shall be reduced by those amounts expended during the period of directed service that benefitted RI. *Id.* at 266.

Cost and Revenues of Directed Service—The directed-service *revenue* shall equal the RI rate earned by the DRC for handling the directed-service traffic. The directed-service *cost* shall consist of the cost of operating the RI during the directed-service period. See *Submission of Cost Data to Justify Reimbursement for Directed Service*, 49 CFR Part 1126 (1978); *accord* 49 U.S.C. 11125(b)(5).

Compensation for DRC-supplied Equipment, Materials and Supplies—The RI shall be considered lines foreign to the DRC for car accounting purposes. An amount equal to the total of the car-hire payments which would be due to any other railroad shall be payable to the DRC for the use of its own cars on lines which it operates under directed service.

Compensation for locomotives and other equipment supplied by the DRC shall be calculated using the current rail industry lease rates, adjusted for the horsepower of the locomotives and the length of the lease. If the DRC believes that current rates do not provide an equitable rental, it may request us to establish a different basis.

When not available from RI inventories and needed for use in directed service, the DRC may draw materials and supplies from its own or its owners' inventories. Reimbursement for such draws shall be current replacement cost, plus handling expenses.

Repairs to Cars, Locomotives and Other Equipment Used in Directed Service—Repairs to all freight cars used in directed service (including those of the RI) shall be charged in accordance with applicable AAR interchange rules. The cost of all repairs which are designated as *car-user* responsibility under the AAR rules—and which are performed on a directed-service segment—shall be reimbursable.

All car repairs billable to the *car-owner* in accordance with the AAR interchange rules shall be so billed. Those repairs which are *car-owner* responsibility *but* not billable under AAR rules shall be handled in accordance with AAR procedures for obtaining car-owner authorization or return of the car.

Car-hire reclaims accruing to the DRC in accordance with applicable AAR rules shall reduce reimbursable directed-service costs.

Except for those repairs which are normally the responsibility of the lessor, we shall treat as compensable costs of directed service repairs to RI locomotives and other equipment used in the directed service, and repairs to DRC locomotives and other equipment used in directed service.

Thus, in general, the owner of the equipment shall be responsible for heavy repairs caused by ordinary wear and tear, and the DRC shall be responsible for running repairs and repairs resulting from casualties.

Agreements between DRC and RI Trustee—We note that the DRC may find it useful, in performing its directed-service operations, to reach agreements with the RI Trustees in several areas including the following: use and rental of equipment; use of existing inventories of fuel, materials and supplies; reassignment of fuel allocation; and the like.

Accordingly, we shall authorize the DRC and the Trustee to negotiate agreements on any necessary matters regarding directed-service operations. All such agreements shall be subject to Commission approval, and we reserve the right to establish just and reasonable terms in the event of the parties' failure to agree.

Continuation of RI Arrangements—The temporary continuation of the contractual, lease or other arrangements of the RI Trustee may be necessary for the efficient operation of the directed lines. Therefore, we shall authorize the DRC to continue temporarily RI arrangements essential to directed-service operations (subject to our approval).

Approval for Actions

We are requiring the DRC to obtain Commission approval in a number of areas related to the conduct of directed-service operations. These areas include: (1) Changes in rate levels; (2) "Substantial" rehabilitation of RI lines, facilities and equipment; (3) Agreements between the DRC and RI Trustee; (4) Agreements by KCT regarding the directed-service management team; and (5) Limited continuation by the DRC of RI arrangements necessary to the efficient performance of directed-service operations.

Approval for Rate-related Matters—Changes in rate levels and adoption or filing of tariffs governing directed-service operations shall be handled by our existing filing and decisional procedures. We see no need to accord different treatment to directed-service rate and tariff matters.

Approval for "Substantial" Rehabilitation, Agreements with RI Trustee, KCT's Management Team Agreements, and Continuation of RI Arrangements—While we see no need for special approval mechanisms for the rate-related aspects of directed service, we believe such mechanisms are needed in the other four areas: (a) "Substantial" rehabilitation of RI lines, facilities and equipment; (b) Agreements between the DRC and RI Trustee; (c) KCT's agreements regarding the directed-service management team; and (d) Continuation by the DRC of certain vital RI arrangements. Unlike the rates area, these four areas are unique to directed service and may directly affect the expenditures of sizable governmental funds.

With respect to the latter three areas, *all* such proposed agreements and continuations of arrangements must be submitted to the Commission as soon as possible after execution and must be contingent upon Commission approval. However, with respect to proposed rehabilitation of RI lines, facilities and equipment, we shall require advance Commission approval only for rehabilitation projects which are "substantial" within the meaning of that term set forth above (*see* "Maintenance and Rehabilitation of RI lines and Equipment" *supra*). No advance Commission approval will be required for mere "minor" rehabilitation (as defined above), provided we are kept informed of the latter.

We believe the Railroad Service Board could expeditiously perform most of the review and approval functions respecting these areas of directed service. The Board has both the technical expertise and administrative mechanisms essential to the efficient determination of these matters. Accordingly, pursuant to 49 U.S.C. 10304–05 and 49 CFR 1011.6(d)(3) (1978), we shall assign to the Railroad Service Board the four areas of directed service described above. However, we shall require the Board to certify to the entire Commission (with a recommendation for action) all matters which the Board anticipates will: (1) Involve the expenditures of more than $150,000 in directed-service funds; (2) Require more than 45 days for completion; (3) Extend beyond the directed-service period; or (4) Necessitate modification or waiver of this decision's provisions. In addition the Board may certify to us any other matter, with a recommendation for action.

Financial and Statistical Reports

We require regulated rail carriers to file a number of financial and statistical reports detailing the results of transportation operations. In order that we may fully assess the character of the directed-service operations, we are directing the DRC to file with us all the financial and statistical reports which would otherwise have been filed by RI during the directed-service period.

The costs of compliance with these reporting requirements are reimbursable expenses of providing directed service.

We find: 1. RI cannot transport the traffic offered to it because its cash position makes its continuing operation impossible, within the meaning of 49 U.S.C. 11125(a)(1).

2. In order to prevent severe transportation and economic dislocations, it is necessary for the Commission to exercise its authority under 49 U.S.C. 11125 to direct another rail carrier to handle RI traffic. It is equally necessary for the Commission to authorize ancillary rerouting under 49 U.S.C. 11124 in the manner provided by this decision.

3. Our action in this decision will not cause the DRC to operate in violation of 45 U.S.C. 421. *See* 49 U.S.C. 11125(b)(2)(A).

4. Our action in this decision will not impair substantially the ability of the DRC to serve its own patrons adequately, or to meet its outstanding common carrier obligations. *See* 49 U.S.C. 11125(b)(2)(B).

5. This action will not significantly affect either the quality of the human environment or conservation of energy resources. *See* 49 CFR Parts 1106, 1108 (1978).

6. Any findings made elsewhere in this decision but not specifically enumerated here are hereby expressly adopted.

§ 1033.1398 Kansas City Terminal Railway Co.—Directed [5] To Operate Over—Chicago, Rock Island & Pacific Railroad Co., Debtor (William M. Gibbons, Trustee).

Service Directed Under 49 U.S.C. 11125

1. *Entry*—KCT (comprised of the roads designated above) is directed to enter upon the properties presently operated by RI and to operate those railroad facilities (except as to unsafe track) for the purpose of handling, routing and moving RI's traffic in accordance with the Commission's rules and regulations, and subject to the rates and charges prescribed in tariffs lawfully published and filed for freight and passengers transported over RI lines.

[5] All references to RI shall embrace Peoria Terminal Company (PTC), its wholly-owned subsidiary.

(a) The entry shall occur on this order's effective date (see below) and shall continue until this order's expiration date (see below), unless modified or extended by the Commission.

2. *Collection and Distribution of Revenues*—The DRC (KCT) shall collect all revenues attributable to the directed service over RI lines after commencement of directed operations. The DRC shall distribute those revenues in accordance with applicable divisional agreements, paying to RI those revenues derived from services performed and events occurring prior to this decision's effective date and retaining for itself, on a segregated basis, all those revenues derived from the directed service and from events occurring on or after this decision's effective date.

3. *Payments to the DRC*—All carriers are directed to pay to the DRC those sums which would otherwise be payable to the RI Trustee, including interline freight revenues and all other interline accounts due during and after the period this order is in effect, for services performed in and events occurring during directed service.

4. *Payments by the DRC*—The DRC shall pay to all other carriers amounts received by the former but due to the latter for the latter's service, for per diem, and for events occuring during the period this order is in effect, in accordance with established procedures for the settlement of interline transactions and accounts.

5. *Applicable Rates*—The DRC is authorized to act in all matters pertaining to the establishment of rates pertaining to the directed service, except that RI transit rates and prepaid charges shall be preserved for the initial 60-day directed-service period.

6. *Hiring of RI Employees*—In carrying out operations directed under 49 U.S.C. 11125, the DRC shall hire RI employees to the extent those employees had previously performed the directed service. Respecting those employees, the DRC shall assume all existing employment obligations and practices—including agreements governing pay rates, rules, working conditions, and current protective conditions—for the duration of the directed service.

7. *Hiring List and Statement*—The DRC shall, within 14 days of commencing directed operations, submit to the Commission a list of all RI employees hired for directed-service work and a statement of the principles followed in making the selections. The DRC shall also serve a copy of its statement on representatives of all RI employees affected by its selection

procedure. Representatives of any RI employees dissatisfied with the principles of selection shall petition the Commission to resolve controversies over the principles.

8. *Agreements between DRC and RI Trustee*—The DRC and RI Trustee shall, if possible, negotiate agreements on all necessary matters regarding directed-service operations (including use and rental of equipment; reassignment of fuel allocations; and use of existing inventories of fuel, materials, and supplies).

(a) The Commission shall be notified of all discussions between the parties and may be represented at all of their discussions. All agreements between the parties shall be subject to Commission approval.

(b) If the parties fail to agree on terms, the directed service shall continue pending our determination of just and reasonable terms.

9. *Maintenance Equipment; Fuel; and Materials and Supplies*—The RI Trustee shall make available to the DRC track work and inspection equipment, fuel, and materials and supplies for maintenance and operation of tracks, signals, cars, and locomotives.

10. *Continuation of RI Arrangements*—The DRC is authorized to continue temporarily those RI contractual, lease, or other arrangements essential to directed-service operations. However, all continuations shall be subject to Commission approval.

11. *Initial and Interim Funding*—All correspondence to the Commission containing requests for initial and interim funding shall be addressed to:

James B. Thomas, Jr., Director, Bureau of Accounts, Interstate Commerce Commission, 12th and Constitution Avenue, NW., Washington, D.C. 20423

Envelopes containing such requests shall have the notation "Rock Island-DS" typed on the lower left corner.

12. *Costs and Revenues*—The DRC shall record the costs and revenues attributable to directed service in the manner prescribed in this decision and in 49 CFR Part 1126, 44 FR 6156, 8879 (1979).

13. *Approval for Actions*—Except as to rate-related matters and those reserved to the entire Commission, the Railroad Service Board is assigned jurisdiction to decide all matters regarding the accomplishment of directed operations. An original and 10 copies of all directed-service matters requiring Commission approval in accordance with this decision shall be addressed to:

Railroad Service Board, Interstate Commerce Commission, 12th and Constitution Avenue, NW., Washington, DC 20423.

A copy of each filing shall also be addressed to:

Section of Rail Services Planning, Office of Policy and Analysis, Interstate Commerce Commission, 12th and Constitution Avenue, NW., Washington, DC 20423

and

Section of Finance (Rm. 5417), Office of Proceedings, Interstate Commerce Commission, 12th and Constitution Avenue NW., Washington, DC 20423.

Envelopes containing such submissions shall have the notation "Rock Island-DS" typed on the lower left corner.

Rerouting Under 49 U.S.C. 11124

14. *Ancillary Rerouting*—Where the DRC is unable to route RI traffic over RI lines due to track or related defects in those lines, the DRC may reroute that traffic over its own or other lines in the manner specified below.

(a) No other changes in routing shall be made unless authorized by the shipper or this Commission, or—if the shipment was originally unrouted—unless authorized by the origin carrier.

(b) The billing covering all such rerouted cars shall carry a reference to this decision as authority for the rerouting.

15. *Concurrence of Receiving Roads*—The DRC rerouting cars in accordance with this decision shall receive the concurrence of the other railroads to which such traffic is to be diverted or rerouted before the rerouting or diversion is ordered. Any difficulties regarding this matter shall be resolved by the Railroad Service Board or, at Commission discretion, by the entire Commission.

16. *Notification to Shippers*—In the event cars are rerouted by the DRC in accordance with this decision, the DRC shall notify the shipper at the time a car is rerouted or diverted, and shall furnish the shipper the new routing, making reference to this decision as authority for the rerouting.

17. *Applicable Rates*—The rates applicable to traffic diverted or rerouted as authorized by this decision shall be the rates applicable at the time the bill of lading was receipted.

General Provisions

18. The provisions of this decision shall apply to intrastate, interstate, and foreign traffic.

19. All requirements specified in this decision but not specifically enumerated in the ordering paragraphs shall be followed as though specifically enumerated.

20. The Commission retains jurisdiction to modify, supplement or reconsider this order at any time.

21. This decision shall be served upon: (a) DOT; (b) The Governors of all States in which the Rock Island operates; (c) The Public Service Commission and designated state rail agency in each of those states; (d) AAR (Car Service Division), as agent of all railroads subscribing to the car-service and car-hire agreement; (e) The American Short Line Railroad Association; (f) RI; (g) KCT; (h) SP; (i) WP; (j) D&RG; (k) United Transportation Union; and (l) Brotherhood of Railway and Airline Clerks.

22. Notice of this decision shall be given to the general public by: (a) Depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, DC; and (b) Filing a copy with the Director, Office of the Federal Register.

23. *Effective Date*—This decision and order shall be effective on midnight (CT) of the date on which it is served, and directed operations shall commence no later than 7 days later.

24. *Expiration Date*—Unless modified or extended by the Commission, this decision and order shall expire at midnight (CT) of the 60th day after its effective date.

By the Commission, Chairman O'Neal, Vice Chairman Stafford, Commissioners Gresham, Clapp, Christian, Trantum, Gaskins, and Alexis. Commissioner Trantum concurring. Commissioner Gresham dissenting.

Decided: September 26, 1979.

Agatha L. Mergenovich,

Secretary.

Commissioner Trantum, Concurring

I believe that we now have sufficient evidence to find that the Rock Island "cannot transport the traffic offered to it because its cash position makes its continuing operations impossible." However, we may ultimately find that the timely issuance of a show cause order to the Trustee would have expedited directed service. Although the information developed through such an order is not likely to have changed the Commission's finding about the railroad's cash position, it would have been a deterrent to the filing of frivolous and time-consuming motions which could delay the resumption of service to the affected shippers.

Commissioner Gresham, Dissenting

I am not unsympathetic to the transportation problems of the midwestern shippers, particularly those faced with large inventories of perishable grains. However, in the absence of a complete record I cannot vote for this decision.

Fundamental due process has not been afforded the Rock Island. At the least, it seems to me, this agency should order Rock Island to show cause why it should not be

found cashless within the meaning of Section 11125. When faced with this issue in a bankruptcy context just last Friday, Judge McGarr was unable to find cashlessness. That decision was based on the representations of all parties. This decision is not.

Directed service rests in law upon this Commission's finding that Rock Island "cannot transport the traffic offered to it because its cash position makes its continuing operation impossible." Impossibility suggests to me that Congress intended a rather stringent showing of inability to serve. The facts as we know them offer no such showing. Aside from the due process impediment, I find it very difficult to conclude that the Rock Island is *financially* unable to provide service when the primary reason it is not now operating at capacity results from an unsettled labor situation. In the absence of further evidence, we cannot really know that the Rock will be financially unable to serve the public until its employees return and it attempts to reinstitute service. In short, this decision is based upon speculation, and speculation based upon a less than complete record at that.

Appendix A

The Secretary of Transportation,
Washington, D.C. 20590.

Mr. A. Daniel O'Neal,
Chairman, Interstate Commerce Commission, 12th and Constitution Avenue NW., Washington, D.C. 20423.

Dear Mr. Chairman: I urge the Commission to recognize the immediate need to order directed service over the lines of the Rock Island. The public needs this action to receive the services it is entitled to by law.

Frankly, I am shocked at the actions of the trustee, who has failed to pay wages when due, jeopardized the safety of the public and railroad employees, and driven service to shippers steadily downward. The Rock Island has maintained its corporate identity by running its physical plant and services into the ground and more recently by failing to pay its bills.

The Rock Island cannot provide the service for which it is needed. In my view there are sufficient grounds to issue a directed service order today. There is no point to a meaningless and time-consuming exercise of forcing employees back to work to conclude what is obvious now—that the Rock Island does not have the money to pay its employees and to resume operations.

Even as it is operating today, the Rock Island cannot continue. It is not necessary to wait until the last coin has dropped, the last locomotive has stopped running, and the last line of track has been made impassable to conclude that directed service is in order.

The Commission is aware that the Federal Railroad Administration has recently made an extensive survey of the Rock Island's physical plant. Over 50 percent of the main line track was inspected and one-quarter of that track was found to be below Class I standards, which by law cannot be operated. Equipment maintenance was found to be dismal. This inspection was conducted in July before the strike. Conditions have since further deteriorated and the trustee has made no provision to stop the decline.

The FRA will not grant waivers of its track standards to the Rock Island since there is no prospect of the lines being brought up to minimum standards. The estimated cost to achieve this for the entire system is about $35 million. Under a directed service order, however, the FRA will consider granting waivers of its track standards where there is a program and financial resources for later repairs.

I had hoped that by now the trustee would have recognized his responsibilities and adopted a course of action beneficial to both the public and the estate. Since he has not, it is up to the Commission to take the appropriate action. The Department supports such action and will cooperate with you fully. Enclosed is a paper which provides information as to the cash position of the Rock Island.

Sincerely,

Neil Goldschmidt.

Enclosure.

Authority of the Interstate Commerce Commission To Issue a Directed Service Order Affecting the Chicago, Rock Island & Pacific Railroad Co.

I. Legal Basis

A. Description of Statutory Finding

The Interstate Commerce Commission may issue a directed service order under 49 U.S.C. 11125(a) when a railroad subject to its jurisdiction ". . . cannot transport the traffic offered to it because (1) its cash position makes its continuing operation impossible. . . ." Whenever the current and short-term projected cash position of a railroad is inadequate to cover the costs of providing service, the statutory prerequisite for a directed service order exists.

B. Standards To Be Used by the Commission To Find an Inadequate Cash Position

The authority granted to the Commission to direct service is a discretionary one. No hearing, notice, investigation or other procedural steps are required. The overriding objective of the statute is to protect the public from a disruption of service, and the Commission is empowered to act quickly and in any manner it chooses.

It is up to the Commission to determine whether service cannot be provided because of the cash position of a railroad. Its determination should be sustained unless it is found by a court to be arbitrary.

The Commission should look at a variety of circumstances in making its determination, including current cash balances and cash payments due, unpaid bills which will make continued service difficult, unpaid bills or practices which violate Federal or state law, actions toward shippers (such as prepayment requirements) which demonstrate a failure to provide adequate service, the condition of track and equipment, and prospects of the carrier to reverse a loss trend.

The Commission may direct service even though the carrier has sufficient resources to provide limited service. An absolute absence of funds, or a complete cessation of service, is not a prerequisite by any means.

In a situation where service is not being provided for more than one reason, the Commission may direct service if the carrier has inadequate funds regardless of the other circumstances, and if a directed carrier can provide the service.

C. Application of Finding to the Rock Island

For the purpose of determining whether the requirements of 49 U.S.C. 11125(a)(1) are met, the Commission should review the cash position of the Rock Island for its sufficiency to support a resumption of full service levels. If the reasonably forecasted cash position of the railroad is inadequate to cover start-up expenses, then the Commission should recognize that the Rock Island's cash position precludes it from meeting its common carrier obligation to transport the traffic that is offered to it. This approach, rather than one that assumes a continuation of strike conditions, is appropriate for several reasons.

The President's Executive Order establishing an Emergency Board under section 10 of the Railway Labor Act suspended the strike. The railroad and its labor forces are consequently obligated, respectively, to provide service and to return to work. Compliance with, or enforcement of, a legal order should be presumed. It should not be necessary to wait until the employees return to work before concluding that the carrier has insufficient funds to resume operations.

Second, the statutory finding requires the Commission to address whether the railroad's cash position permits *continuing operation* at a level sufficient to transport the traffic offered to it. Since continuing operation necessarily implies a prospective view, the Commission should forecast cash requirements from a baseline of present operations by incorporating into its projections reasonably anticipated conditions affecting the Rock Island's cash position through the period being forecasted. These conditions include operating expenses for labor and fuel to resume normal operations.

Third, the Commission should recognize that the cash position of a business is a predominant consideration taken into account by suppliers, employees and customers in deciding whether to deal with the enterprise. Without liquidity, an operating business cannot provide assurances that invoices will be paid, payrolls will be met and services will be furnished in accordance with contractual commitments. Accordingly, where the cash position of a railroad such as the Rock Island is extremely tenuous, its consequences upon the behavior of suppliers, union employees and shippers should not be underestimated. In the absence of compelling facts to the contrary, it would be accurate to presume that the level of offered traffic and the willingness of employees to return to work is influenced significantly by the cash position of the Rock Island.

D. Court Status

At a hearing in Chicago on September 20, the reorganization court received a report from the Rock Island trustee projecting a flow of funds through the end of November. Using a set of assumptions considered unrealistically optimistic by FRA, the trustee's report showed that the Rock Island's cash position would not worsen by the end of

November and, thus, that the estate would not be further eroded. Judge McGarr informed counsel for the Rock Island trustee that the railroad should not project the availability for operating expenses of any portion of the dedicated funds in which the FRA has an interest, inasmuch as both the court and the trustee had been advised that the FRA would not consent to their use for operating expenses.

Another hearing on the cash position of the railroad was scheduled for September 28 at 2:00 p.m. On October 10, the court intends to hear evidence and render a decision on the creditors' petition to begin winding down rail operations and require the filing of a liquidating plan of reorganization.

II. Findings

A. The Rock Island is currently cashless under any reasonable test to be applied. The railroad is managing to hold a marginal bank reserve only by deferring bills of a critical nature, including lease payments for operating equipment, current wages overdue and interline payments to other railroads. These three items would total $8.0 million versus available cash of *$2.2 million.* Including vouchers of more than 60 days maturity would raise immediately due payments to approximately $19 million.

B. The Rock Island has no prospects in the short run (through November) for restoring its liquidity under any operating scenario.

1. If the railroad attempts to resume full service as contemplated in the President's Emergency Board order, the $25–$30 million start-up costs, including current bills, would exceed available cash resources by a considerable amount.

2. If the railroad attempts to phase-in service by applying a selective embargo on an economic basis, the start-up costs would only be stretched out, not avoided, and receipts would be insufficient to meet the costs.

3. If the strike situation were to continue, the railroad would continue to lose cash and could not reduce the backlog of bills.

C. The Rock Island has no prospects beyond the short run for restoring its liquidity without an infusion of funds from some external source. Any such aid would likely have to be tied to a reorganization plan that would require the partial liquidation of the railroad. Funds under the Emergency Rail Services Act would be foreclosed due to difficulties in the legal findings for self-sustainability and security for the United States.

1. The railroad had been losing cash steadily through the pre-strike period, and was cashless by normal business standards before the strike began. The cash drain occurred during a season when demand for services was high and operational conditions were favorable.

2. The onset of winter, which normally deals harshly with the Rock Island over much of its operating territory, would begin affecting operations at the end of the short run forecast period. Normally, the Rock Island builds its cash reserves in the summer and fall to tide the railroad over the winter period and into early April. Last year at this time the Rock Island had $22 million in cash, and managed to avoid exhausting its resources by the end of winter by only a narrow margin.

III. Financial Condition*

A. Current Cash

As of the close of business on September 21, 1979, Rock Island had a treasurer's cash balance (or checkbook balance) of $6.0 million. However, $3.8 million were funds in special accounts restricted in their use. Actual usable cash balance was therefore $2.2 million.

The $6.0 million in treasurer's cash held by the Rock Island includes $3.8 million in funds restricted for dedicated purposes. The breakdown is:

	Million
FRA's 511 Program—Car Repairs	$1.6
FRA's 505 Program—Track rehabilitation	1.1
Shipper Car Repair Programs	0.5
Southern Pacific Advance for Tucumcari Maintenance	0.6
	3.8

The funds in all cases are restricted to specified projects. To the extent that work must be carried out in the future, the funds would not be available to the Rock Island on a current basis to be included as a working capital resource. Most of the funds fall in that category. To the extent that the work has already been accomplished, funds would be available on a reimbursable basis. The Rock Island has indicated that in its view the railroad is eligible to draw $400,000 from the 505 account and $35,000 from the Southern Pacific account, leaving $3.4 million in restricted funds.

In addition, the Rock Island has approximately $6.3 million in escrow funds principally from property sales. The court could arguably make this money available to the railroad, but there are no indications that such an event is likely. The creditors would undoubtedly resist strenuously; the funds represent the only liquid resources available to the estate to cover ongoing legal expenses and costs in the event of liquidation. The court has previously authorized the *borrowing* of $2 million from the escrow account on a short-term basis, and has now ordered the trustee to return the draw as soon as feasible. There were also $6 million in current receivables due the railroad but no schedule was available to reflect when and whether the receivables would be paid as cash.

B. Current Expenses

- Invoices payable but uncleared as of September 19, 1979 amounted to $22.4 million. Of that amount, more than half or $11 million are bills older than 60 days that can be advanced as claims against the immediate cash resources and that can adversely affect the availability of future trade credit. In addition, other charges due and payable in September are:
- $4 million in payroll expenses for the pre-strike period August 16 to 27 due 9/15/79.
- $1.7 million in equipment lease payments.
- $800,000 for officer's payroll and related costs.
- Interline payments to other railroads of approximately $1.5 million on a net basis.

C. Pre-strike Financial Trends

- For the first six months ending June 1979, the Rock Island lost a total of $45 million on an ICC accounting basis compared to a loss of $12.2 million during the same period of 1978.
- Operating revenues for the first six months were $186 million versus $185 million during the same period of 1978. Revenues remained virtually the same largely as the result of rate increases since traffic for the first six months of this year was off by 9.7 percent compared to last year.
- Operating expenses for the first six months of 1979 were $225.6 million versus $196.3 during the comparable period of 1978.
- Current liabilities increased by $27 million to $123.8 million during the year ended June 30, 1979 due to the increase in payables. Current assets declined by $8.1 million during this same period to $71.4 million, resulting in a book working capital deficit of $52.2 million.
- The expenses incurred did not reflect the continued deterioration of the Rock Island plant, both track and equipment. The railroad has continued to operate only by cannibalizing its assets. The Rock Island freight car maintenance in the heavy repair category over the past year has been undertaken with external funds (FRA and shipper programs) and not with internal funds. Track maintenance has been averted to the point where the Rock Island is in substantial violation of minimum safety standards. Rehabilitating the track to Class I (10 mph) standards would cost an estimated $35 million.

IV. Cash Impact of Operations Under Back-To-Work Order

A return to service after the strike will increase the immediate cash requirements of the Rock Island. Expenses associated with start-up and a revenue/expense operating gap will be added on to the current critical expenses already due and unpaid.

The trustee has estimated that $30 million would be necessary for start-up and working capital to operate the system during the grain harvest period. FRA's estimate of the cash requirement to pay the immediate critical items, to pay half the unpaid vouchers necessary to reestablish commercial relationships, to cover the physical restoration of the plant for operations, and to cover the revenue/expense gap for a two-to-three week period would be in excess of $25 million.

Beyond that start-up period, the Rock Island would still be in a negative cash flow position, considering the requirements for maintenance work to correct track and equipment defects necessary for safe operations. The traffic flow, except for the backlogs in grain, would remain well below pre-strike levels through the end of the 60-day cooling off period.

Although the Rock Island would set out to match the return of operating employees to the buildup in traffic, this would not be possible in all cases. In a back-to-work situation, the Rock Island would have to carry the payroll costs of many non-operating employees who would have the right to at least five days furlough notice.

Finally, a partial restart of operations would stretch out the start-up costs but also hold down the buildup in revenue generation. Without the increased flow of revenue, the railroad would be unable to meet fixed costs coming due. Modified operations for a lengthy period would constitute a self-imposed embargo without regulatory authority.

V. Analysis of Rock Island Projections

For its September 21 court appearance the Rock Island developed a cash forecast through November which purported to show that funds generated would cover expenses paid without adding to outstanding payables. The exhibit (see attached) was labeled: "Can Rock Island Cover Its Cost and Make a Profit Under Strike Conditions." The tabulations added up to the affirmative. There were no projections offered to cover a back-to-work alternative.

FRA has evaluated the exhibit and has concluded that the projected results are (1) unrealistic; (2) unresponsive to the company's service obligations; and (3) ignore the cash obligations of the company. FRA's evaluation examines a number of key Rock Island assumptions, as follows:

A. Carloadings for September, October and November would total 14,000, 22,000 and 30,000, respectively. Through September 21, the Rock Island had handled 5,665 cars or 265 per day on a reduced run basis, so that handling an average of 926 cars per day would be required for the remainder of the month to achieve the goal. The buildup to the 30,000 cars per month level would return the railroad to about half its pre-strike carloadings. The estimated receipts would also be about half the pre-strike total. The Rock Island, however, would be operating less than half the railroad's trackage and serving less than one-third of its market area, and turning over grain at the Kansas City interchange instead of delivering it to the Gulf. The projected payroll would indicate this activity would be carried out with 1,400 operating employees to be hired in addition to the present 700 supervisory personnel. The 2,100 total would compare with the 8,600 employed before the strike. Achievement of the revenue generation with the projected level of operations would be doubtful.

B. According to Rock Island's projections, the railroad would generate an additional $12 million in revenues in November over October while incurring only an additional $6 million in expenses. That estimate is out of line with any standard revenue/cost comparison, and obviously does not allow for maintenance of either equipment or track during the period. Track deterioration and cannibalization of equipment would continue, and steps to cure existing defects to meet minimum safety standards would not be taken.

C. Approximately 55 percent of Rock Island's traffic before the strike was handled on a prepaid basis. During the strike the Rock Island has requested all shippers to prepay shipments. Thus, the Rock Island would limit its market, an assumption inconsistent with its high traffic projections. Prepayments provide a one-time cash benefit. At the same time, the liability to carry out future service remains. The prepayment obligation, which is a claim on future cash, is believed to be substantial by FRA but is unquantifiable at this time.

D. Interline payments would not be made, nor would the railroad draw upon its interline receipts. The Rock Island, under rules established by the Association of American Railroads, could obtain basically a day-for-day deferral of interline payments and receipts for as long as it is being strunk. During this grace period, it may not draw upon those interline payments due it. However, Rock Island is a net payer of interlines to the extent of about $1.5 to $2 million, which will have to be paid in October.

E. Commuter operations would not be resumed.

F. The railroad would not pay the entire overdue current wages due employees for the August 16–27 period. The Rock Island plan would allow payment of $2 million or one-half the total due and convert the remaining one-half into an intermediate term liability to be paid in October. However, the $2 million wage payment as well as $1.7 million in equipment leases are dependent upon projected receipts of $5.8 million in the last five days of September, which is $2.3 million higher than actual receipts for the preceding five days.

G. The amount of vouchers has grown by $3.2 million to $22.4 million over the past month. The railroad's cash flow projection does not allow for reducing the amount over the forecast period.

H. According to the trustee's projections, the Rock Island on October 1 would be in a deficit cash position by $400,000.

Can Rock Island Cover Its Cost and Make a Profit Under Strike Conditions

Assumptions

1. Pure strike cash flow,
2. October 1979 price levels,
3. Adequate operating staff costs (opposed to emergency staff),
4. Maximum effort in grain harvest areas.

	14,000 cars per month	30,000 cars per month
RECEIPTS		
Agent field collections	$13,734,000	$24,634,000
From other railroads—freight revenue	1,090,000	2,180,000
From other railroads—other receipts	4,800,000	4,800,000
Other receipts	2,100,000	2,100,000
Total	21,724,000	33,714,000
PAYMENTS		
Payroll Costs:		
Officers	$1,800,000	$1,800,000
Pensions	100,000	100,000
Additional operating people	300,000	2,390,000
Leases	4,500,000	4,500,000
To other railroads—Freight revenue	4,360,000	5,450,000
To other railroads—other payments	4,000,000	4,000,000
Other expenses	5,800,000	8,610,000
Total	20,860,000	26,850,000
Net cash	864,000	6,864,000

[FR Doc. 79-30404 Filed 9-28-79; 8:45 am]

BILLING CODE 7035-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 5699]

List of Communities Eligible for the Sale of Insurance Under the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: This rule lists communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain flood plain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATES: The date listed in the fifth column of the table.

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: P.O. Box 34294, Bethesda Maryland 20034, Phone: (800) 638–6620.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, (202) 426–1460 or Toll Free Line 800–424–8872, Room 5150, 451 Seventh Street, SW., Washington, DC 20410.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance at rates made reasonable through a Federal subsidy. In return, communities agree to adopt and administer local flood plain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Federal Insurance Administrator has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map. The date of the flood map, if one had been published, is indicated in the sixth column of the

table. In the communities listed where a flood map has been published, Section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard area shown on the map.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of eligible communities.

State	County	Location	Community No.	Effective date of authorization of sale of flood insurance for area	Hasard area identified
Florida	Palm Beach County	Atlantis, City of	120193	740823 Emerg., 781101 Reg	741206
Florida	Palm Beach County	Lake Clarke Shores, Town of	120211	750519 Emerg., 781101 Reg	740109
Florida	Orange County	Ocoee, City of	120185	750402 Emerg., 781101 Reg	740802
Kansas	Pratt County	Pratt, City of	200278	750404 Emerg., 781101 Reg	740405
Maryland	Prince Georges County	Laurel, City of	240053	710910 Emerg., 781101 Reg	740809
Minnesota	Winona County	Elba, City of	270527	740730 Emerg., 781101 Reg	740809
Minnesota	Rice County	Faribault, City of	270404	740419 Emerg., 781101 Reg	770121
Minnesota	Itasca County	Itasca County *	270200	730618 Emerg., 781101 Reg	0
Minnesota	Kanabec County	Kanabec County *	270214	730725 Emerg., 781101 Reg	0
Minnesota	Scott County	New Pargue, City of	270249	740430 Emerg., 781101 Reg	740510
Minnesota	Carver County	Watertown, City of	270056	750314 Emerg., 781101 Reg	761105
New York	Bronx County	Bolivar, Village of	360026	770912 Emerg., 781101 Reg	770107
New York	Orleans County	Carlton, Town of	360642	730405 Emerg., 781101 Reg	740802
New York	Livingston County	Dansville, Village of	360383	730417 Emerg., 781101 Reg	761022
New York	Suffolk County	Huntington, Town of	360796	731101 Emerg., 781101 Reg	740802
New York	Cattaraugus County	Olean, City of	360088	730126 Emerg., 781101 Reg	730525
New York	Monroe County	Rochester, City of	360431	730409 Emerg., 781101 Reg	740628
North Carolina	Wake County	Fuquay-Varina, Town of	370239	750127 Emerg., 781101 Reg	750411
North Carolina	Wake County	Morrisville, Town of	370242	771208 Emerg., 781101 Reg	761029
Ohio	Mahoning County	Canfield, City of	390369	750625 Emerg., 781101 Reg	740517
Ohio	Putnam County	Pandora, Village of	390474	740905 Emerg., 781101 Reg	740208
ORegon	Douglas County	Canyonville, City of	410060	740603 Emerg., 781101 Reg	740607
Pennsylvania	Lackawanna County	Dalton, Borough of	420998	730606 Emerg., 781101 Reg	740628
Texas	Bandera County	Bandera County *	480020	740121 Emerg., 781101 Reg	760618
Kentucky	Logan County	Auburn, City of	210148	780519 Emerg., 781103 Reg	740517
New Jersey	Atlantic County	Estell Manor, City of	340573	750314 Emerg., 781103 Reg	741213
New Jersey	Camden County	Oaklyn, Borough of	340141	750916 Emerg., 781103 Reg	740222
Pennsylvania	Lancaster County	Upper Leacock, Township of	421785	750619 Emerg., 781103 Reg	740524
Maine	Penobscot County	Holden, Town of	230390	750723 Emerg., 781107 Reg	750207
Indiana	Cass County	Galveston, Town of	180356	760412 Emerg., 781108 Reg	750221
Indiana	Cass County	Walton, Town of	180024	750731 Emerg., 781108 Reg	740517
Maine	Oxford County	Stow, Town of	230186	760220 Emerg., 781114 Reg	750124
Arizona	Maricopa County	Youngtown, Town of	040057	750605 Emerg., 781115 Reg	731226
Colorado	Clear Creek County	Idaho Springs, City of	080036	731204 Emerg., 781115 Reg	740614
Georgia	Coweta County	Newnan, City of	130062	750512 Emerg., 781115 Reg	740531
Illinois	Cook County	Hanover Park, Village of	170099	730419 Emerg., 781115 Reg	740412
Illinois	Cook County	La Grange Park, Village of	170115	730119 Emerg., 781115 Reg	740628
Kansas	Johnson County	Olathe, City of	200173	730119 Emerg., 781115 Reg	740301
Kansas	Johnson County	Shawnee, City of	200177	750224 Emerg., 781115 Reg	740628
Massachusetts	Hampden County	Hampden, Town of	250140	740906 Emerg., 781115 Reg	740621
Michigan	Ottawa County	Holland, City of	260006	730621 Emerg., 781115 Reg	740412
Minnesota	Yellow Medicine County	Yellow Medicine County*	270544	730112 Emerg., 781115 Reg	770819
Missouri	Clay County	Prathersville, Village of	290101	780606 Emerg., 781115 Reg	770218
New Jersey	Middlesex County	Carteret, Borough of	340257	730404 Emerg., 781115 Reg	740109
New York	Cattaraugus County	Allegany, Town of	360061	730330 Emerg., 781115 Reg	740726
New York	Monroe County	Irondequoit, Town of	360422	730316 Emerg., 781115 Reg	740628
New York	Dutchess County	Poughkeepsie, Town of	361142	741021 Emerg., 781115 Reg	741129
North Carolina	Wake County	Wake County*	370368	750026 Emerg., 781115 Reg	0
Ohio	Franklin County	Bexley, City of	390168	731121 Emerg., 781115 Reg	740517
Ohio	Hocking County	Murray City, Village of	390275	740426 Emerg., 781115 Reg	741115
Oregon	Union County	Elgin, City of	410218	740612 Emerg., 781115 Reg	731130
Pennsylvania	Schuylkill County	Gordon, Borough of	420773	740906 Emerg., 781115 Reg	740906
Vermont	Chittenden County	Burlington, City of	500032	730405 Emerg., 781115 Reg	740719
Virginia	Scott County	Weber City, Town of	510146	740315 Emerg., 781115 Reg	740510
Arizona	Maricopa County	Peoria, City of	040050	750618 Emerg., 781117 Reg	740308
Ohio	Brown County	Hamersville, Village of	390676	760322 Emerg., 781117 Reg	750214
Pennsylvania	Crawford County	Blooming Valley, Borough of	421559	751003 Emerg., 781117 Reg	750131
Pennsylvania	Lawrence County	Ellport, Borough of	422462	760309 Emerg., 781117 Reg	750124
Pennsylvania	Mercer County	Fredonia, Borough of	422477	750509 Emerg., 781117 Reg	750103
Pennsylvania	Westmoreland County	North Irwin, Borough of	422641	760209 Emerg., 781117 Reg	761210
Maine	Piscataquis County	Wellington, Town of	230416	760217 Emerg., 781121 Reg	750110
Texas	Coryell County	Copperas Cove, City of	480155	750703 Emerg., 781121 Reg	740405
Texas	Morris County	Naples, City of	480494	750513 Emerg., 781121 Reg	740412
Texas	Bowie County	New Boston, City of	480059	750410 Emerg., 781121 Reg	731217
Texas	Montague County	Nocona, City of	480482	750722 Emerg., 781121 Reg	740510
Utah	Davis County	Sunset, City of	490050	750311 Emerg., 781121 Reg	740628
Alabama	Colbert County	Littleville, Town of	010330	771025 Emerg., 781124 Reg	760618

State	County	Location	Community No.	Effective date of authorization of sale of flood insurance for area	Hasard area identified
Alabama	Madison County	New Hope, Town of	010154	750807 Emerg., 781124 Reg	770603
Alabama	Macon County	Notasulga, Town of	010149	750702 Emerg., 781124 Reg	741025
Alabama	Morgan County	Trinity, Town of	010309	770707 Emerg., 781124 Reg	760625
New Jersey	Camden County	Magnolia, Borough of	340138	740618 Emerg., 781124 Reg	770225
Pennsylvania	Cambria County	Susquehanna, Township of	421447	760428 Emerg., 781124 Reg	741115
South Carolina	Spartanburg County	Campobello, Town of	450216	750707 Emerg., 781124 Reg	741115
South Carolina	Spartanburg County	Inman, Town of	450217	760514 Emerg., 781124 Reg	750131
South Carolina	Spartanburg County	Pacolet Mills, Town of	450180	751003 Emerg., 781124 Reg	740628
South Carolina	Florence County	Quinby, Town of	450082	750514 Emerg., 781124 Reg	740517
South Carolina	Spartanburg County	Woodruff, Town of	450214	751212 Emerg., 781124 Reg	741108
California	Monterey County	Soledad, City of	060204	750117 Emerg., 781130 Reg	0
Michigan	Oakland County	Hazel Park, City of	260289	740417 Emerg., 781130 Reg	0
Michigan	Oakland County	Pleasant Ridge, City of	260606	750424 Emerg., 781130 Reg	0
Pennsylvania	Berks County	Laureldale, Borough of	422646	761208 Emerg., 781130 Reg	0
Pennsylvania	Lebanon County	Mount Gretna, Borough of	421851	740607 Emerg., 781130 Reg	0
Pennsylvania	Butler County	Slippery Rock, Borough of	421414	760615 Emerg., 781130 Reg	0
Arizona	Maricopa County	El Mirage, Town of	040041	750808 Emerg., 781201 Reg	740215
California	Sacramento County	Isleton, City of	060265	730928 Emerg., 781201 Reg	740116
California	Alameda County	Newark, City of	060009	740422 Emerg., 781201 Reg	740222
California	Alameda County	Union City, City of	060014	720318 Emerg., 781201 Reg	750711
California	Yolo County	Winters, City of	060425	750411 Emerg., 781201 Reg	740123
Colorado	Arapahoe County	Littleton, City of	080017	710903 Emerg., 781201 Reg	740201
Colorado	Archuleta County	Pagosa Springs, Town of	080019	750530 Emerg., 781201 Reg	740607
Florida	Orange County	Eatonville, Town of	120182	750331 Emerg., 781201 Reg	740719
Florida	Palm Beach County	Juno Beach, Town of	120208	750206 Emerg., 781201 Reg	740116
Florida	Palm Beach County	Lake Worth, City of	120213	741106 Emerg., 781201 Reg	740802
Georgia	Rockdale County	Conyers, City of	130213	750523 Emerg., 781201 Reg	740628
Georgia	Troup County	La Grange, City of	130177	740205 Emerg., 781201 Reg	760402
Georgia	Houston County	Warner Robins, City of	130111	740115 Emerg., 781201 Reg	740614
Lousiana	Ouachita Parish	West Monroe, City of	220138	730406 Emerg., 781201 Reg	731116
Massachusetts	Norfolk County	Dedham, Town of	250237	740906 Emerg., 781201 Reg	740906
Michigan	St. Clair County	Port Huron, City of	260204	730112 Emerg., 781201 Reg	740531
Mississippi	Grenada County	Grenada County*	280060	740128 Emerg., 781201 Reg	740913
Nebraska	Saunders County	Saunders County*	310195	730406 Emerg., 781201 Reg	0
Nebraska	Hall County	Wood River, City of	310104	740906 Emerg., 781201 Reg	740531
New Jersey	Somerset County	Bridgewater,Township of	340432	711126 Emerg., 781201 Reg	740628
New York	Nassua County	East Rockaway, Village of	360463	730216 Emerg., 781201 Reg	740726
New York	Suffolk County	Smithtown, Town of	360810	730209 Emerg., 781201 Reg	741018
Oklahoma	Comanche County	Lawton, City of	400049	731115 Emerg., 781201 Reg	740809
Pennsylvania	Clearfield County	Dubois, City of	420303	731219 Emerg., 781201 Reg	740412
Pennsylvania	Delaware County	Nether Providence, Township of	420424	711112 Emerg., 781201 Reg	730220
Texas	Cameron County	Brownsville, City of	480103	710115 Emerg., 781201 Reg	740524
Texas	Medina County	Hondo, City of	480474	750710 Emerg., 781201 Reg	740913
Vermont	Rutland County	Proctor, Town of	500265	740417 Emerg., 781201 Reg	740531
Virginia	Independent City	Staunton City of	510155	741224 Emerg., 781201 Reg	740614
Washington	King County	Bellevue, City of	530074	740312 Emerg., 781201 Reg	740802
West Virginia	Roane County	Reedy, Town of	540184	740911 Emerg., 781201 Reg	740809
Wisconsin	Milwaukee County	Wauwatosa, City of	550284	740212 Emerg., 781201 Reg	731221
Minnesota	Hennepin County	Osseo, City of	270658	781221 Emerg., 781207 Reg	750110
Arkansas	Lonoke County	Carlisle, City of	050312	750416 Emerg., 781212 Reg	750110
Missouri	Miller County	Eldon, Town of	290227	750117 Emerg., 781212 Reg	0
Oklahoma	Kiowa County	Mountain View, Town of	400087	751030 Emerg., 781212 Reg	741101
Texas	Hays County	Kyle, City of	481108	750415 Emerg., 781212 Reg	750502
Texas	Bowie County	Maud, City of	480057	750602 Emerg., 781212 Reg	740412
Alabama	Madison County	Madison, City of	010308	750723 Emerg., 781215 Reg	761001
Arizona	Maricopa County	Surprise, Town of	040053	760326 Emerg., 781215 Reg	740628
California	Santa Barbara County	Santa Barbara, City of	060335	720225 Emerg., 781215 Reg	740614
Georgia	Clarke County	Clarke County*	130243	740305 Emerg., 781215 Reg	750321
Louisiana	St. Mary Parish	Baldwin, Town of	220193	730423 Emerg., 781215 Reg	730907
Maryland	Dorchester County	Eldorado, Town of	240105	751111 Emerg., 781215 Reg	741206
Maryland	Frederick County	Myersville, Town of	240116	750417 Emerg., 781215 Reg	741206
Maryland	Dorchester County	Vienna, Town of	240127	751212 Emerg., 781215 Reg	741108
Maryland	Frederick County	Woodsboro, Town of	240033	750226 Emerg., 781215 Reg	0
Michigan	St. Clair County	Fort Gratiot, Township of	260198	730323 Emerg., 781215 Reg	740531
New Jersey	Cumberland County	Hopewell, Township of	340170	750630 Emerg., 781215 Reg	740809
New York	Livingston County	Groveland, Town of	360385	730425 Emerg., 781215 Reg	740301
New York	Orange County	New Windsor, Town of	360628	740301 Emerg., 781215 Reg	740405
Ohio	Hamilton County	Mount Healthy, City of	390229	751128 Emerg., 781215 Reg	740607
Ohio	Lake County	Perry, Village of	390320	750611 Emerg., 781215 Reg	740322
Oregon	Douglas County	Douglas County*	410059	711203 Emerg., 781215 Reg	0
Oregon	Union County	Union, City of	410223	750407 Emerg., 781215 Reg	760305
Pennsylvania	Lehigh County	Alburtis, Borough of	420584	750807 Emerg., 781215 Reg	740116
Pennsylvania	Allegheny County	Avalon, Borough of	420006	750707 Emerg., 781215 Reg	740201
Pennsylvania	Allegheny County	Bellevue, Borough of	420009	770217 Emerg., 781215 Reg	731228
Pennsylvania	Mifflin County	Bratton, Township of	421153	740415 Emerg., 781215 Reg	741129
Pennsylvania	Allegheny County	Churchill, Borough of	420023	740702 Emerg., 781215 Reg	761210
Pennsyvania	Lancaster County	Millersville, Borough of	420559	741111 Emerg., 781215 Reg	740802
Pennsylvania	Northumberland County	Washington, Township of	421945	751107 Emerg., 781215 Reg	741101
Tennessee	Roane County	Kingston, City of	470274	750818 Emerg., 781215 Reg	740308
Vermont	Windsor County	Woodstock, Town of	500160	740430 Emerg., 781215 Reg	740809
Wisconsin	Milwaukee County	Cudahy, City of	550272	750530 Emerg., 781215 Reg	740607
Wyoming	Uinta County	Uinta County*	560053	760102 Emerg., 781215 Reg	741227
Idaho	Bannock County	McCammon City	160176	781221 Emerg., 781221 Reg	760423

State	County	Location	Community No.	Effective date of authorization of sale of flood insurance for area	Hasard area identified
Minnesota	Dakota County	Miesville, City of	270111	781221 Emerg., 781221 Reg	740719
Missouri	Andrew County	Savannah, City of	290664	781221 Emerg. 781221 Reg	761105
New York	Cattaraugus County	Cold Springs, Town of	360064	0 Emerg. 781221 Reg	740621
North Carolina	Rowan County	China Grove, Town of	370210	781221 Emerg. 781221 Reg	740109
Minnesota	Sherburne County	Big Lake, City of	270663	760217 Emerg. 781226 Reg	750117
Minnesota	Hennepin County	Deephaven, City of	270158	740904 Emerg. 781226 Reg	740607
Minnesota	Washington County	Dellwood, City of	270694	780116 Emerg., 781226 Reg	770715
Minnesota	Hennepin County	Greenwood, City of	270164	750725 Emerg., 781226 Reg	740531
Minnesota	Ramsey County	Lauderdale, City of	270376	750613 Emerg., 781226 Reg	740510
Minnesota	Washington County	Oakdale, City of	270511	750418 Emerg., 781226 Reg	740524
Minnesota	Hennepin County	St. Bonifacius, City of	270183	760422 Emerg., 781226 Reg	740607
Minnesota	Carver County	Young America, City of	270656	751203 Emerg., 781226 Reg	750131
Pennsylvania	Schuylkill County	Coaldale, Borough of	420768	750417 Emerg., 781266 Reg	740503
Virginia	Geeene County	Standardsville, Town of	510251	740619 Emerg., 781226 Reg	770211
Virginia	Shenandoah County	Strasburg, Town of	510149	731009 Emerg., 781226 Reg	731228
West Virginia	Monongalia County	Blacksville, City of	540140	751028 Emerg., 781226 Reg	741025
West Virginia	Taylor County	Flemington, Town of	540189	750418 Emerg., 781226 Reg	740809
Michigan	Wayne County	Garden City, City of	260225	780510 Emerg., 781229 Reg	0
Arkansas	Jackson County	Swifton, City of	050104	750501 Emerg., 790102 Reg	740412
Texas	Lamar County	Roxton, City of	480428	750806 Emerg., 790102 Reg	740503
Alabama	Morgan County	Falkville, Town of	010177	740507 Emerg., 790103 Reg	740524
Arizona	Cochise County	Bisbee, City of	040014	740121 Emerg., 790103 Reg	740830
California	Merced County	Merced County*	060188	740823 Emerg., 790103 Reg	740823
California	Marin County	Mill Valley, City of	060177	720121 Emerg., 790103 Reg	740607
California	Santa Clara County	Monte Sereno, City of	060345	750807 Emerg., 790103 Reg	740524
California	San Bernardino County	Redlands, City of	060279	740412 Emerg., 790103 Reg	740517
California	San Joaquin County	Stockton, City of	060302	730419 Emerg., 790103 Reg	740222
Colorado	Archuleta County	Archuleta County*	080273	750723 Emerg., 790103 Reg	770705
Connecticut	New London County	Lyme, Town of	090127	730816 Emerg., 790103 Reg	740614
Connecticut	Hartford County	Windsor Locks, Town of	090042	750626 Emerg., 790103 Reg	740628
Florida	Palm Beach County	Boynton Beach, City of	120196	731108 Emerg., 790103 Reg	740308
Florida	Palm Beach County	Palm Beach Gardens, City of	120221	740903 Emerg., 790103 Reg	740123
Georgia	Cobb County	Cobb County*	130052	730612 Emerg., 790103 Reg	751003
Indiana	Noble County	Noble County*	180183	730202 Emerg., 790103 Reg	0
Kansas	Wyandotte County	Bonner Springs, City of	200361	750606 Emerg., 790103 Reg	731228
Kansas	Neosho County	Chanute, City of	200241	750513 Emerg., 790103 Reg	731207
Kansas	Reno County	Nickerson, City of	200284	750116 Emerg., 790103 Reg	740308
Kentucky	Boyd County	Catlettsburg, City of	210018	750821 Emerg., 790103 Reg	740503
Michigan	Wayne County	Grosse Pointe Park, City of	260230	721208 Emerg., 790103 Reg	740412
Michigan	Wayne County	Grosse Pointe Shores, Village of	260250	721222 Emerg., 790103 Reg	740412
Mississippi	Sunflower County	Indianola, City of	280164	730502 Emerg., 790103 Reg	740524
Missouri	Madison County	Fredericktown, City of	290221	730917 Emerg., 790103 Reg	740614
Missouri	Jackson County	Greenwood, City of	290711	771011 Emerg., 790103 Reg	760604
Missouri	Jackson County	Sugar Creek, City of	290178	770125 Emerg., 790103 Reg	761217
New Hampshire	Hillsborough County	Hudson, Town of	330092	771117 Emerg., 790103 Reg	740308
New York	Tompkins County	Dryden, Village of	360847	730330 Emerg., 790103 Reg	740607
New York	Westchester County	Pelham Manor, Village of	360926	741111 Emerg., 790103 Reg	740510
New York	Onondaga County	Pompey, Town of	360590	730420 Emerg., 790103 Reg	740531
Ohio	Cuyahoga County	Strongsville, City of	390132	741213 Emerg., 790103 Reg	740621
Pennsylvania	Montgomery County	Bridgeport, Borough of	420948	731004 Emerg., 790103 Reg	740116
Pennsylvania	Berks County	Cumru, Township of	420130	721124 Emerg., 790103 Reg	0
Pennsylvania	Beaver County	Harmony, Township of	421038	780206 Emerg., 790103 Reg	740322
Pennsylvania	Allegheny County	McKeesport, City of	420051	730606 Emerg., 790103 Reg	731228
Pennsylvania	Lehigh County	Salisbury, Township of	420591	730316 Emerg., 790103 Reg	731228
Pennsylvania	Bucks County	Springfield, Township of	420204	730614 Emerg., 790103 Reg	731228
Pennsylvania	Montgomery County	Upper Dublin, Township of	420708	720818 Emerg., 790103 Reg	730427
Vermont	Lamoille County	Morristown, Town of	500064	740820 Emerg., 790103 Reg	740531
Virginia	Independent City	Covington, City of	510040	740313 Emerg., 79103 Reg	740517
Virginia	Prince William County	Manassas, City of	510122	740719 Emerg., 790103 Reg	740531
Virginia	Rockbridge County	Rockbridge County *	510205	740415 Emerg., 790103 Reg	750228
West Virginia	Wayne County	Fort Gay, Town of	540202	750429 Emerg., 790103 Reg	740913
West Virginia	Roane County	Spencer, City of	540185	741125 Emerg., 790103 Reg	740628
Wisconsin	Fond Du Lac County	Fond Du Lac, City of	550136	740308 Emerg., 790103 Reg	700208
Indiana	Whitley County	Columbia City, City of	180300	750729 Emerg., 790105 Reg	731217
Michigan	Van Buren County	Paw Paw, Village of	260598	770421 Emerg., 790105 Reg	751010
Ohio	Guernsey County	Pleasant City, Village of	390203	760407 Emerg., 790105 Reg	740823
Ohio	Jefferson County	Wintersville, Village of	390305	750902 Emerg., 790105 Reg	740531
Pennsylvania	Adams County	Fairfield, Borough of	422295	751118 Emerg., 790105 Reg	750221
Pennsylvania	Lycoming County	Salladasburg, Borough of	420657	750912 Emerg., 790105 Reg	740809
Pennsylvania	Cumberland County	Shiremanstown, Borough of	420369	730302 Emerg., 790105 Reg	0
Wisconsin	Iowa County	Cobb, Village of	550176	750825 Emerg., 790105 Reg	740830
Wisconsin	Iowa County	Linden, Village of	550179	750415 Emerg., 790105 Reg	740830
Wisconsin	Iowa County	Ridgeway, Village of	550181	751024 Emerg., 790105 Reg	740920
Arkansas	Jackson County	Campbell Station, City of	050099	750902 Emerg., 790109 Reg	740816
Texas	Caldwell County	Luling, City of	480096	750505 Emerg., 790116 Reg	740524
Texas	Bastrop County	Smithville, City of	480024	741106 Emerg., 790116 Reg	740405
Texas	Henderson County	Trinidad, City of	480333	750923 Emerg., 790116 Reg	741018
California	Santa Clara County	Los Gatos, Town of	060343	750612 Emerg., 790117 Reg	760227
California	Santa Clara County	Saratoga, City of	060351	740702 Emerg., 790117 Reg	740322
California	Sonoma County	Sonoma, City of	060383	750522 Emerg., 790117 Reg	740222
Colorado	La Plata County	Durango, City of	080099	740430 Emerg., 790117 Reg	731130
Colorado	Larimer County	Estes Park, Town of	080193	750522 Emerg., 790117 Reg	750919
Connecticut	New Haven County	West Haven, City of	090092	721006 Emerg., 790117 Reg	740531
Delaware	Kent County	Little Creek, Town of	100015	750730 Emerg., 790117 Reg	740809

State	County	Location	Community No.	Effective date of authorization of sale of flood insurance for area	Hasard area identified
Illinois	Du Page County	Glen Ellyn, Village of	170207	740628 Emerg., 790117 Reg	740503
Illinois	Cook County	Northbrook, Village of	170132	731212 Emerg., 790117 Reg	740222
Kentucky	Harlan County	Harlan, City of	210102	711029 Emerg., 790117 Reg	730316
Michigan	Kent County	Grand Rapids, City of	260106	730413 Emerg., 790117 Reg	731109
New York	Cattaraugus County	Hinsdale, Town of	360077	750722 Emerg., 790117 Reg	761015
North Carolina	Durham County	Durham, City of	370086	730713 Emerg., 790117 Reg	740201
Ohio	Sandusky County	Sandusky County*	390486	741113 Emerg., 790117 Reg	780113
South Dakota	Minnehaha County	Sioux Falls, City of	460060	740412 Emerg., 790117 Reg	740628
Texas	McLennan County	Robinson, City of	480460	781226 Emerg., 790117 Reg	761210
Virginia	Dinwiddie County	Dinwiddie County*	510187	740116 Emerg., 790117 Reg	741115
Virginia	Dickerson County	Haysi, Town of	510046	740621 Emerg., 790117 Reg	740531
Wisconsin	Iowa County	Iowa County*	550522	740130 Emerg., 790117 Reg	750214
Arkansas	Jackson County	Beedeville, City of	050098	750505 Emerg., 790123 Reg	740816
Arkansas	Jackson County	Tupelo, City of	050106	750604 Emerg., 790123 Reg	740816
Massachusetts	Worcester County	Petersham, Town of	250327	751117 Emerg., 790123 Reg	740913
Texas	Panola County	Carthage, City of	480519	750513 Emerg., 790123 Reg	740614
Texas	Eastland County	Cisco, City of	480203	750725 Emerg., 790123 Reg	740503
Texas	Henderson County	Malakoff, City of	480329	760330 Emerg., 790123 Reg	741025
Texas	Smith County	Troup, City of	480570	750815 Emerg., 790123 Reg	740412
Texas	Hidalgo County	Alamo, City of	480335	760119 Emerg., 790130 Reg	740123
Arizona	Pima County	South Tucson, Town of	040075	741111 Emerg., 790131 Reg	0
Illinois	Cook County	Park Ridge, City of	170146	750630 Emerg., 790131 Reg	0
Michigan	Eaton County	Carmel, Township of	260682	760611 Emerg., 790131 Reg	0
Alabama	Tuscaloosa County	Tuscaloosa, City of	010203	730405 Emerg., 790201 Reg	751024
California	Orange County	Buena Park, City of	060215	741108 Emerg., 790201 Reg	741101
Colorado	Adams County	Adams County*	080001	720114 Emerg., 790201 Reg	790201
Colorado	Boulder County	Boulder County	080023	710514 Emerg., 790201 Reg	790201
Colorado	Weld County	Nunn, Town of	080188	750807 Emerg., 790201 Reg	740830
Delaware	Sussex County	Seaford, City of	100048	741002 Emerg., 790201 Reg	740621
Florida	Palm Beach County	Palm Beach County*	120192	700619 Emerg., 790201 Reg	700617
Illinois	Douglas County	Villa Grove, City of	170196	750227 Emerg., 790201 Reg	740517
Michigan	Bay County	Kawkawlin, Township of	260658	790129 Emerg., 790201 Reg	771216
Missouri	Jackson County	Independence, City of	290172	711015 Emerg., 790201 Reg	740412
Nebraska	Dodge County	Fremont, City of	310069	730911 Emerg., 790201 Reg	740607
New Jersey	Camden County	Somerdale, Borough of	340145	711217 Emerg., 790201 Reg	730914
New York	Monroe County	Chili, Town of	360412	730316 Emerg., 790201 Reg	790201
New York	Broome County	Deposit, Village of	360043	750530 Emerg., 790201 Reg	740614
New York	Cattaraugus County	Ellicottville, Village of	360070	750402 Emerg., 790201 Reg	740524
New York	Cattaraugus County	Olean, Town of	360089	730503 Emerg., 790201 Reg	731005
Ohio	Belmont County	Bridgeport, Village of	390026	741102 Emerg., 790201 Reg	740208
Pennsylvania	Bucks County	Tinicum, Township of	420205	711112 Emerg., 790201 Reg	730309
South Dakota	Davison County	Mitchell, City of	460021	741223 Emerg., 790201 Reg	740322
Texas	McLennan County	McGregor, City of	480459	750407 Emerg., 790201 Reg	740222
Utah	Utah County	Provo, City of	490159	750116 Emerg., 790201 Reg	740215
Vermont	Lamoille County	Johnson, Town of	500063	750513 Emerg., 790201 Reg	740621
Vermont	Lamoille County	Johnson, Village of	500232	750610 Emerg., 790201 Reg	740405
Virginia	Pittsylvania County	Chatham, Town of	510114	750610 Emerg., 790201 Reg	740531
Washington	Pacific County	Ilwaco, town of	530127	740402 Emerg., 790201 Reg	740524
Washington	King County	Redmond, City of	530087	741015 Emerg., 790201 Reg	740322
Wisconsin	Marathon County	Marathon County*	550245	710409 Emerg., 790201 Reg	790201
Wyoming	Fremont County	Fremont County*	560080	750708 Emerg., 790201 Reg	790201
California	Orange County	Cypress, City of	060217	750226 Emerg., 790209 Reg	740607
Illinois	Cook County	Burbank, City of	170069	730419 Emerg., 790209 Reg	740412
Missouri	Lafayette County	Concordia, City of	290745	751217 Emerg., 790209 Reg	750207
California	Los Angeles County	Irwindale, City of	060129	750912 Emerg., 790212 Reg	740628
California	San Bernardino County	Rialto, City of	060280	731217 Emerg., 790212 Reg	740607
Louisiana	Webster Parish	Cullen, town of	220235	750430 Emerg., 790212 Reg	740412
Minnesota	Anoka County	Lexington, City of	270014	740603 Emerg., 790212 Reg	740329
Oklahoma	Choctaw County	Hugo, City of	400040	740826 Emerg., 790212 Reg	740123
Texas	Smith County	Whitehouse, City of	480572	750625 Emerg., 790213 Reg	740517
Illinois	Cook County	Skokie, Village of	171000	790214 Emerg., 790214 Reg	0
California	San Diego County	National City, City of	060293	720128 Emerg., 790215 Reg	740322
California	Riverside County	Norco, City of	060256	750404 Emerg., 790215 Reg	740517
Colorado	Larimer County	Wellington, Town of	080104	750117 Emerg., 790215 Reg	740322
Colorado	Morgan County	Wiggins, City of	080204	750716 Emerg., 790215 Reg	770128
Georgia	Rockdale County	Rockdale County*	130384	750306 Emerg., 790215 Reg	760416
Illinois	Cook County	Schaumburg, Village of	170158	720113 Emerg., 790215 Reg	741206
Illinois	Du Page County	Winfield, Village of	170223	750519 Emerg., 790215 Reg	740510
Kansas	Dickinson County	Chapman, City of	200075	750411 Emerg., 790215 Reg	740109
Louisiana	West Feliciana Parish	West Feliciana Parish*	220245	730430 Emerg., 790215 Reg	741220
Maryland	Worcester County	Worcester County*	240083	710129 Emerg., 790215 Reg	741213
Mississippi	Washington County	Leland, City of	280181	730502 Emerg., 790215 Reg	740531
Nebraska	Scotts Bluff County	Gering, City of	310371	740918 Emerg., 790215 Reg	741227
New Jersey	Monmouth County	Asbury Park, City of	340285	741106 Emerg., 790215 Reg	740713
New York	Westchester County	Pleasantville, Village of	60927	740404 Emerg., 790215 Reg	740412
New York	Westchester County	Tuckahoe, Village of	360934	750702 Emerg., 790215 Reg	740510
North Carolina	Durham County	Durham County*	370085	730316 Emerg., 790215 Reg	750131
Ohio	Allen County	Lima, City of	390006	740128 Emerg., 790215 Reg	740116
Ohio	Mahoning County	Mahoning County*	390367	730725 Emerg., 790215 Reg	741220
Ohio	Huron County	Norwalk, City of	390286	740906 Emerg., 790215 Reg	731123
Ohio	Putnam County	Ottawa, Village of	390472	741227 Emerg., 790215 Reg	740607
Oklahoma	Pittsburg County	McAlester, City of	400170	740315 Emerg., 790215 Reg	740215
Oregon	Grant County	Grant County*	410074	720218 Emerg., 790215 Reg	741018

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Pennsylvania	Delaware County	Middletown, Township of	420422	721201 Emerg., 790215 Reg.	740412
Pennsylvania	Jefferson County	Punxsutawney, Borough of	420512	731024 Emerg., 790215 Reg.	740726
Pennsylvania	Northumberland County	Ralpho, Township of	421027	731119 Emerg., 790215 Reg.	740628
South Carolina	Lexington County	West Columbia, City of	450140	731206 Emerg., 790215 Reg.	740628
Vermont	Windsor County	Woodstock, Village of	500161	740327 Emerg., 790215 Reg.	740913
Virginia	Cumberland County	Cumberland County*	510043	740312 Emerg., 790215 Reg.	741018
Illinois	Cook County	Calumet Park, Village of	170073	750707 Emerg., 790216 Reg.	740329
Maryland	Carroll County	New Windsor, Town of	240149	750805 Emerg., 790216 Reg.	741122
Ohio	Stark County	East Canton, Village of	390513	760716 Emerg., 790216 Reg.	750718
Ohio	Butler County	Oxford, City of	390731	750620 Emerg., 790216 Reg.	740510
Pennsylvania	Allegheny County	North Braddock, Borough of	420058	750130 Emerg., 790216 Reg.	740412
California	Los Angeles County	Norwalk, City of	060652	790219 Emerg., 790219 Reg.	0
California	Los Angeles County	Cerritos, City of	060108	750718 Emerg., 790220 Reg.	0
California	Los Angles County	Inglewood, City of	065036	710115 Emerg., 790220 Reg.	0
Pennsylvania	Somerset County	New Centerville, Borough of	422653	780116 Emerg., 790220 Reg.	0
Utah	Davis County	Clearfield, City of	490041	741107 Emerg., 790220 Reg.	740802
California	Ventura County	Oxnard, City of	060417	730502 Emerg., 790301 Reg.	740809
California	Contra Costa County	Richmond, City of	060035	720303 Emerg., 790301 Reg.	740628
Connecticut	New Haven County	Beacon Falls, Town of	090072	750627 Emerg., 790301 Reg.	740503
Florida	Clay County	Green Cove Springs, City of	120065	741011 Emerg., 790301 Reg.	740412
Florida	Palm Beach County	West Palm Beach, City of	120229	740618 Emerg., 790301 Reg.	751031
Illinois	Du Page County	Naperville, City of	170213	730430 Emerg., 790301 Reg.	740412
Indiana	Hendricks County	Plainfield, Town of	180089	760416 Emerg., 790301 Reg.	740201
Kansas	Dickinson County	Solomon, City of	200077	750303 Emerg., 790301 Reg.	740109
Massachusetts	Plymouth County	Brockton, City of	250261	740121 Emerg., 790301 Reg.	740628
Massachusetts	Hampden County	Wilbraham, Town of	250154	750821 Emerg., 790301 Reg.	740517
Minnesota	Dakota County	Farmington, City of	270104	750722 Emerg., 790301 Reg.	740524
Minnesota	Stearns County*	Stearns County	270546	730323 Emerg., 790301 Reg.	790301
Mississippi	Grenada County	Grenada, City of	280061	730607 Emerg., 790301 Reg.	731128
Missouri	Clay County	Birmingham, Village of	295272	770826 Emerg., 790301 Reg.	780425
Missouri	Dunklin County	Cardwell, City of	290125	740523 Emerg., 790301 Reg.	740503
New Jersey	Bergen County	Waldwick, Borough of	340078	720331 Emerg., 790301 Reg.	740109
New York	Westchester County	Bronxville, Village of	360905	730316 Emerg., 790301 Reg.	730713
New York	Onondaga County	Dewitt, Town of	360973	731108 Emerg., 790301 Reg.	740322
Ohio	Trumball County	Lordstown, Village of	390812	780331 Emerg., 790301 Reg.	780113
Oregon	Marion County	Aumsville, City of	410155	750808 Emerg., 790301 Reg.	740510
Oregon	Linn County	Idanha, City of	410162	750325 Emerg., 790301 Reg.	740830
Oregon	Marion County	Jefferson, City of	410163	750325 Emerg., 790301 Reg.	740201
Oregon	Marion County	Mill City, City of	410143	750520 Emerg., 790301 Reg.	731217
Oregon	Marion County	Scotts Mills, City of	410168	751217 Emerg., 790301 Reg.	741220
Oregon	Lincoln County	Siletz, City of	410132	750530 Emerg., 790301 Reg.	731207
Oregon	Marion County	Silverton, City of	410169	750513 Emerg., 790301 Reg.	740510
Oregon	Marion County	Stayton, City of	410170	750520 Emerg., 790301 Reg.	740123
Oregon	Lincoln County	Toledo, City of	410133	730419 Emerg., 790301 Reg.	730914
Oregon	Marion County	Woodburn, City of	410172	740812 Emerg., 790301 Reg.	740524
Oregon	Lincoln County	Yachats, City of	410135	750718 Emerg., 790301 Reg.	741101
Pennsylvania	Erie County	Erie, City of	420449	730426 Emerg., 790301 Reg.	740621
Pennsylvania	Northampton County	West Easton, Borough of	420733	730709 Emerg., 790301 Reg.	731228
Texas	Guadalupe County	Guadalupe County*	480266	720922 Emerg., 790301 Reg.	750124
Texas	Travis County	Sunset Valley, City of	481127	751124 Emerg., 790301 Reg.	761105
Texas	Bowie County	Texarkana, City of	480060	720218 Emerg., 790301 Reg.	740607
Utah	Carbon County	Helper, City of	490034	750610 Emerg., 790301 Reg.	740109
Utah	Emery County	Orangeville, City of	490064	750930 Emerg., 790301 Reg.	740607
Utah	Carbon County	Price, City of	490036	740426 Emerg., 790301 Reg.	740116
Virginia	Goochland County	Goochland County*	510072	730419 Emerg., 790301 Reg.	750221
Indiana	Porter County	Valparaiso, City of	180204	750324 Emerg., 790302 Reg.	740109
Michigan	Wayne County	Inkster, City of	260232	730223 Emerg., 790302 Reg.	740412
Ohio	Cuyahoga County	Broadview Heights, City of	390099	751121 Emerg., 790302 Reg.	740621
Ohio	Butler County	MiddleTown, City of	390040	750613 Emerg., 790302 Reg.	740621
Ohio	Cuyahoga County	Oakwood, Village of	390122	750703 Emerg., 790302 Reg.	740517
Ohio	Summit County	Peninsula, Village of	390530	750625 Emerg., 790302 Reg.	740322
Ohio	Hamilton County	Wyoming, City of	390240	750519 Emerg., 790302 Reg.	740201
Pennsylvania	Lycoming County	Mill Creek, Township of	421845	751014 Emerg., 790302 Reg.	750411
Pennsylvania	York County	New Freedom, Borough of	420932	731024 Emerg., 790302 Reg.	750131
New Hampshire	Merrimack County	Henniker, Town of	330114	790314 Emerg., 790314 Reg.	740315
California	Sacramento County	Sacramento County *	060262	720331 Emerg., 790315 Reg.	750110
California	Santa Barbara County	Santa Barbara County *	060331	711223 Emerg., 790315 Reg.	741220
Florida	Broward County	Sunrise, City of	120328	740503 Emerg., 790315 Reg.	740222
Illinois	Du Page County	Addison, Village of	170198	730723 Emerg., 790315 Reg.	731026
Kansas	Douglas County	Lecompton, City of	200091	750702 Emerg., 790315 Reg.	740123
New Jersey	Monmouth County	Allenhurst, Borough of	340283	750410 Emerg., 790315 Reg.	730824
New Jersey	Monmouth County	Avon-by-the-sea, Borough of	340287	740329 Emerg., 790315 Reg.	740201
New Jersey	Monmouth County	Loch Arbour, Village of	340306	730627 Emerg., 790315 Reg.	731130
New York	Westchester County	Irvington, Village of	360914	740628 Emerg., 790315 Reg.	740628
Ohio	Butler County	Fairfield, City of	390038	741021 Emerg., 790315 Reg.	740301
Ohio	Warren County	Lebanon, City of	390557	741223 Emerg., 790315 Reg.	740510
Ohio	Warren County	Mason, City of	390559	750415 Emerg., 790315 Reg.	740614
Oklahoma	Garfield County	Enid, cit of	400062	731102 Emerg., 790315 Reg.	740222
ORegon	Lincoln County	Waldport, City of	410134	741101 Emerg., 790315 Reg.	740322
Pennsylvania	Bucks County	Buckingham, Township of	420985	740115 Emerg., 790315 Reg.	740628
Pennsylvania	Cumberland County	Shippensburg, Borough of	420368	740123 Emerg., 790315 Reg.	761022
Pennsylvania	Fayette County	Upper Tyrone, Township of	420467	730606 Emerg., 790315 Reg.	731130
Virginia	Scott County	Gate City, Town of	510145	750509 Emerg., 790315 Reg.	740510

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Virginia	Giles County	Glen Lyn, Town of	510289	760416 Emerg., 790315 Reg	760723
Washington	Okanogan County	Okanogan County *	530117	740430 Emerg., 790315 Reg	0
California	Orange County	Los Alamitos, City of	060226	750331 Emerg., 790316 Reg	0
California	Orange County	Stanton, City of	060234	741015 Emerg., 790316 Reg	0
Washington	King County	Medina, City of	530315	750616 Emerg., 790316 Reg	0
Louisiana	St. Helena Parish	Montpelier, Village of	220300	760306 Emerg., 790320 Reg	761112
California	Los Angeles County	Artesia, City of	060097	750505 Emerg., 790330 Reg	0
California	Los Angeles County	Compton, City of	060111	750711 Emerg., 790330 Reg	740628
California	Los Angeles County	Signal Hill, City of	060161	750807 Emerg., 790330 Reg	0
Kansas	Jackson County	Hoyt, City of	200142	760302 Emerg., 790330 Reg	741220
Minnesota	Lac Qui Parle County	Bellingham, City of	270679	750905 Emerg., 790330 Reg	740823
Oklahoma	Woods County	Alva, City of	400341	750703 Emerg., 790330 Reg	750711
Pennsylvania	Allegheny County	Castle Shannon, Borough of	420020	751231 Emerg., 790330 Reg	740628
Pennsylvania	Allegheny County	Dormont, Borough of	422630	750820 Emerg., 790330 Reg	0
Pennsylvania	Allegheny County	Ingram, Borough of	420045	770217 Emerg., 790330 Reg	761105
Texas	Fort Bend County	Ft. Bend Co. Water Cont. & Improv. Dist. 4.	481299	770309 Emerg., 790330 Reg	0
Texas	Jim Wells County	Orange Grove, City of	480395	750718 Emerg., 790330 Reg	740503
Virginia	Southampton County	Branchville, Town of	510296	750721 Emerg., 790330 Reg	741115
Alaska	Cordovia-McCarthy District	Cordova, City of	020037	750731 Emerg., 790402 Reg	770524
California	Riverside County	Desert Hot Springs, City of	060251	750630 Emerg., 790402 Reg	740524
Colorado	Weld County	Evans, City of	080182	740725 Emerg., 790402 Reg	740405
Colorado	Weld County	Fort Lupton, City of	080183	740723 Emerg., 790402 Reg	740531
Colorado	Larimer County	Larimer County*	080101	740702 Emerg., 790402 Reg	741227
Florida	Broward County	Coconut Creek, City of	120031	740417 Emerg., 790402 Reg	740215
Florida	Broward County	North Lauderdale, City of	120049	740705 Emerg., 790402 Reg	740222
Florida	Broward County	Parkland, City of	120051	760113 Emerg., 790402 Reg	740830
Georgia	Paulding County	Paulding County*	130147	740123 Emerg., 790402 Reg	760319
Iowa	Dubuque County	Cascade, City of	190117	751120 Emerg., 790402 Reg	731217
Iowa	Jones County	Monticello, City of	190175	741127 Emerg., 790402 Reg	740607
Louisiana	Calcasieu Parish	De Quincy, City of	220038	730829 Emerg., 790402 Reg	740116
Michigan	Macomb County	Fraser, City of	260122	730216 Emerg., 790402 Reg	740524
New Hampshire	Merrimack County	Allenstown, Town of	330103	750903 Emerg., 790402 Reg	740405
New Hampshire	Sullivan County	Hookset, Town of	330115	751110 Emerg., 790402 Reg	750221
New Hampshire	Merrimack County	Pembroke, Town of	330119	750724 Emerg., 790402 Reg	740503
New Jersey	Monmouth County	Brielle, Borough of	340290	720728 Emerg., 790402 Reg	730831
New York	Allegany County	Andover, Village of	360022	740116 Emerg., 790402 Reg	740614
New York	Westchester County	Hastings-on-Hudson, Village of	360913	750123 Emerg., 790402 Reg	741108
New York	Westchester County	Pelham, Village of	360925	750908 Emerg., 790402 Reg	740517
Ohio	Sandusky County	Clyde, City of	390489	740814 Emerg., 790402 Reg	740215
Oregon	Marion County	Turner, City of	410171	750801 Emerg., 790402 Reg	740116
Pennsylvania	Bucks County	New Britain, Borough of	420986	731206 Emerg., 790402 Reg	740726
Pennsylvania	Perry County	New Buffalo, Borough of	420753	750205 Emerg., 790402 Reg	740816
Pennsylvania	Lehigh County	Upper Macungie, Township of	421044	740212 Emerg., 790402 Reg	761126
Virginia	Pittsylvania County	Hurt, Town of	510219	750620 Emerg., 790402 Reg	741101
Wisconsin	Washburn County	Spooner, City of	550470	731121 Emerg., 790402 Reg	731221
Missouri	Lafayette County	Odessa, City of	290669	760429 Emerg., 790411 Reg	750502
Arkansas	Craighead County	Black Oak, City of	050389	750507 Emerg., 790415 Reg	750221
Arkansas	Poinsett County	Trumann, City of	050176	740905 Emerg., 790415 Reg	731116
California	Contra Costa County	Brentwood, City of	060439	760412 Emerg., 790415 Reg	750207
California	Los Angeles County	Commerce, City of	060110	780912 Emerg., 790415 Reg	740628
California	Los Angeles County	Lakewood, City of	060130	750711 Emerg., 790415 Reg	740719
California	Los Angeles County	Pico Rivera, City of	060148	750604 Emerg., 790415 Reg	740628
California	Los Angeles County	Rosemead, City of	060153	750820 Emerg., 790415 Reg	740628
California	Los Angeles County	South Gate, City of	060163	750702 Emerg., 790415 Reg	740628
Iowa	Lee County	West Point, City of	190683	780828 Emerg., 790415 Reg	760730
Kansas	Harper County	Attica, City of	200127	750610 Emerg., 790415 Reg	740628
Louisiana	Livingston Parish	Livingston, Town of	220118	780621 Emerg., 790415 Reg	750919
Minnesota	Dodge County	Dodge County*	270548	740222 Emerg., 790415 Reg	770311
Missouri	Stone County	Kimberling, City of	290432	750623 Emerg., 790415 Reg	740621
Arizona	Maricopa County	Glendale, City of	040045	750320 Emerg., 790416 Reg	740726
California	Riverside County	Perris, City of	060258	750321 Emerg., 790416 Reg	740906
California	San Luis Obispo County	San Luis Obispo, City of	060310	730803 Emerg., 790416 Reg	731026
Florida	Lee County	Fort Myers, City of	125106	701030 Emerg., 790416 Reg	710409
Florida	Lee County	Sanibel, City of	120402	750505 Emerg., 790416 Reg	760723
Indiana	Elkhart County	Bristol, Town of	180060	750711 Emerg., 790416 Reg	771119
Kentucky	Jefferson County	Jefferson County*	210120	710820 Emerg., 790416 Reg	750131
Massachusetts	Middlesex County	Lowell, City of	250201	720114 Emerg., 790416 Reg	740531
New Hampshire	Hillsborough County	Bedford, Town of	330083	750926 Emerg., 790416 Reg	740329
New Hampshire	Merrimack County	Bow, Town of	330107	750618 Emerg., 790416 Reg	740503
New Hampshire	Carroll County	Conway, Town of	330011	741202 Emerg., 790416 Reg	740913
New Hampshire	Hillsborough County	Hollis, Town of	330091	750228 Emerg., 790416 Reg	740301
New Jersey	Morris County	East Hanover, Township of	340341	720818 Emerg., 790416 Reg	730831
New Jersey	Essex County	West Caldwell Borough of	340196	720908 Emerg., 790416 Reg	730615
New York	Erie County	Aurora, Town of	360227	741129 Emerg., 790416 Reg	740412
New York	Cayuga County	Brutus, Town of	360104	740906 Emerg., 790416 Reg	740906
New York	Westchester County	Dobbs Ferry, Village of	360908	760810 Emerg., 790416 Reg	740517
New York	Nassau County	Hempstead, Town of	360467	710910 Emerg., 790416 Reg	750425
New York	Monroe County	Ogden, Town of	360424	730504 Emerg., 790416 Reg	731228
Pennsylvania	Erie County	Millcreek, Township of	420452	730416 Emerg., 790416 Reg	740920
South Carolina	Aiken County	Aiken, City of	450003	731217 Emerg., 790416 Reg	740628
Tennessee	Coffee County	Tullahoma, City of	470036	730803 Emerg., 790416 Reg	740524
Wyoming	Big Horn County	Manderson, Town of	560006	760429 Emerg., 790416 Reg	740913
Wyoming	Platte County	Wheatland, Town of	560043	750702 Emerg., 790416 Reg	740412

State	County	Location	Community No.	Effective date of authorization of sale of flood insurance for area	Hasard area identified
Louisiana	Tangipahoa Parish	Ponchatoula, City of	220211	750605 Emerg., 790417 Reg	740412
Missouri	Pemiscot County	Homestown, City of	290278	750513 Emerg., 790417 Reg	741220
Missouri	St. Louis County	Riverview, Village of	290381	770103 Emerg., 790417 Reg	740628
Oklahoma	Leflore County	Bokoshe, Town of	400350	760817 Emerg., 790717 Reg	750919
Texas	Harris County	Bunker Hill Village, City of	480290	740114 Emerg., 790417 Reg	740503
Maine	Penobscot County	Veazie, Town of	230403	790419 Emerg., 790419 Reg	750103
Illinois	Iroquois County	Ashkum, Village of	170287	750616 Emerg., 790420 Reg	740607
Maryland	Somerset County	Princess Anne, Town of	240063	740128 Emerg., 790420 Reg	740628
Michigan	Wayne County	Dearborn, City of	260220	730309 Emerg., 790420 Reg	740503
Michigan	Cass County	Edwardsburg, Village of	260364	770316 Emerg., 790420 Reg	750711
Ohio	Cuyahoga County	Beachwood, City of	390094	751126 Emerg., 790420 Reg	750711
Pennsylvania	Adams County	Bendersville, Borough of	422293	750218 Emerg., 790420 Reg	741129
Pennsylvania	Cumberland County	Dickinson, Township of	421580	751120 Emerg., 790420 Reg	750103
Pennsylvania	Blair County	Martinsburg, Borough of	421384	760209 Emerg., 790420 Reg	741220
Pennsylvania	Westmoreland County	Youngstown, Borough of	420907	750707 Emerg., 790420 Reg	740809
Wisconsin	La Crosse County	Holmen, Village of	550219	750627 Emerg., 790420 Reg	740517
Illinois	Cook County	Lincolnwood, Village of	171001	790424 Emerg., 790424 Reg	0
Louisiana	St. James Parish	Lutcher, Town of	220248	740214 Emerg., 790424 Reg	740503
Oklahoma	Latimer County	Wilburton, City of	400250	761104 Emerg., 790424 Reg	760409
Texas	Cherokee County	Bullard, City of	480568	750611 Emerg., 790424 Reg	761112
Texas	Denton County	Sanger, Town of	480786	771219 Emerg., 790424 Reg	761008
California	Los Angeles County	Bellflower, City of	060102	740116 Emerg., 790430 Reg	0
California	Los Angeles County	San Marino, City of	065057	710326 Emerg., 790430 Reg	0
Florida	Broward County	Pembroke Park, Town of	120052	750724 Emerg., 790501 Reg	740531
Illinois	Madison County	Hartford, Village of	170444	740327 Emerg., 790501 Reg	731130
Illinois	Madison County	Roxana, Village of	170448	740528 Emerg., 790501 Reg	0
Illinois	Marion County	Salem, City of	170454	740909 Emerg., 790501 Reg	740503
Illinois	Madison County	Wood River, City of	170451	740304 Emerg., 790501 Reg	740215
Iowa	Franklin County	Hampton, City of	190131	740816 Emerg., 790501 Reg	740621
Kansas	Crawford County	Pittsburg, City of	200072	741114 Emerg., 790501 Reg	740215
Michigan	Macomb County	Warren, City of	260129	730406 Emerg., 790501 Reg	740517
Minnesota	Dakota County	Lakeville, City of	270107	740212 Emerg., 790501 Reg	740607
Minnesota	Hennepin County	Spring Park, City of	270186	750716 Emerg., 790501 Reg	740607
Minnesota	Hennepin County	Tonka Bay, City of	270187	750117 Emerg., 790501 Reg	740607
Mississippi	Humphreys County	Louise, Town of	280208	740312 Emerg., 790501 Reg	741129
Missouri	St. Charles County	St. Peters, City of	290319	720630 Emerg., 790501 Reg	731207
New Hampshire	Carroll County	Bartlett, Town of	330010	760421 Emerg., 790501 Reg	740628
New Hampshire	Belknap County	Tilton, Town of	330009	750725 Emerg., 790501 Reg	740322
New Jersey	Ocean County	Beachwood, Borough of	340368	741023 Emerg., 790501 Reg	740628
New York	Erie County	Holland, Town of	360245	750723 Emerg., 790501 Reg	740614
Ohio	Clermont County	New Richmond, Village of	390071	741231 Emerg., 790501 Reg	740301
Texas	Medina County	Castroville, City of	480932	751222 Emerg., 790501 Reg	760813
Texas	Kerr County*		480419	750121 Emerg., 790501 Reg	771213
Texas	McClennan County	Woodway, City of	480462	750128 Emerg., 790501 Reg	740123
Nebraska	Burt County	Oakland, City of	310023	750522 Emerg., 790507 Reg	740109
Texas	Hardin County	Lumberton, City of	481111	790508 Emerg., 790508 Reg	761122
Florida	Polk County	Auburndale, City of	120262	740926 Emerg., 790511 Reg	740201
New Jersey	Burlington County	New Hanover, Township of	340108	750729 Emerg., 790511 Reg	740809
New Jersey	Gloucester County	Wenonah, Borough of	340503	731219 Emerg., 790511 Reg	740329
New Jersey	Gloucester County	Woodbury, City of	340216	750806 Emerg., 790511 Reg	760716
New Jersey	Salem County	Woodstown, Borough of	340426	750625 Emerg., 790511 Reg	761022
New Jersey	Burlington County	Wrightstown, Borough of	340120	751216 Emerg., 790511 Reg	740628
New York	Columbia County	Germantown, Town of	361317	750829 Emerg., 790511 Reg	741115
New York	Oswego County	Lacona, Village of	361350	771125 Emerg., 790511 Reg	741122
New York	Columbia County	Livingston, Town of	360175	760507 Emerg., 790511 Reg	740524
New York	Cayuga County	Meridian, Village of	361520	751212 Emerg., 790511 Reg	741206
New York	Oswego County	Sandy Creek, Village of	361358	770531 Emerg., 790511 Reg	741115
New York	St. Lawrence County	Waddington, Village of	361468	751105 Emerg., 790511 Reg	741115
South Carolina	Charleston County	Meggett, Town of	450040	750702 Emerg., 790511 Reg	741025
Georgia	Colquitt County	Moultrie, City of	130199	731112 Emerg., 790515 Reg	741122
New Hampshire	Merrimack County	Canterbury, Town of	330108	750610 Emerg., 790515 Reg	740405
Texas	Denton County	Corinth, Town of	481143	750305 Emerg., 790515 Reg	760730
New Jersey	Cape May County	Woodbine, Borough of	340164	741024 Emerg., 790518 Reg	740308
New Jersey	Gloucester County	Woodbury Heights, Borough of	340550	760121 Emerg., 790518 Reg	750221
New York	Erie County	Angola, Village of	360982	750414 Emerg., 790518 Reg	741206
New York	Washington County	Argyle, Village of	361559	760622 Emerg., 790518 Reg	750718
New York	Steuben County	Canisteo, Village of	360770	750623 Emerg., 790518 Reg	741220
Ohio	Henry County	Holgate, Village of	390265	750910 Emerg., 790529 Reg	740503
Ohio	Champaign County	St. Paris, Village of	390059	770224 Emerg., 790529 Reg	740607
Oklahoma	Greer County	Mangum, City of	400067	750604 Emerg., 790529 Reg	740517
Pennsylvania	Westmoreland County	East Vandergrift, Borough of	420875	750910 Emerg., 790529 Reg	740405
Washington	Grant County	Warden, Town of	530304	760513 Emerg., 790529 Reg	750502
Indiana	Howard County	Russiaville, Town of	180427	750915 Emerg., 790601 Reg	780310
Massachusetts	Bristol County	Norton, Town of	250060	740320 Emerg., 790601 Reg	740628
Michigan	Cass County	Cassopolis, Village of	260363	760630 Emerg., 790601 Reg	750711
Ohio	Cuyahoga County	Berea, City of	390097	750421 Emerg., 790601 Reg	740201
Ohio	Cuyahoga County	Brook Park, City of	390102	750421 Emerg., 790601 Reg	740607
Ohio	Cuyahoga County	Brooklyn, City of	390100	750703 Emerg., 790601 Reg	740322
Ohio	Cuyahoga County	Highland Heights, City of	390110	761110 Emerg., 790601 Reg	750725
Ohio	Cuyahoga County	Moreland Hills, Village of	390118	750630 Emerg., 790601 Reg	740208
Ohio	Cuyahoga County	Newburgh Heights, Village of	390119	760521 Emerg., 790601 Reg	740315
Ohio	Cuyahoga County	Olmsted Falls, City of	390672	750729 Emerg., 790601 Reg	740614
Ohio	Cuyahoga County	Seven Hills, City of	390128	750730 Emerg., 790601 Reg	740322

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Pennsylvania	Blair County	Bellwood, Borough of	420160	760518 Emerg., 790601 Reg.	790601
Pennsylvania	Luzerne County	Courtdale, Borough of	420601	730501 Emerg., 790601 Reg.	731228
Pennsylvania	York County	Cross Roads, Borough of	422209	760712 Emerg., 790601 Reg.	741213
Pennsylvania	Luzerne County	Fairview, Township of	420993	740123 Emerg., 790601 Reg.	740614
Pennsylvania	Fayette County	Jefferson, Township of	421629	770228 Emerg., 790601 Reg.	750103
Pennsylvania	Adams County	Latimore, Township of	421162	740426 Emerg., 790601 Reg.	741220
Pennsylvania	Adams County	York Springs, Borough of	421239	740530 Emerg., 790601 Reg.	741115
North Carolina	Rutherford County	Spindale, Town of	370356	790316 Emerg., 790604 Reg.	750627
New York	Genesee County	Bergen, Village of	361497	751124 Emerg., 790608 Reg.	750214
Ohio	Logan County	Zanesfield, Village of	390345	790611 Emerg., 790611 Reg.	741018
Arizona	Maricopa County	Avondale, City of	040038	750825 Emerg., 790615 Reg.	740215
Connecticut	Fairfield County	Brookfield, Town of	090003	750625 Emerg., 790615 Reg.	740726
Connecticut	New Haven County	Hamden, Town of	090078	730503 Emerg., 790615 Reg.	740116
Connecticut	Fairfield County	Newtown, Town of	090011	750828 Emerg., 790615 Reg.	741018
Illinois	Kane County	Aurora, City of	170320	730409 Emerg., 790615 Reg.	740614
Illinois	Lake County	Bannockburn, Village of	170359	750307 Emerg., 790615 Reg.	740201
Illinois	Cook County	Elk Grove Village, Village of	170088	721103 Emerg., 790615 Reg.	731102
Illinois	Cook County	Glenview, Village of	170096	730126 Emerg., 790615 Reg.	740628
Illinois	Morgan County	Jacksonville, City of	170516	730904 Emerg., 790615 Reg.	740719
Illinois	Cook County	Morton Grove, Village of	170128	740912 Emerg., 790615 Reg.	740301
Illinois	Cook County	Niles, Village of	170130	750224 Emerg., 790615 Reg.	740329
Illinois	St. Clair County	Washington Park, Village of	170638	740312 Emerg., 790615 Reg.	761008
Illinois	Iroquois County	Watseka, City of	170297	741210 Emerg., 790615 Reg.	740308
Illinois	Du Page County	Wheaton, City of	170221	740805 Emerg., 790615 Reg.	740405
Illinois	Du Page County	Woodridge, Village of	170737	730807 Emerg., 790615 Reg.	740405
Illinois	McHenry County	Woodstock, City of	170488	740612 Emerg., 790615 Reg.	740322
Indiana	Delaware County	Albany, Town of	180314	750613 Emerg., 790615 Reg.	731123
Iowa	Polk County	Urbandale, City of	190230	750604 Emerg., 790615 Reg.	740524
Iowa	Polk County	Windsor Heights, City of	190687	771007 Emerg., 790615 Reg.	761022
Kansas	Montgomery County	Independence, City of	200233	750226 Emerg., 790615 Reg.	731217
Kentucky	Kenton County	Covington, City of	210129	740319 Emerg., 790615 Reg.	740315
Massachusetts	Middlesex County	Concord, Town of	250189	720609 Emerg., 790615 Reg.	740906
Massachusetts	Norfolk County	Millis, Town of	250244	760302 Emerg., 790615 Reg.	740719
Massachusetts	Essex County	West Newbury, Town of	250108	740816 Emerg., 790615 Reg.	740816
Michigan	Genesee County	Atlas, Township of	260393	760902 Emerg., 790615 Reg.	761126
Michigan	Oakland County	Beverly Hills, Village of	260256	731102 Emerg., 790615 Reg.	740222
Michigan	Genesee County	Davison, City of	260074	740730 Emerg., 790615 Reg.	740517
Michigan	Genesee County	Davison, Township of	260664	790306 Emerg., 790615 Reg.	771021
Michigan	Genesee County	Flushing, City of	260077	740606 Emerg., 790615 Reg.	740517
Michigan	Wayne County	Gibraltar, City of	260226	730209 Emerg., 790615 Reg.	740628
Michigan	Lapeer County	Lapeer, City of	260112	741125 Emerg., 790615 Reg.	740517
Michigan	Wayne County	Rockwood, City of	260241	730424 Emerg., 790615 Reg.	731102
Michigan	Saginaw County	Spaulding, Township of	260303	740806 Emerg., 790615 Reg.	750124
Minnesota	Norman County	Halstad, City of	270324	750205 Emerg., 790615 Reg.	740524
Minnesota	Norman County	Perley, City of	270326	740426 Emerg., 790615 Reg.	741025
Missouri	Platte County	Dearborn, City of	290504	740809 Emerg., 790615 Reg.	750919
Missouri	St. Louis County	Des Peres, City of	290347	731226 Emerg., 790615 Reg.	770513
Missouri	Jackson County	Grandview, City of	290171	730316 Emerg., 790615 Reg.	740719
Missouri	St. Louis County	Jennings, City of	290360	731219 Emerg., 790615 Reg.	740201
Missouri	New Madrid County	New Madrid, City of	290256	731211 Emerg., 790615 Reg.	740531
Missouri	Platte County	Tracy, City of	290297	740725 Emerg., 790615 Reg.	741122
Missouri	Platte County	Weston, City of	290298	750519 Emerg., 790615 Reg.	740322
Nebraska	Scotts Bluff County	Scottsbluff, City of	310206	740408 Emerg., 790615 Reg.	740405
New Hampshire	Hillsborough County	Goffstown, Town of	330087	751028 Emerg., 790615 Reg.	740920
New Hampshire	Hillsborough County	Hillsborough, Town of	330090	740813 Emerg., 790615 Reg.	740510
New Hampshire	Hillsborough County	Nashua, City of	330097	750206 Emerg., 790615 Reg.	740823
New Hampshire	Merrimack County	Northfield, Town of	330118	751014 Emerg., 790615 Reg.	740322
New Hampshire	Rockingham County	Salem, Town of	330142	770415 Emerg., 790615 Reg.	770429
New Hampshire	Belknap County	Sanbornton, Town of	330008	751110 Emerg., 790615 Reg.	741018
New Jersey	Salem County	Alloway, Township of	340413	750307 Emerg., 790615 Reg.	740628
New Jersey	Ocean County	Island Heights, Borough of	340374	740906 Emerg., 790615 Reg.	740719
New Jersey	Ocean County	Point Pleasant Beach, Borough of	340388	720714 Emerg., 790615 Reg.	731123
New Jersey	Burlington County	Shamong, Township of	340534	750328 Emerg., 790615 Reg.	741220
New Jersey	Cumberland County	Stow Creek, Township of	340174	750701 Emerg., 790615 Reg.	740726
New Mexico	Luna County	Deming, City of	350038	750602 Emerg., 790615 Reg.	740329
New York	Westchester County	Elmsford, Village of	360910	750627 Emerg., 790615 Reg.	740412
New York	Nassau County	Hewlett Harbor, Village of	360469	731102 Emerg., 790615 Reg.	740308
New York	Westchester County	Mamaroneck, Town of	360917	720512 Emerg., 790615 Reg.	0
New York	Dutchess County	Wappinger, Town of	361387	750212 Emerg., 790615 Reg.	741129
Ohio	Franklin County	Minerva Park, Village of	390791	750321 Emerg., 790615 Reg.	0
Ohio	Pickaway County	South Bloomfield, Village of	390449	740807 Emerg., 790615 Reg.	740628
Ohio	Miami County	Troy, City of	390402	750312 Emerg., 790615 Reg.	740215
Ohio	Franklin County	Valleyview, Village of	390669	740417 Emerg., 790615 Reg.	750711
Ohio	Miami County	West Milton, Village of	390403	750624 Emerg., 790615 Reg.	740607
Oregon	Clackamas County	Molalla, City of	410020	750620 Emerg., 790615 Reg.	0
Oregon	Marion County	Salem, City of	410167	711203 Emerg., 790615 Reg.	740809
Pennsylvania	Allegheny County	Coraopolis, Borough of	420025	730709 Emerg., 790615 Reg.	740308
Pennsylvania	Allegheny County	Dravosburg, Borough of	420027	750207 Emerg., 790615 Reg.	731228
Pennsylvania	Allegheny County	Glassport, Borough of	420038	750130 Emerg., 790615 Reg.	731207
Pennsylvania	Philadelphia County	Philadelphia, City of	420757	720114 Emerg., 790615 Reg.	741206
Pennsylvania	McKean County	Port Allegany, Borough of	420671	730601 Emerg., 790615 Reg.	740628
Pennsylvania	Berks County	Shoemakersville, Borough of	420149	740326 Emerg., 790615 Reg.	740322
South Carolina	Horry County	Briarcliff Acres, Town of	450232	771125 Emerg., 790615 Reg.	0

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Texas	Cameron County	Cameron County*	480101	700814 Emerg., 790615 Reg	0
Texas	Val Verde County	Del Rio, City of	480631	731031 Emerg., 790615 Reg	740524
Texas	Gonzales County	Gonzales, City of	480254	750806 Emerg., 790615 Reg	740524
Virginia	Independent City	Charlottesville, City of	510033	750710 Emerg., 790615 Reg	750524
Virginia	Independent City	Richmond, City of	510129	730829 Emerg., 790615 Reg	741206
Washington	Grant County	Coulee City, Town of	530050	750623 Emerg., 790615 Reg	740524
Washington	Grays Harbor County	Hoquiam, City of	530061	740327 Emerg., 790615 Reg	740628
Washington	Spokane County	Millwood, Town of	530180	750303 Emerg., 790615 Reg	0
West Virginia	Jefferson County	Ranson, City of	540068	750402 Emerg., 790615 Reg	740503
Wisconsin	Kewaunee County	Algoma, City of	550213	730829 Emerg., 790615 Reg	740109
Wisconsin	Milwaukee County	Hales Corners, Village of	550524	731113 Emerg., 790615 Reg	740503
New Jersey	Atlantic County	Buena Vista, Township of	340525	760302 Emerg., 790622 Reg	741220
New York	Cayuga County	Cato, Town of	360105	750321 Emerg., 790622 Reg	740802
New York	Cayuga County	Sennett, Town of	360124	770523 Emerg., 790622 Reg	740614
New Mexico	Quay County	Logan, Village of	350105	750303 Emerg., 790626 Reg	760917
Kansas	Harvey County	North Newton, City of	200542	790628 Emerg., 790628 Reg	761105
Tennessee	Hamilton County	Signal Mountain, Town of	470078	770923 Emerg., 790628 Reg	740614
Texas	Harris County	Hilshire Village, City of	480295	751213 Emerg., 790628 Reg	740628
Wisconsin	Price County	Catawba, Village of	550527	751126 Emerg., 790628 Reg	741108
Wisconsin	Price County	Kennan, Village of	550531	751030 Emerg., 790628 Reg	741108
Florida	Brevard County	Melbourne, City of	120025	740830 Emerg., 790701 Reg	740830
Arizona	Maricopa County	Maricopa County*	040037	701231 Emerg., 790702 Reg	0
Connecticut	Hartford County	East Hartford, Town of	090026	721229 Emerg., 790702 Reg	731228
Idaho	Shoshone County	Kellogg, City of	160131	740626 Emerg., 790702 Reg	740109
Idaho	Shoshone County	Pinehurst, City of	160200	740927 Emerg., 790702 Reg	750131
Idaho	Shoshone County	Wallace, City of	160118	740515 Emerg., 790702 Reg	740607
Illinois	Kankakee County	Kankakee County*	170336	720428 Emerg., 790702 Reg	0
Kentucky	Harlan County	Lynch, City of	210104	750114 Emerg., 790702 Reg	740510
Louisiana	East Baton Rouge Parish	East Baton Rouge Parish	220058	700612 Emerg., 790702 Reg	741122
Maine	Piscataquis County	Dover-Foxcroft, Town of	230116	740821 Emerg., 790702 Reg	761217
Maryland	Montgomery County	Montgomery County*	240049	721013 Emerg., 790702 Reg	750718
Massachusetts	Worcester County	Millbury, Town of	250318	730504 Emerg., 790702 Reg	740222
Massachusetts	Hampshire County	Westhampton, Town of	250173	750312 Emerg., 790702 Reg	740628
Michigan	Bay County	Bangor, Township of	260019	730330 Emerg., 790702 Reg	740524
Michigan	Saginaw County	Saginaw, Township of	260190	730713 Emerg., 790702 Reg	740913
Michigan	Saginaw County	Zilwaukee, Township of	260286	740121 Emerg., 790702 Reg	740719
Minnesota	Washington County	Lake Elmo, City of	270505	720818 Emerg., 790702 Reg	740517
Mississippi	Hinds County	Hinds County*	280070	731219 Emerg., 790702 Reg	741018
Mississippi	Attala County	Kosciusko, City of	280007	741115 Emerg., 790702 Reg	740123
Montana	Lincoln County	Eureka, Town of	300112	750912 Emerg., 790702 Reg	750822
Montana	Lincoln County	Libby, City of	300042	750702 Emerg., 790702 Reg	740531
New Hampshire	Hillsborough County	Amherst, Town of	330081	740528 Emerg., 790702 Reg	740322
New Hampshire	Carroll County	Jackson, Town of	330014	750821 Emerg., 790702 Reg	740830
New Jersey	Bergen County	Allendale, Borough of	340019	720602 Emerg., 790702 Reg	730316
New Jersey	Monmouth County	Keyport, Borough of	340304	740123 Emerg., 790702 Reg	740123
New Jersey	Burlington County	Riverside, Township of	340113	730209 Emerg., 790702 Reg	770211
New Jersey	Burlington County	Willingboro, Township of	340119	720915 Emerg., 790702 Reg	731130
New York	Erie County	Colden, Town of	360233	750527 Emerg., 790702 Reg	740531
New York	Erie County	Lancaster, Village of	360248	750519 Emerg., 790702 Reg	740412
New York	Niagara County	Royalton, Town of	360511	741129 Emerg., 790702 Reg	740503
Pennsylvania	Montgomery County	Lower Providence, Township of	420703	730330 Emerg., 790702 Reg	731228
Rhode Island	Providence County	Burrillville, Town of	440013	750611 Emerg., 790702 Reg	740913
Texas	Tarrant County	Benbrook, City of	480586	731102 Emerg., 790702 Reg	740503
Texas	Mason County	Mason, City of	480467	760305 Emerg., 790702 Reg	740510
Vermont	Windsor County	Hartford, Town of	500148	720211 Emerg., 790702 Reg	741122
Virginia	Independent City	Fredericksburg, City of	510065	731105 Emerg., 790702 Reg	740621
Washington	Whitman County	Colton, Town of	530244	760618 Emerg., 790702 Reg	750502
Washington	Kitsap County	Poulsbo, City of	530241	740619 Emerg., 790702 Reg	741206
Washington	Whitman County	Pullman, City of	530212	720317 Emerg., 790702 Reg	740208
Texas	Collins County	Lucas, City of	481545	790703 Emerg., 790703 Reg	0
Connecticut	Middlesex County	Fenwick, Borough of	090187	790710 Emerg., 790710 Reg	0
Missouri	New Madrid County	Howardville, City of	290251	750414 Emerg., 790710 Reg	740517
South Dakota	Minnehaha County	Brandon, City of	460296	770209 Emerg., 790710 Reg	761119
Arizona	Maricopa County	Goodyear, Town of	040046	750808 Emerg., 790716 Reg	740315
Arkansas	Phillips County	Helena, City of	050168	740215 Emerg., 790716 Reg	740628
California	Merced County	Merced, City of	060191	750425 Emerg., 790716 Reg	740719
California	San Bernarding County	Needles, City of	060277	750305 Emerg., 790716 Reg	740614
California	San Bernardino County	San Bernardino, City of	060281	701231 Emerg., 790716 Reg	740628
California	Stanislaus County	Waterford, City of	060393	750617 Emerg., 790716 Reg	740524
Colorado	Weld County	Dacona, Town of	080236	760706 Emerg., 790716 Reg	750905
Colorado	Larimer County	Fort Collins, City of	080102	740814 Emerg., 790716 Reg	740628
Colorado	Weld County	Frederick, Town of	080244	761018 Emerg., 790716 Reg	750926
Colorado	Garfield County	Glenwood Springs, City of	080071	741023 Emerg., 790716 Reg	740301
Georgia	Coffee County	Douglas, City of	130216	740305 Emerg., 790716 Reg	741206
Idaho	Benewah County	Benewah County*	160014	740503 Emerg., 790716 Reg	750110
Illinois	Will County	Crest Hill, City of	170699	740805 Emerg., 790716 Reg	740329
Illinois	Cook County	Willow Springs, Village of	170174	750224 Emerg., 790716 Reg	740412
Kansas	Labette County	Parsons, City of	200184	741003 Emerg., 790716 Reg	740201
Kansas	Republic County	Scandia, City of	200289	740424 Emerg., 790716 Reg	740510
Maine	Piscataquis County	Guilford, Town of	230117	750717 Emerg., 790716 Reg	740906
Maryland	Allegany County	Luke, Town of	240114	770322 Emerg., 790716 Reg	750718
Maryland	Garrett County	Oakland, Town of	240039	750418 Emerg., 790716 Reg	740614

State	County	Location	Community No.	Effective date of authorization of sale of flood insurance for area	Hasard area identified
Maryland	Allegany County	Westernport, City of	240007	750219 Emerg., 790716 Reg.	740201
Massachusetts	Norfolk County	Medfield, Town of	250242	740906 Emerg., 790716 Reg.	740906
Michigan	Oakland County	Pontiac, Township of	260263	730807 Emerg., 790716 Reg.	740628
Minnesota	Houston County	Houston City of	270193	741113 Emerg., 790716 Reg.	740524
Minnesota	Mower County	Mower County*	270307	721222 Emerg., 790716 Reg.	750321
Minnesota	Stearns County	Rockville, City of	270454	750408 Emerg., 790716 Reg.	740802
Minnesota	Mower County	Rose Creek, City of	270598	790416 Emerg., 790716 Reg.	770610
Missouri	St. Louis County	Bella Villa, City of	290329	750618 Emerg., 790716 Reg.	760227
Missouri	Jasper County	Sarcoxie, City of	290186	740529 Emerg., 790716 Reg.	740517
Missouri	St. Louis County	St. Ann, City of	290383	740719 Emerg., 790716 Reg.	740201
Missouri	Independent City	St. Louis, City of	290385	740115 Emerg., 790716 Reg.	750221
Montana	Flathead County	Whitefish, City of	300026	750806 Emerg., 790716 Reg.	740531
New Hampshire	Merrimack County	Boscawen, Town of	330105	761014 Emerg., 790716 Reg.	740315
New Hampshire	Hillsborough County	Litchfield, Town of	330093	750731 Emerg., 790716 Reg.	740315
New Hampshire	Hillsborough County	Merrimack, Town of	330095	741111 Emerg., 790716 Reg.	740412
New Jersey	Burlington County	Hainesport, Township of	340099	750620 Emerg., 790716 Reg.	760730
New Jersey	Morris County	Madison, Borough of	340347	711203 Emerg., 790716 Reg.	0
New Jersey	Ocean County	Seaside Heights, Borough of	340389	750728 Emerg., 790716 Reg.	740322
New York	Suffolk County	Babylon, Town of	360790	720825 Emerg., 790716 Reg.	740726
North Dakota	Pierce County	Rugby, City of	380088	760924 Emerg., 790716 Reg.	740322
North Dakota	Mercer County	Zap, City of	380068	750407 Emerg., 790716 Reg.	741227
Ohio	Lake County	Grand River, Village of	390315	750925 Emerg., 790716 Reg.	740208
Ohio	Lake County	North Perry, Village of	390742	760319 Emerg., 790716 Reg.	750418
Oregon	Multnomah County	Gresham, City of	410181	740121 Emerg., 790716 Reg.	711207
Pennsylvania	Lycoming County	Brady, Township of	421169	740430 Emerg., 790716 Reg.	741122
Pennsylvania	Cameron County	Driftwood, Borough of	420245	740415 Emerg., 790716 Reg.	740809
Pennsylvania	Allegheny County	Millvale, Borough of	420053	730521 Emerg., 790716 Reg.	731228
Texas	Dallas County	Highland Park, Town of	480178	741030 Emerg., 790716 Reg.	740503
Texas	Hidalgo County	La Joya, City of	480341	750626 Emerg., 790716 Reg.	740123
Texas	Hidalgo County	Mercedes, City of	480344	740422 Emerg., 790716 Reg.	740201
Texas	Hidalgo County	Pharr, City of	480347	740903 Emerg., 790716 Reg.	740531
Utah	Utah County	Salem, City of	490160	750120 Emerg., 790716 Reg.	740628
Vermont	Windham County	Bellows Falls, Village of	500125	750623 Emerg., 790716 Reg.	740616
Virginia	Scott County	Dungannon, Town of	510144	751007 Emerg., 790716 Reg.	740322
Washington	Benton County	Benton City, Town of	530010	750627 Emerg., 790716 Reg.	740109
Washington	Whatcom County	Blaine, City of	530273	750610 Emerg., 790716 Reg.	750711
Washington	Pacific County	Raymond, City of	530129	740402 Emerg., 790716 Reg.	740531
Washington	Grays Harbor County	Westport, City of	530067	740806 Emerg., 790716 Reg.	740621
Wyoming	Albany County	Laramie, City of	560002	760528 Emerg., 790716 Reg.	740405
Wyoming	Sweetwater County	Rock Springs, City of	560051	720901 Emerg., 790716 Reg.	740531
New York	Essex County	North Elba, Town of	361156	750307 Emerg., 790720 Reg.	750117
Utah	Garfield County	Hatch, Town of	490068	750805 Emerg., 790724 Reg.	750207
Utah	Sevier County	Monroe City, City of	490129	750708 Emerg., 790724 Reg.	740628
New York	Westchester County	Buchanan, Village of	361534	770628 Emerg., 790727 Reg.	761029
New York	Orange County	Minisink, Town of	360620	750702 Emerg., 790727 Reg.	740412
California	San Mateo County	Daly City, City of	060317	750804 Emerg., 790731 Reg.	0
Iowa	Warren County	Indianola, City of	190275	770601 Emerg., 790731 Reg.	0
Ohio	Cuyahoga County	University Heights, City of	390133	770304 Emerg., 790731 Reg.	0
Oklahoma	Oklahoma County	Bethany, City of	400254	750117 Emerg., 790731 Reg.	0
Pennsylvania	York County	West York, Borough of	420941	781024 Emerg., 790731 Reg.	0
South Carolina	Oconee County	Westminister, Town of	450223	750623 Emerg., 790731 Reg.	0
Alabama	Franklin County	Russellville, City of	010216	740404 Emerg., 790801 Reg.	760625
California	Stanislaus County	Patterson, City of	060390	740116 Emerg., 790801 Reg.	750503
Colorado	Weld County	Milliken, Town of	080187	750723 Emerg., 790801 Reg.	740517
Colorado	Boulder County	Nederland, Town of	080255	770502 Emerg., 790801 Reg.	750822
Illinois	Macon County	Decatur, City of	170429	740729 Emerg., 790801 Reg.	740524
Illinois	McHenry County	Marengo, City of	170482	730627 Emerg., 790801 Reg.	760730
Illinois	Cook County	Midlothian, village of	170127	730730 Emerg., 790801 Reg.	740322
Illinois	Will County	Mokena, village of	170705	740612 Emerg., 790801 Reg.	740405
Illinois	Cook County	Prospect Heights, City of	170919	770405 Emerg., 790801 Reg.	780512
Indiana	Elkhart County	Elkhart, City of	180057	730209 Emerg., 790801 Reg.	740628
Indiana	Elkhart County	Goshen, City of	180058	730330 Emerg., 790801 Reg.	731128
Indiana	Clark County	Jeffersonville, City of	180027	740620 Emerg., 790801 Reg.	740614
Iowa	Woodbury County	Sioux City, City of	190298	710514 Emerg., 790801 Reg.	740802
Kansas	Johnson County	Desoto, City of	200161	750516 Emerg., 790801 Reg.	740116
Kansas	Johnson County	Edegerton, City of	200162	760112 Emerg., 790801 Reg.	740308
Kansas	Leavenworth County	Linwood, City of	200191	750501 Emerg., 790801 Reg.	740906
Massachusetts	Middlesex County	Stow, Town of	250216	751001 Emerg., 790801 Reg.	741018
Michigan	Macomb County	Clinton, Township of	260121	730209 Emerg., 790801 Reg.	731012
Michigan	St. Clair County	Marine City City of	260200	730126 Emerg., 790801 Reg.	740531
Michigan	Macomb County	St. Clair Shores, City of	260127	721201 Emerg., 790801 Reg.	740628
Minnesota	Fillmore County	Preston, City of	270129	750110 Emerg., 790801 Reg.	740510
Minnesota	Hennepin County	Woodland, City of	270189	750611 Emerg., 790801 Reg.	740531
Mississippi	Washington County	Greenville, City of	280179	730410 Emerg., 790801 Reg.	731116
Mississippi	Pike County	McComb, City of	280132	750718 Emerg., 790801 Reg.	750411
Missouri	St. Louis County	Berkeley, City of	290335	731115 Emerg., 790801 Reg.	761224
Missouri	Dent County	Salem, City of	290120	740809 Emerg., 790801 Reg.	740301
Nebraska	Burt County	Tekamah, City of	310024	741023 Emerg., 790801 Reg.	740315
New Hampshire	HillsBorough County	Deering, Town of	330085	750701 Emerg., 790801 Reg.	740315
New Jersey	Monmouth County	Bradley Beach, Borough of	340289	750625 Emerg., 790801 Reg.	731228
New Jersey	Essex County	Millburn, Township of	340187	710723 Emerg., 790801 Reg.	730427
New Jersey	Burlington County	Mount Holly, Township of	340106	720317 Emerg., 790801 Reg.	730420

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New Jersey	Monmouth County	Shrewsbury, Borough of	340326	750703 Emerg., 790801 Reg	740607
New York	Erie County	Tonawanda, City of	360259	740821 Emerg., 790801 Reg	0
Ohio	Franklin County	Hilliard, City of	390175	740410 Emerg., 790801 Reg	740607
Ohio	Ashtabula County	Jefferson, Village of	390014	760723 Emerg., 790801 Reg	750808
Ohio	Lake County	Mentor-on-the-Lake, City of	390318	751128 Emerg., 790801 Reg	750711
Ohio	Lake County	Waite Hill, Village of	390649	781221 Emerg., 790801 Reg	731217
Oklahoma	Stephens County	Duncan, City of	400202	740116 Emerg., 790801 Reg	740524
Oregon	Douglas County	Drain, City of	410061	750801 Emerg., 790801 Reg	740405
Oregon	Douglas County	Riddle, City of	410066	750722 Emerg., 790801 Reg	740607
Pennsylvania	Dalaware County	Chester, City of	420404	711210 Emerg., 790801 Reg	730302
Pennsylvania	Columbia County	Cleveland, Township of	421000	731105 Emerg., 790801 Reg	741018
Pennsylvania	Fayette County	Everson, Borough of	420462	750702 Emerg., 790801 Reg	740726
Pennsylvania	Columbia County	Franklin, Township of	420343	730529 Emerg., 790801 Reg	740109
Pennsylvania	Columbia County	Hemlock Township of	420344	730606 Emerg., 790801 Reg	740913
Pennsylvania	Northumberland County	Herndon, Borough of	420735	731206 Emerg., 790801 Reg	740123
Pennsylvania	Columbia County	Locust, Township of	421001	731217 Emerg., 790801 Reg	740607
Pennsylvania	Northumberland County	Lower Augusta, Township of	421017	740128 Emerg., 790801 Reg	740515
Pennsylvania	Allegheny County	Monroeville, Borough of	420054	730523 Emerg., 790801 Reg	740726
Pennsylvania	Columbia County	Montour, Township of	421002	731102 Emerg., 790801 Reg	740405
Pennsylvania	Columbia County	Orangeville, Borough of	420345	740611 Emerg., 790801 Reg	750124
Pennsylvania	Allegheny County	South Versailles, Township of	421231	750807 Emerg., 790801 Reg	740802
Pennsylvania	Union County	Union, Township of	420834	730705 Emerg., 790801 Reg	731228
Pennsylvania	Allegheny County	Wilmerding, Borough of	420091	731116 Emerg., 790801 Reg	740503
Tennessee	Hamilton County	Hamilton County *	470071	720303 Emerg., 790801 Reg	0
Texas	Denton County	Denton, City of	480194	720218 Emerg., 790801 Reg	741101
Vermont	Addison County	Shoreham, Town of	500171	750505 Emerg., 790801 Reg	750207
Virginia	Fairfax County	Herndon, Town of	510052	730521 Emerg., 790801 Reg	740614
Virginia	Independent City	Norfolk, City of	510104	730815 Emerg., 790801 Reg	741018
Virginia	Fauquier County	Warrenton, Town of	510057	750318 Emerg., 790801 Reg	740531
Washington	Clallam County	Forks, Town of	530022	760121 Emerg., 790801 Reg	761112
Washington	Franklin County	Kahlotus, Town of	530045	751231 Emerg., 790801 Reg	741213
Washington	Pacific County	Long Beach Town of	530128	740927 Emerg., 790801 Reg	740524
Washington	Whitman County	Tekoa, City of	530215	750807 Emerg., 790801 Reg	740830
West Virginia	Barbour County	Bellington, Town of	540002	741111 Emerg., 790801 Reg	740531
West Virginia	Summers County	Hinton, City of	540187	750310 Emerg., 790801 Reg	740531
West Virginia	Monongalia County	Morgantown, City of	540141	750123 Emerg., 790801 Reg	740802
West Virginia	Wyoming County	Mullens, City of	540218	741101 Emerg., 790801 Reg	740628
West Virginia	Monroe County	Peterstown, Town of	540143	741127 Emerg., 790801 Reg	740628
West Virginia	Preston County	Rowlesburg, Town of	540163	741108 Emerg., 790801 Reg	740201
Wisconsin	Sauk County	Baraboo, City of	550392	730601 Emerg., 790801 Reg	731217
Connecticut	Hartford County	Canton, Town of	090135	740302 Emerg., 790802 Reg	740802
Georgia	Jeff Davis County	Hazlehurst, City of	130114	740114 Emerg., 790802 Reg	741227
Georgia	Baldwin County	Milledgeville, City of	130006	731115 Emerg., 790802 Reg	740531
Idaho	Bannock County	Lava Hot Springs, City of	160011	750520 Emerg., 790802 Reg	740116
Idaho	Shoshone County	Mullan, City of	160115	750513 Emerg., 790802 Res	731228
Pennsylvania	Columbia County	Orange, Township of	421003	730926 Emerg., 790802 Reg	740215
Nebraska	Cass County	Avoca, Village of	310247	790803 Emerg., 790803 Reg	750711
New Jersey	Burlington County	North Hanover, Township of	340109	750731 Emerg., 790803 Reg	740719
New York	Cayuga County	Throop, Town of	360128	750821 Emerg., 790803 Reg	740412
California	San Mateo County	Half Moon Bay, City of	060319	750717 Emerg., 790808 Reg	740301
Indiana	Daviess County	Washington, City of	180037	750422 Emerg., 790808 Reg	740628
Louisiana	LaSalle Parish	Olla, Village of	220343	790808 Emerg., 790808 Reg	761112
Ohio	Trumball County	McDonald, Village of	390538	750707 Emerg., 790808 Reg	740517
Texas	McLennan County	Mart, City of	480929	790809 Emerg., 790809 Reg	760813
Illinois	Cook County	Barrington Hills, Village of	170058	750403 Emerg., 790810 Reg	740405
Illinois	La Salle County	Sheridan, Village of	170802	751128 Emerg., 790810 Reg	740412
Illinois	St. Clair County	Summerfield, Village of	170636	760811 Emerg., 790810 Reg	740503
Maryland	Montgomery County	Barnesville, Town of	240094	780626 Emerg., 790810 Reg	770121
Michigan	Alger County	Chatham, Village of	260343	760507 Emerg., 790810 Reg	750425
Michigan	Newaygo County	Fremont, City of	260167	750422 Emerg., 790810 Reg	740531
Michigan	Ingham County	Leslie, City of	260091	750725 Emerg., 790810 Reg	740614
Michigan	Ingham County	Locke, Township of	260671	760414 Emerg., 790810 Reg	780217
Michigan	Ingham County	Webberville, Village of	260416	760624 Emerg., 790810 Reg	751017
Minnesota	Clay County	Felton, City of	270081	750812 Emerg., 790810 Reg	750725
New Jersey	Atlantic County	Weymouth, Township of	340536	750813 Emerg., 790810 Reg	741220
New York	Dutchess County	Milan, Town of	361339	751106 Emerg., 790810 Reg	741018
Ohio	Licking County	Hartford, Village of	390331	761229 Emerg., 790810 Reg	740913
Pennsylvania	Armstrong County	Apollo, Borough of	420092	750103 Emerg., 790810 Reg	740531
Pennsylvania	Delaware County	Bethel, Township of	421606	780509 Emerg., 790810 Reg	750124
Pennsylvania	Westmoreland County	Bolivar, Borough of	420873	760813 Emerg., 790810 Reg	740614
Pennsylvania	Allegheny County	Braddock Hills, Borough of	420016	750124 Emerg., 790810 Reg	740510
Pennsylvania	Butler County	Chicora, Borough of	420214	750702 Emerg., 790810 Reg	740614
Pennsylvania	Crawford County	Conneaut Lake, Borough of	422386	750610 Emerg., 790810 Reg	750117
Pennsylvania	Lackawanna County	North Abington, Township of	422460	760203 Emerg., 790810 Reg	741227
Pennsylvania	Centre County	Snow Shoe, Borough of	421459	760218 Emerg., 790810 Reg	0
Pennsylvania	Lackawanna County	Springbrook, Township of	421759	760203 Emerg., 790810 Reg	741227
Pennsylvania	Montour County	Washingtonville, Borough of	420715	751124 Emerg., 790810 Reg	0
West Virginia	Grant County	Bayard, Town of	540240	751003 Emerg., 790810 Reg	741122
West Virginia	Fayette County	Mount Hope, City of	540280	741030 Emerg., 790810 Reg	740913
West Virginia	Fayette County	Pax, Town of	540032	750708 Emerg., 790810 Reg	741220
Wisconsin	Taylor County	Stetsonville, Village of	550437	750618 Emerg., 790810 Reg	740517
California	Los Angeles County	Hawthorne, City of	060123	790813 Emerg., 790813 Reg	780509
Utah	Sevier County	Elsinore, Town of	490125	750926 Emerg., 790814 Reg	750110

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Connecticut	New Haven County	Naugatuck, Borough of	090137	750626 Emerg., 790815 Reg	740628
Connecticut	Hartford County	Suffield, Town of	090038	780628 Emerg., 790815 Reg	771018
Idaho	Bingham County	Aberdeen, City of	160158	760625 Emerg., 790815 Reg	750627
Illinois	Kane County	Montgomery, Village of	170328	730419 Emerg., 790815 Reg	731026
Iowa	Audubon County	Audubon, City of	190011	740904 Emerg., 790815 Reg	740503
Massachusetts	Hampden County	Holyoke, City of	250142	740520 Emerg., 790815 Reg	740412
Massachusetts	Franklin County	Montague, Town of	250122	750613 Emerg., 790815 Reg	740322
Massachusetts	Hampshire County	South Hadley, Town of	250170	731127 Emerg., 790815 Reg	740322
Michigan	Oakland County	Pontiac, City of	260177	730807 Emerg., 790815 Reg	740201
Minnesota	Mower County	Adams, City of	270308	740212 Emerg., 790815 Reg	760730
Missouri	Clay County	Missouri City, City of	290097	760113 Emerg., 790815 Reg	740816
Nebraska	Merrick County	Central City, City of	310148	750520 Emerg., 790815 Reg	740510
Nebraska	Douglas County	Elkhorn, City of	310075	750331 Emerg., 790815 Reg	740322
Nebraska	Dakota County	South Sioux City, City of	310054	741224 Emerg., 790815 Reg	731207
New York	Erie County	Wales, Town of	360261	750723 Emerg., 790815 Reg	740510
Oregon	Marion County	Marion County*	410154	711210 Emerg., 790815 Reg	750124
Pennsylvania	Columbia County	Briar Creek, Borough of	420340	730831 Emerg., 790815 Reg	740123
Pennsylvania	Potter County	Coudersport, Borough of	420761	730713 Emerg., 790815 Reg	740719
Pennsylvania	Lebanon County	East Hanover, Township of	421012	730410 Emerg., 790815 Reg	730831
Pennsylvania	Perry County	Howe, Township of	421145	740404 Emerg., 790815 Reg	740726
Pennsylvania	Northumberland County	Jackson, Township of	421938	740924 Emerg., 790815 Reg	740920
Pennsylvania	Perry County	Liverpool, Borough of	420750	740320 Emerg., 790815 Reg	740510
Pennsylvania	Lancaster County	Manheim, Township of	420556	730705 Emerg., 790815 Reg	731228
Pennsylvania	Dauphin County	Middle Paxton, Township of	420387	730302 Emerg., 790815 Reg	731128
Pennsylvania	Columbia County	Mifflin, Township of	421167	740426 Emerg., 790815 Reg	741101
Pennsylvania	Allegheny County	Moon, Township of	421082	741210 Emerg., 790815 Reg	740906
Pennsylvania	Perry County	Newport, Borough of	420754	730302 Emerg., 790815 Reg	730601
Pennsylvania	Perry County	Oliver, Township of	421022	731112 Emerg., 790815 Reg	740222
Pennsylvania	Perry County	Rye, Township of	421028	731005 Emerg., 790815 Reg	740628
Pennsylvania	Delaware County	Sharon Hill, Borough of	420433	740719 Emerg., 790815 Reg	731228
Pennsylvania	Northumberland County	Turbot, Township of	420744	730316 Emerg., 790815 Reg	730615
Pennsylvania	Perry County	Watts, Township of	420756	730524 Emerg., 790815 Reg	731026
Rhode Island	Providence County	Glocester, Town of	440034	751229 Emerg., 790815 Reg	741018
Texas	Hidalgo County	Mission, City of	480345	740321 Emerg., 790815 Reg	740215
Texas	Collin County	Parker, City of	480139	770526 Emerg., 790815 Reg	761001
Vermont	Addison County	Bridport, Town of	500164	750707 Emerg., 790815 Reg	741122
Washington	Kitsap County	Bremerton, City of	530093	750527 Emerg., 790815 Reg	741108
Washington	Benton County	Kennewick, City of	530011	740802 Emerg., 790815 Reg	740607
West Virginia	Tucker County	Parsons, Town of	540194	750417 Emerg., 790815 Reg	740208
Wisconsin	Lafayette County	Argyle, Village of	550224	750624 Emerg., 790815 Reg	731130
Wisconsin	Lafayette County	Blanchardville, Village of	550227	750618 Emerg., 790815 Reg	761203
Wisconsin	Kewaunee County	Casco, Village of	550214	750522 Emerg., 790815 Reg	741115
New York	Rensselaer County	Berlin, Town of	360672	751125 Emerg., 790817 Reg	740830
New York	Dutchess County	Washington, Town of	361147	751211 Emerg., 790817 Reg	741101
Texas	Harrison County	Uncertain, Town of	481559	790821 Emerg., 790821 Reg	0
New York	Washington County	Argyle, Town of	361222	751106 Emerg., 790824 Reg	741018
New York	Erie County	Eden, Town of	360238	751002 Emerg., 790824 Reg	740920
Utah	Sevier County	Joseph, Town of	490127	760323 Emerg., 790824 Reg	750110
Utah	Garfield County	Escalante, Town of	490067	750422 Emerg., 790828 Reg	740809
Utah	Garfield County	Panguitch, City of	490070	741004 Emerg., 790828 Reg	740628
New York	Seneca County	Tyre, Town of	361206	751226 Emerg., 790831 Reg	741018

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968); effective Jan. 28, 1969 (3 FR 17804, Nov. 28, 1968), as amended, 42 U.S.C. 4001–4128; Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator, 44 FR 20963.)

Issued: September 17, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-30114 Filed 9-28-79; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

National Flood Insurance Program; Final Flood Elevation Determinations

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the nation.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required either to adopt or show evidence of being already in effect in order to quality or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the community.

ADDRESS: See table below.

FOR FURTHER INFORMATION CONTACT: Mr. R. Gregg Chappell, National Flood Insurance Program, (202) 426–1460 or Toll Free Line (800) 424–8872 (In Alaska and Hawaii Call Toll Free (800) 424–9080), Room 5148, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the final determination of flood elevations for each community listed.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90–448), 42 U.S.C. 4001–4128, and 44 CFR Part 67.4 (a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 44 CFR Part 60.

The final base (100-year) flood elevations for selected locations are:

Final Base (100-Year) Flood Elevations

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
South Carolina	Unincorporated areas of Aiken County (FI-4932).	Bridge Creek	Just downstream of confluence with Bridge Creek Tributary 1	*260
			Just upstream of Vancluse to Aiken Highway	*277
		Bridge Creek Tributary 1	Just downstream of Asphalt Road	*309
		Bridge Creek Tributary 2	Just downstream of Aiken Road	*313
		Bridge Creek Tributary 3	Just upstream of Mayfield Road	*363
		Fox Creek	Approximately 5,000 feet upstream of confluence with Savannah River.	*163
		Pole Branch	Just upstream of Willowick Drive	*189
			Just upstream of I-20	*230
			Just upstream of Wellington Street	*251
		Pole Branch Tributary 1	Approximately 900 feet upstream of confluence with Pole Branch	*220
		Pole Branch Tributary 2	Approximately 400 feet upstream of confluence with Pole Branch	*250
			Just downstream of Knobcone Avenue	*283
		Pole Branch Tributary 3	Just upstream of I-20 Westbound	*277
		Pole Branch Tributary 4	Approximately 400 feet upstream of confluence with Pole Branch	*269
		Hollow Creek	Just upstream of Silver Bluff Road	*123
			Just upstream of SC Highway 125	*151
			Just upstream of Old U.S. Highway 278	*187
		Horse Creek	Just upstream of Highway 67	*152
			Just upstream of Marshall Street	*202
			Just upstream of SC 33	*207
		Little Horse Creek	Just upstream of U.S. 1 and 78	*153
			Just upstream of SC 254	*197
			Just upstream of SC 779	*268
			Just upstream of I-20	*290
		Long Branch	Just upstream of Silver Bluff Road	*214
			Just upstream of Pine Long Road	*267
		No Name Creek to Dead River	Just upstream of Seaboard Coast Line Railroad Spur	*149
			Just downstream of SC Highway 5	*193
		No Name Creek to Dead River Tributary 1.	Just upstream of Old Langley Road	*179
			Just upstream of SC Highway 28	*189
		No Name Creek to Savannah River.	Just upstream of Hazelgrove Baptist Church Road (Highway 278)	*194
			Just upstream of confluence of No Name Creek to Savannah River Tributary 1.	*246
		No Name Creek to Savannah River Tributary 1.	Approximately 600 feet upstream of confluence with No Name Creek to Savannah River.	*265
		Sage Mill Branch	Approximately 900 feet upstream of confluence with Horse Creek	*245
		Sand River	Just upstream of U.S. Highway 191	*193
			Just upstream of Highway 421	*230
			Just upstream of Dibble Road	*251
		Sand River Tributary 1	Approximately 150 feet downstream of dirt trail	*295
		Sand River Tributary 2	Just upstream of Hitchcock Parkway	*365
		Sand River Tributary 3	Approximately 1,100 feet upstream of confluence with Sand River Tributary 2.	*305
		Savannah River	Just upstream of 13th Street Bridge	*147
			Just upstream of I-20	*160
		Town Creek	Just upstream of Silver Bluff Road	*172
			Just upstream of U.S. Highway 278	*199
			Just downstream of SC Highway 145	*227
			Just upstream of Herndon Pond Dam	*281
		Town Creek Tributary 1	Approximately 1,200 feet upstream of confluence with Town Creek	*211
		Town Creek Tributary 2	Approximately 1,500 feet upstream of confluence with Town Creek	*220
		Town Creek Tributary 3	Just downstream of SC 145	*231
Town Creek Tributary 4			Just upstream of SC 145	*237
			Just downstream of dirt road	*287
		Town Creek Tributary 5	Approximately 650 feet upstream of confluence with Town Creek	*300
		Town Creek Tributary 6	Approximately 1,000 feet upstream of confluence with Town Creek	*321
		Town Creek Tributary 7	Approximately 775 feet upstream of confluence with Town Creek	*314
		Town Creek Tributary 8	Just downstream of Richardson Lake Road	*330
		Town Creek Tributary 9	Approximately 1,400 feet upstream of confluence with Town Creek Tributary 8.	*385
	Maps available at: the Aiken County Council Clerk's Office, Aiken, South Carolina 75098.			
California	Healdsburg (City) Sonoma County (Docket No. FI-4654).	Russian River	Healdsburg Bridge—at centerline	*94
		Dry Creek	Canal Way—within corporate limits	*96
	Maps available at City Hall, 126 Matheson Street, Healdsburg, California.			

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); Executive Order 12127, 44 FR 19367; and delegation of authority to Federal Insurance Administrator 44 FR 20963.)

Issued: September 14, 1979.

Gloria M. Jimenez,

Federal Insurance Administrator.

[FR Doc. 79-30115 Filed 9-28-79; 8:45 am]

BILLING CODE 6718-03-M

Proposed Rules

Federal Register
Vol. 44, No. 191
Monday, October 1, 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.

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Part 103

Proposed Revisions to Service Fee Schedule

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Proposed rule.

SUMMARY: This Notice of Proposed Rule Making sets forth proposed amendments to the fee schedule of the Immigration and Naturalization Service. The proposal increases ten fees, reduces five; consolidates three fee descriptions into one and deletes the accompanying footnote, and adds one new fee.

These amendments to the fee schedule are necessary because recent studies of the processing costs of Service applications have increased in certain areas, and decreased in others. The Service is required by law to have its fee structure reflect, to the extent possible, the actual cost of providing the service, and the proposed increases and reductions in the involved fees are intended to comply with that requirement.

DATES: Representations must be received on or before December 3, 1979.

ADDRESSES: Please submit written representations, in duplicate, to the Commissioner of Immigration and Naturalization, Room 7100, 425 Eye Street, NW., Washington, DC 20536.

FOR FURTHER INFORMATION CONTRACT: James G. Hoofnagle, Jr., Instructions Officer, Immigration and Naturalization Service, Washington, DC 20536. Telephone: (202) 633-3048.

SUPPLEMENTARY INFORMATION: In May of 1979, the Service undertook a review of its fee schedules as required under 31 U.S.C. 483a and OMB Circular A-25. Under that law, and the implementing OMB Circular, it is required that a benefit or service provided to or for any person by a Federal Agency be fair and equitable and be self-sustaining to the fullest extent possible.

The fee review study indicated that certain fees should be increased and others reduced. It was also decided to propose a new fee for requesting telecommunication service and to consolidate three fee descriptions into one. The proposed fee changes, and the basis for them are summarized below.

(a) In order to simplify our regulations, we propose to consolidate fee descriptions 6, 7 and 8 relating to applications for passport and visa waivers into one fee description. The fee itself will not be changed. The footnote regarding communications costs is proposed to be deleted.

(b) Form I-290B for filing appeal in a case over which the Board of Immigration Appeals does not have jurisdiction is proposed to be increased from $35 to $50, based on an actual Service processing cost of $59.58. This fee is being administratively limited so it does not exceed the fee for filing an appeal in the U.S. Court of Appeals. (Fee Description (F.D.) 9).

(c) Form I-129B, Petition to classify nonimmigrant as temporary worker or trainee is increased from $10 to $15, based on an actual Service cost of $14.69. (It is Service policy to round to the nearest $5 increment) (F.D. 10).

(d) Form I-129F for filing a petition to classify nonimmigrant as fiancee or fiance under section 214(d) of the Act is increased from $10 to $15, based on an actual Service processing cost of $15.61. (F.D. 11).

(e) Form I-140 for filing petition to classify alien as third or sixth preference immigrant is increased from $20 to $25, based on actual Service processing cost of $23.14 (F.D. 16).

(f) Form I-17, Application for approval of schools for attendance by nonimmigrant student is reduced from $30 to $20, based on actual Service processing cost of $20.69. (F.D. 18).

(g) Form I-191, Application for discretionary relief under section 212(c) of the Act is reduced from $50 to $35 based on actual Service processing cost of $34.28. (F.D. 19).

(h) Form I-192, Application for discretionary relief under section 212(d)(3) of the Act is increased from $10 to $15, based on actual Service processing costs of $13.47. (F.D. 20).

(i) Form I-612, Application for waiver of the foreign residence requirement pursuant to sec. 212(e) of the Act is reduced from $50 to $35, based on actual Service processing costs of $36.75. (F.D. 21).

(j) Form I-601 for filing application for waiver of ground of excludability under section 212(h) or (i) of the Act is reduced from $40 to $35, based on actual Service processing costs of $34.64 (F.D. 22).

(k) Fee for filing a motion to reopen or reconsider any decision under the immigration laws is increased from $25 to $50 based on Service processing cost of $57.43. This fee is being administratively limited so it does not exceed the fee for filing a notice of appeal in the U.S. Court of Appeals (F.D. 29).

(l) Form I-246 for filing an application for stay of deportation under 8 CFR 243.4 is increased from $25 to $70, based on a Service processing cost of $71.89. (F.D. 30).

(m) For filing request for temporary withholding of deportation under sec. 243(h) of the Act, the fee is increased from $25 to $50. The actual Service processing cost is $259.19; however, it has been determined that the lower proposed amount is more fair and equitable than a fee based on full recovery of costs. (F.D. 31).

(n) Form I-256A, Application for suspension of deportation under sec. 244 of the Act is increased from $65 to $75. The actual Service processing cost is $187.31; however, it has been determined that lower proposed amount is more fair and equitable than a fee based on full recovery of costs. (F.D. 32).

(o) The fee for the certification of true copies is increased from $1 to $2, based on a Service processing costs of $1.91. (F.D. 43).

(p) The fee for attestation under seal is reduced from $3 to $2, based on Service processing cost of $1.96. (F.D. 44).

(q) It is proposed to add a new fee for the providing of telegraphic communication service, generally for the purpose of providing expeditious notification of approved petitions to interested parties. There is no fee for this service now specified in the regulations. However, it costs the Service $11.55 to process such a request. Therefore, the proposed fee will be $10.

In the light of the foregoing, the following amendments are proposed to be made to Chapter I of Title 8 of the Code of Federal Regulations.

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

In § 103.7(b)(1) it is proposed to delete the existing 6th, 7th, and 8th fee descriptions, replacing them with a new single description. It is further proposed to revise the existing 9th, 10th, 11th, 16th, 18th, 19th, 20th, 21st, 22nd, 29th, 30th, 31st, 32nd, 43rd and 44th fee descriptions and to add a new 45th fee description. The new and revised fee descriptions read as follows:

§ 103.7 Fees.

(b) *Amounts of fees*—(1) The following fees and charges are prescribed:

* * * * *

For filing application for waiver of passport and/or visa	$5.00
For filing appeal from any decision under the immigration laws in any type of proceeding over which the Board of Immigration Appeals does not have appellate jurisdiction. (The fee of $50 shall be charged whenever an appeal is filed by or on behalf of two or more aliens and all such aliens are covered by one decision)	50.00
For filing petition to classify nonimmigrant as temporary worker or trainee under section 214(c) of the Act	15.00
For filing petition to classify nonimmigrant as fiancee or fiance under section 214(d) of the Act	15.00
* * * * *	
For filing petition to classify preference status of an alien on basis of profession or occupation under section 204(a) of the Act	25.00
* * * * *	
For filing application for school approval, except in the case of a school or school system owned or operated as a public educational institution or system by the United States or a state or political subdivision thereof	20.00
For filing application for discretionary relief under section 212(c) of the Act	35.00
For filing application for discretionary relief under section 212(d)(3) of the Act, except in an emergency case, or where the approval of the application is in the interest of the United States Government	15.00
For filing application for waiver of the foreign-residence requirement under section 212(e) of the Act.	35.00
For filing application for waiver of ground of excludability under section 212(h) or (i) of the Act. (Only a single application and fee shall be required when the alien is applying simultaneously for a waiver under both those sections.)	35.00
* * * * *	
For filing a motion to reopen or reconsider any decision under the immigration laws (except on applications filed by students on Form I-538, exchange visitors on Form IAP-66, Cuban refugees on Form I-485A filed under the Act of November 2, 1966 or A-1, A-2 or G-4 nonimmigrants on Form I-566 for which no fee is chargeable). When the motion to reopen or reconsider is made concurrently with any application under the immigration laws, such application will be considered an integral part of the motion and only the fee for filing the motion or the fee for filing the application, whichever is greater, is payable. (The fee of $50 shall be charged whenever a motion is filed by or on behalf of two or more aliens and all such aliens are covered by one decision.)	50.00
For filing application for stay of deportation under Part 243 of this chapter	70.00
For filing application for temporary withholding of deportation under section 243(h) of the Act	50.00
For filing application for suspension of deportation under section 244 of the Act	75.00
* * * * *	
For certification of true copies, each	2.00
For attestation under seal	2.00
For filing request for telegraphic communication service	10.00
* * * * *	

(Sec. 103; 8 U.S.C. 1103; 31 U.S.C. 483a; OMB Circular No. A-25)

Public Comments Invited

In accordance with 5 U.S.C. 553 the Service invites representations of interested parties on these proposed rules. All relevant data, views, or arguments submitted on or before December 3, 1979, will be considered. Representations should be submitted in writing, in duplicate, to the Commissioner of Immigration and Naturalization at the address shown at the beginning of this notice.

Dated: September 25, 1979.

Leonel J. Castillo,

Commissioner of Immigration and Naturalization.

[FR Doc. 79-30305 Filed 9-28-79; 8:45 am]

BILLING CODE 4410-10-M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

10 CFR Parts 211 and 220

[Docket No. ERA-R-79-38]

Distribution of Strategic Petroleum Reserve Crude Oil

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Extension of Comment Period.

SUMMARY: On August 13, 1979, the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) issued a notice of proposed rulemaking concerning the distribution of Strategic Petroleum Reserve Crude Oil (44 FR 48696, August 20, 1979). A public hearing on the proposal was held in Washington, D.C. on September 18, 1979.

DATES: ERA is extending the deadline for written comments in this rulemaking from October 10, 1979 until October 20, 1979.

ADDRESS: All comments should be sent to: Public Hearing Management, Docket No. ERA-R-79-38, Department of Energy, Room 2313, 2000 M Street, NW., Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT:

Josette L. Maxwell (Office of Regulations and Emergency Planning), Department of Energy, Room 8202L, 2000 M Street, NW., Washington, D.C. 20461 (202) 632-5133).

Samuel M. Bradley (Office of General Counsel), Department of Energy, Room 6A-127, 1000 Independence Avenue, SW., Washington, D.C. 20585 (202) 252-6754.

Issued in Washington, D.C., on September 25, 1979.

F. Scott Bush,

Assistant Administrator, Regulations and Emergency Planning, Economic Regulatory Administration.

[FR Doc. 79-30370 Filed 9-28-79; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Ch. I

Proposed Kahului, Hawaii, Terminal Control Area; Informal Airspace Meeting

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of informal airspace meeting, proposed Kahului, Hawaii, terminal control area.

SUBJECT: The Federal Aviation Administration (FAA) will hold Informal Airspace Meeting No. 26, for the purpose of discussing a plan by the FAA to establish a Group II Terminal Control Area (TCA) at Kahului, Hawaii.

DATES AND LOCATIONS: The meeting will be held at two locations.

1. Thursday, November 29, 1979, 7 p.m., in the Conference Room of the Kahului Public Library, Kahului, Hawaii.

2. Friday, November 30, 1979, 1 p.m., in the Ewa Conference Room, International Terminal Building, Honolulu International Airport, Honolulu, Hawaii.

FOR FURTHER INFORMATION, CONTACT: Mr. Kenneth Foreman, Chief, Airport Traffic Control Tower, Kahului Airport, Kahului, Hawaii 96732, Telephone (808) 877-0725; or Mr. Robert Bishop, APC-532, Air Traffic Division, FAA Pacific-Asia Region, Room 7119, 300 Ala Moana Blvd., P.O. Box 50109, Honolulu, Hawaii 96850, Telephone (808) 546-8346.

SUPPLEMENTARY INFORMATION: The purpose of these Informal Airspace Meetings is to offer all persons likely to be affected by the proposed TCA the opportunity to present their views, and to assist the FAA in the preparation of an airspace action that will accomplish the improved safety objectives with the least impact on the airspace users.

No formal minutes or transcripts will be taken, however, anyone may submit written comments before or during the meeting which will be made a matter of record if they so desire. This action will not prevent interested persons from submitting comments later in response to a Notice of Proposed Rulemaking

(NPRM) in the event the item is formally proposed.

A detailed written description of the draft TCA configuration is available by contacting the persons listed under "FOR FURTHER INFORMATION CONTACT . . . "

Issued in Honolulu, Hawaii on September 18, 1979.

Paul L. A. Duvauchelle,

Acting Chief, Air Traffic Division Pacific-Asia Region.

[FR Doc. 79-30265 Filed 9-28-79; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Parts 11, 21, and 37

[Docket No. 19589, Notice No. 79-15]

Technical Standard Orders (TSO'S) Revision Program

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rule making.

SUMMARY: This notice announces the Technical Standard Orders Revision Program. The objective of the Program is to adopt a new public procedure to expedite the issuance of standards for specified materials, parts, and appliances used on civil aircraft. In accordance with Executive Order 12044, these new procedures will result in less burdensome requirements which will expedite TSO issuance, and will result in the substantial reduction of regulatory material. The proposed changes are necessary to stay current with the continuing growth and technological advances in the aeronautical state-of-the-art.

DATES: Comments must be received on or before December 3, 1979.

ADDRESS: Send all comments on the proposal in duplicate to: Federal Aviation Administration, Attn: Rules Docket (AGC-24) Docket No. 19589, 800 Independence Ave., SW., Washington, D.C. 20591

FOR FURTHER INFORMATION CONTACT: Mr. Adolfo O. Astoraga, Systems Branch (AWS-130), Aircraft Engineering Division, Office of Airworthiness, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; Telephone (202) 426-8395.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Comments relating to any significant environmental or economic impact that might result because of the adoption of these proposals may also be submitted. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA public contact concerned with the substance of these proposals will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made, "Comments to Docket Number 19589." The postcard will be date/time stamped and returned to the commenter.

Additional Copies of Notice

Any person may obtain a copt of this notice of proposed rule making (NPRM) by submitting a request to: Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Ave., SW., Washington, D.C. 20591 Telephone: (202) 426-8058

Each communication must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

Background

Whenever a material, part, process, or appliance is to be used on an aircraft, it must be approved under the Federal Aviation Regulations before it can be utilized. Such approval can be obtained in any one of the following ways:

(1) Under a Parts Manufacturer Approval issued under 14 CFR 21.303;

(2) In conjunction with type certification procedures for a product;

(3) Under a Technical Standard Order (TSO) issued under 14 CFR Part 37 or;

(4) In any other manner approved by the Administrator.

One of the several methods of obtaining approval is under a TSO which contains minimum performance and quality control standards for specified materials, parts, or appliances (articles). The standards for each TSO are those the Administrator finds necessary to ensure that the articles concerned will operate satisfactorily. If a part to be used on a civil aircraft has been manufactured under a TSO authorization, the part is an approved part for the purpose of meeting the Federal Aviation Regulations. Since compliance with a TSO authorization is only one of the suggested methods of obtaining approvals, the standards contained therein are not mandatory but are only an optional way of obtaining approval for a particular part. For example, a manufacturer can obtain approval to deviate from a particular TSO if it shows that the design features provide an equivalent level of safety. Therefore, the standards in any given TSO are not necessarily the only ones that must be followed in order to obtain FAA approval for use of the part.

As set forth above, TSO's are not statements of general or particular applicability designed to implement or prescribe law or policy; therefore, they do not fall within the definition of "rule" contained in the Administrative Procedure Act. As a result, there is no requirement that TSO's be published as notices of proposed rulemaking in the **Federal Register.** As explained later in this proposal, however, the FAA will provide notice in the **Federal Register** and through Advisory Circulars of all proposed and final changes to all TSO's. Currently, the FAA handles TSO's through the normal rulemaking process. However, an increase in the volume and complexity of the FAA rulemaking activities no longer makes it practical for the FAA to utilize the rulemaking process to establish voluntary TSO's.

The FAA has determined that it is appropriate, in the interest of safety, to initiate a program to adopt new public procedures to facilitate the issuance of standards for specified materials, parts, and appliances on civil aircraft.

The Technical Standard Orders Revision Program will be carried out with full opportunity for the participation of industry, other Government agencies, foreign governments, and the public.

An essential part of the revision of the Technical Standard Orders Program is an effort to simplify and standardize the requirements and rules for FAA approval for such materials, parts, and appliances for which standards have been issued. Therefore, the Administrator has decided that as a part of this effort, an NPRM will be shortly issued which will propose changes to the Parts Manufacturer Approval procedures contained in Part 21 of the Federal Aviation Regulations.

The New Public Procedure

The FAA will continue to develop draft standards. These standards will be circulated for public comment through the use of mailing lists and an Advisory Circular which will list all current TSO's and those which it is anticipated will be amended within the succeeding 12 months. A copy of the Advisory Circular will be published in the **Federal Register** every 6 months. In addition, notice of proposed changes and final changes to TSO's will be contained in the summaries of petitions for exemption and rulemaking published in the **Federal Register** in accordance with Part 11 of this Chapter. Any individual or organization wishing to obtain copies of specific draft standards or all such standards proposed by the FAA may, upon request, be placed on a mailing list. They will then receive copies of those draft standards requested and will be given 90 days to submit comments. Although the FAA does not propose to publish these draft standards in the **Federal Register** the FAA would like specific comments concerning the proposed distribution system.

The FAA will then review the comments submitted and issue a final standard. Copies of the final standard will be mailed to all persons on the mailing list. Copies of all draft and final standards will also be available at FAA headquarters and at all regional offices.

As a result of these proposed changes, there will be substantial cost savings to industry and the FAA resulting from a reduction in the time-consuming paperwork and steps currently required to amend and issue TSO's. The proposed changes will also ensure that these standards reflect technological advances in the aeronautical state-of-the-art resulting in equipment with higher level of performance and reliability.

This proposal is consistent with the agency's responsibility to review the continuing need for our regulations and the need to eliminate unnecessary regulations. As such, this is in furtherance of Executive Order 12044, issued by President Carter on March 23, 1978.

Discussion of the Proposed Rule

Revoking the portions of Part 37 of the Federal Aviation Regulations, which requires that TSO's to be published as part of the regulations, removes the standards from the rulemaking process. The changes proposed herein also relocate to Part 21 of the Federal Aviation Regulations the requirements for the issue of and the general rules governing holders of TSO authorizations currently in Part 37, Subpart A. The FAA believes that republishing these requirements in Part 21 is the best method for maintaining regulatory consistency. The FAA would like comments on the placement in Part 21 of these requirements. Changes included in this proposal include:

1. Present § 11.49(b)(2) delegates authority to the Director, Flight Standards, to issue, amend, and repeal TSO's under Part 37. Since Part 37 is being revoked, the delegation is no longer needed and it is proposed to delete § 11.49(b)(2).

2. Present § 21.305(b) allows materials, parts, processes, and appliances required by the Federal Aviation Regulations to be approved under a TSO issued under Part 37. Since Part 37 is being revoked, it is proposed to revise § 21.305(b) to list the Advisory Circular which will list all current TSO's and those which it is anticipated will be amended within the succeeding 12 months, and the address where copies of the Advisory Circular may be obtained.

3. Subpart A of Part 37 contains the requirements for the issue of and the general rules governing holders of TSO authorizations. It is proposed to retain the substance of these requirements and rules and to relocate them to Part 21.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend Parts 11, 21, and 37 of the Federal Aviation Regulations (14 CFR Parts 11, 21, and 37) as follows:

PART 11—GENERAL RULE-MAKING PROCEDURES

1. By adding the word "and" following the semicolon in § 11.49(b)(1); and by revising § 11.49(b)(2) to read as follows:

§ 11.49 Adoption of final rules.

* * * * *

(b) * * *

(2) [Reserved]

* * * * *

PART 21—CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS

2. By revising § 21.305(b) to read as follows:

§ 21.305 Approval of materials, parts, processes, and appliances.

* * * * *

(a)* * *

(b) Under a Technical Standard Order issued by the Administrator. Advisory Circular AC No. XX contains a list of Technical Standard Orders that may be used to obtain approval (copies of the advisory circular may be obtained from U.S. Department of Transportation, Publications Section M443.1, Washington, D.C. 20590);

* * * * *

3. By adopting a new Subpart O to read as follows:

Subpart O—Technical Standard Order Authorizations

Sec.

21.601 Applicability.
21.603 TSO marking and privileges.
21.605 Application and issue.
21.607 General rules governing holders of TSO authorizations.
21.609 Approval for deviation.
21.611 Design changes.
21.613 Recordkeeping requirements.
21.615 FAA inspection.
21.617 Reporting of failures, malfunctions and defects.
21.619 Noncompliance.
21.621 Transferability and duration.

Authority: Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423; sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.45)).

§ 21.601 Applicability.

(a) This subpart prescribes—

(1) Procedural requirements for the issue of Technical Standard Order Authorizations; and

(2) Rules governing the holders of Technical Standard Order Authorizations.

(b) For the purpose of the subpart—

(1) Technical Standard Orders (hereafter referred to in this part as "TSO's") are those issued by the Administrator containing performance standards and quality control standards for specified materials, parts, or appliances (hereafter referred to in this part as "article") used on civil aircraft.

(2) An article manufactured under a TSO authorization, or an FAA letter of acceptance as described in § 21.603(b), is an approved article for the purpose of meeting the regulations of this chapter that require the article to be approved.

(3) For the purpose of this part, a manufacturer is a person who controls the design and quality of an article produced under the TSO system (or to be produced, in the case of an application) including the parts thereof and any processes or services related thereto that are procured from an outside source.

§ 21.603 TSO marking and privileges.

(a) Except as provided in paragraph (b) of this section, no person may identify an article with a TSO marking unless that person holds a TSO authorization and the article meets applicable TSO standards.

(b) The holder of an FAA letter of acceptance of a statement of

conformance issued for an article before July 1, 1962, may continue to manufacture that article without obtaining a TSO authorization, but shall comply with the requirements of §§ 21.607 through 21.621.

(c) Notwithstanding paragraphs (a) and (b) of this section, after August 6, 1976 no person may identify or mark an article with any of the following TSO numbers:

(1) TSO–C18, –C18a, –C18b, or –C18c.
(2) TSO–C24.
(3) TSO–C33.
(4) TSO–C61 or –C61a.

§ 21.605 Application and issue.

(a) The manufacturer (or an authorized agent) must submit an application for a TSO authorization, together with the following documents, to the Chief, Engineering and Manufacturing Branch, Flight Standards Division, of the region in which the manufacturer is located (or, in the case of the Western Region, the Chief, Aircraft Engineering Division):

(1) A statement of conformance certifying that the applicant has met the requirements of this subpart and that the article concerned meets the applicable performance standards issued by the Administrator.

(2) Copies of the technical data required in the applicable performance standards issued by the Administrator, unless a lesser number of copies is authorized by the Chief, Engineering and Manufacturing Branch, in the region in which the manufacturer is located or in the case of the Western Region, the Chief, Aircraft Engineering Division.

(3) A description of his quality control system in the detail specified in § 21.143 of this chapter. In complying with this paragraph, the manfucturer may refer to current quality control data filed with the FAA as a part of a previous application. When a series of minor changes in accordance with §21.611 is anticipated, the manufacturer may set forth in its application the basic model number of the article with open brackets after it to denote that suffix change letters will be added from time to time.

(b) After receiving the application and other documents required by paragraph (a) of this section to substantiate the manufacturer's compliance with this part, and after a determination has been made of its ability to produce duplicate articles under this part, the Administrator issues a TSO authorization to the manufacturer to identify the article with the applicable TSO marking.

(c) If the application is deficient, the applicant must, when requested by the Administrator, submit any additional information necessay to show compliance with this part. If the applicant fails to submit the additional information within 30 days after the Administrator's request, the application is denied and the applicant is so notified.

(d) The Administrator issues or denies the application within 30 days after its receipt or, if additional information has been requested, within 30 days after receiving that information.

§ 21.607 General rules governing holders of TSO authorizations.

Each manufacturer of an article for which a TSO authorization has been issued under this part must—

(a) Manufacture the article in accordance with this part and the applicable requirements issued by the Administrator;

(b) Conduct all required tests and inspections, and establish and maintain a quality control system adequate to ensure that the article meets the requirements of paragraph (a) of this section and is in condition for safe operation;

(c) Prepare and maintain, for each model of each article for which a TSO authorization has been issued, a current file of complete technical data and records in accordance with § 21.613; and

(d) Permanently and legibly mark each article to which this section applies with the following information:

(1) The name and address of the manufacturer.

(2) The name, type, or model designation of the article.

(3) The nominal weight of the article, which must be within ±0.2 pound of the actual weight or ±3 percent of the actual weight, whichever is greater, except that the differences between the weight marked on the article and the actual weight of the article may not exceed ±10 pounds.

(4) The serial number or the date of manufacture of the article, or both.

(5) The applicable TSO number.

§ 21.609 Approval for deviation.

(a) Each manufacturer who requests approval to deviate from any performance standard issued by the Administrator must show that the standards from which a deviation is requested are compensated for by factors or design features providing an equivalent level of safety.

(b) The request for approval to deviate, together with all pertinent data, must be submitted to the Chief, Engineering and Manufacturing Branch, Flight Standards Division, of the region in which the manufacturer is located (or, in the case of the Western Region, the Chief Aircraft Engineering Division).

§ 21.611 Design changes.

(a) *Minor changes by the manufacturer holding the authorization.* The manufacturer of an article under an authorization issued under this part may make minor changes (any change other than a major change) without further approval by the Administrator. In this case, the changed article keeps the original model number and the manufacturer shall forward to the appropriate Chief, Engineering and Manufacturing Branch (in the case of the Western Region, the Chief, Aircraft Engineering Division), any revised data that is necessary for compliance with § 2.605(a).

(b) *Major changes by manufacturer holding the authorization.* Any design change by the manufacturer that is extensive enough to require a substantially complete investigation to determine compliance with performance standards issued by the Administrator is a major change. Before making such a change, the manufacturer must assign a new type or model designation to the article and apply for an authorization under § 21.605.

(c) Changes by person other than manufacturer. No design change by any person (other than the manufacturer who submitted the statement of conformance for the article) is eligible for approval under this part, unless the person seeking the approval is a manufacturer and applies under § 21.605(a). Persons other than a manufacturer may obtain approval for design changes under Part 43 or under the applicable airworthiness regulations.

§ 21.613 Recordkeeping requirements.

(a) *Keeping the records.* Each manufacturer holding a TSO authorization under this part shall, for each article manufactured under that authorization, keep the following records at its factory:

(1) A complete and current technical data file for each type or model article, including design drawings and specifications.

(2) Complete and current inspection records showing that all inspections and tests required to assure compliance with this part have been properly done and documented.

(b) *Retention of records.* The manufacturer shall retain the records described in paragraph (a)(1) of this section until it no longer manufactures the article concerned under this part. At that time, copies of these records shall be sent to the Administrator. The manufacturer shall retain the records

described in paragraph (a)(2) of this section for a period of at least 2 years.

§ 21.615 FAA inspection.

Upon the request of the Administrator, each manufacturer of an article under a TSO authorization shall allow the Administrator to inspect—

(a) Any article manufacturered under that authorization;

(b) The manufacturer's quality control inspections and tests;

(c) The manufacturing facilities; and

(d) The technical data files on that article.

§ 21.617 Reporting of failures, malfunctions, and defects.

(a) After January 3, 1971, except as provided in paragraph (d) of this section, each manufacturer holding a TSO authorization under this part shall report any failure, malfunction, or defect in any article manufactured by it that it determines has resulted in any of the occurrences listed in paragraph (c) of this section.

(b) After January 3, 1971, each manufacturer holding a TSO authorization under this part shall report any defect in any article manufactured by it that has left its quality control system and that it determines could result in any of the occurrences listed in paragraph (c) of this section.

(c) The following occurrences must be reported as provided in paragraphs (a) and (b) of this section:

(1) Fire caused by a system or equipment failure, malfunction, or defect.

(2) An engine exhaust system failure, malfunction, or defect which causes damage to the engine, adjacent aircraft structure, equipment, or components.

(3) The accumulation or circulation of toxic or noxious gases in the crew compartment or passenger cabin.

(4) A malfunction, failure, or defect of a propeller control system.

(5) A propeller or rotocraft hub or blade structural failure.

(6) Flammable fluid leakage in areas where an ignition source normally exists.

(7) A brake system failure caused by structural or material failure during operation.

(8) A significant aircraft primary structural defect or failure caused by any autogenous condition (fatigue, understrength, corrosion, etc.).

(9) Any abnormal vibration or buffeting caused by a structural or system malfunction, defect, or failure.

(10) An engine failure.

(11) Any structural or flight control system malfunction, defect, or failure which causes interference with normal control of the aircraft or which derogates the flying qualities.

(12) A complete loss of more than one electrical power generating system or hydraulic power system during a given operation of the aircraft.

(13) A failure or malfunction of more than one attitude, airspeed, or altitude instrument during a given operation of the aircraft.

(d) The requirements of paragraph (a) of this section do not apply to—

(1) Failures, malfunctions, and defects that the holder of a TSO authorization—

(i) Determines were caused by improper maintenance or improper usage;

(ii) Knows were reported to the FAA by another person under the Federal Aviation Regulations; or

(iii) Has already reported under the accident reporting provisions of Part 430 of the regulations of the National Transportation Safety Board.

(2) Failures, malfunctions, or defects in articles manufactured by a foreign manufacturer and exported to the United States under § 21.502 of this chapter.

(e) Each report required by this section—

(1) Shall be made to the FAA Regional Office in which the holder is located within 24 hours after the holder has determined that the failure, malfunction, or defect required to be reported has occurred, except that a report due on a Saturday or a Sunday may be delivered on the following Monday and one that is due on a holiday may be delivered on the next workday;

(2) Shall be transmitted in a manner and form acceptable to the Administrator by the most expeditious method available; and

(3) Shall include as much of the following information on the article as is available and applicable:

(i) Aircraft serial number.

(ii) Article serial number.

(iii) Article model designation.

(iv) Identification of the part, component, or system involved. The identification must include the part number.

(v) Nature of the failure, malfunction, or defect.

(f) Whenever the investigation of an accident or service difficulty report shows that an article manufactured under a TSO authorization is unsafe because of a manufacturing or design defect, the manufacturer shall, upon the request of the Administrator, report to the Administrator the results of its investigation and any action taken or proposed by the manufacturer to correct that defect. If action is required to correct the defect in existing articles, the manufacturer shall submit to the Chief, Engineering and Manufacturing Branch (in the case of the Western Region, the Chief, Aircraft Engineering Division), FAA Regional Office in the region in which it is located, the data necessary for the issue of an appropriate airworthiness directive.

§ 21.619 Noncompliance.

The Administrator may, upon notice, withdraw the TSO authorization of any manufacturer who identifies with a TSO marking an article not meeting the applicable performance standards of this part.

§ 21.621 Transferability and duration.

An authorization issued under this part is not transferable and is effective until surrendered, withdrawn, or otherwise terminated by the Administrator.

PART 37—TECHNICAL STANDARD ORDER AUTHORIZATIONS

3. By revoking Part 37 and marking it to read as follows:

PART 37—TECHNICAL STANDARD ORDER AUTHORIZATIONS [Reserved]

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423; sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.45)).

Note.—The FAA had determined that this document involves a proposed regulation which is not considered to be significant under the procedures and criteria prescribed by Executive Order 12044 and as implemented by the Department of Transportation Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). A copy of the final evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

Issued in Washington, D.C., on September 21, 1979.

M. C. Beard,

Director, Office of Airworthiness.

[FR Doc. 79-30293 Filed 9-28-79; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 79-ASW-41]

Proposed Designation of Transition Area: Eastland, Tex.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making.

SUMMARY: The nature of the action being taken is to propose designation of a transition area at Eastland, Tex. The intended effect of the proposed action is to provide controlled airspace for aircraft executing a new instrument approach procedure to the Eastland Municipal Airport. The circumstance which created the need for the action is the proposed establishment of a nondirectional radio beacon (NDB) 3500 feet south of Runway 35. Coincident with this action the airport is changed from Visual Flight Rules (VFR) to Instrument Flight Rules (IFR).

DATES: Comments must be received by November 1, 1979.

ADDRESSES: Send comments on the proposal to: Chief, Airspace and procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101.

The official docket may be examined at the following location: Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas.

An informal docket may be examined at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch, ASW–535, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101; telephone: (817) 624–4911, extension 302.

SUPPLEMENTARY INFORMATION: Subpart G 71.181 (44 FR 442) of FAR Part 71 contains the description of transition areas designated to provide controlled airspace for the benefit of aircraft conducting IFR activity. Designation of a transition area at Eastland, Tex., will necessitate an amendment to this subpart.

Comments Invited

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received within 30 days after publication of this notice in the **Federal Register** will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rule making (NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, or by calling (817) 624–4911, extension 302. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should contact the office listed above.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to designate a transition area at Eastland, Tex. The FAA believes this action will enhance IFR operations at the Eastland Municipal Airport by providing controlled airspace for aircraft executing proposed instrument approach procedures using the proposed NDB located 3500 feet south of Runway 35. Subpart G of Part 71 was republished in the **Federal Register** on January 2, 1979 (44 FR 442).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (44 FR 442) by adding the Eastland, Tex., transitin area as follows:

Eastland, Tex.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Eastland Municipal Airport (latitude 32°25′00″ N., longitude 98°48′45″ W.) and within 3.5 miles each side of the 180° bearing from the NDB (latitude 32°23′55″ N., longitude 98°48′35.18″ W.) extending from the 6.5-mile radius area to a point 8.5 miles south of the NDB.

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

The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation and a comment period of less than 45 days is appropriate.

Issued in Fort Worth, Texas on September 18, 1979.

Henry N. Stewart,

Acting Director, Southwest Region.

[FR Doc. 79–30277 Filed 9–28–79; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 79–ASW–40]

Proposed Designation of Transition Area: Danbury, Tex.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making.

SUMMARY: The nature of the action being taken is to propose designation of a transition area at Danbury, Tex. The intended effect of the proposed action is to provide additional controlled airspace for aircraft executing a new special instrument approach procedure to the Garrett Ranch Airport. The circumstance which created the need for the action is the proposed special instrument approach procedure to the Garrett Ranch Airport using the Scholes VORTAC. Coincident with this action the airport is changed from Visual Flight Rules (VFR) to Instrument Flight Rules (IFR). This is a new airport as circularized under Study No. 79–ASW–26–NRA dated February 27, 1979.

DATES: Comments must be received by November 1, 1979.

ADDRESSES: Send comments on the proposal to: Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101.

The official docket may be examined at the following location: Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas.

An informal docket may be examined at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Stephenson, Airspace and Procedures Branch, ASW–535, Air Traffic Division, Southwest Region,

Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101; telephone: (817) 624–4911, extension 302.

SUPPLEMENTARY INFORMATION: Subpart G 71.181 (44 FR 442) of FAR Part 71 contains the description of transition areas designated to provide controlled airspace for the benefit of aircraft conducting IFR activity. Designation of a transition area at Danbury, Tex., will necessitate an amendment to this subpart.

Comments Invited

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101. All communications received within 30 days after publication of this notice in the **Federal Register** will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rule making (NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101, or by calling (817) 624–4911, extension 302. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should contact the office listed above.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to designate a transition area at Danbury, Tex. The FAA believes this action will enhance IFR operations at the Garrett Ranch Airport by providing controlled airspace for aircraft executing a proposed instrument approach procedure using the Scholes VORTAC. Subpart G of Part 71 was republished in the **Federal Register** on January 2, 1979 (44 FR 442).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (44 FR 442) by adding the Danbury, Tex., transition area as follows:

Danbury, Tex.

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the Garrett Ranch Airport, Danbury, Tex., (latitude 29°17'13" N., longitude 95°21'34" W.)

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

The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation and a comment period of less than 45 days is appropriate.

Issued in Fort Worth, Tex. on September 18, 1979.

Henry N. Stewart,

Acting Director, Southwest Region.

[FR Doc. 79-30278 Filed 9-28-79; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 79-ASW-43]

Transition Area; Proposed Designation; Belen, N. Mex.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making.

SUMMARY: The nature of the action being taken is to propose designation of a transition area at Belen, NM. The intended effect of the proposed action is to provide controlled airspace for aircraft executing a new instrument approach procedure to the Alexander Municipal Airport. The circumstance which created the need for the action is the proposed establishment of a new instrument approach procedure to Runway 03 at Alexander Municipal Airport using the Socorro VORTAC. Alexander Municipal Airport is a newly established airport and this action coincidentally changes the airport from Visual Flight Rules (VFR) to Instrument Flight Rules (IFR).

DATES: Comments must be received by November 1, 1979.

ADDRESSES: Send comments on the proposal to: Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101.

The official docket may be examined at the following location: Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, Texas.

An informal docket may be examined at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT: Manual R. Hugonnett, Airspace and Procedures Branch, ASW-536, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101; telephone: (817) 624–4911, extension 302.

SUPPLEMENTARY INFORMATION: Subpart G 71.181 (44 FR 442) of FAR Part 71 contains the description of transition areas designated to provide controlled airspace for the benefit of aircraft conducting IFR activity. Designation of a transition area at Belen, NM, will necessitate an amendment to this subpart.

Comments Invited

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received within 30 days after publication of this notice in the **Federal Register** will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the

light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rule making (NPRM) by submitting a request to the Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101, or by calling (817) 624–4911, extension 302. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should contact the office listed above.

The Proposal

The FAA is considering an amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to designate a transition area at Belen, NM. The FAA believes this action will enhance IFR operations at the Alexander Municipal Airport by providing controlled airspace for aircraft executing the proposed instrument approach procedure for Runway 03. Subpart G of Part 71 was republished in the **Federal Register** on January 2, 1979 (44 FR 442).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (44 FR 442) by adding the following:

Belen, NM

That Airspace extending upward from 700 feet above the surface within a 6-mile radius of the Alexander Municipal Airport (latitude 34°38'51"N., longitude 106°49'57"W.).

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

The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation and a comment period of less than 45 days is appropriate.

Issued in Fort Worth, Texas on September 18, 1979.

Henry N. Stewart,

Acting Director, Southwest Region.

[FR Doc. 79-30276 Filed 9-28-79; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 79-RM-12]

Alteration of Transition Area; Withdrawal of Proposal

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Withdrawal of Notice of Proposed Rulemaking.

SUMMARY: On April 26, 1979, the Federal Aviation Administration published for comment a proposal to alter the 1,200′ transition area at Gillette, Wyoming (44 FR 24575). User comment and a proposal to install a localizer and nondirectional beacon to serve runway 33 at the Gillette-Campbell County Airport required major modifications to the proposal. For this reason, the proposal to alter the 1,200′ transition area at Gillette, Wyoming is withdrawn. A new notice of proposed rulemaking will be forthcoming.

DATE: Effective October 1, 1979.

FOR FURTHER INFORMATION CONTACT: David M. Laschinger, Airspace and Procedures Specialist, Operations, Procedures and Airspace Branch (ARM-539), Air Traffic Division, Federal Aviation Administration, Rocky Mountain Region, 10455 East 25th Avenue, Aurora, Colorado 80010; telephone (303) 837–3937.

Drafting Information

The principal authors of this document are David M. Laschinger, Air Traffic Division, and Daniel J. Peterson, office of the Regional Counsel, Rocky Mountain Region.

This amendment is proposed under authority of section 307(a) of the Federal Aviation Act of 1958, as amended, (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Note.—The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation, and a comment period of less than 45 days is appropriate.

Issued in Aurora, Colo., on September 21, 1979.

M. M. Martin,

Director, Rocky Mountain Region.

[FR Doc. 79-30281 Filed 9-28-79; 8:45am]

BILLING CODE 4910-13-M

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14 CFR Part 93

[Docket No. 19592; Notice No. 79-16]

Proposed Discontinuance of Special Visual Flight Rules (SVFR) Within the Kansas City International Airport Control Zone

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rule making.

SUMMARY: The notice proposes to amend 14 CFR 93.113 to include Kansas City International Airport control zone on the list of control zones within which special VFR weather minimums are not authorized. This action would enhance safety by helping to insure the safe and orderly flow of IFR traffic at this busy airport.

DATES: Comments must be received on or before: November 30, 1979.

ADDRESSES: Send comments on the proposal in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket (AGC-24), Docket No. 19592, 800 Independence Avenue, S.W., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT: Mr. Gene Falsetti, Airspace and Air Traffic Rules Division (AAT-200), Federal Aviation Administration, 800 Independence Avenue, S.W., Washington, D.C. 20591; telephone (202) 426–3128.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, view, or arguments, as they may desire. Comments relating to any significant environmental or economic impact that might result because of the adoption of these proposals may also be submitted. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rules Docket, AGC-24, 800 Independence Avenue, S.W., Washington, D.C. 20591.

All communications received on or before November 30, 1979, will be

considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

A report summarizing each public contact with FAA personnel concerned with the substances of this rule making will be filed in the public regulatory docket.

Availability of NPRM

Any person may obtain a copy of this notice of proposed rule making (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attn: Public Information Center, APA–430, 800 Independence Avenue, S.W., Washington, D.C. 20591, or by calling (202) 426–8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2 which describes the application procedure.

Discussion of the Proposed Rule

Prior to November 1973, Special VFR operations were prohibited at Kansas City Municipal Airport. FAR Amendment 93–28, however, which was adopted November 1973, reinstated Special VFR at Kansas City Municipal Airport. The basis for reinstatement was the move of all air carrier operations to Kansas City International Airport, thus reducing the "VFR/IFR air traffic mix." It was suggested in this amendment that "FAA take simultaneous action to establish a Special VFR prohibition at Kansas City International Airport." It was further stated in the amendment that elimination of Special VFR at Kansas City International Airport "is under consideration in a separate study." In 1975, Kansas City International became a Group II Terminal Control area. Since that time, Kansas City International Airport has operated with a TCA and provisions for Special VFR.

FAA Order 7400.3 (issued on April 23, 1968), entitled "Elimination of Special VFR in Certain Control Zones" establishes the following elimination criteria:

a. Special VFR operations may be eliminated within a control zone if all a combination of any two of the following conditions are in effect at the primary airport, the airport upon which the control zone is centered.

(1) A total of 70,000 annual instrument operations.

(2) A total of 60,000 annual air carrier operations.

(3) A total of 7,000 annual air carrier approaches.

(b) The above criteria may be met and special VFR operations continued provided that such operations do not interrupt the orderly movement of IFR operations. However, if it is determined that special VFR operations do impede IFR operations, even though none of the criteria are met, the special VFR operations may be eliminated from the affected control zone.

From January 1978 through January 1979 Kansas City International Airport recorded 187,749 instrument operations which is almost three times the recommended criteria for elimination of SVFR as established in Order 7400.3. Of this total, 127,758 were air carrier instrument operations, double the criteria figure. During this same period 9727 instrument approaches were recorded, again exceeding the criteria. Projection of traffic figures indicate Kansas City International traffic will continue to increase in all of the above categories. As an example, airport traffic, mainly air carrier, for October 1978, shows a 24% increase over October 1977. The accumulated total shows an increase of 11% for 1978 over the 1977 airport traffic count.

There are two suitable VFR airports within fifteen miles of Kansas City International: Kansas City Downtown and Fairfax Municipal. Several fixed base operators are located at each of these airports, whereas, there is no fixed base operation for general aviation aircraft at Kansas City International, nor are there any general aviation aircraft based there.

The only aircraft that use Kansas City International Airport on a continuing basis, which could be adversely affected by elimination of Special VFR, would be the air taxi operators which compose 90% of the total special VFR. Fixed wing special IFR procedures, however, which provide that arrival and departure routes be assigned, are available to these operators in lieu of Special VFR. These procedures provide the positive control necessary for operation within the TCA. Letters of Agreement with the air taxi operators could, if these procedures are selected, be initiated to accommodate this user segment under the provisions of Fixed Wing Special IFR.

The FAA, therefore, believes that to ensure the safe and orderly flow of IFR traffic and to maintain the high degree of efficiency in accommodating the ever increasing volume of IFR operations at Kansas City International Airport it is necessary to eliminate special VFR operations within this control zone.

The Proposed Amendment

Accordingly, the Federal Aviation Administration proposes to amend § 93.113 of Part 93 of the Federal Aviation Regulations (14 CFR Part 93) by deleting the word "Reserved" from number 15 and inserting for it the words "Kansas City (Kansas City International Airport)."

(Secs. 307, 312, 313, 601, Federal Aviation Act of 1958, as amended (49 U.S.C. 1347, 1353, 1354, 1619); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c).)

Note. The Federal Aviation Administration has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; Feb. 26, 1979). A copy of the draft evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained by contacting the person identified above under the caption "FOR FURTHER INFORMATION CONTACT * * *

Issued in Washington, D.C., on September 21, 1979.

Richard L. Failor,

Director, Air Traffic Service.

[FR Doc. 79-30280 Filed 9-28-79; 8:45 am]

BILLING CODE 4910-13-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Chapter V

Improving Government Regulations; Semiannual Agenda of Significant Regulations

AGENCY: National Aeronautics and Space Administration.

ACTION: Semiannual agenda of significant regulations.

SUMMARY: This semiannual agenda describes the significant regulations being considered for development or amendment by NASA, the need and legal basis for the actions being considered, the name and telephone number of a knowledgeable official, whether a regulatory analysis is required, and the status of regulations previously reported.

EFFECTIVE DATE: October 1, 1979.

ADDRESS: Director, Information Systems Division (Code NSM–12), Office of Management Operations, NASA Headquarters, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Margaret M. Herring, 202–755–3140.

SUPPLEMENTARY INFORMATION: Executive Order 12044, "Improving Government Regulations," and NASA

Management Instruction 1410.10B, "Federal Register: Delegation of Authority and Requirements for Publication of NASA Documents," require that a semiannual agenda of significant regulations under development and review be published in the **Federal Register** on the first Monday in April and the first Monday in October.

September 24, 1979.

Robert A. Frosch,
Administrator.

National Aeronautics and Space Administration Semiannual Agenda of Significant Regulations

Title	Description	Legal citation	Status	Contact	Regulatory analysis required
*STS Services for Users of Small Self-Contained Payloads.	Describes the policy for services provided by NASA to users of small self-contained payloads and the implementation of the policy.	42 U.S.C. 2473	Proposed Rule..	Donna J. Miller, Manager, Small Self-Contained Payloads Program, Office of Space Transportation Systems, NASA Headquarters, Washington, D.C. 20546, 202/755-2427.	No

*This was the only item listed in NASA's Semiannual Agenda which appeared in the FEDERAL REGISTER, Vol. 44, No. 64—Monday, April 2, 1979. This regulation is undergoing final review and it is anticipated that it will be published within the next six months.

[FR Doc. 79-30133 Filed 9-28-79; 8:45 am]
BILLING CODE 7510-01-M

DEPARTMENT OF STATE

Agency for International Development

22 CFR Part 216

Pesticide and Other Environmental Procedures; Proposed Amendment of Regulations

AGENCY: Agency for International Development.

ACTION: Proposed Amendment of Regulations.

SUMMARY: These proposed amendments are intended to make A.I.D.'s environmental procedures more effective and efficient and to reduce unnecessary paperwork and delay.

DATES: Comments must be received by November 1, 1979.

ADDRESSES: Comments should be addressed to Albert Printz, A.I.D. Environmental Coordinator, Agency for International Development, Department of State, Washington, D.C. 20523.

FOR FURTHER INFORMATION CONTACT: Albert Printz, A.I.D. Environmental Coordinator (address same as above), 202-632-1036.

SUPPLEMENTARY INFORMATION:

1. *Summary of Major Changes*—A. *Definitions* (Section 216.1(c))—A definition of the term significant effect is being added. The definition is the same as in Executive Order 12114 entitled "Environmental Effects Abroad of Major Federal Actions" issued on January 4, 1979 (the Executive Order). This proposed addition will eliminate unnecessary paperwork by making it clear that an Environmental Assessment is required only when it is reasonably foreseeable that a proposed action will cause significant harm to the natural and physical environment. It also will make the procedural requirements more understandable and acceptable to foreign countries by not requiring an in-depth study of the environment unless the action, which generally is proposed by and developed in collaboration with the recipient government, appears to have adverse environmental consequences. Such a realistic position will assist A.I.D. in developing a positive environmental awareness in recipient countries and in other donor agencies. This definition is not applicable to the extent a proposed action has an effect on the environment of the United States. In that case, the National Environmental Policy Act of 1970 (NEPA) and regulations issued by the President's Council on Environmental Quality (CEQ) are applicable.

B. *Applicability of Procedures* (Section 216.2)—This section is being substantially revised to add the concepts of exemptions, categorical exclusions and classes of actions normally requiring an Environmental Assessment or Environmental Impact Statement. A.I.D.'s financing of the procurement or use of pesticides is not included in these exemptions or exclusions. The procedures regarding pesticides, including exemptions, are separately treated in § 216.3(b); only a minor editorial change to these procedures is proposed.

(i) *Exemptions*—The types of exemptions proposed are drawn from the Executive Order. The first, international disaster assistance, applies to activities of limited scope in response to natural or manmade disasters. Such activities are for relief and rehabilitation and are unlikely to cause significant harm to the environment. Moreover, cases of disaster or emergency generally require prompt action to avoid the loss of life and to prevent human suffering for which there is not time for formal review.

All such disaster activities are exempt from the procedures. The other grounds for exemption, noted in § 216.2(b) (other emergency circumstances and cases of foreign policy sensitivity), require a case-by-case justification and decision by the appropriate Assistant Administrator after consultation with CEQ regarding the environmental consequences of the action proposed for exemption.

(ii) *Categorical Exclusions*—A new subsection is being added to the procedures to provide for categorical exclusions, classes of actions that normally will not require the preparation of an Initial Environmental Examination, or other environmental documents. The use of these exclusions should assist in eliminating unnecessary paperwork. The actions for which exclusion is appropriate fall within one of the following three general categories:

(a) Actions that do not have any effect on the natural or physical environment.

(b) Assistance activities for which achieving A.I.D.'s assistance objectives does not require knowledge of or control over the specific activities that are implemented. For example, A.I.D. conducts a matching grant program with private voluntary organizations (PVOs) under which grants are made to assist in financing the PVO's own programs in developing countries in an amount equal to that provided by the PVOs. A.I.D.'s

assistance purpose is to support the programs of such voluntary organizations which deal with identifiable development problems and to encourage an expanded use of private contributions to support development activities thereby increasing the total flow of resources to developing countries. Prior to approval of a matching grant, AID reviews the ability of the PVO to provide its share of the match and to carry out the development program presented by the PVO. There is a general programmatic review of the functional areas in which the PVO will work, for example, community development; the countries in which the program will be conducted; the anticipated beneficiaries and a broad outline of the budget. Decisionmaking generally is based upon the record of effectiveness of these organizations without knowledge of the specific activities that will be conducted, where, and without technical, economic or environmental analysis. To support the independence of these PVOs in conducting their own programs, A.I.D. does not reserve the right to review and approve or control specific activities. A.I.D.'s broad objectives in the financing are achieved by providing support for the movement of voluntarism overseas, increasing the flow of development resources, and measurable achievement of development objectives.

On the other hand, A.I.D. also makes operational program grants to PVOs to support specific development activities designed by the PVOs and presented to A.I.D. for financing. The details of the design are reviewed by A.I.D. as part of the decisionmaking process to determine whether to make such a grant, including the technical, economic and social merits of the specific activity. These activities are subject to the environmental procedures unless another categorical exclusion is available based upon the specific type of activity presented (i.e., not having an effect on the environment).

(c) Research or field evaluation activities of limited scope which are carefully controlled and monitored.

In the event an action has a number of components, some of which fit within the exclusion and some that do not (such as construction), an Initial Environmental Examination will be completed with respect to the components that are not within the exclusion.

In addition, A.I.D. intends to develop design standards or criteria which, when applied in the design of projects, will avoid the possibility of significant harm to the environment. Such projects will be excluded from the requirement of an Initial Environmental Examination as the design standards or criteria are developed for them.

(iii) *Actions Normally Having a Significant Effect*—Experience has shown that the classes of actions enumerated in § 216.2(d) normally have significant effects on the environment justifying the preparation of an Environmental Assessment or Environmental Impact Statement. Completing an Initial Environmental Examination for these classes generally is an unnecessary step in the review process. None will be required, and an Environmental Assessment or Environmental Impact Statement may be started as early as possible in the program cycle when it appears that a proposed action is entering the design phase.

(iv) *Extraordinary Circumstances*—This section also provides for extraordinary instances in which an action that is normally excluded may be determined to have a significant effect on the environment. There is generally adequate information to identify such an effect in the description of the activity as it is designed or as it is in the project approval process. If it appears that a normally excluded activity may have a significant effect on the environment, it will be subjected to the usual procedures of § 216.3, described below, which commence with an Initial Environmental Examination and may lead to an Environmental Assessment or Environmental Impact Statement. Likewise, if the originator of a project within the classes of actions normally requiring an Environmental Assessment believes that the project will not have such a significant effect, the originator of the project may subject it to the procedures of Section 216.3 which require an Initial Environmental Examination and Threshold Decision. A similar decision may be made, when appropriate, in the course of the scoping process discussed below in paragraph (C)(ii).

C. *Procedures* (§ 216.3)—The objective of these procedures is to integrate environmental considerations fully and early into the decisionmaking process involved in the design, approval and implementation of programs, projects, and activities financed or approved by A.I.D. This applies to the timing of environmental review and the level at which it occurs. Toward this end, the times decisions typically occur in the programming cycle are identified and the environmental review appropriate for various stages of program development indicated. See § 216.3(a)(1)–(5). The major changes proposed in this section are the level at which Threshold Decisions are made; the introduction of scoping to narrow and focus the issues to be considered in an Environmental Assessment, or Environmental Impact Statement; and the deferral of environmental review, under certain circumstances, until after an action is authorized but in a manner consistent with A.I.D.'s decisionmaking practice with respect to other aspects of the action.

(i) *Threshold Decisions.* The Initial Environmental Examination and Threshold Decision regarding whether an action will have a significant effect on the environment should be made at the earliest practicable time in the selection or design of an activity. Generally, this will be done in connection with the Project Identification Document (PID). Since the Initial Environmental Examination and Threshold Decision are generally expected as part of the PID, responsibility for making the Threshold Decision will be placed upon the officer who signs the PID.

It is proposed that the Initial Environmental Examination and Threshold Decision be reviewed in Washington by the Bureau Environmental Officer at the same time that the PID is reviewed at the Bureau level in Washington. The Bureau Environmental Officer may concur in the Threshold Decision or request reconsideration by the officer who made the Decision providing reasons for nonconcurrence. Disagreements that cannot be resolved between these two officers will be submitted to the Assistant Administrator having program responsibility for the action.

(ii) *Scoping.* In an effort to focus analytical attention on the significant issues to be addressed in an Environmental Assessment or Environmental Impact Statement and thereby eliminate unnecessary detail, a new step is being added to the procedures. It has been adapted from the CEQ Regulations. The scoping process will be commenced by the originator of a project as soon as practicable after a Postive Threshold Decision is made requiring an Environmental Assessment or Impact Statement. Persons having expertise relevant to the environmental aspects of the action will participate in the scoping process. They may represent host government institutions or citizens, public and private institutions, contractors or A.I.D. staff. The scoping process will result in a written statement which will be subject to review and approval by the Bureau

Environmental Officer who may circulate the scoping statement to selected federal agencies for comment when the Bureau Environmental Officer believes that such comments may be useful in the preparation of an Environmental Assessment.

If during the scoping process it appears that the proposed action will not have a significant effect, the originator of the project may request the person who made the Positive Threshold Decision to change it to a Negative Determination. Concurrence of the Bureau Environmental Officer is required. The scoping process may continue in the event there are environmental interests remaining, notwithstanding the absence of a significant effect, to provide guidance for addressing such issues in the detailed design of the project.

(iii) *Deferral of Environmental Review.* Generally environmental review, including any required Environmental Assessment or Environmental Impact Statement, will be completed prior to the time an action is authorized for financing by approval of a Project Paper as described in § 216.3(a) (1)–(5). Foreign assistance is furnished, however, in a variety of situations and forms. Not every project, program or activity will fit into the format described in §§ 216.3(a) (1)–(5).

There are instances in which final decisionmaking regarding the content of a project, program or activity is not completed prior to the time it is approved for financing. For example, there may be projects involving subprojects that cannot be identified and planned before financing is authorized; there may be projects in which the sites where activities will be conducted (such as roads, wells or schools built) cannot be identified before financing is authorized. In such cases, environmental review may be made after financing is authorized, but as part of decisionmaking in the implementation planning of the project. In the examples cited above, the environmental review would occur as part of the process of identifying subprojects and sites.

The standard to be applied in such cases is that environmental review should occur at the earliest time in design or implementation at which a meaningful review may be undertaken, that is as subprojects are identified and planned or sites are selected, and A.I.D. should not make an irreversible commitment of resources to an aspect of the project until environmental review is completed for that aspect. A.I.D. must retain authority to conduct Initial Environmental Examinations (and Environmental Assessments or Environmental Impact Statements where appropriate) and take such environmental review and alternatives into consideration in implementation planning before the selection of options is foreclosed. The procedure to be followed in these extraordinary actions is outlined in § 216.3(a)(6). Consultation with the Office of General Counsel is required to ensure that project agreements retain adequate authority to make environmental review meaningful in the implementation of such actions.

(iv) *Pesticide Procedures.* The only change proposed in the pesticide procedures is to delete the reference to registration for general use with the Environmental Protection Agency in section 216.3(b)(1)(iii)(a) and to substitute the words "registered for the same or similar uses by USEPA without restriction". This revision is proposed to conform with the language of section 216(b)(1)(i). There are no other proposed changes to the pesticide procedures.

D. *Private Applicants* (§ 216.4). This section is new. In the past, the environmental procedures set forth in § 216.3 have been applied to A.I.D. actions involving private applicants. Preliminary proposals from such applicants have been treated as PIDs for the purpose of timing of Initial Environmental Examinations and final proposals treated as Project Papers for the purpose of Environmental Assessments or Impact Statements. The practice has not always worked well, and Initial Environmental Examinations in some cases have been completed late in the approval cycle. New § 216.4 should clarify the requirements with respect to actions involving private applicants and eliminate reviews late in the approval process.

E. *Endangered Species* (Proposed § 216.5). This section is intended to ensure that impacts on endangered or threatened species, and their critical habitat, resulting from A.I.D. actions are identified and carefully assessed. A.I.D. will endeavor to obtain from the Fish and Wildlife Service of the Department of Interior (FWS) detailed information regarding such species and their critical habitat in each country in which A.I.D. programs are conducted. The information will be provided to the A.I.D. post in the country. In addition, the A.I.D. post will request the foreign country to provide a list of species that the country considers endangered or threatened and their critical habitat. This information will be used in preparing Initial Environmental Examinations. Whenever it appears that a proposed action will jeopardize the species or adversely modify its habitat, a positive Threshold Determination requiring an Environmental Assessment will be required. The Environmental Assessment will discuss alternatives or modifications to avoid adverse impact on the species and its habitat.

F. *Environmental Assessments* (Proposed § 216.6). This section proposes to delete the content and format heretofore used for Environmental Assessments and to substitute in its place an adaptation of the format developed in the CEQ Regulations for Environmental Impact Statements. A.I.D. believes that use of this format will contribute to improved assessments and will eliminate material that is not necessary or useful in decisionmaking.

G. *Environmental Impact Statements* (*Proposed § 216.7*). This section has been revised to make clear that major A.I.D. actions having a significant effect on the environment of the United States are subject to NEPA and the CEQ Regulations. The definitions and requirements of the CEQ Regulations are applicable to such actions. Environmental Impact Statements prepared with respect to the environment of the United States must satisfy the requirements of the CEQ Regulations.

Environmental Impact Statements prepared with respect to significant effects on the global commons, or other aspects of the environment at the discretion of the A.I.D. Administrator, will generally follow the CEQ Regulations but will take into account the special developmental and foreign policy considerations and concerns of A.I.D as is the case under the present procedures.

H. *Records and Reports* (Section 216.9). This section has been revised to eliminate the preparation, on a quarterly basis, of lists of Negative Determinations, Environmental Assessments and Environmental Impact Statements that have been prepared and the transmittal of such lists to CEQ. The lists will be kept current under the proposed revision; copies of such documents will be made available to Federal agencies and to the public upon request.

Accordingly, A.I.D. proposes to amend 22 CFR Part 216 as follows:

1. By revising §§ 216.1, 216.2 and 216.3(a) to read:

§ 216.1 Introducing.

(a) *Purpose.* In accordance with Sections 118(b) and 621 of the Foreign Assistance Act of 1961, as amended, (the FAA) the following general procedures shall be used by A.I.D. to ensure environmental factors and values are integrated into the A.I.D. decision-making process and to assign responsibility within the Agency for assessing the environmental effects of

A.I.D.'s actions. These procedures are consistent with Executive Order 12114 issued January 4, 1979 and further the purposes of the National Environmental Policy Act of 1970, as amended (42 U.S.C. § 4371 et seq.) (NEPA).

(b) *Environmental Policy.* In the conduct of its mandate to help upgrade the quality of life of the poor in developing countries, A.I.D. conducts a broad range of activities addressing such basic problems as hunger and malnutrition, overpopulation, disease, disaster, deterioration of the environment and natural resource base, illiteracy and lack of adequate housing and transportation. As authorized by the FAA, A.I.D. finances or directly furnishes both bilateral and multilateral development assistance through loan and grant programs of technical advisory services, research, training, construction and commodity support. In addition, AID conducts programs under the Agricultural Trade Development and Assistance Act of 1954 (PL–480) of furnishing agricultural commodities to developing countries. Assistance programs are carried out under the foreign policy guidance of the Secretary of State and in the context of the realities of the differing priorities of the developing countries. Within this framework, it is A.I.D. policy:

(1) To ensure that the environmental consequences of proposed A.I.D.-financed activities are identified and considered by A.I.D. and the host country prior to a final decision to proceed, and that appropriate environmental safeguards are adopted;

(2) Assist in strengthening the indigenous capabilities of developing countries to appreciate and effectively evaluate the potential environmental effects of proposed development strategies and projects, and to select, implement and manage effective environmental programs;

(3) To identify impacts resulting from A.I.D.'s actions upon the environment including those elements of the world biosphere which are the common natural and cultural heritage of mankind; and

(4) To define environmental constraints to development and to identify and carry out activities that assist in restoring the renewable resource base on which sustained development depends.

(c) *Definitions*—(1) *CEQ Regulations.* Regulations promulgated by the President's Council on Environmental Quality (CEQ) (Federal Register, Volume 43, Number 230, November 29, 1978) under the authority of NEPA and Executive Order 11514, entitled Protection and Enhancement of Environmental Quality (March 5, 1970) as amended by Executive Order 11991 (May 24, 1977).

(2) *Initial Environmental Examination.* An Initial Environmental Examination is the initial examination of the reasonably foreseeable effects of a proposed action on the environment. Its function is to provide a brief statement of the factual basis for a Threshold Decision as to whether an Environmental Assessment or an Environmental Impact Statement will be required. Without weighing or comparing beneficial and adverse effects, if it appears that a proposed action will have a significant effect (significant harm to the physical or natural environment), the Threshold Decision will be positive (an Environmental Assessment or Environmental Impact Statement is required) even though on balance the proposed action is believed to be beneficial to the environment.

(3) *Threshold Decision.* A formal Agency decision which determines, based on an Initial Environmental Examination, whether a proposed Agency action is or is not a major action significantly affecting the environment. If it is such an action, a determination is made whether to do an Environmental Assessment or an Environmental Impact Statement based on the criteria set forth in section 216.7.

(4) *Environmental Assessment.* The Environmental Assessment is a concise evaluation of the reasonably forseeable significant effects, both beneficial and adverse, of a proposed action on the environment of a foreign country or countries. It is intended to inform decision makers, in a full and fair way, of such significant effects and reasonable alternatives which would minimize such effects or enhance the quality of the environment. The Environmental Assessement is further described in § 216.6 of these procedures.

(5) *Environmental Impact Statement.* The Environmental Impact Statement is a detailed study of the reasonably foreseeable environmental impacts, both positive and negative, of a proposed A.I.D. action and its reasonable alternatives on the United States, the global environment or areas outside the jurisidiction of any nation as described in § 216.7 of these procedures. It is a specific document having a definite format and content, as provided in NEPA and the CEQ Regulations. The required form and content of an Environmental Impact Statement is further described in § 216.7 of these procedures.

(6) *Project Identification Document* (PID). An internal A.I.D. document which initially identifies and describes a proposed project. It is a short paper presenting enough information on the project to demonstrate its relevance to Agency priorities and its practical potential.

(7) *Program Assistance Initial Proposal* (PAIP). An internal A.I.D. document used to initiate and identify proposed non-project commodity import programs. It is analogous to the Project Identification Document.

(8) *Project Paper* (PP). An internal A.I.D. document which provides a definitive description and appraisal of the project and particularly the plan of implementation. Project Papers form the basis for a final decision on whether or not to offer A.I.D. funding for a project.

(9) *Program Assistance Approval Document* (PAAD). An internal A.I.D. document approving non-project commodity import program assistance. It is analogous to the Project Paper.

(10) *Environment.* The term environment as used in these procedures with respect to effects occurring outside the United States includes the natural and physical environment.

(11) *Significant Effect.* With respect to effects on the environment outside the United States, a proposed action has a significant effect on the environment if it does significant harm to the environment even though on balance the action is believed to result in beneficial effect on the environment.

(12) *Minor Donor.* For purposes of these procedures, A.I.D. is a minor donor to a multidonor project when A.I.D. does not control the planning or design of the multidonor project and either (i) A.I.D.'s total contribution to the project is both less than $1,000,000 and less than 25 percent of the estimated project cost, or (ii) A.I.D.'s total contribution is more than $1,000,000 but less than 25 percent of the estimated project cost and the environmental procedures of the donor in control of the planning of design of the project are followed.

§ 216.2 Applicability of Procedures.

(a) *Scope*—Except as provided in § 216.2(b), these procedures apply to all new projects, programs or activities authorized or approved by A.I.D. and to amendments or extensions of ongoing projects, programs, or activities that substantially modify their scope.

(b) *Exemptions*—(1) *Actions.* Projects, programs or activities involving the following are exempt from these procedures:

(i) International disaster assistance;

(ii) Other emergency circumstances;

(iii) Circumstances involving exceptional foreign policy sensitivities.

(2) *Procedures*—A formal written determination, including a statement of the justification therefor, is required for

each project, program or activity for which an exemption is made under paragraphs (b) (ii) and (iii). The determination shall be made by the Assistant Administrator having responsibility for the program, project or activity, or the determination shall be made by the Administrator for projects, programs or activities with regard to which authority to approve financing has been reserved by the Administrator. The determination shall be made after consultation with CEQ regarding the environmental consequences of the proposed program, project or activity.

(c) *Categorical Exclusions*—(1) *Criteria.* The following criteria have been applied in determining the classes of actions included in § 216.2(c)(2) for which an Initial Environmental Examination, Environmental Assessment and Environmental Impact Statement generally are not required:

(i) The action does not have an effect on the natural or physical environment;

(ii) The objective of A.I.D. in furnishing assistance does not require, either prior to approval of financing or prior to implementation of specific activities, knowledge of or control over the specific activities that have an effect on the physical and natural environment for which financing is provided by A.I.D.

(iii) Research activities which may have an effect on the physical and natural environment but will not have a significant effect as a result of limited scope, carefully controlled nature and effective monitoring.

(2) *Classes of Actions.* The following classes of actions generally are not subject to the procedures set forth in § 216.3 (i.e., and Initial Environmental Examination and Environmental Assessment or Environmental Impact Statement generally are not required):

(i) Education, technical assistance, or training programs except to the extent such programs include activities directly affecting the environment (such as construction of facilities, etc.);

(ii) Controlled experimentation exclusively for the purpose of research and field evaluation which are confined to small areas and carefully monitored;

(iii) Analyses, studies, academic or research workshops and meetings;

(iv) Projects in which A.I.D. is a minor donor to a multidonor project and there are no potential significant effects upon the environment of the United States, areas outside any nation's jurisidiction or endangered or threatened species or their critical habitat;

(v) Document and information transfers;

(vi) Contributions to international, regional or national organizations by the United States which are not for the purpose of carrying out a specifically identifiable project or projects;

(vii) U.S. institution building grants to research and educational institutions such as those provided for under Section 122(d) and Title XII of the FAA;

(viii) Programs involving nutrition, health care or population and family planning services except to the extent designed to include activities directly affecting the environment (such as construction of facilities, water supply systems, waste water treatment, etc.);

(ix) Assistance provided under a Commodity Import Program when the objective in furnishing such assistance requires neither knowledge of at the time the assistance is authorized, nor control during implementation over, the commodities or their use in the host country;

(x) Support for intermediate credit institutions when the objective is to assist in the capitalization of the institution or part thereof and does not involve reservation of the right to review and approve individual loans made by the institution;

(xi) Programs of maternal or child feeding conducted under Title II of P.L. 480;

(xii) Food for development programs conducted by the food recipient countries under Title III of P.L. 480 when achieving A.I.D.'s objectives in such programs does not require knowledge of or control over the details of the specific activities conducted by the foreign country under such program;

(xiii) Matching, general support and institutional support grants provided to private voluntary organizations (PVOs) to assist in financing programs with respect to which the objective of A.I.D. in providing such financing does not require knowledge of, or control over, the specific activities conducted by the PVO;

(xiv) Planning studies, projects or programs, including natural resource identification by remote sensing or otherwise, and projects intended to develop the capability of recipient countries to engage in such planning except to the extent designed to result in activities directly affecting the environment (such as construction of facilities, etc.); and

(xv) Classes of action for which criteria or standards are developed and approved by A.I.D. for the design of activities which shall be applied in the design of such activities and will avoid a significant effect on the environment.

(3) *Procedure; extraordinary circumstances.* The originator of a project, program or activity shall determine the extent to which the project, program or activity is within the classes of actions described in subparagraph (c)(2) of this section. This determination shall be made in writing prior to, in, or with submission of the PID, PAIP or comparable document and shall be reviewed by the Bureau Environmental Officer in the same manner as a Threshold Decision under section 216.3(a)(2) of these procedures. Notwithstanding subparagraph (c)(2) of this section, the procedures set forth in § 216.3 shall apply to any project, program or activity included in the classes of actions listed in subparagraph (c)(2), or any aspect or component thereof, if at any time in the design, review or approval of the activity it appears that the project, program activity, or aspect or component thereof, is subject to the control of A.I.D. and may have a significant effect on the environment.

(d) *Classes of Actions Normally Having a Significant Effect on the Environment.* The following classes of actions have been determined generally to have a significant effect on the environment and an Environmental Assessment or Environmental Impact Statement, as appropriate, normally will be required:

(i) Programs of river basin development;

(ii) Irrigation or water management projects, including dams and impoundments;

(iii) Agricultural land leveling;

(iv) Drainage projects;

(v) Large scale agricultural mechanization;

(vi) New lands development;

(vii) Resettlement projects;

(viii) Penetration road building or improvement projects;

(ix) Power plants;

(x) Industrial plants;

(xi) Potable water and sewerage projects other than those that are small-scale.

(3) *Extraordinary Circumstances.* An Initial Environmental Examination normally will not be required for activities within the classes described in Section 216.2(d). If, however, the originator of the project believes that the project will not have a significant effect on the environment, the activity may be subjected to the procedures set forth in Section 216.3.

(e) *Pesticides.* The exemptions of section 216.2(b)(1) and the categorical exclusions of section 216.2(c)(2) are not applicable to assistance for the procurement or use of pesticides.

§ 216.3 Procedures.

(a) General Procedures—(1) *Preparation of the Initial Environmental Examination.* Except as provided therein, an Initial Environmental Examination is not required for activities and actions identified in § 216.2(b)(1), (c)(2), and (d). For all other actions, an Initial Environmental Examination will be prepared by the

originator of an action at the earliest possible time. Except as indicated in this section, it should be prepared no later than concurrently with the PID or PAIP. For projects including the procurement or use, or both, of pesticides, the procedures set forth in § 216.3(b) will be followed in addition to the procedures in this paragraph (a). If some of the activities to be conducted under the action are not identified in sufficient detail to permit the completion of an Initial Environmental Examination at the PID or PAIP stage, the PID or PAIP will include (i) an explanation indicating why the Initial Environmental Examination cannot be completed; (ii) an estimate of the amount of time required to complete the Initial Environmental Examination; and (iii) a recommendation that a Threshold Decision be deferred until the Initial Environmental Examination is completed. The responsible Assistant Administrator will act on the request for deferral concurrently with action on the PID or PAIP and will designate a time for completion of the Initial Environmental Examination. In all instances, except as provided in §216.3(a)(7), this completion date will be in sufficient time to allow for the completion of an Environmental Assessment or Environmental Impact Statement, if required, before a final decision is made to provide A.I.D. funding for the action.

(2) *Threshold Decision.* The Initial Environmental Examination will be accompanied by a Threshold Decision made by the officer who signs the PID or PAIP on behalf of the originating office. If the Initial Environmental Examination is completed prior to or at the same time as the PID or PAIP, the Threshold Decision will be reviewed by the Bureau Environmental Officer concurrently with approval of the PID or PAIP. The Bureau Environmental Officer may concur in the Threshold Decision or request reconsideration by the officer who made the Threshold Decision, stating the reasons for the request. Differences of opinion between these officers shall be submitted for resolution to the Assistant Administrator having responsibility for the action when the PID is submitted to the Assistant Administrator for approval. When an Initial Environmental Examiniation is completed subsequent to approval of the PID or PAIP pursuant to §216.3(a)(1) above, the Initial Environmental Examination and Threshold Decision will be immediately forwarded to the Bureau Environmental Officer for action as described above. A Negative Threshold Decision shall be made if it is determined based on an Initial Environmental Examination that the proposed action is not a major action that will have a significant effect on the environment and therefore an Environmental Assessment or an Environmental Impact Statement will not be required. The cognizant Bureau or Office will record this decision, and such record will constitute a Negative Determination. A Positive Threshold Decision shall be made if it is determined based on an Initial Environmental Examination that the proposed action is a major action that will have a significant effect on the environment in which case an Environmental Impact Statement shall be prepared if required pursuant to Section 216.7 or an Environmental Assessment will be prepared in accordance with Section 216.6.

(3) *Negative Declaration.* Notwithstanding the foregoing, the Assistant Administrator having responsibility for the proposed action, or the Administrator in actions for which the approval of the Administrator is required for the authorization of financing, may make a Negative Declaration that the Agency will not develop an Environmental Assessment or an Environmental Impact Statement for an action which the Agency has identified as normally requiring an Environmental Assessment or Environmental Impact Statement. Such a Negative Declaration must be in writing and may be based upon (i) the fact that a substantial number of Environmental Assessments or Environmental Impact Statements relating to similar activities have been prepared in the past, (ii) the fact that the Agency has previously prepared a programmatic Statement or Assessment covering the activity in question which has been considered in the development of such activity, or (iii) the Agency has developed design criteria for such an action which, if applied in the design of the action, will avoid a significant effect on the environment.

(4) *Scoping. (a) Procedure and Content.* As soon as practicable after a Positive Threshold Decision has been made, or a determination is made under the pesticide procedures set forth in Section 216.3(b) that an Environmental Assessment or Environmental Impact Statement is required, the originator of the action shall commence the process of identifying the significant issues relating to the proposed action and of determining the scope of the issues to be addressed in the Environmental Assessment, Environmental Impact Statement or otherwise the design of a proposed activity. The originator of an action within the classes of actions described in Section 216.2(d) shall commence this scoping process as soon as practicable. Persons having expertise relevant to the environmental aspects of the proposed action shall also participate in this scoping process. (Participants may include but are not limited to representatives of host governments, public and private institutions, the A.I.D. Mission staff and contractors.) This process shall result in a written statement which shall include the following matters and be reviewed and approved by the Bureau Environmental Officer:

(i) A determination of the scope and significance of issues to be analyzed in depth, including direct and indirect effects;

(ii) Identification and elimination from detailed study of the issues that are not significant or have been covered by earlier environmental review, narrowing the discussion of these issues to a brief presentation of why they will not have a significant effect on the environment;

(iii) A description of the timing of the preparation of environmental analysis and the tentative planning and decision-making schedule for the action; and

(iv) A description of the means by which the analysis will be conducted and the disciplines that will participate in the analysis.

(b) Circulation of Scoping Statement. The Bureau Environmental Officer may circulate copies of the written scoping statement, together with a request for written comments within thirty days, to selected federal agencies when, in the judgment of that Officer, comments by such federal agencies will be useful in the preparation of an Environmental Assessment. Comments received on environmental aspects from reviewing federal agencies will be forwarded to the originating project office for consideration in the preparation of the Environmental Assessment and in the formulation of the design and implementation of the project, and will, together with the scoping statement, form part of the project file when the project comes forward in the Project Paper stage for final approval.

(c) Change in Threshold Decision. If, in the course of the scoping process, it becomes evident that the action, will not have a significant effect on the environment (i.e., will not cause significant harm to the environment), the originator may request the officer who made the Positive Threshold Decision to change the decision to a Negative Determination, provided that the concurrence of the Bureau Environmental Officer is obtained. In the case of an action included in § 216.(d)(2), the request shall be made to the Bureau Environmental Officer. The scoping process may be continued if

necessary in order to provide guidance regarding the manner in which any remaining environmental issues (that are not significant) will be addressed in the detailed design of the action.

(5) *Preparation of Environmental Assessments and Environmental Impact Statements.* If the PID or PAIP is approved, and the Threshold Decision is positive, or the action is included in § 216.2(d), the originator of the action will prepare, based on the results of the scoping process and prior to or concurrently with the Project Paper or Program Assistance Approval Document, an Environmental Assessment or draft Environmental Impact Statement as required. Draft Environmental Impact Statements will be circulated for review and comment as part of the review of Project Papers and as outlined further in § 216.7 of these procedures. Except as provided for in § 216.3(a)(7), final approval of the Project Paper or Program Assistance Approval Document and the method of implementation will include consideration of the Environmental Assessment or final Environmental Impact Statement, as well as other required (non-environmental) analyses.

(6) *Processing and Review Within A.I.D.* Initial Environmental Examinations, Environmental Assessments and final Environmental Impact Statements will be processed within A.I.D. in accordance with the normal A.I.D. procedures for other documents. These procedures generally call for participation in the review process by technical, legal and country specialists. Except as provided in § 216.3(a)(7), Environmental Assessments and final Environmental Impact Statements will be reviewed as an integral part of the Project Paper or equivalent. In addition to these normal procedures, Environmental Assessments will be reviewed by the appointed Bureau Environmental Officer and, periodically, by the Environmental Coordinator who will monitor the Environmental Assessment process. With respect to actions for which approval authority is delegated to field posts, Environmental Assessments prepared in connection with such actions shall be reviewed by the Bureau Environmental Officer prior to the approval of such actions. Draft and final Environmental Impact Statements will be reviewed by the Environmental Coordinator and the Office of the General Counsel.

(7) *Environmental Review After Authorization of Financing.* There are instances in which final decisionmaking regarding the content of a project, program or activity is not completed prior to the time it is approved for financing. For example, there are projects involving subprojects that cannot be identified and planned before the project is authorized; there are other projects in which the sites where activities will be conducted (such as roads, wells or schools built) cannot be identified before the implementation stage of the project. Environmental review of unidentified subprojects, or of aspects of projects that are unidentified, is not entirely effective. In such cases environmental review may be made after financing is authorized.

The standard to be applied in these projects, programs or activities is that environmental review should occur at the earliest time in design or implementation at which a meaningful review can be undertaken (not later than when previously unidentified subprojects are identified and planned or sites selected) and A.I.D. should not make an irreversible commitment of resources to an aspect of a project, program or activity until environmental review is completed for that aspect. An irreversible commitment of resources can be avoided in a variety of ways depending on the kind of project, the manner in which it will be financed, the parties participating, and the approval rights reserved by A.I.D. The obligation of funds can be made incrementally as subprojects or aspects of projects are identified and planned including environmental review; conditions precedent to disbursement for subprojects or aspects of projects or other appropriate covenants in project agreements also may be utilized.

Since there are a number of effective alternatives that may be used to avoid an irreversible commitment of funds before environmental review is completed and environmental review is only one feature of many to be considered in selecting an alternative, no effort is made here to require use of any particular method other than to state the following order of preference: Whenever adequate information is available, environmental review will be completed for an entire action before financing is authorized by the approval of a Project Paper in the manner described in § 216.3(a)(1)–(6). If, at that time, there are unidentified subprojects or aspects of projects, environmental review will be completed prior to project authorization to the extent adequate information is available and environmental review will be deferred only with respect to subprojects or significant aspects of the project that are unidentified at the time of authorization. An effort will be made to obtain adequate information to undertake environmental review of the deferred aspects of the action before funds are obligated for such aspects of the action. (Funds may be obligated for the other aspects for which environmental review has been completed.) If it is not possible to obtain adequate information regarding aspects of projects for which environmental review has been deferred, before funds are obligated for such aspects of the project, the project agreement or other agreement through which such funds are obligated should contain conditions precedent to disbursement for such aspects of the project. The conditions precedent should require environmental review to be completed and taken into account in planning the implementation of previously unidentified aspects prior to the time funds may be disbursed for such aspects by A.I.D. under the agreement. If it is not possible to obtain adequate information regarding the aspects of projects for which environmental review has been deferred prior to the time funds must be disbursed for such aspects of the project (because for example, of long lead times for the delivery of goods or services), the project agreement or other agreement obligating funds must contain a convenant or covenants requiring environmental review, including an Environmental Assessment or Environmental Impact Statement when appropriate, to be completed and taken into account prior to the time such aspects of the project are implemented ensuring that implementation plans may be modified in accordance with the environmental review.

In such cases the Initial Environmental Examination and Threshold Decision required under § 216.3(a) (1) and (2) will identify those aspects of the action for which environmental review will be completed prior to the time financing is authorized by approval of the Project Paper and those aspects for which environmental review will be deferred; the reasons for deferral; the time when environmental review (an Initial Environmental Examination and an Environmental Assessment or Environmental Impact Statement if appropriate) will be completed; the manner in which an irreversible commitment of funds will be avoided to ensure that environmental review, including a study of alternatives and mitigating factors when necessary, will be completed at a time when modification effectively may be made in the implementation of the action; and the AID officer who will be responsible for making environmental decisions for the action (the same officer who has decisionmaking authority for the other aspects of implementation of the action). This deferral shall be reviewed and

approved by the officer making the Threshold Decision and shall be reviewed and approved by the officer who authorizes funding of the action by approval of the Project Paper after consultation with the Office of General Counsel for the purpose of establishing the manner in which conditions precedent to disbursement or covenants in project and other agreements will avoid an irreversible commitment of resources before environmental review is completed.

(8) *Monitoring.* To the extent feasible and relevant, projects and programs for which Environmental Impact Statements or Environmental Assessments have been prepared should be designed to include measurement of any changes in environmental quality, positive or negative, during their implementation. This will require recording of baseline data at the start. To the extent that available data permit, originating offices of A.I.D. will formulate systems in collaboration with recipient nations, to monitor such impacts during the life of A.I.D.'s involvement.

(9) *Revisions.* If, after a Threshold Decision is made resulting in a Negative Determination, a project is revised or new information becomes available which indicates that a proposed action might be "major" and its effects "significant", the Negative Determination will be reviewed and revised by the cognizant Bureau and an Environmental Assessment or Environmental Impact Statement will be prepared, if appropriate. Environmental Assessments and Environmental Impact Statements will be amended and processed appropriately if there are major changes in the project or program, or when significant new information becomes available. When on-going programs are revised to incorporate a change in scope or nature, a determination will be made as to whether such change may have an environmental impact not previously assessed. If so, the procedures outlined above will be followed.

(10) *Other Approval Documents.* These procedures identify certain A.I.D. documents such as PIDS, PAIPs, Project Papers and Program Assistance Approval Documents as the AID internal instruments for approval of projects, programs or activities. From time to time, certain special procedures, such as those in section 216.4, may not require the use of the aforementioned documents. In these situations, these procedures shall apply to those special approval procedures, unless otherwise exempt, at approval times and levels comparable to projects, programs and activities in which the aforementioned documents are used.

* * * * *

2. By revising § 216.3(b)(1)(iii)(*a*) to read:

(b) * * *

(1) * * *

(iii) * * *

(*a*) Any pesticide other than one registered for the same or similar uses by USEPA without restriction or for restricted used on the basis of user hazard; or

* * * * *

3. By deleting §§ 216.4, 216.5 and 216.6, renumbering § 216.7 as § 216.8 and adding new §§ 216.4, 216.5, 216.6 and 216.7 which read:

§ 216.4 Private applicants.

Programs, projects or activities for which financing from A.I.D. is sought by private applicants, such as PVOs and educational and research institutions, are subject to these procedures. Except as provided in Sections 216.2 (b), (c) or (d), preliminary proposals for financing submitted by private applicants shall be accompanied by an Initial Environmental Examination or adequate information to permit preparation of an Initial Environmental Examination. The Threshold Decision shall be made by the Mission Director for the country to which the proposal relates, if the preliminary proposal is submitted to the A.I.D. Mission, or shall be made by the other officer in A.I.D. who approves the preliminary proposal. In either case, the concurrence of the Bureau Environmental Officer is required in the same manner as in Section 216.3(a)(2), except for PVO projects with total life of project cost less than $500,000 for which A.I.D. Mission Directors have project approval authority. Thereafter, the same procedures set forth in Section 216.3, including as appropriate scoping and Environmental Assessments or Environmental Impact Statements, shall be applicable to programs, projects or activities submitted by private applicants. The final proposal submitted for financing shall be treated, for purposes of these procedures, as a Project Paper. The Bureau Environmental Officer shall advise private applicants of studies or other information foreseeably required for action by A.I.D.

§ 216.5 Endangered species.

(a) *Policy*—It is A.I.D. policy to conduct its assistance program in a manner that is sensitive to the protection of endangered or threatened species and their critical habitat. Toward this end, A.I.D. will endeavor to obtain from the Fish and Wildlife Service of the Department of the Interior (FWS) detailed information regarding endangered or threatened species, and their critical habitat, for each foreign country in which A.I.D. conducts a foreign assistance program. This information will be provided to the A.I.D. post in the country. In addition, A.I.D. will request each country in which A.I.D. programs are conducted to furnish a list of species the country considers to be endangered or threatened and their critical habitat.

(b) *Procedure*—The Initial Environmental Examination for each project, program or activity having an effect on the environment shall specifically determine whether the project, program or activity will have an effect on an endangered or threatened species, or critical habitat, as indicated by the information provided by FWS for the country and the list provided by the recipient country. If the proposed project, program or activity will have the effect of jeopardizing the endangered or threatened species or of adversely modifying its critical habitat, the Threshold Decision shall be a Positive Determination and an Environmental Assessment or Environmental Impact Statement completed as appropriate, which shall discuss alternatives or modifications to avoid such impact on the species or its habitat.

§ 216.6 Environmental assessments.

(a) *General Purpose*—The purpose of the Environmental Assessment is to provide Agency and host country decisionmakers with a full and fair discussion of significant environmental effects of a proposed action and of the reasonable alternatives which would avoid or minimize adverse effects or enhance the quality of the environment so that the expected benefits of development objectives can be weighed against any adverse short- or long-term impacts upon the human environment or any irreversible or irretrievable commitment of resources.

(b) *Collaboration with Affected Nation on Preparation*—Collaboration in obtaining data, conducting analyses and considering alternatives will help build an awareness of development-associated environmental problems in less developed countries as well as assist in building an indigenous institutional capability to deal nationally with such problems. Missions, Bureaus and Offices will collaborate with affected countries to the maximum extent possible, in the development of any Environmental Assessments required and obtain agreement of the affected countries to participate in the preparation of any required Environmental Assessment and to consider environmental consequences as set forth therein.

(c) *Content and Form*—The Environmental Assessment shall be prepared in accordance with the scope

decided upon in the scoping process. It shall be analytic, rather than encyclopedic, and shall be concise, clear and to the point. Impacts shall be discussed in proportion to their significance. Environmental Assessments shall be written in plain language and may use appropriate graphics so that decisionmakers can readily understand them. The depth of information and data gathered for Environmental Assessments should be similar to that for economic, technical and other analyses required by A.I.D. Material may be incorporated by reference when the effect will be to reduce bulk without impeding review. The Environmental Assessment shall be based upon the scoping statement and generally will include the following format, unless the Environmental Assessment is included in the text of a Project Paper in which case paragraphs (1) and (2) may be omitted:

(1) *Summary.* A summary will be made which adequately and accurately summarizes the Environmental Assessment. The summary shall stress the major conclusions, areas of controversy, if any, and the issues to be resolved.

(2) *Purpose and Need.* The Environmental Assessment shall briefly specify the underlying purpose and need to which the Agency is responding in proposing the alternatives including the proposed action.

(3) *Alternatives Including the Proposed Action.* This section should present the environmental impacts of the proposal and it alternatives in comparative form thereby sharpening the issues and providing a clear basis for choice among options by the decisionmaker. This section should rigorously explore and objectively evaluate all reasonable alternatives and briefly discuss the reasons for eliminating those alternatives which were not included in the detailed study; devote substantial treatment to each alternative considered in detail including the proposed action so that reviewers may evaluate their comparative merits; include the alternative of no action; identify the Agency's preferred alternative or alternatives, if one or more exists; include appropriate mitigation measures not already included in the proposed action or alternatives.

(4) *Affected Environment.* The Environmental Assessment shall succinctly describe the environment of the area(s) to be affected or created by the alternatives under consideration. The descriptions shall be no longer than is necessary to understand the effects of the alternatives. Data and analyses in the Environmental Assessment shall be commensurate with the significance of the impact with less important material summarized, consolidated or simply referenced. Useless bulk in Environmental Assessments should be avoided, and effort should be concentrated on important issues.

(5) *Environmental Consequences.* This section forms the analytic basis for the comparisons under (3) above. It will include the environmental impacts of the alternatives including the proposed action; any adverse effects that cannot be avoided should the proposed action be implemented; the relationship between short-term uses of the environment and the maintenance and enhancement of long-term productivity; and any irreversible or irretrievable commitments of resources which would be involved in the proposal should it be implemented. It should not duplicate discussions in paragraph (3) above. This section of the Environmental assessment should include discussions of direct effects and their significance; indirect effects and their significance; possible conflicts between the proposed action and land use plans, policies and controls for the areas concerned; energy requirements and conservation potential of various alternatives and mitigation measures; natural or depletable resource requirements and conservation potential of various requirements and mitigation measures; urban quality; historic and cultural resources and the design of the built environment, including the reuse and conservation potential of various alternatives and mitigation measures; and means to mitigate adverse environmental impacts.

(6) *List of Preparers.* The Environmental Assessment shall list the names and qualifications (expertise, experience, professional discipline) of the persons primarily responsible for preparing the Environmental Assessment or significant background papers including the basic components of the Environmental Assessment. Where possible the persons who are responsible for a particular analysis shall be identified.

(7) *Appendix.* An Appendix may be prepared, and may include material prepared in connection with an Environmental Assessment (as distinct from material which is not so prepared and which is incorporated by reference); material substantiating any analysis fundamental to the Environmental Assessment; and material that is analytic and relevant to the decision to be made.

(d) *Program Assessments.* Broad program Assessments may be required in order to assess the environmental effects of a number of individual actions and their cumulative environmental impact in a given country or geographic area, or the environmental impacts that are generic or common to a class of agency actions, or other activities which are not country-specific. In these cases, a single, programmatic Assessment will be prepared in A.I.D./Washington and circulated to appropriate overseas Missions, host governments, and to interested parties within the United States. To the extent practicable, the form and content of the programmatic Environmental Assessment will be the same as for project Assessments. Subsequent Environmental Assessments on major individual actions will be necessary where such follow-on or subsequent activities may have significant environmental impacts on specific countries where such impacts have not been adequately evaluated in the programmatic Environmental Assessment.

In addition, the Environmental Coordinator may recommend that the Agency conduct other programmatic evaluations of classes of actions in an effort to establish additional categorical exclusions or design standards or criteria for such classes that will eliminate or minimize adverse effects of such actions, enhance the environmental effect of such action or reduce the amount of paperwork or time involved in these procedures. The format for such evaluations will depend upon the circumstances and purpose of each such evaluation.

(e) *Effect in Other Countries.* In a situation where an analysis indicates that potential effects may extend beyond the national boundaries of a recipient country and adjacent foreign nations may be affected, A.I.D. will urge the recipient country to consult with its neighbor(s) in advance of project approval and to negotiate mutually acceptable accommodations.

(f) *Classified Material.* Environmental Assessments will not normally include material classified or administratively controlled. However, there may be situations where environmental aspects cannot be adequately discussed without the inclusion of such material. The handling and disclosure of classified or administratively controlled material shall be governed by 22 CFR Part 9. Those portions of an Environmental Assessment which are not classified or administratively controlled will be made available to persons outside the Agency as provided for in 22 CFR Part 212.

§ 216.7 Environmental impact statements.

(a) *Applicability*—Environmental Impact Statements will be prepared when major agency actions significantly affect:

(1) The global environment or areas outside the jurisdiction of any nation (e.g., the oceans);

(2) The environment of the United States; or

(3) As a matter of policy, other aspects of the environment at the discretion of the Administrator.

(b) *Effects on the United States: Content and Form*—An Environmental Impact Statement relating to subparagraph (a)(2) shall comply with the CEQ Regulations. With respect to effects on the United States, the terms environment and significant effect wherever used in these procedures have the same meaning as in the CEQ Regulations rather than as defined in Section 216.1(c)(12) and (13) of these procedures.

(c) *Other Effects: Content and Form*—An Environmental Impact Statement relating to subparagraphs (a)(1) and (a)(3) will generally follow the CEQ Regulations, but will take into account the special considerations and concerns of A.I.D. Circulation of such an Environmental Impact Statement in draft form will precede approval of a Project Paper or equivalent and comments from such circulation will be considered before final project authorization as outlined in § 216.3 of these procedures. The draft Environmental Impact Statement will also be circulated by the Missions to affected foreign governments for information and comment. Draft Environmental Impact Statements generally will be made available for comment to Federal agencies with jurisdiction by law or special expertise with respect to any environmental impact involved, and to public and private organizations and individuals for not less than forty-five (45) days. Notice of the draft Environmental Impact Statements availability will be published in the **Federal Register.** Cognizant Bureaus and Offices will submit these drafts for circulation through the Environmental Coordinator who will have the responsibility for coordinating all such communications with persons outside A.I.D. Any comments received by the Environmental Coordinator will be forwarded to the originating Bureau or Office for consideration in final policy decisions and the preparation of a final Environmental Impact Statement. All such comments will be attached to the final Statement, and those responsible comments not adequately discussed in the draft Environmental Impact Statement will be appropriately dealt with in the final Environmental Impact Statement. Copies of the final Environmental Impact Statement, with comments attached, will be sent by the Environmental Coordinator to CEQ and to all other Federal, state, and local agencies and private organizations that made substantive comments on the draft, including affected foreign governments. Where emergency circumstances or considerations of foreign policy make it necessary to take an action without observing the provisions of Section 1506.10 of the CEQ Regulations, or when there are overriding considerations of expense to the United States or foreign governments, the originating Office will advise the Environmental Coordinator who will consult with Department of State and CEQ concerning appropriate modification of review procedures.

3. By deleting § 216.8 and adding new § 216.9 and 216.10 which read:

§ 216.9 Bilateral and multilateral studies and concise reviews of environmental issues.

Notwithstanding anything to the contrary in these procedures, the Administrator may approve the use of either of the following documents as a substitute for an Environmental Assessment (but not a substitute for an Environmental Impact Statement) required under these procedures:

(a) bilateral or multilateral environmental studies, relevant or related to the proposed action, prepared by the United States and one or more foreign countries or by an international body or organization in which the United States is a member or participant; or

(b) concise reviews of the environmental issues involved including summary environmental analyses or other appropriate documents.

§ 216.10 Records and reports.

Each Agency Bureau will maintain a current list of activities for which Environmental Assessments and Environmental Impact Statements are being prepared and for which Negative Determinations and Declarations have been made. Copies of final Initial Environmental Examinations, Assessments and Impact Statements will be available to interested Federal agencies upon request. The cognizant Bureau will maintain a permanent file (which may be part of its normal project files) of Environmental Impact Statements, Environmental Assessments, Determinations and Declarations which will be available to the public under the Freedom of Information Act. Interested persons can obtain information or status reports regarding Environmental Assessment and Environmental Impact Statements through the A.I.D. Environmental Coordinator.

Dated September 20, 1979.

Robert H. Nooter,

Acting Administrator.

[FR Doc. 79-30294 Filed 9-28-79; 8:45 am]

BILLING CODE 4710-02-M

NATIONAL SCIENCE FOUNDATION

41 CFR Ch. 25

45 CFR Ch. VI

Improving Government Regulations; Semiannual Regulations Agenda

AGENCY: National Science Foundation.

ACTION: Publication of semiannual regulations agenda.

SUMMARY: The National Science Foundation publishes its semiannual agenda of significant regulations under development or review as required by Executive Order 12044, Improving Government Regulations (43 FR 12661, March 24, 1978).

FOR FURTHER INFORMATION CONTACT: For additional information regarding any particular regulatory action contained in the agenda, contact the individual identified as the contact person in the agenda. Comments or inquiries of a general nature about the agenda should be directed to Arthur J. Kusinski, Office of the General Counsel, National Science Foundation, Washington, D.C. 20550, (202) 632–4396.

A. Status of Regulations Previously Listed

1. Grants Policy Manual (NSF 77–47)

This document sets forth the basic policies and procedures in the award and administration of all Foundation grants. The manual is revised periodically as policies and procedures change. As such, the manual is undergoing continuous review. An updated edition of the manual is expected to be issued this fall. No significant changes in the manual have been made since the last agenda was published.

Legal basis for issuances: Section 11 of the National Science Foundation Act of 1950, as amended, (42 U.S.C. 1870) [hereinafter referred to as the NSF Act].

Name of agency official: Francis G. Naughten, Division of Grants & Contracts, (202) 632–4148.

Regulatory analysis: None required.

2. Conflict-of-Interest Regulations (45 CFR Part 600)

These regulations govern the conduct of NSF employees and officers and

special Government employees. Although these regulations have been carefully reviewed since publication of the last agenda, no amendments have yet been formulated. Proposed amendments may be published within the next six months.

Legal basis for issuance: Section 11 of th NSF Act; Executive Order 11225; 5 CFR Part 735.

Name of agency official: Harriet E. Tucker, Esq., Office of the General Counsel, (202) 634–4257.

Regulatory analysis: None required.

3. Amendment to 45 CFR Part 600, "Exemption of Certain Financial Interests"

On November 29, 1978, the Foundation published for comment proposed amendments to regulations which would exempt certain financial interests of National Science Board Members from the prohibitions of 18 U.S.C. 208(a). No comments were received during (or after) the 60-day comment period. The proposed amendments were published in final form on April 3, 1979.

Legal basis for issuance: Section 11 of the NSF Act; 18 U.S.C. 208(b).

Name of agency official: Harriet E. Tucker, Esq., Office of the General Counsel, (202) 634–4257.

Regulatory analysis: None required.

4. Age Discrimination Regulations (45 CFR Proposed Part 605)

These regulations, which will prohibit discrimination on the basis of age in all Foundation-assisted programs, are being developed in coordination with the Department of Health, Education, and Welfare. HEW regulations were published on June 12, 1979; the NSF regulations are expected to be published in early October 1979.

Legal basis for issuance: Section 11 of the NSF Act; The Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.).

Name of agency official: Jesse E. Lasken, Esq. Office of the General Counsel, (202) 632–4393.

Regulatory analysis: None required.

5. Handicapped Regulations (45 CFR Proposed Part 615)

There regulations, which will prohibit discrimination on the basis of physical handicap in all Foundation-assisted programs, were published for comment in the April 19, 1978 **Federal Register.** Draft final regulations were sent to HEW for review, as required by EO 11914. Efforts are now being made to construct a final regulation that will satisfy both HEW and NSF. Final publication is expected within the next six months.

Legal basis for issuance: Section 11 of the NSF Act; Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

Name of agency official: Jesse E. Lasken, Esq., Office of the General Counsel, (202) 632–4393.

Regulatory analysis: None required.

6. Availability of Records and Information (45 CFR Part 612)

These regulations are issued pursuant to the Freedom of Information Act. The Foundation will be consolidating these regulations with various implementing memoranda and NSF bulletins issued since publication of the regulations. This consolidation is expected within the next six months, but no proposed regulations are yet ready for public comment.

Name of agency official: Arthur J. Kusinski, Esq., Office of the General Counsel, (202) 632–4396.

Regulatory analysis: None required.

7. Fellowship Regulations (45 CFR Parts 610 and 630)

These regulations were published in 1964 and have never been used. They established procedures and criteria for resolving questions involving moral character or loyalty of applicants for and holders of NSF fellowships. The Foundation has considered whether they are necessary. Because they do contain important procedural rights for individuals, it has been decided to retain the regulations although it is anticipated they will rarely be used.

Name of agency official: Arthur J. Kusinski, Esq., Office of the General Counsel, (202) 632–4396.

Regulatory analysis: None required.

B. Significant Existing Regulations Under Review

National Environmental Policy Act Regulations (45 CFR Part 640)

These regulations established the policies and procedures of the Foundation in implementing the National Environment Policy Act of 1969. Because these regulations are somewhat outdated and because the Council on Environmental Quality has recently published new implementing regulations applying to all Federal agencies (40 CFR Parts 1500–1508), the Foundation has proposed regulations to replace the current NSF regulations. The proposed regulations were published for comment on August 9, 1979 (44 FR 46901). Comments were requested on or before October 9, 1979.

Name of agency official: Adair F. Montgomery, AD/AAEO, (202) 632–7360.

Regulatory analysis: None required.

C. Significant New Regulations Under Development

1. Conservation of Antarctic Animals and Plants (45 CFR Part 670)

Since the publication of the last agenda, the Antarctic Conservation Act of 1979 (Pub. L. 95–541) authorized and directed the Foundation to issue regulations to conserve and to protect animals and plants native to Antarctica. On March 6, 1979, proposed regulations to implement the Act were published in the **Federal Register.** Following a 60-day public comment period, final regulations were published on June 7, 1979. Because passage of the law could not be anticipated, the proposed and final regulations were not listed in the last agenda.

2. Regulations Designating Pollutants Harmful to Antarctica Environment

NSF intends to publish regulations to designate as a pollutant any substance which the Director finds liable, if the substance is introduced into Antarctica, to create hazards to human health, to harm living resources or marine life, to damage amenities, or to interfere with other legitimate uses of Antarctica. No schedule for publication is available at the present time.

Legal basis for issuance: Section 11 of the NSF Act; the Antarctic Conservation Act of 1978 (Pub. L. 95–951).

3. Regulations To Require Actions To Prevent or Control the Discharge of Pollutants From Any Source Within Antarctica

NSF also intends to publish regulations to specify those actions which must, and those which must not, be taken to prevent or control the discharge or other disposal of pollutants from any source within Antarctica. No schedule for publication of this regulation is available at the present time.

Legal basis for issuance: Section 11 of the NSF Act; Antarctica Conservation Act of 1978 (Pub. L. 95–951).

Name of agency official: Edward P. Todd, Office of Polar Programs, (202) 632–4024.

4. Office of Small and Disadvantaged Business Utilization Regulations

The Foundation is contemplating issuing regulations pertaining to the establishment of an office to meet the requirements of section 15 of the Small Business Act as amended by section 221 of Pub. L. 95–507. Section 15 as amended requires each agency to establish an office to be known as the "Office of Small and Disadvantaged Business Utilization." No final decision on issuance of any regulations has yet to be made, however.

Legal basis for issuance: Section 11 of NSF Act.

Name of agency contact: For information only—Mr. Theodore W. Wirths, Office of Small Business Research and Development, (202) 634–4017.

Regulatory analysis: None required.

D. Significant Existing Regulations Scheduled for Review Within the Next Six Months

1. Grants Policy Manual

See item A.1.

2. Conflict-of-Interest Regulations (45 CFR Part 600)

See item A.2.

3. Availability of Records and Information (45 CFR Part 612)

See item A.6.

4. Procurement Regulations (41 CFR Part 25)

The Foundation's procurement regulations will be reviewed within the next six months for the purpose of implementing the new Federal Acquisition Regulations which replace the existing Federal procurement regulations.

Legal basis for issuance: Section 11 of the NSF Act.

Name of agency official: William S. Kirby, Division of Grants and Contracts, (202) 632–4148.

Regulatory analysis: None required.

September 21, 1979.

George C. Pimentel,

Acting Director.

[FR Doc. 79–29943 Filed 9–28–79; 8:45 am]

BILLING CODE 7555–01–M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

45 CFR Part 234 and 236

Financial Assistance Programs; Financial Assistance Payment Process Under Title IV–A of the Social Security Act; Decision to Develop Regulations

AGENCY: Social Security Administration, HEW.

ACTION: Notice of Decision to Develop Regulations.

SUMMARY: The Department of Health, Education, and Welfare will propose to develop rules States must meet in their financial assistance payment process in order to receive Federal matching funds in the aid to Families with Dependent Children Program (AFDC). Material currently in Part IV–5000 of the Handbook of Public Assistance Administration, as well as regulations in 45 CFR 234.120, will be revised and transferred to the new regulations. These proposed regulations will add a new Part 236.

The proposed regulation will define "financial assistance payments" and list the types of assistance payments for which Federal matching funds are available. They will provide requirements that States must meet in the payment process, e.g., for making sure that the correct person is named as payee, for determining the correct payment, and for determining the method for making the payment. The regulations will also provide other requirements having to do with making payments, such as how to handle incorrect payments that are excluded from the AFDC quality control system.

The Department has classified the proposed regulations as policy significant.

FOR FURTHER INFORMATION CONTACT: Mr. C. George LeBoff, 330 C Street, S.W., Washington, D.C. 20201, Telephone (202) 245–0500.

Dated: September 4, 1979.

Stanford G. Ross,

Commissioner of Social Security.

[FR Doc. 79–30346 Filed 9–28–79; 8:45 am]

BILLING CODE 4110–07–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

45 CFR Ch. XI

Improving Government Regulations; Semiannual Agenda of Regulations

AGENCY: National Foundation on the Arts and the Humanities.

ACTION: Publication of the Semiannual Agenda of Regulations (Improving Government Regulations).

SUMMARY: The President's Executive Order on Improving Government Regulations, Executive Order 12044, requires each Federal agency to publish at least twice a year a list of significant regulations under development. The Foundation plans to publish its semiannual agenda on the first Monday in October and the first Monday in April.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Wade, General Counsel, National Endowment for the Arts, 2401 E Street, NW, Washington, DC 20506, 202–634–6588 or Mr. Joseph Schurman, General Counsel, National Endowment for the Humanities, 806 15th Street, NW, Washington, DC 20506, 202–724–0367.

SEMIANNUAL AGENDA OF REGULATIONS: At the present time there are no significant regulations under development or review in the Foundation itself or in its components, the Federal Council on the Arts and the Humanities, the National Endowment for the Arts, or the National Endowment for the Humanities.

Joseph D. Duffey, Chairman,

National Endowment for the Humanities and Chairman, Federal Council on the Arts and the Humanities.

Livingston L. Biddle,

Chairman, National Endowment for the Arts.

[FR Doc. 79–30518 Filed 9–28–79; 8:45 am]

BILLING CODE 7536–01–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 575

[Docket No. 25; Notice 34]

Consumer Information Regulations; Uniform Tire Quality Grading

AGENCY: National Highway Traffic Safety Administration.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: This notice proposes to amend the traction and temperature resistance test procedures of the Uniform Tire Quality Grading Standards to accommodate testing of tires with inflation pressures measured in kilopascals. The increasing use of "metric" tires necessitates clarification of the test procedures, which presently refer only to tire pressures measured in pounds per square inch. The notice also proposes modification of the traction test procedures to increase the number of candidate tire test runs which can be made per each standard tire test sequence. This change should reduce the cost of traction testing by allowing more efficient use of the test facilities.

DATES: Comments must be received on or before November 26, 1979. Proposed effective date: Date of publication of the final rule in the **Federal Register.**

ADDRESSES: Comments should refer to the docket number and be submitted to Room 5108, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT: Dr. F. Cecil Brenner, Office of Automotive Ratings, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590, 202–426–1740.

SUPPLEMENTARY INFORMATION: The Uniform Tire Quality Grading (UTQG)

Standards (49 CFR 575.104) establish procedures for evaluating the performance of passenger car tires in the categories of treadwear, traction and temperature resistance. the regulation specifies traction test procedures in which a tire's ability to stop on wet pavement is measured in a series of locked wheel stops on test surfaces of asphalt and concrete (49 CFR 575.104(f)(2)). Temperature resistance is evaluated by running a tire on a specified laboratory test wheel at successively higher revolutions per minute (49 CFR 575.104(g)).

Testing of Metric Tires

The traction and temperature resistance test procedures of the UTQG Standards set forth inflation and loading requirements with inflation pressures specified in terms of pounds per square inch. Under the terms of the regulation, a tire being tested for temperature resistance is pressed against the test wheel at the load specifed in Appendix A of Federal motor vehicle safety standard (FMVSS) No. 109 (49 CFR 571.109) for the tire's size designation and the inflation pressure that is 8 pounds per square inch less than the tire's maximum permissible inflation pressure (49 CFR 575.104(g)(6)). However, Appendix A of FMVSS No. 109 does not list inflation pressures which correspond precisely to 8 psi less than maximum permissible inflation pressure for the newly developed "metric" tires, tires with inflation pressures measured in kilopascals.

In the case of traction testing, a candidate tire is inflated to 24 psi (49 CFR 575.104(f)(2)(i)(B) and (D)), and is loaded to 85 percent of the load specified in Appendix A of FMVSS No. 109, for the tire's size designation, at a cold inflation pressure of 24 psi (49 CFR 575.104(f)(2)(viii)). Similarly, Appendix A lists no inflation pressure for metric tires which corresponds precisely to 24 psi. While the National Highway Traffic Safety Administration (NHTSA) has issued an interpretation that metric tires may be tested at the listed inflation pressure most closely approximating 24 psi, i.e., 180 kPa, the agency believes that, given the increasing use of metric tire designations, possible confusion should be avoided by amending the UTQG test procedures to explicitly deal with metric tires.

To facilitate testing of metric tires, NHTSA proposes to amend the traction grading procedures to specify in paragraphs (f)(2)(i)(B) and (D) that tires with inflation pressures measured in kilopascals are tested at an inflation pressure of 180 kPa. Other tires would continue to be tested at 24 psi. Paragraph (f)(2)(viii) would also be amended to provide that metric tires are loaded to 85 percent of the load specified at 180 kPa, for the tire's size designation in Appendix A of FMVSS No. 109.

The agency further proposes that paragraph (g)(6) of the temperature resistance grading procedures be amended to specify that, in the case of tires with inflation pressures measured in kilopascals, tires are pressed against the test wheel at the load specified in Appendix A of FMVSS No. 109 for the tires' size designation at the inflation pressure which is 60 kilopascals less than the tires' maximum permissible inflation pressure. In this way, the procedure would utilize the load associated with the inflation pressure listed in Appendix A which most closely approximates 8 psi less than the tires' maximum permissible inflation pressure.

Traction Ttest Requirements

The UTQG traction grading procedures provide that candidate tire traction efficients for concrete and asphalt are determined by averaging measurements taken during a sequence of ten runs on each surface with a standard test trailer (49 CFR 575.104(f)(2)). The candidate tire traction coefficients thus determined are adjusted by means of standard tire traction coefficients for the respective surfaces, determined through a sequence of 20 ASTM standard tire runs on each surface. The adjustment accounts for possible variations in the test surfaces due to environmental or other factors.

As presently written, the regulation specifies that the standard tire test sequence, consisting of 20 test trailer runs on each surface, is completed prior to the candidate tire test sequence for which it provides adjustment. The standard tire test sequence must then be repeated for each subsequent candidate tire test sequence. Clearly, testing efficiency could be improved and testing costs reduced if a single standard tire test sequence could be used to provide an adjustment for more than one candidate tire test sequence.

NHTSA believes there is no reason that standard tire test sequences must in all cases precede candidate tire test sequences. Further, upon examination of test results compiled for validation of the UTQG test procedure (reported in Wet Bracking Traction Validation, by A. H. Neill, Jr.; Docket 25, General Reference No. 95), it appears that test pavement conditions remain sufficiently constant over the course of any two hour period to permit adjustment of candidate tire test results with standard tire results obtained within the same two hour period.

As a result, testing efficiency can be significantly improved by the use of a single standard tire test sequence, as an adjustment for two or more candidate tire sequences, regardless of the order in which the sequences are run. For example, a manufacturer could test one candidate tire, conduct a standard tire test sequence, and then test a different candidate tire, using the standard tire test results to adjust both sets of candidate tire data. Similarly, two candidate tire test sequences could be conducted prior to or following a standard tire sequence, and the results of both candidate tire test sequences could be adjusted using the same standard tire data, provided all testing took place within the same two hour period. In addition to reducing testing costs, a reduction in the number of standard tire test sequences would avoid unnecessary wear on the test pavement.

In order to take advantage of these potential improvements in testing efficiency, NHTSA proposes to amend the traction test procedures to specify that candidate tire traction coefficients may be adjusted using standard tire coefficients derived from data collected wholly within the same two hour period as the data used to compute the candidate tire traction coefficients. The candidate tire testing could be conducted either before or after the standard tire test sequence used as an adjustment.

Since this notice proposes only a minor modification of the UTQG test procedures and is intended to facilitate testing and, to a limited degree, reduce testing costs, the proposal is not considered significant and a full evaluation of the economic consequences of the proposal is not warranted under Department of Transportation policy on internal review of proposals. NHTSA has determined that the proposed amendments will have no measurable adverse effect on the environment. In view of the present need to test metric tires and the potential cost savings offered by the modifications, an immediate effective date is proposed.

In consideration of the foregoing, it is proposed that 49 CFR 575.104, Uniform Tire Quality Grading, be amended as follows:

§ 575.104 [Amended].

1. Section 575.104(f)(2)(i)(B) and (D) would be amended by addition of the words ", or, in the case of a tire with inflation pressure measured in

kilopascals, to 180 kPa" following the words "to 24 psi".

2. Section 575.104(f)(2)(vii) would be amended by addition of the sentence, "The standard tire traction coefficients so determined may be used in the computation of adjusted traction coefficients for more than one candidate tire." at the end thereof.

3. Section 575.104(f)(2)(viii) would be amended by addition of the words ", or, in the case of a tire with inflation pressure measured in kilopascals, the load specified at 180 kPa," following the words "at 24 psi", and by addition of the sentences, "Candidate tire measurements may be taken either before or after the standard tire measurements used to compute the standard tire traction coefficients. Take all standard tire and candidate tire measurements used in computation of a candidate tire's adjusted traction coefficient within a single two hour period." following the first sentence thereof.

4. Section 575.104(g)(6) would be amended by addition of the words ", or, in the case of a tire with inflation pressure measured in kilopascals, 60 kilopascals" following the words "8 pounds per square inch".

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.

All comments must be limited not to exceed 15 pages in length. Necessary attachments may be appended to these submissions without regard to the 15 page limit. This limitation is intended to encourage commenters to detail their primary arguments in a succinct and concise fashion.

Those persons desiring to be notified upon receipt of their comments in the rulemaking docket should enclose, in the envelope with their comments, a self addressed stamped postcard. Upon receiving the comments, the docket supervisor will return the postcard by mail.

In the case of comments that contain materials for which confidential treatment is requested, those materials should be deleted from the copies submitted to the docket. A copy of the complete comments should be submitted to the Office of Chief Counsel at the above address, with an indication of which portions of the comments are the subject of the request for confidentiality.

All comments received before the close of business on the comment closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available to the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

The principal authors of this proposal are Dr. F. Cecil Brenner of the Office of Automotive Ratings and Richard J. Hipolit of the Office of Chief Counsel.

(Sec. 103, 112, 119, 201, 203; Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1401, 1407, 1421, 1423); delegations of authority at 49 CFR 1.50 and 501.8.)

Issued on: September 26, 1979.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 79-30387 Filed 9-28-79; 8:45 am]

BILLING CODE 4910-59-M

Notices

Federal Register
Vol. 44, No. 191
Monday, October 1, 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

Proposed Land and Resource Management Plan, Eastern Region; Intent To Prepare an Environmental Impact Statement

Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, will prepare an environmental impact statement on the proposed Land and Resource Management Plan for the Eastern Region which includes 14 National Forests and encompasses the States of Connecticut, Delaware, Illinios, Indiana, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, West Virginia, and Wisconsin.

The Land and Resource Management Plan is being prepared in accordance with requirements of the Secretary's regulations developed pursuant to the National Forest Management Act of 1976. Based on an assessment of the Region's supply capacity and demand for its resource outputs, the plan will be used to determine resource goals and objectives for the 14 Eastern Region National Forests in coordination with the states involved.

The planning process will integrate all resource planning—timber, range, fish and wildlife, water, wilderness, and recreation—together with resource protection activities, coordinated with fire management and other resource uses such as minerals. The process will be issue-oriented, i.e., public issues, management concerns, and development opportunities will be analyzed continually throughout the process.

Issues, concerns and opportunities will be identified through various methods in order to ensure that the public and other agencies are involved and have input to the maximum extent practicable.

R. Max Peterson, Forest Service Chief, is the responsible official for the environmental impact statement, and Gene L. Kuhns (414–291–3661) is the team leader for the environmental impact statement/land and resource management plan.

The draft environmental impact statement will be available in January 1981, and the final environmental impact statement is scheduled for completion in June 1981.

Comments on this notice of intent or on the proposal should be sent to the Regional Forester, Eastern Region, 633 West Wisconsin Avenue, Milwaukee, Wisconsin 53203.

Dated: September 25, 1979.

Philip L. Thornton,
Deputy Chief, Forest Service.

[FR Doc. 79-30325 Filed 9-28-79; 8:45 am]
BILLING CODE 3410-11-M

Soil Conservation Service

Nutwood Watershed, Illinois; Intent Not To File and Environmental Impact Statement for Deauthorization of Federal Funding of the Nutwood Watershed

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 deauthorization of Federal funding of the Nutwood Watershed, Greene and Jersey Counties, Illinois.

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. Warren J. Fitzgerald, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this action.

The notice of intent not to file an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data during the environmental assessment are on file and may be reviewed by contacting Mr. Warren J. Fitzgerald, State Conservationist, Soil Conservation Service, 200 West Church Street, Champaign, Illinois 61820, telephone number 217–356–3785. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until November 30, 1979.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program—Pub. L. 83–566, (16 U.S.C. 1001–1008))

Dated: September 21, 1979.

Joseph W. Haas,
Assistant Administrator for Water Resources, Soil Conservation Service.

[FR Doc. 79-30333 Filed 9-28-79; 8:45 am]
BILLING CODE 3410-16-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Western Pacific Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Western Pacific Fishery Management Council, established by Section 302 of the Fishery Conservation and Management Act of 1976 (Public Law 94–265), will meet to: (1) Review management options for the Billfish Fishery Management Plan (FMP); (2) review a final draft of the Lobster FMP; (3) review status of Bottomfish and Seamount Groundfish FMP's; (4) review Advisory Panel (AP) Membership; (5) review Statement of Council Practices and Procedures; and (6) other Council business.

DATES: The meeting will convene on Monday, October 15, 1979, at 9 a.m. and will adjourn on Tuesday, October 16, 1979, at 4:30 p.m. The meeting is open to the public.

ADDRESS: The meeting will take place at the Conference Center, Rainmaker Hotel, Pago Pago, American Samoa.

FOR FURTHER INFORMATION CONTACT: Western Pacific Fishery Management Council, Room 1608, 1164 Bishop Street,

Honolulu, Hawaii, 96813, Telephone: (808) 523–1368.

Date: September 26, 1979.

Winfred H. Meibohm,

Executive Director, National Marine Fisheries Service.

[FR Doc. 79–30378 Filed 9–28–79; 8:45 am]

BILLING CODE 3510–22–M

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

Correction

In FR Doc. 79–29624, appearing on page 55222, in the issue for Tuesday, September 25, 1979, make the following correction:

In the sixth line of the second paragraph, change "Section 552(c)" to "Section 552b(c)".

BILLING CODE 1505–01–M

DEPARTMENT OF ENERGY

Economic Regulatory Administration

Howell Corp., Quintana Refining Co., and Quintana-Howell Joint Venture; Action Taken on Consent Order

Pursuant to 10 CFR 205.199J, the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) as successor to the Federal Energy Administration (FEA) hereby gives notice of final action taken on a Consent Order. Under the terms of 10 CFR 205.197(c), no Consent Order involving sums in excess of $500,000 shall become effective until ERA publishes notice of its execution and solicits and considers public comments with respect to its terms.

On June 6, 1979, ERA published a notice of a Proposed Consent Order which was executed between Howell Corporation (Howell), Quintana Refining Company (Quintana) and the Quintana-Howell Joint Venture (QHJV) and the ERA [44 F.R. 32435, June 6, 1979]. With that notice, and in accordance with 10 CFR 205.199J ERA invited interested persons to comment on the proposed Consent Order. Also, in that notice, and in accordance with 10 CFR 205.283, interested parties who believe that they have a claim to all or a portion of the refund were instructed to provide written notification to ERA.

Several parties submitted written notification of claims, however, no comments on the terms, conditions or procedural aspects of the Consent Order were received. Therefore, ERA has concluded that the Consent Order as executed between ERA and Howell, Quintana, and the QHJV is an appropriate resolution of the compliance proceedings described in the notice published June 6, 1979 and hereby gives notice that the Consent Order shall become effective as proposed, without modification, on September 25, 1979.

Wayne I. Tucker,

District Manager, Southwest District Enforcement, Economic Regulatory Administration.

[FR Doc. 79–30270 Filed 9–28–79; 8:45 am]

BILLING CODE 6450–01–M

JOC Oil, Inc., Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to JOC Oil, Inc., 645 Fifth Avenue, New York, New York 10022. This proposed Remedial Order charges JOC Oil Inc., with pricing violations in the amount of $941,517.00, connected with the sale of No. 2 heating oil and No. 6 fuel oil during the time period November 1, 1973 through June 30, 1974.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Herbert M. Heitzer, District Manager of Enforcement, 1421 Cherry Street, Philadelphia, Pennsylvania 19102.

On or before October 16, 1979, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 'M' Street, NW., Washington, D.C. 20461, in accordance with 10 CFR 205.193.

Issued in Philadelphia, Pennsylvania, on the 7th day of September 1979.

Herbert M. Heitzer,

District Manager of Enforcement, Northeast District.

[FR Doc. 79–30271 Filed 9–28–79; 8:45 am]

BILLING CODE 6450–01–M

Ernest E. Allerkamp; Proposed Remedial Order

Pursuant to 10 CFR 205.192(c), the Economic Regulatory Administration (ERA) of the Department of Energy hereby gives notice of a Proposed Remedial Order which was issued to Ernest E. Allerkamp, 900 N.E. Loop 410, San Antonio, Texas. This Proposed Remedial Order charges Ernest E. Allerkamp with pricing violations in the amount of $230,563.78, connected with the sale of crude oil and condensate at prices in excess of those permitted by 10 CFR 212, Subpart D during 1972, 1973, 1974 and 1975 in the state of Texas.

A copy of the Proposed Remedial Order, with confidential information deleted, may be obtained from Wayne I. Tucker, District Manager, Southwest District Enforcement, Department of Energy, Economic Regulatory Administration, P.O. Box 35228, Dallas, Texas 75235, or by calling (214) 767–7745. On or before October 16, 1979, any aggrieved person may file a Notice of Objection with the Office of Hearings and Appeals, 2000 M Street, N.W., Washington, D.C. 20461, in accordance with 10 C.F.R. § 205.193.

Issued in Dallas, Texas, on the 21st day of Sept., 1979.

Herbert F. Buchanan,

Deputy District Manager, Southwest District Enforcement.

[FR Doc. 79–30369 Filed 9–28–79; 8:45 am]

BILLING CODE 6450–01–M

Intergovernmental and Institutional Relations; Consumer Affairs Advisory Committee and Subcommittees; Cancellation of Meeting

The Consumer Affairs Advisory Committee meeting and subcommittee meetings announced for October 9–10, 1979 (44 FR 54768, September 21, 1979) has been cancelled and will be rescheduled for a later date. Notice of the new date will be published in the **Federal Register.**

Dated: September 26, 1979.

Georgia Hildreth,

Director, Advisory Committee Management.

[FR Doc. 79–30373 Filed 9–28–79; 8:45 am]

BILLING CODE 6450–01–M

Office of Hearings and Appeals

Notices of Objection to Proposed Remedial Orders Filed Week of July 23 Through July 27, 1979

Notice is hereby given that during the week of July 23 through July 27, 1979, the Notices of Objection to Proposed Remedial Orders listed in the Appendix to this notice were filed with the Office of Hearings and Appeals of the Department of Energy.

On or before October 22, 1979, any person who wishes to participate in the proceeding which the Department of Energy will conduct concerning the Proposed Remedial Orders described in the Appendix to this notice must file a request to participate pursuant to 10 CFR 205.194 (44 FR 7926, February 7, 1979). On or before October 31, 1979, the Office of Hearings and Appeals will determine those persons who may participate on an active basis in this

proceeding, and will prepare an official service list which it will mail to all persons who filed requests to participate. Persons may also be placed on the official service list as non-participants for good cause shown. All requests regarding this proceeding shall be filed with the Office of Hearings and Appeals, Department of Energy, Washington, D.C. 20461.

Issued in Washington, D.C.

Melvin Goldstein,

Director, Office of Hearings and Appeals.

September 25, 1979.

Atlantic Highlands Shell, et al., Atlantic Highlands, N.J., DRO–0294; DRO–0295; DRO–0296, motor gasoline

On July 23, 1979, Atlantic Highlands Shell, *et al.*, 195 First Avenue, Atlantic Highlands, New Jersey 07716, filed a Notice of Objection to an Interim Remedial Order for Immediate Compliance which the New Jersey Department of Energy issued to the firm on July 5, 1979. In the IROIC the New Jersey Department of Energy found that on July 13, 1979 the firm was unable to justify the lawfulness of some or all of the prices being charged on June 2, 1979.

Harvey J. Bean, Erie, Pa., DRO–0301, motor gasoline

On July 24, 1979, Harvey J. Bean, 471 West Arlington, Erie, Pennsylvania, filed a Notice of Objection to an Interim Remedial Order for Immediate Compliance (IROIC) which the DOE Northeast Enforcement District issued to him on July 17, 1979. In the IROIC the Enforcement District found that the prices currently charged by Bean on his retail sales of motor gasoline were in excess of the maximum lawful selling prices allowed by 10 CFR, Part 212. The IROIC therefore ordered Bean to reduce his selling prices immediately.

Anthony Fava dba Tony Fava Sports Center, Vineland, New Jersey, DRO–0307, motor gasoline

On July 20, 1979, Anthony Fava dba Tony Fava Sports Center filed a Notice of Objection to an Interim Remedial Order for Immediate Compliance which the New Jersey Department of Energy issued to him on July 5, 1979. In the Interim Remedial Order for Immediate Compliance, the New Jersey DOE found that Fava was selling motor gasoline at prices which exceeded the maximum selling prices permitted under DOE regulations. Accordingly, the New Jersey DOE ordered Fava to reduce immediately his prices for motor gasoline to the maximum permissible prices.

N. C. Ginther, Houston, Texas; DRO–0302, crude oil

On July 25, 1979, N. C. Ginther, 1400 Bank of the Southwest Building, Houston, Texas 77002 filed a Notice of Objection to a Proposed Remedial Order which the Southwest Enforcement District of the Economic Regulatory Administration of the Department of Energy issued to the firm on June 26, 1979. In the Proposed Remedial Order, the Enforcement District found that during the period September 1, 1973 through December 31, 1977, Ginther committed pricing violations in sales of crude oil and condensate produced from the Carrie Wood lease #3977 and O. W. Killiam "C" Lease in Goliad and Webb Counties, Texas. According to the Proposed Remedial Order, N. C. Ginther's violations of the provisions of 10 CFR Part 212 resulted in overcharges to its customers of $66,062.99.

Jerry's Chevron, Queens, New York; DRO–0298, Motor Gasoline

On July 24, 1979, Jerry's Chevron, Rockaway Boulevard, Queens, New York, filed a Notice of Objection to an Interim Remedial Order for Immediate Compliance which the New York Audit Group of the Northeast District of Enforcement issued on the firm on July 13, 1979. In the IROIC the New York Audit Group found that on July 5, 1979 Jerry's Chevron was overcharging 12.8 cents per gallon on sales of regular, leaded gasoline and 12.5 cents per gallon on sales of unleaded gasoline. Accordingly, Jerry's Chevron was directed to pay civil penalties and to immediately reduce its prices for motor gasoline to the maximum permissible prices.

Jordan Gas Company, Centre, Alabama; DRO–0299, propane

On July 25, 1979, Jack Jordan, Post Office Box 127, Centre, Alabama 35960, filed a Notice of Objection to a Proposed Remedial Order which the DOE Southeast Enforcement District issued on June 15, 1979. In the Proposed Remedial Order, the Enforcement District found that during the period November 1, 1973 through March 31, 1974, Jordan Gas Company committed pricing violations in its sales of propane. According to the Proposed Remedial order, the Jordan Gas Company's violations resulted in overcharges to its customers of approximately $130,285.

Anthony Massahos, Derry, New Hampshire; DRO–0292, motor gasoline

On July 23, 1979, Anthony Massahos, Route 28 By-Pass Circle, Derry, New Hampshire 03038, filed a Notice of Objection to an Interim Remedial Order for Immediate Compliance which the Northeast Enforcement District of the Economic Regulatory Administration of the Department of Energy issued to the firm on July 6, 1979. In the Interim Remedial Order, the Enforcement District found that (i) there is a strong probability that a violation of the DOE price regulations has occurred and is continuing to occur; (ii) the consuming public is likely to incur irreparable harm unless the violation is remedied immediately; (iii) the public interest requires the avoidance of this irreparable harm through the issuance of an Interim Remedial Order for Immediate Compliance. Consequently, Anthony Massahos was ordered to (a) reduce prices to established lawful levels; (b) properly post maximum lawful selling prices; and (c) properly maintain required records.

George Riley, Overland Park, Kansas; DRO–0303, motor gasoline

On July 25, 1979, George Riley, 10640 Metcalf, Overland Park, Kansas 66212, filed a Notice of Objection to an Interim Remedial Order for Immediate Compliance which Region VII of the DOE Economic Regulatory Administration issued to George Riley on July 9, 1979. In the Interim Remedial Order for Immediate Compliance, Region VII ordered George Riley to cease and desist from employing any form of discriminatory practices as set forth in Section 210.62(b) and conform his business practices to those followed during the base period.

Robal Company, Inc., Westfield, New Jersey; DRO–03–00, motor gasoline

On July 25, 1979, Robal Company, Inc., South & Central Avenues, Westfield, New Jersey 07090, filed a Notice of Objection to an Interim Remedial Order for Immediate Compliance (IROIC) which the New Jersey Department of Energy issued to the firm on July 5, 1979. In the IROIC, the New Jersey DOE found that on June 3, 1979, Robal Company, Inc. violated 10 CFR 212.93 by charging prices for certain grades of motor gasoline which exceeded its maximum lawful selling prices on that date and that Robal Company, Inc. had violated 10 CFR 210.92 and 212.93 by failing to maintain records to support the lawfulness of its selling prices for sales of gasoline on that date. In the IROIC, the New Jersey DOE ordered Robal Company, Inc. to reduce its prices to the established lawful level and to maintain required records or to justify within five days the lawfulness of its June 3, 1979 selling prices.

Robert A. Williams d/b/a Freeway Texaco, Minneapolis, Minnesota; DRO–0293, motor gasoline

On July 23, 1979, Robert A. Williams d/b/a Freeway Texaco, 7733 Portland Avenue South, Minneapolis, Minnesota 55423, filed a Notice of Objection to an Interim Remedial Order for Immediate Compliance which the DOE Central Enforcement District issued on July 9, 1979. In the Interim Remedial Order for Immediate Compliance, the Enforcement District ordered Williams to (1) reduce prices to lawful levels; (2) properly post the maximum lawful selling prices; and (3) properly maintain required records, or to come forth within five days with support for the lawfulness of the maximum lawful selling price it otherwise contends is appropriate.

[FR Doc. 79-30371 Filed 9-28-79; 8:45 am]

BILLING CODE 6450-01-M

Issuance of Proposed Decisions and Orders July 16 Through July 20, 1979

Notice is hereby given that during the period July 16 through July 20, 1979, the Proposed Decisions and Orders which are summarized below were issued by the Office of Hearings and Appeals of the Department of Energy with regard to Applications for Exception which have been filed with that Office.

Under the procedures which govern the filing and consideration of exception applications (10 CFR, Part 205, Subpart D), any person who will be aggrieved by the issuance of the Proposed Decision and Order in final form may file a written Notice of Objection within ten

days of service. For purposes of those regulations, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. The applicable procedures also specify that if a Notice of Objection is not received from any aggrieved party within the time period specified in the regulations, the party will be deemed to consent to the issuance of the Proposed Decision and Order in final form. Any aggrieved party that wishes to contest any finding or conclusion contained in a Proposed Decision and Order must also file a detailed Statement of Objections within 30 days of the date of service of the Proposed Decision and Order. In that Statement of Objections an aggrieved party must specify each issue of fact or law contained in the Proposed Decision and Order which it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these Proposed Decisions and Orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street, N.W., Washington, D.C. 20461, Monday through Friday, between the hours of 1:00 p.m. and 5:00 p.m., e.d.t., except federal holidays.

Melvin Goldstein,

Director, Office of Hearings and Appeals.

September 25, 1979.

Earth Resources Company of Alaska, Fairbanks, Alaska, DEE-2237, Crude Oil.

Earth Resources Company of Alaska filed an Application for Exception from the provisions of 10 CFR 211.67. The exception request, if granted, would result in the issuance of $341,741 in additional entitlements with respect to the firm's reported crude oil receipts and runs to stills for the period September 1977 through September 1978. On July 16, 1979, the DOE issued a Proposed Decision and Order which determined that the exception request be granted.

Champlin Petroleum Company, Fort Worth, Texas, DXE-5822, Crude Oil.

Champlin Petroleum Company filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would result in an extension of exception relief previously granted and would permit the firm to sell a certain portion of the crude oil which it produces from the Sutton Lease for the benefit of the working interest owners at upper tier ceiling prices. On July 19, 1979, the DOE issued a Proposed Decision and Order and tentatively determined that an extension of exception relief should be granted with respect to the applicant's Sutton Lease.

City and County of Honolulu, Honolulu, Hawaii, DEE-7067, Motor Gasoline.

The City and County of Honolulu filed an Application for Exception in which it requested that distributors of motor gasoline in the County be permitted to raise their prices to reflect an increased license tax implemented by the County. On July 17, 1979, the Department of Energy issued a Proposed Decision and Order in which it determined that the exception request should be granted.

Grace Petroleum Corporation, Oklahoma City, Oklahoma, DEE-4752, Crude Oil.

Grace Petroleum Corporation filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit the firm to sell the crude oil produced for the benefit of the working interest owners from the C. I. Lovett Lease located in San Patricio County, Texas, at upper tier ceiling prices. On July 17, 1979, the DOE issued a Proposed Decision and Order and tentatively determined that exception relief should be granted, in part, with respect to the applicant's C. I. Lovett Lease.

McAlester Fuel Company, Magnolia, Arkansas, DEE-4345, Crude Oil.

McAlester Fuel Company filed an Application for Exception from the provisions of 10 CFR, Part 212, Subpart D. The exception request, if granted, would permit the firm to sell a certain portion of the crude oil produced for the benefit of the working interest owners from the L. L. Tidwell "C" Lease located in Ouachita County, Arkansas, at upper tier ceiling prices. On July 16, 1979, the DOE issued a Proposed Decision and Order and tentatively determined that exception relief should be denied with respect to the applicant's Tidwell "C" Lease.

List of Cases Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline Week of July 16 Through July 20, 1979

The following firms filed Applications for Exception from the provisions of Standby Regulation Activation Order No. 1, the exception requests, if granted, would result in an increase in the firms' base period allocation of motor gasoline.

The DOE issued Proposed Decisions and Orders which determined that the exception requests be granted.

Company Name, Location, and Case No.

Onyx Corporation, Creve Coeur, MO, DEE-3280
Francis Union 76, Nashville, TN, DEE-5210
Kenilworth Car Wash, Hyattsville, MD, DEE-4707
Ozark City Gas Co., Branson, MO, DEE-2513
Calotex Delaware, Inc., Middleton, DE, DEE-5222
Daigh Automotive Engineering Corp., Wilmington, CA, DEE-6038
Spoon's Gulf Station, Mena, AR, DEE-4095

List of Cases Involving the Standby Petroleum Product Allocation Regulations for Motor Gasoline, Week of July 16 Through July 20, 1979

The following firms filed Applications for Exception from the provisions of Standby Regualtion Activation Order No. 1. The exception requests, if granted, would result in an increase in the firms' base period allocation of motor gasoline.

The DOE issued Proposed Decisions and Orders which determined that the exception requests be denied.

Company Name, Location, and Case No.

Exum Collins Oil Co., New Smyrna Bch., FL, DEE-3933
Giggey's Exxon, Patten, ME, DEE-6439
Airline Shell, Bossier City, LA, DEE-4663
Elzie Carlton, Fayetteville, AR, DEE-3741
Harron's Amoco, Hagerstown, MD, DEE-5233
R. J. Murray Texaco, Raymond, NH, DEE-5681
Ray Miller, Pt. Pleasant Bch., NJ, DEE-5977
Village Garage, Marston Mills, MS, DEE-5648
Hamilton Test Systems California, Inc., Washington, D.C., DEE-5555
Import Dealers Service, Arlington, VA, DEE-4484
Continental Fuel Co., Pocatello, ID, DEE-3362
Shell Oil Co., Phoenix, AZ, DEE-4640
Doug's Distributing Co., Gilbertsville, KY, DEE-3512
Glenn Walker, Cranston, RI, DEE-3962

[FR Doc. 79-30372 Filed 9-28-79; 8:45 am]

BILLING CODE 6450-01-M

Office of Special Counsel for Compliance

Adoption of Consent Order With Standard Oil Co. of California as a Final Order

AGENCY: Department of Energy.

ACTION: Adoption of Proposed Consent Order as Final Order.

SUMMARY: On July 17, 1979, the Office of Special Counsel for Compliance (OSC) of the Department of Energy entered into a Consent Order with Standard Oil Company of California through its subsidiary Chevron U.S.A., Inc. Under the Consent Order, which addresses Chevron's compliance with the crude oil transfer pricing regulations, 10 CFR § 212.83 and § 212.84, for the months October 1973 through May 1975, Chevron agrees to reduce its costs claimed for interaffiliate transactions in imported oil in that period by $4.1 million.

Pursuant to 10 CFR § 205.199J, on July 25, 1979, OSC published notice in the **Federal Register** summarizing the terms of the Consent Order and noting the opportunity for the public to comment on the Order. (44 FR 43505) The notice set August 31, 1979, more than 30 days following publication of the notice, as the deadline for the submission of comments. Having received no comments the OSC hereby makes the Consent Order final as proposed, effective on publication of this notice.

FURTHER INFORMATION: Questions concerning the Consent Order should be addressed to: Leslie Wm. Adams, Associate Solicitor to the Special Counsel, Department of Energy, 1200

Pennsylvania Avenue N.W., Room 2140, Washington, D.C. 20461.

Copies of the Consent Order may be obtained by written request to the same address. Copies are also available at the Freedom of Information Reading Room, Forrestal Building, 1000 Independence Avenue, S.W. Room GA–152.

Issued in Washington, D.C., September 18, 1979.

Paul L. Bloom,

Special Counsel for Compliance.

[FR Doc. 79–30374 Filed 9–28–79; 8:45 am]

BILLING CODE 6450–01–M

Economic Regulatory Administration

[ERA Docket No. 79–CERT–093]

Air Products and Chemicals, Inc.; Application for Certification of the Use of Natural Gas to Displace Fuel Oil

Take notice that on September 18, 1979, Air Products and Chemicals, Inc. (Air Products), P.O. Box 538, Allentown, Pennsylvania 18105, filed an application for certification of an eligible use of natural gas to displace fuel oil at its complex of chemical plants in New Orleans, Louisiana, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979), all as more fully set forth in the application on file with the Economic Regulatory Administration (ERA) and open to public inspection at the ERA, Docket Room 4126–A, 2000 M Street, NW., Washington, D.C. 20461, from 8:30 a.m.—4:30 p.m., Monday through Friday, except Federal holidays.

In its application, Air Products states that the volume of natural gas for which it requests certification is up to 7,500 Mcf per day. The eligible seller is Tenneco Oil Company, P.O. Box 2511, Houston Texas 77001. This natural gas will displace the use of up to 66,400 gallons of No. 2 fuel oil (0.3% sulfur) per day at the New Orleans complex. The gas will be transported by Tennessee Gas Pipeline Company, P.O. Box 2511, Houston, Texas 77001, Transcontinental Gas Pipe Line Corporation, P.O. Box 1396, Houston, Texas 77001, Columbia Gas Transmission Corporation, P.O. Box 1273, Charleston, West Virginia 25325, and Michigan-Wisconsin Pipe Line Company, 1 Woodward Avenue, Detroit, Michigan 48226.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to submit comments in writing to the Economic Regulatory Administration, Room 4126–A, 2000 M Street, NW., Washington, D.C. 20461, Attention: Mr. Finn K. Neilsen, on or before October 11, 1979.

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interest, and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines an oral presentation is required, further notice will be given to Air Products and any persons filing comments, and published in the **Federal Register.**

Issued in Washington, D.C. on September 26, 1979.

Doris J. Dewton,

Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

[FR Doc. 79–30536 Filed 9–28–79; 10:43 am]

BILLING CODE 6450–01–M

[ERA Docket No. 79–CERT–094]

CF Industries, Inc.; Application for Certification of the Use of Natural Gas to Displace Fuel Oil

Take notice that on September 19, 1979, CF Industries, Inc. (CFI), Long Grove, Illinois 60047, filed an application for certification of an eligible use of natural gas to displace fuel oil at its North Carolina Nitrogen Complex in Tunis, North Carolina, pursuant to 10 CFR Part 595 (44 FR 47920, August 16, 1979), all as more fully set forth in the application on file with the Economic Regulatory Administration (ERA) and open to public inspection at the ERA, Docket Room 4126–A, 2000 M Street, N.W., Washington, D.C. 20461 from 8:30 a.m.–4:30 p.m., Monday through Friday, except Federal Holidays.

In its application , CFI states that the volume of natural gas for which it requests certification is up to 2,500 Mcf per day. The eligible sellers are Louisiana Resources Company, One Williams Center, P.O. Box 3102, Tulsa, Oklahoma 74101, and McRae Exploration, Inc., Suite 800, Dresser Tower, 601 Jefferson, Houston, Texas 77002. This natural gas is estimated to desplace the use of 18,000 gallons of No. 2 fuel oil (0.3% sulfur) per year at the North Carolina Nitrogen Complex. The gas will be transported by the Transcontinental Gas Pipe Line Corportation, P.O. Box 1396, Houston, Texas 77001.

In order to provide the public with as much opportunity to participate in this proceeding as is practicable under the circumstances, we are inviting any person wishing to comment concerning this application to sumit comments in writing to the Economic Regulatory Administration, Room 4126A, 2000 M Street, N.W., Washington, D.C. 20461, Attention: Mr. Finn K. Neilsen, on or before October 11, 1979.

An opportunity to make an oral presentation of data, views, and arguments either against or in support of this application may be requested by any interested person in writing within the ten (10) day comment period. The request should state the person's interst, and, if appropriate, why the person is a proper representative of a group or class of persons that has such an interest. The request should include a summary of the proposed oral presentation and a statement as to why an oral presentation is necessary. If ERA determines an oral presentation is required, further notice will be given to CFI and any persons filing comments, and published in the **Federal Register.**

Issued in Washington, D.C., on September 26, 1979.

Doris J. Dewton,

Assistant Administrator, Office of Petroleum Operations, Economic Regulatory Administration.

[FR Doc. 79–30535 Filed 9–28–79; 10:43 am]

BILLING CODE 6450–01–M

FEDERAL COMMUNICATIONS COMMISSION

[BC Docket No. 79–238, File No. BPH–10,652 and BC Docket No. 79–239; File No. BPH–10,889]

McDougal Broadcasting, Inc., and Demaree Enterprises of Texas, Inc.; Applications for Construction Permits

In re applications of McDougal Broadcasting, Inc. (BC Docket No. 79–238; File No. BPH–10,652), Victoria, Texas; Req: 107.9 MHz, Channel No. 300, 57.85 kW (H & V), 359.5 feet; and Demaree Enterprises of Texas, Inc. (BC Docket No. 79–239; File No. BPH–10,889), Victoria, Texas: Req: 107.9 MHz, Channel No. 300, 100 kW (H & V), 443 feet; For: Construction Permit. Memorandum opinion and order designating applications for consolidated hearing on stated issues.

Adopted: September 11, 1979.

Released: September 24, 1979.

1. The Commission by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has before it for consideration the above captioned

mutually exclusive applications for a new FM broadcast station at Victoria, Texas, petitions to specify issues filed by each of the applicants, oppositions thereto and various petitions for leave to amend with accompanying amendments.

Issues Against McDougal Broadcasting, Inc.

2. *Financial Issues.* By amendment to its application, McDougal has resolved questions concerning the collateral for its bank loan and the schedule of the loan's repayment. An inquiry into these matters is thus unwarranted.

3. *Ascertainment Issues.* Similarly, McDougal has now clarified two aspects of its ascertainment showing, the methodology employed in its survey of the general public and the broadcast time and format of programs directed to ascertained community needs.

4. *Misrepresentation Issue.* Under Section 73,3584 of our Rules, pleadings to specify issues must contain specific allegations of fact supported by affidavits of a person or persons with personal knowledge thereof. Demaree's contention that McDougal did not interview all community leaders listed in its ascertainment showing does not comply with this standard. Thus, while petitioner cites seven people as not having been contacted, only one person has submitted an affidavit to this effect. In the other six cases, Demaree has offered hearsay affidavits only, i.e. reports by Demaree principals of conversations with the people in question. McDougal, in contrast, has provided an affidavit from each of these six community leaders acknowledging participation in the McDougal survey. As between the two sets of statements, the personal affidavits alone are entitled to consideration.[1] We are left then with one community leader interview in doubt, a number too small to justify a misrepresentation issue. See e.g. *J. Sherwood, Inc.*, 63 FCC 2d 151, 39 RR 2d 597 (Rev. Bd. 1976).

5. *Staffing Issue.* McDougal's proposed staff of four full-time and two part-time employees is not unreasonable on its face and no specific evidence has been presented warranting a different conclusion. Demaree's request for a staffing issue will therefore be denied. *Peoples Broadcasting Corporation*, 68 FCC 2d 1570, 43 RR 2d 1265 (1978).

6. *Section 73.3514 Issue.*[2] The McDougal application was incomplete when submitted in that the business interests of Dudley McDougal, the applicant's president and sole shareholder, were not reported fully. It is clear from the applicant's subsequent disclosure however that the omitted information was not of potential decisional significance [3] and that no motive to conceal or misrepresent was present. Hence, we do not believe that the omission could influence the outcome of this proceeding. *Rose Broadcasting Company*, 68 FCC 2d 1242, 43 RR 2d 1317 (1978).

7. *Amendment.* Good cause exists for the acceptance of McDougal's March 6, 1979, amendment which was filed in response to Demaree's petition to specify issues. *Rose Broadcasting Co., supra.*

Issues Against Demaree Enterprises of Texas, Inc.

8. *Financial Issue.* By amendment of March 6, 1979, corrected by amendment of March 21, 1979,[4] Demaree reported to the Commission the agreement of Levoy Patrick Demaree, Demaree's president, director and 70% owner, to manage Station WMBH, Joplin, Missouri. McDougal claims that this agreement is inconsistent with Mr. Demaree's commitment to establish the operation of Demaree's proposed station, calling into question the applicant's reliance on his services in estimating its costs of operation.[5] We see no inherent conflict between the two obligations, however, and Station WMBH's owners have acknowledged by affidavit their awareness of the Victoria commitment and their confidence that it will not interfere with Mr. Demaree's responsibilities to their station. We find no basis for further inquiry under these circumstances.

9. *Character Issue.* Levoy Patrick Demaree was president, director and 45% owner of an applicant found unqualified to be a Commission licensee in an Initial Decision, *Horne Industries, Inc.*, 41 FCC 2d 359 (1973). Specifically, the presiding Administrative Law Judge found that Mr. Demaree had intentionally failed to report relevant and significant financial liabilities to the Commission in violation of Section 73.3514 and/or 1.65 of our Rules. McDougal requests a character issue premised on this finding, a request which we will deny. In connection with the renewal applications of two stations in which he had management and financial interests, Mr. Demaree submitted to us a letter citing inadequate advice of counsel and personal misunderstanding and confusion as underlying causes of the events cited in *Horne*. While acknowledging responsibility for his conduct, Mr. Demaree assured the Commission that his experiences had made him a more sensitive licensee and that he had taken specific steps to prevent similar instances in the future. We were persuaded by this letter to grant the renewal applications and later to permit Mr. Demaree to acquire a controlling interest in one of the licensees as well. Since we have thus already determined that the disqualification of the *Horne* decision is applicable only to that proceeding and that Mr. Demaree is not unqualified to hold other broadcast interests because of these actions, there is no question left for resolution at this time.[6]

10. *Amendment.* Demaree's amendments of March 6, and March 21, 1979 report changed circumstances and will be accepted for this reason.

11. *Other Matters.* Data submitted by the applicants indicate that there would be a significant difference in the size of the areas which would receive service from the proposals. Consequently, for the purpose of comparison, the areas which would receive FM service of 1 mV/m or greater intensity, together with the availability of other primary aural services in such areas, will be considered under the standard comparative issue, to determine whether a comparative preference should accrue to either of the applicants.

12. As indicated above, the applicants are qualified to construct and operate as proposed. However, because the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

13. Accordingly, IT IS ORDERED, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the applications ARE DESIGNATED FOR HEARING IN A CONSOLIDATED PROCEEDING, at a time and place to be specified in a subsequent Order, upon the following issues:

[1] The affidavits before us suggest as one possible reason for the conflicting statements the fact that Dudley McDougal, who conducted the interviews, used the air name of Doug McKay while employed by a local radio station.

[2] Section 73.3514 of our Rules requires applicants to include all information required by the application form.

[3] The omitted interest was an advertising/sales position with an automobile dealer.

[4] This erratum renders moot McDougal's motion for order to compel amendment of application, which is in any event an unauthorized pleading.

[5] We will permit McDougal to supplement its petition to specify issues to question material submitted after the original petitions were filed.

[6] We are satisfied that Demaree adequately reported the Horne decision on its application form, making a Section 73.3514 issue unwarranted.

1. To determine which of the proposals would, on a comparative basis, better serve the public interest.

2. To determine, in light of the evidence adduced pursuant to the foregoing issue, which of the applications should be granted.

14. IT IS FURTHER ORDERED, That the petitions to specify issues filed in this proceeding ARE DENIED.

15. IT IS FURTHER ORDERED, That the supplemental petition to specify issues filed by McDougal Broadcasting, Inc. IS ACCEPTED, and that the motion for order to compel amendment of application filed by McDougal Broadcasting, Inc. is dismissed as moot.

16. It is further ordered, That the petitions for leave to amend filed in this proceeding are granted and the related amendments are accepted.

17. IT IS FURTHER ORDERED, That, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to Section 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.

18. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and Section 73.3594 of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by Section 73.3594(g) of the Rules.

Federal Communications Commission.

Richard J. Shiben,

Chief, Broadcast Bureau.

[FR Doc. 79-30363 Filed 9-28-79; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL COUNCIL ON THE AGING

Long Term Care Committee; Meeting

The Federal Council on the Aging was established by the 1973 amendments to the Older Americans Act of 1965 (Pub. L. 93-29, 42 U.S.C. 3015) for the purpose of advising the President, the Secretary of Health, Education, and Welfare, the Commissioner on Aging, and the Congress, on matters relating to the special needs of older Americans.

Notice is hereby given pursuant to the Federal Advisory Committee At (Pub. L. 92-463, 5 U.S.C. app. 1, sec. 10, 1976) that the Committee will hold a meeting on Wednesday, October 24 from 9:30 a.m. to 4:30 p.m., Room 529A-503A, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, D.C. 20201.

The agenda will consist of discussions of the Committee's proposed long term care policy recommendations with representatives of Federal agencies concerned with long term care from 9:30 a.m. to 12:30 p.m. and with Congressional Committee staff concerned with long term care from 1:30 p.m. to 4:30 p.m.

Further information on the Council may be obtained from the Federal Council on the Aging, Washington, D.C. 20201, telephone (202) 245-0441. FCA meetings are open for public observation.

Dated: September 18, 1979.

Nelson H. Cruikshank,

Chairman, Federal Council on the Aging.

[FR Doc. 79-30322 Filed 9-28-79; 8:45 am]

BILLING CODE 4110-92-M

FEDERAL RESERVE SYSTEM

Federal Open Market Committee; Domestic Policy Directive of August 14, 1979

In accordance with § 271.5 of its rules regarding availability of information, there is set forth below the Committee's Domestic Policy Directive issued at its meeting held on August 14, 1979.[1]

The information reviewed at this meeting suggests that real output of goods and services is continuing to decline in the current quarter, while prices on the average are continuing to rise rapidly. In July the dollar value of retail sales edged up; in real terms, sales were still substantially below those of last December. Growth in nonfarm payroll employment slowed considerably further, but the unemployment rate, at 5.7 percent, remained within the narrow range prevailing since the beginning of the year. Industrial production declined in June, and it apparently slackened further in July to about the level of last December. So far this year, broad measures of prices have increased at a much faster pace than during 1978, although producer prices of foods have declined since March. The rise in the index of average hourly earnings, which had slowed in May and June, picked up in July.

The trade-weighted value of the dollar against major foreign currencies declined somewhat further in the second half of July, and although it subsequently recovered, it remained below its level of early June. The U.S. trade deficit in the second quarter was larger than in the previous quarter, reflecting largely the significant rise in the price and value of oil imports.

[1] The Record of Policy Actions of the Committee for the meeting of August 14, 1979, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

Growth of M-1, M-2, and M-3 remained rapid in July. Inflows of interest-bearing deposits included in M-2 were slightly stronger than in June. At nonbank thrift institutions, inflows of deposits declined somewhat. Short-term market interest rates have risen over recent weeks, while long-term rates have changed little on balance. An increase in Federal Reserve discount rates from 9½ to 10 percent was announced on July 20.

Taking account of past and prospective developments in employment, unemployment, production, investment, real income, productivity, international trade and payments, and prices, the Federal Open Market Committee seeks to foster monetary and financial conditions that will resist inflationary pressures while encouraging moderate economic expansion and contributing to a sustainable pattern of international transactions. At its meeting on July 11, 1979, the Committee agreed that these objectives would be furthered by growth of M-1, M-2, and M-3 from the fourth quarter of 1978 to the fourth quarter of 1979 within ranges of 1½ to 4½ percent, 5 to 8 percent, and 6 to 9 percent respectively, the same ranges that had been established in February. Having established the range for M-1 in February on the assumption that expansion of ATS and NOW accounts would dampen growth by about 3 percentage points over the year, the Committee also agreed that actual growth in M-1 might vary in relation to its range to the extent of any deviation from that estimate. The associated range for bank credit is 7½ to 10½ percent. The Committee anticipates that for the period from the fourth quarter of 1979 to the fourth quarter of 1980, growth may be within the same ranges, depending upon emerging economic conditions and appropriate adjustments that may be required by legislation or judicial developments affecting interest-bearing transactions accounts. These ranges will be reconsidered at any time as conditions warrant.

In the short run, the Committee seeks to achieve bank reserve and money market conditions that are broadly consistent with the longer-run ranges for monetary aggregates cited above, while giving due regard to developing conditions in foreign exchange and domestic financial markets. Early in the period before the next regular meeting, System open market operations are to be directed at attaining a weekly average federal funds rate slightly above the current level. Subsequently, operations shall be directed at maintaining the weekly average federal funds rate within the range of 10¾ to 11¼ percent. In deciding on the specific

objective for the federal funds rate the Manager for Domestic Operations shall be guided mainly by the relationship between the latest estimates of annual rates of growth in the August-September period of M–1 and M–2 and the following ranges of tolerance: 4 to 8 percent for M–1 and 7 to 11 percent for M–2. If rates of growth of M–1 and M–2, given approximately equal weight, appear to be close to or beyond the upper or lower limits of the indicated ranges, the objective for the funds rate is to be raised or lowered in an orderly fashion within its range.

If the rates of growth in the aggregates appear to be beyond the upper or lower limits of the indicated ranges at a time when the objective for the funds rate has already been moved to the corresponding limit of its range, the Manager shall promptly notify the Chairman, who will then decide whether the situation calls for supplementary instructions from the Committee.

Note.—On August 30, 1979, the Committee modified the domestic policy directive adopted at its meeting on August 14 by raising the upper limit of the intermeeting range for the federal funds rate to 11½ percent and by instructing the Manager for Domestic Operations not to raise the objective for the weekly average funds rate to the new upper limit immediately but to be guided by the subsequent behavior of the monetary aggregates and by developments in foreign exchange markets.

By order of the Federal Open Market Committee, September 21, 1979.

Murray Altmann,

Secretary.

[FR Doc. 79-30312 Filed 9-28-79; 8:45 am]

BILLING CODE 6210-01-M

Kelly Field Bancshares Corp.; Acquisition of Bank

Kelly Field Bancshares Corporation, San Antonio, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares of Exchange National Bank, San Antonio, Texas, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than October 24, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 24, 1979.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 79-30311 Filed 9-28-79; 8:45 am]

BILLING CODE 6210-01-M

National Ann Arbor Corp.; Acquisition of Bank

National Ann Arbor Corporation, Ann Arbor, Michigan, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares of the successor by consolidation to Monroe County Bank, Dundee, Michigan. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than October 24, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 24, 1979.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 79-30310 Filed 9-28-79; 8:45]

BILLING CODE 6210-01-M

Western Kentucky Bancshares, Inc.; Formation of Bank Holding Company

Western Kentucky Bancshares, Inc., Livermore, Kentucky, has applied for the Board's approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 88.05 percent of the voting shares of Farmers and Merchants Bank, Livermore, Kentucky. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than October 22, 1979. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 20, 1979.

Griffith L. Garwood,

Deputy Secretary of the Board.

[FR Doc. 79-30309 Filed 9-28-79; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Early Termination of Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the 30-day waiting period of the premerger notification rules.

SUMMARY: Hoesch AG and N.V. Administratiekantoor voor Aandelen Koninklijke Nederlandsche Hoogovens en Staalfabrieken, N.V. are granted early termination of the 30-day waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain voting securities of Gibraltor Metals Corporation by Newco-Estel, Inc. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted on behalf of Newco-Estel, Inc. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: September 19, 1979.

FOR FURTHER INFORMATION CONTACT: Joan S. Truitt, Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580 (202–523–3894).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. § 18a, as added by sections 201 and 202 of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

By direction of the Commission.

Carol N. Thomas,

Secretary.

[FR Doc. 79-30341 Filed 9-28-79; 8:45 am]

BILLING CODE 6750-01-M

Early Termination of the Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the 30-day waiting period of the premerger notification rules.

SUMMARY: Hoesch AG and N.V. Administratiekantoor voor Aandelen Koninklijke Nederlandsche Hoogovens en Staalfabrieken, N.V. are granted early termination of the 30-day waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain voting securities of Capitol Metals Enterprises, Inc. by Newco-Estel, Inc. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted on behalf of Newco-Estel, Inc. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: September 19, 1979.

FOR FURTHER INFORMATION CONTACT: Joan S. Truitt, Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580 (202-523-3894).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. 18a, as added by sections 201 and 202 of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 79-30342 Filed 9-28-79; 8:45 am]

BILLING CODE 6750-01-M

Early Termination of Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the 30-day waiting period of the premerger notification rules.

SUMMARY: Hoesch AG and N.V. Administratiekantoor voor Aandelen Koninklijke Nederlandsche Hoogovens en Staalfabrieken, N.V. are granted early termination of the 30-day waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain assets of Capitol Metals Company of Southern California by Newco-Estel, Inc. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted on behalf of Newco-Estel, Inc. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: September 19, 1979.

FOR FURTHER INFORMATION CONTACT: Joan S. Truitt, Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580 (202-523-3894).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. § 18a, as added by sections 201 and 202 of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 79-30343 Filed 9-28-79; 8:45 am]

BILLING CODE 6750-01-M

Early Termination of the Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the 30-day waiting period of the premerger notification rules.

SUMMARY: Dalgety Limited is granted early termination of the 30-day waiting period provided by law and the premerger notification rules with respect to its proposed acquisition of Spillers Limited. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by Dalgety Limited. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: September 21, 1979.

FOR FURTHER INFORMATION CONTACT: Joan S. Truitt, Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580 (202-523-3894).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. § 18a, as added by section 201 and 202 of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 79-30344 Filed 9-28-79; 8:45 am]

BILLING CODE 6750-01-M

Early Termination of the Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the 30-day waiting period of the premerger notification rules.

SUMMARY: Thrifty Corporation is granted early termination of the 30-day waiting period provided by law and the premerger notification rules with respect to its proposed acquisition of certain voting securities of The Akron. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by Thrifty Corporation. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: September 19, 1979.

FOR FURTHER INFORMATION CONTACT: Joan S. Truitt, Attorney, Premerger Notification Office, Bureau of Competition, Room 303, Federal Trade Commission, Washington, D.C. 20580 (202–523–3894).

SUPPLEMENTARY INFORMATION: Section 7A of the Clayton Act, 15 U.S.C. § 18a, as added by sections 201 and 202 of the Hart-Scott-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the Federal Register.

By direction of the Commission.

Carol M. Thomas,

Secetary.

[FR Doc. 79-30345 Filed 9-28-79; 8:45 am]

BILLING CODE 6750-01-M

GENERAL SERVICES ADMINISTRATION

[E-79-14]

Delegation of Authority to the Secretary of Agriculture

1. *Purpose.* This delegation authorizes the Secretary of Agriculture to manage and approve Federal standardization documents in Federal Supply Group 89—Food. Under this delegation, the Secretary of Agriculture is responsible for performing those functions prescribed in FPMR 101–29 for Federal standardization documents for food items, except for printing, indexing, and distribution.

2. *Effective date.* This delegation is effective immediately.

3. *Delegation.*

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, authority is hereby delegated to the Secretary of Agriculture to manage and approve Federal standardization documents for food items and to develop required procedures for use in performing these functions.

b. The Secretary of Agriculture may redelegate this authority to the appropriate officers or employees of the Department of Agriculture.

c. This delegation may be rescinded by the General Services Administration upon 60 days prior notice to the Secretary of Agriculture.

Dated: September 25, 1979.

R. G. Freeman III,

Administrator of General Services.

[FR Doc. 79-30410 Filed 9-28-79; 8:45 am]

BILLING CODE 6820-61-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control

Immunization Practices Advisory Committee; Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Center for Disease Control announces the following Committee meeting:

Name: Immunization Practices Advisory Committee.

Dates: October 25–26, 1979.

Place: Room 207, Building 1, Center for Disease Control, 1600 Clifton Road, NE., Atlanta, Georgia 30333.

Time: 8:30 a.m.

Type of Meeting: Open.

Contact Person: J. Donald Millar, M.D., Executive Secretary of Committee, Building 1, Room 2047, Center for Disease Control, 1600 Clifton Road, NE., Atlanta, Georgia 30333 Phone: AC 404/329–3772 FTS:236–3772.

Purpose: The Committee is charged with advising on the appropriate uses of immunizing agents for public health practice.

Agenda: The Committee will finalize revisions to the existing statement on poliomyelitis prevention; review recent activity and possibly begin revision of existing recommendations concerning rabies, pneumococcal polysaccharide vaccines, diphtheria and tetanus toxoids and pertussis vaccine; and review recent activity, including surveillance, in connection with rubella, measles, influenza, and hepatitis.

Agenda items are subject to change as priorities dictate.

The meeting is open to the public for observation and participation. A roster of members and other relevant information regarding the meeting may be obtained from the contact person listed above.

Dated: September 25, 1979.

William H. Foege,

Director, Center for Disease Control.

[FR Doc. 79-30390 Filed 9-28-79; 8:45 am]

BILLING CODE 4110-86-M

National Institutes of Health

National Diabetes Advisory Board; Meeting

Pursuant to Public Law 92–463, notice is hereby given of meetings of the National Diabetes Advisory Board on November 6, 7, and 8, 1979. Subcommittee meetings will be held on November 6 and 7, 1979. The Board meeting will be held on November 8, 1979. The time and location of the meetings may be obtained by contacting Mr. Raymond M. Kuehne, Executive Director of the Board, P.O. Box 30174, Bethesda, Maryland 20014, (301) 496–6045.

The meetings, which will be open to the public, are being held to continue review of the status and implementation of national diabetes programs. Attendance by the public will be limited to space available.

Mr. Raymond M. Kuehne (address above) will provide summaries of the meeting and a roster of the committee members.

Dated: September 21, 1979.

Suzanne L. Fremeau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 79-30302 Filed 9-28-79; 8:45 am]

BILLING CODE 4110-08-M

National Institute of Dental Research; National Institute of Dental Research Programs Advisory Committee, Subcommittee on Dental Caries

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Subcommittee on Dental Caries, National Institute of Dental Research Programs Advisory Committee, on November 27–28, 1979, in Conference Room 9, Building 31–C, National Institutes of Health, Bethesda, Maryland.

The entire meeting will be open to the public from 1:00 p.m. to 5:00 p.m. on November 27, and from 9:00 a.m. to adjournment on November 28, to discuss research progress and ongoing plans and programs of the National Caries Program. Attendance by the public will be limited to space available.

Dr. James P. Carlos, Associate Director, National Caries Program, National Institute of Dental Research, National Institutes of Health, Westwood Building, Room 528, Bethesda, MD 20205, (phone 301 496–7239) will furnish rosters of committee members, a summary of the meeting, and other information pertaining to the meeting.

(Catalog of Federal Domestic Assistance Program No. 13.840, National Institutes of Health.)

Dated: September 20, 1979.

Suzanne L. Fremeau,

Committee Management Officer, National Institutes of Health.

[FR Doc. 79-30301 Filed 9-28-79; 8:45 am]

BILLING CODE 4110-08-M

Office of the Secretary

Policy Research on Work and the Aged; Announcement of Grant Awards

September 21, 1979.

The Assistant Secretary for Planning and Evaluation has today issued grant awards for the program for Policy Research on Work and the Aged. These awards were made to applicants responding to a solicitation dated June 12, 1979, and published in the **Federal Register** on June 18, 1979. The titles, principle investigators, institutions, and amounts of awards are as follows:

1. "A New Measure of the Economic Status of the Aged." Sheldon Danziger and Eugene Smolenshy, University of Wisconsin at Madison $41,664.

2. "Labor Supply of the Elderly in a Family Context." Robert Clark, North Carolina State University. $37,503.

3. "The Effect of Social Security and Private Pensions on Retirement: An Empirical and Policy Analysis." Anthony J. Pellechio, National Bureau of Economic Research and University of Rochester. $50,212.

4. "How Long is the Savings Horizon?" Laurence J. Kotlikoff and Lawrence H. Summers, National Bureau of Economic Research, University of California at Los Angeles, and Harvard University. $42,049.

5. "Disincentives for Continued Work among Older Americans." Gary Hendricks, The Urban Institute. $27,994.

Dated: September 21, 1979.

Benjamin W. Heineman, Jr.,

Assistant Secretary for Planning and Evaluation.

[FR Doc. 79-30267 Filed 9-28-79; 8:45 am]

BILLING CODE 4110-12-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Floodplain Management and Wetlands Protection Procedures; BIA Procedures for the Consideration of Floodplains and Wetlands in Decisionmaking

September 24, 1979.

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

ACTION: Notice.

SUMMARY: This Notice announces that BIA is publishing internal procedures to be followed in implementing Executive Order 11988, Floodplain Management, and Executive Order 11990, Protection of Wetlands.

DATE: Comments must be received on or before October 31, 1979.

ADDRESS: All comments should be sent to the Director, Office of Trust Responsibilities, Bureau of Indian Affairs, 1951 Constitution Avenue NW., Washington, D.C. 20245, Attn: Code 210.

FOR FURTHER INFORMATION CONTACT: George C. Quist, Environmental Quality Specialist, Bureau of Indian Affairs, 1951 Constitution Avenue NW., Washington, D.C. 20245, telephone 202-343-8248.

SUPPLEMENTARY INFORMATION: These procedures implement Executive Orders 11988 and 11990 and will be codified in a supplement to 30 BIAM Environmental Quality. These procedures are based on the Department of the Interior guidelines (520 DM 1) and incorporates the guidelines of the Water Resources Council. They are intended to stand alone and provide guidance to all Bureau employees in assuring that their actions further the intent and purpose of both Executive Orders without the necessity of referring to the WRC or Departmental guidelines.

The primary author of these procedures is Jonathan P. Deason, Civil Engineer, Bureau of Indian Affairs, 1951 Constitution Avenue NW., Washington, D.C. 20245.

These procedures will be incorporated into Bureau programs and activities through the Bureau's procedures for implementing the National Environmental Policy Act (NEPA). *See* 516 DM 1-8; and 30 BIAM Environmental Quality, and 30 BIAM Supp. 1, NEPA Handbook. (This BIA Manual material is currently in preparation.)

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8.

Rick Lavis,

Deputy Assistant Secretary—Indian Affairs.

1.1 *Purpose.*

This manual sets forth the instructions to be followed in implementing Executive Order No. 11988 (Floodplain Management), Executive Order No. 11990 (Protection of Wetlands) and Department of the Interior Guidelines on Floodplain Management and Wetland Protection Procedures.

1.2 *Policy.*

It is the policy of the Bureau of Indian Affairs to exercise leadership and take action to:

A. Avoid to the extent possible, the long- and short-term adverse impacts associated with the occupancy and modification of wetlands and floodplains.

B. Avoid the direct or indirect support of wetland or floodplain development whenever there is a practicable alternative.

C. Reduce the risk of flood loss.

D. Minimize the impact of floods on human health, safety and welfare.

E. Restore and preserve the natural and beneficial values served by floodplains.

F. Develop an integrated process to involve Indian tribal governments and the public in the floodplain management decision making process.

G. Incorporate the Unified National Program for Floodplain Management.

1.3 *Applicability.*

The procedural requirements contained in this manual apply to any Bureau actions involving floodplains and wetlands, including, but not limited to:

A. Planning and design of new Federal facilities or facilities on trust lands.

B. Modifying existing Federal facilities or facilities on trust lands or consturcting new ones. They do not apply to normal maintenance. However, the rehabilitation of inoperative structures and rehabilitation projects incorporating significant enlargement that will result in changes to presently existing natural values associated with the wetland or floodplain area require full consideration.

C. Acquiring, managing, and disposing of Federal or trust lands and facilities.

D. Carrying out and influencing programs involving land uses and water planning and development, including regulating and licensing activities.

E. Administering construction, improvement and land acquistion programs supported or assisted by Federal grants, loans or other forms of financial assistance.

F. These procedures do not apply to agricultural development in floodplain areas which will not result in changes to presently existing natural values associated with the wetland or floodplain areas.

1.4 *Definitions.*

A. *Action.* Any Federal activity including: (1) acquiring, managing, and disposing of Federal lands and facilities; (2) providing federally undertaken,

financed, or assisted construction and improvements; and (3) conducting Federal activities and programs affecting land use, including but not limited to water and related land resources planning, regulating and licensing activities.

B. *Base Flood.* That flood which has a one percent chance of occurrence in any given year (also known as a 100-year flood). This term is used in the National Flood Insurance Program to indicate the minimum level of flooding to be used by a community in its floodplain management regulations.

C. *Base Floodplain.* Those areas which have a one percent chance of flooding in any given year (also called 100-year floodplain). Also see definition of floodplain.

D. *Critical Action.* Any activity for which even a slight chance of flooding would be too great. For example, activities involving storage of volatile, toxic, or water-reactive materials; hospitals and schools which may not be sufficiently mobile to avoid loss of life and injury; and utilities and emergency services which would be inoperative if flooded.

E. *Critical Action floodplain.* Those areas which have a 0.2 percent chance of flooding in any given year (also called a 500-year floodplain).

F. *Flood or Flooding.* A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland and/or tidal waters, and/or the unusual and rapid accumulation or runoff of surface waters from any source.

G. *Floodplain.* The lowland and relatively flat areas adjoining inland and coastal waters including at a minimum that area subject to a one percent or greater chance of flooding in any given year.

H. *Practicable.* Capable of being done within existing constraints. The test of what is practicable depends upon the situation and includes consideration of the pertinent factors, such as environment, cost or technology.

I. *Wetlands.* Those areas that are inundated by surface or ground water with a frequency sufficient to support and under normal circumstances does or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats and natural ponds.

1.5 *Procedures.*

Area Directors, Agency Superintendents and Project Engineers are responsible for ensuring that the following procedural steps will be undertaken whenever their respective offices propose an action involving the activities discussed in section 1.3. All requests for new authorizations or appropriations for actions to be located in floodplains or wetlands must contain a statement that the proposal is in accord with this manual. For those actions requiring an Environmental Assessment or Environmental Impact Statement under NEPA, the procedural steps shall be incorporated into the procedures outlined in 30 BIAM Supplement 1, NEPA Handbook.

A. Determine Whether or Not the Proposed Action Is in the Floodplain or Wetland or Whether it has the Potential of Affecting Them

Normally, the floodplain of concern is the 100-year or base floodplain. However, if the proposal is deemed to be a "critical action" (see definition), then the floodplain of concern is the 500-year or critical action floodplain. The determination of whether or not the proposed action is in the floodplain may be accomplished by inspecting floodplain maps from the Federal Insurance Administration (FIA) of the Department of Housing and Urban Development (HUD), if available. Detailed maps showing the elevations of the base floodplains and the critical action floodplains are known as "Flood Insurance Rate Maps" (FIRM). Many of the communities that have a FIRM also have a Flood Insurance Study Report (FIS) containing detailed flood information. If these are not available, the FIA may be able to provide "Flood Hazard Boundary Maps" (FHBM) which show the approximate areas of the base floodplain. If these maps are not available or if the maps do not delineate the flood hazard boundaries in the vicinity of the proposed site, assistance should be sought from the agencies listed in Appendix A.

A determination regarding wetlands should be made by inspecting the property and by applying the definition in section 1.4. However, if a determination cannot be made on the basis of the definitions and inspections, assistance should be solicited from the Fish and Wildlife Service, the Corps of Engineers, the Environmental Protection Agency, or from tribal, city, or county planning and zoning agencies.

B. Initially Notify the Public of the Intent To Locate in the Floodplain or Wetland

The objective of public involvement is to provide sufficient information early enough in the process of making decisions affecting floodplains and wetlands so that the public can have an impact on the decision outcome.

If there is a reasonable likelihood that a plan or proposed action or its alternatives will impact on a floodplain, then it should be announced to the audience of potential impact as early as that is known, and not delayed until much more detailed information is developed. Public notice must precede major site identification and analysis so the public can have an input early in the decision making process of preliminary site screening and selection. Public notice shall include formal notice to the tribal governing body.

C. Identify and Evaluate the Practicable Alternatives

Having determined that a proposed action is located in the base floodplain, the responsible official is required to identify and evaluate practicable alternatives to locating in the base floodplain. Alternatives to be evaluated include the following:

(1) *Alternative Sites.* Alternative sites for carrying out the proposed action outside the floodplain must be identified and the practicability of such sites evaluated. If a practicable site exists outside the base floodplain, the proposed action must not be located in the base floodplain. Whenever a floodplain site is the only practicable alternative, the analysis leading to this conclusion should be fully documented. In determining the practicability of a non-floodplain site, the general concepts of site feasibility apply. As a minimum, site practicability shall be addressd in the light of the following:

(a) Natural (topography, habitat, hazards, etc.)

(b) Social (aesthetics, historic and cultural values, land use patterns, etc.)

(c) Economic (cost of space, construction, services, relocation, etc.)

(d) Legal (deeds, leases, etc.)

(2) *Alternative Actions.* Alternative actions must be considered before a decision is made to carry out an action in the floodplain. These are actions that substitute for the proposed action in that they comprise new solutions or approaches which serve the same function or purpose as that proposal.

(3) *No Action.* No action is also an alternative, and assessment of this course is required. The alternative of no action probably cannot be fully evaluated until a determination has been made in step D of the harm to or within the floodplain resulting from the proposed action.

D. Determine Impacts of the Proposed Alternative on the Floodplain or Wetland Including Any Indirect Support to Other Floodplain or Wetland Development

(1) *General.* If it is determined that the only practicable alternative is to be located in the floodplain, the impacts of the proposed action must be identified. Similarly, where actions proposed to be located out of the floodplain will affect the floodplain, impacts resulting from these actions must be identified. In addition, some actions may support actions having impacts of their own and these subsequent impacts should be determined and evaluated, if possible. These actions may involve the direct support of floodplain development (for example, the construction of an office building in a floodplain which leads to other development such as parking lots, food service facilities, etc.) or the indirect support (for example, the construction of a road outside of the floodplain that may encourage development within the floodplain).

The concepts of impact assessment applicable to the National Environmental Policy Act (NEPA) and the NEPA Handbook (30 BIAM Supplement 1) are identical to those applicable to this directive. Basically, the impacts which must be addressed fall into three types:

(a) Positive and negative impacts. Example: Draining wetlands establishes an environment which is suitable for certain uses, but at the expense of the beneficial values of the wetland.

(b) Concentrated and dispersed impacts. A concentrated impact of constructing a building in a wooded area is the loss of vegetation at the site. A dispersed impact of the same action could be sedimentation downstream caused by erosion at the site.

(c) Short- and long-term impacts. Example: A short-term impact could be sedimentation at or below a construction site. A long-term impact could be the loss of valley floodwater storage resulting from the cumulative effects of floodplain management.

(2) *Areas of Impact.* The following describes the two areas of concern that are impacted by the occupancy and modification of floodplains.

(a) Lives and property. After determining that a proposed action is in the floodplain; the risk to lives and property involved in using that site must be determined. The evaluator should be especially aware of high hazard or frequently flooded areas where there is the potential for great loss. Frequently, these are the areas of floodplains within which many of the most critical floodplain values are concentrated. In many cases, man's occupancy of these areas can increase flood heights and consequently the area subject to flooding. This manual must be vigorously applied to avoid these areas.

(b) Floodplain values. Floodplains in their natural or relatively undisturbed state have water resource values (natural moderation of floods, water quality maintenance and groundwater recharge), living resource values (fish, wildlife and plant resources), cultural resource values (open space, natural beauty, scientific study, outdoor education and recreation), and cultivated resource values (agriculture, aquaculture and forestry).

E. Determine Ways To Minimize the Impacts and Restore and Preserve Floodplain or Wetland Values

"Minimize" is a demanding standard and establishes a far more rigorous standard than other terms that are often used in similar contexts, such as alleviate (to lessen), mitigate (to moderate the severity of) and ameliorate (to improve). From the standpoint of lives and property, potential harm must be reduced to the smallest possible amount. The goal is to avoid increasing the flood loss potential associated with the level of the flood prior to the proposed action. Similarly, from the standpoint of floodplain values, minimization requires that harm to such values be reduced to the smallest possible amount.

"Restore" means to reestablish a setting or environment in which the natural and beneficial floodplain values can again operate. Where floodplain values have been degraded by past actions, measures must be identified, evaluated and implemented to restore the values deminished or lost.

"Preserve" means to prevent modification of the natural floodplain environment, or to maintain it as closely as possible to its natural state. This term applies foremost to floodplains showing little or no disruption by man. If an action will result in harm to or within the floodplain, the action must be designed or modified to assure that it will be carried out in a manner which preserves as much of the natural and beneficial floodplain values as possible.

Although the preferred manner for meeting the intent of this manual is the avoidance of the floodplain, the following methods to minimize the impacts and restore and preserve floodplain or wetland values are provided:

(1) *Natural Moderation of Floods.* (a) Minimize floodplain fills and actions that require fills such as construction of dwellings, factories, highways, etc.

(b) Require that structures and facilities on wetlands provide for adequate flow circulation.

(c) Use minimum grading requirements and save as much of the site from compaction as possible.

(d) Relocate nonconforming structures and facilities out of the floodplain.

(e) Return site to natural contours.

(f) Preserve free natural drainage when designing and constructing bridges, roads, fills, and large built-up centers.

(g) Prevent intrusion on and destruction of beach and estuarine ecosystems and restore damaged dunes and vegetation.

(2) *Water Quality.* (a) Maintain wetland and floodplain vegetation buffers to reduce sedimentation and delivery of chemical pollutants to the water body.

(b) Control agricultural activities to minimize nutrient inflow.

(c) Control urban runoff, other storm water, and point and nonpoint discharges.

(d) Control methods used for grading, filling, soil removal and replacement, etc., to minimize erosion and sedimentation during construction.

(e) Prohibit the location of potential pathogenic and toxic sources on the floodplain, such as sanitary land fills and septic tanks, etc.

(3) *Groundwater Recharge.* (a) Require the use of pervious surfaces where practicable.

(b) Design construction projects for runoff detention.

(c) Dispose of spoils and waste materials so as not to contaminate ground or surface water or change land contours.

(4) *Living Resources.* (a) Identify and protect wildlife habitat and other vital ecologically sensitive areas from disruption.

(b) Require topsoil protection programs during construction.

(c) Control wetland drainage, channelizations, and water withdrawal.

(d) Reestablish damaged floodplain ecosystems.

(e) Minimize tree cutting and other vegetation removal.

(f) Design floodgates and seawalls to allow natural tidal activity and estuarine flow.

(5) *Cultural Resources.* (a) Provide public access to and along the waterfront for recreation, scientific study, educational instruction, etc.

(b) Locate and preserve from harm historical cultural resources; consult with appropriate governmental agencies or private groups. (Bureau procedures

for the protection and enhancement of cultural resources are presently being reviewed and will be published in the **Federal Register** for comment in the near future.)

(6) *Agricultural Resources.* (a) Minimize soil erosion on cropped areas within the floodplain.

(b) Control use of pesticides, herbicides, and fertilizer.

(c) Limit the size of fields, promote fence rows, shelter belts and stripcropping.

(d) Strengthen water bank and soil bank type programs to be consistent with alternate demands for the use of agricultural land.

(e) Minimize irrigation return flows and excessive applications of water.

(7) *Aquacultural Resources.* (a) Construct impoundments to minimize any alteration in natural drainage and flood flow. Existing natural impoundments such as oxbow lakes and sloughs could be utilized under proper management.

(b) Limit the use of exotic species, both plant and animal, to those organisms already common to the area or those known not to compete unfavorably with existing natural populations.

(c) Discourage mechanized operations. Machinery such as dredges, weeders, and large-scale harvesting equipment may lead to evironmental problems such as sediment loading to adjacent watercourses.

(8) *Forestry Resources.* (a) Control the practice of clear-cutting, depending upon the species harvested, togography, and location.

(b) Complement tribal laws and any applicable state laws governing other aspects of harvest operations; promixity to watercourses, limits on road building, equipment intrusions, etc.

(c) Include fire management in any overall management plans. Selective fire use may reduce the probability of major destructive fires.

(d) Require erosion control plans on all timber allotments, roads, and skidways.

F. Reevaluate the Proposed Alternatives

For proposed actions in the floodplain, the reevaluation should consider if the action is still feasible and can satisfy the following four requirements at the proposed site:

(1) Avoid direct or indirect support of floodplain development wherever there is a practicable alternative.

(2) Reduce the risk of flood loss.

(3) Minimize the impact of floods on human safety, health and welfare.

(4) Restore and preserve the natural and beneficial floodplain values.

If the action is not feasible or cannot satisfy the above four requirements, consideration should be given to limiting the action to make non-floodplain sites practicable. If neither is acceptable, the alternative is no action. If the proposed action is outside the floodplain but has impacts which cannot be minimized, consider whether the action can be modified or relocated to eliminate or reduce the identified impacts, or if the no action alternative should be chosen. The reevaluation should also compare relative adverse impacts associated with proposed actions located out of the floodplain. The comparison should emphasize floodplain values. However, a site out of the floodplain should not be chosen if the overall harm is significantly greater than that associated with the floodplain site.

G. Decision and Public Notice

If reevaluation results in the determination that there is no practicable alternative to locating in or impacting the floodplain, a statement of findings and public explanation must be provided for the proposed action. This explanation should clarify how any tradeoff analysis was conducted in arriving at the findings. Existing public notice procedures, such as NEPA procedures, may satisfy this requirement. The written statement of findings and public explanation must include the following:

(1) A description of why the proposed action must be located in the floodplain.

(2) A description of all significant facts considered in making the determination including alternative sites and actions.

(3) A statement indicating whether the actions conform to applicable tribal, State, or local floodplain protection standards.

In addition, the following items should be included in the statement of findings and public explanation.

(4) A statement indicating why the National Flood Insurance Program criteria are demonstrably inappropriate for the proposed action (Example: Marinas, piers and docks must be at the water level.)

(5) A provision for publication in the **Federal Register** and a newspaper of general circulation in the project area.

(6) A provision for a brief comment period prior to agency action (15 to 30 days).

(7) A description of how the activity will be designed or modified to minimize harm to or within the floodplain.

(8) A statement indicating how the action affects natural or beneficial floodplain values.

(9) A statement listing other involved agencies and individuals.

H. Implementation

With the conclusion of the decision making process described in steps A–G, the proposed action can be implemented. However, there is a continuing responsibility for ensuring that the action is carried out in compliance with this directive. This is especially important for projects with long-term operation, maintenance and repair programs, such as reservoirs and irrigation systems.

1.6 *Floodplain posting.*

The conspicuous delineation of past and probable flood heights is required on property which has been or could be subjected to flooding and is used by the general public. This responsibility to post warnings applies to all types of property. This requirement will be most effective in areas experiencing rapid rates of new construction. Probable flood heights refer to the 100-year flood level and, when critical actions are involved, the 500-year flood level.

1.7 *Review procedures.*

All legislation with the potential to impact on floodplain and wetlands will be reviewed by Environmental Quality Services (Code 214) to uncover new opportunities for protection and restoration within Bureau programs. In addition, all Central Office codes will conduct at least annually a review of existing rules, regulations and procedures to incorporate protection and restoration of values.

1.8 *Documentation.*

Area, Agency and Project offices will maintain records of specific actions under this directive for reporting purposes under Executive Order No. 11988.

Appendix A—Floodplain Services Available From Listed Agencies

Department of Agriculture

Soil Conservation Service

As part of the SCS's Floodplain Management Assistance Program each State Conservationist carriers out cooperative Flood Hazard Analyses upon request of local governments, in accordance with a Joint Coordination Agreement with the responsible State agency. SCS flood hazard reports contain floodplain delineations on aerial photomaps, flood profiles, and discharge and floodway data. In addition, SCS provides continuing technical assistance to local governments, after completion of a flood hazard or insurance study, to

help them implement their local floodplain management program. Each SCS State Office has additional flood elevation and related floodplain data on file from Watershed Project and Resource and Conservation Development Project investigations, River Basin Surveys and detailed soil surveys. If the State or field office address is not known contact: Chief, Floodplain Management and Special Project Branch, River Basins Division, SCS; P.O. Box 2890, Washington, D.C. 20013. Telephone 202–447–7697.

Department of the Army

Corps of Engineers

The Corps separately funded Floodplain Management Services Program has units in 47 District and Division offices located throughout the country which provide information and assistance in flood-related matters. They maintain a file of floodplain hydrographs. Each office provides interpretations as to flood depths, velocities and durations from existing data, develops new data through field and hydrologic studies and provides guidance on adjustments to minimize the adverse effects of floods and floodplain development. If the nearest District office address is not known, contact Chief, Floodplain Management Services (FMPS), U.S. Army Corps of Engineers, HQDA (DAEN–CWP–F), Washington, D.C. 20314, telephone 202–693–1691, or the nearest Division Office.

North Atlantic Division, New York, NY, 212 264–7483
South Atlantic Division, Atlanta, GA, 404 221–6702
Southwestern Division, Dallas, TX, 214 767–2310
South Pacific Division, San Francisco, CA, 415 556–5660
Lower Mississippi Valley Division, Vicksburg, MS, 601 636–1311 Ext. 385
Missouri River Division, Omaha, NB, 402–221–7270
Ohio River Division, Cincinnati, OH 513 684–3012
North Pacific Division Portland, OR, 503 221–3823
New England Division, Waltham, MA, 617 894–2400 Ext. 545
Pacific Ocean Division, APO San Francisco, CA 808 438–2883
North Central Division, Chicago, IL, 312 353–6531

Department of Commerce

NOAA-National Weather Service

Floodplain information and interpretative assistance for specific points on large rivers of the United States can be obtained from the National Weather Service. Information available consists of the flood stage for selected communities (the stage above which flood damage occurs), and historical flood information for that location. An annual publication entitled "River Forecasts Provided by the National Weather Service" lists the points for which data are compiled and includes the flood stage at each point and the current year's maximum stage as well as the maximum stage of record. This publication is for sale by the National Climatic Center of NOAA, Asheville, North Carolina 28801. The National Weather Service provides flood forecasts and warnings on larger rivers and provides flash flood warnings on smaller streams.

For information and assistance contact the following National Weather Service Regional Offices:

Eastern Region, Garden City, NY, 212 995–8639
Southern Region, Ft. Worth, TX, 817 334–2674
Central Region, Kansas City, MO, 816 374–3229
Western Region, Salt Lake City, UT, 801 524–5137
Alaskan Region, Anchorage, AK, 907 265–4716
Pacific Region, Honolulu, HI, 808 546–5680

Department of Housing and Urban Development

Federal Housing Administration

The civil engineer at the 78 local or regional offices has specific knowledge of flood elevations for many urban locations and can provide knowledge of material available to assist in making a determination of floodplain location. The location of the nearest office may be obtained from one of HUD's 10 regional offices or by contacting: Federal Housing Administration, 451 7th Street, S.W., Washington, D.C. 20410. Telephone 202 755–5111.

Federal Insurance Adminstration

Requests for insurance maps or studies should be addressed as follows:

1. *FIA Mailing List.* Copies of new or reviews FHBMs, FIRMS, and FIS reports are distributed upon publication to organizations on the FIA mailing list. In requesting to be added to the mailing lists, the agency should specify the number and distribution of maps required (for example, two copies of each map for Maine and New Hampshire communities to Boston regional office). Mailing list inquiries should be sent to: Engineering Division, Federal Insurance Administration, Room 5150 HUD Building, 451 7th Street, S.W., Washington, D.C. 20514. Telephone: 202 755–7510.

2. *Requests for a Single Map.* Request(s) for a previously published FHBM or FIRM may be made by calling FIA's toll free number 800 424–8872 from outside of the Washington, D.C. area, or 755–9096 from within the Washington, D.C. area.

3. *Flood Insurance Study Reports.* These detailed engineering reports are distributed to those on the mailing list when a FIRM is initially published. However, because there has not been a recurring demand for this information, FIA does not have a system for supplying copies to interested organizations at a later date. Copies are available at: (1) FIA's Engineering Division (address above); (2) FIA Regional Offices (see list below) and (3) Chief Executive Officer of the lcoal community within which the action is proposed to be carried out.

Region I—Boston, 617 223–2616
Region II—New York City 212 264–4734
Region III—Philadelphia, 215 597–9581
Region IV—Atlanta, 404 257–2391
Region V—Chicago, 312 353–0757
Region VI—Dallas, 214 749–7412
Region VII—Kansas City, 816 374–2161
Region VIII—Denver, 303 837–5041
Region IX—San Francisco, 415 556–3543
Region X—Seattle, 206 442–1026

Requests for floodplain management services, and a list of experienced consulting engineers may be obtained from the Director, Floodplain Management Division, Federal Insurance Administration, 415 7th Street, S.W., Washington, D.C. 20410. Telephone: 202 426–1891.

Department of the Interior

Geological Survey

User Assistance Centers at 48 locations can provide (a) factual information on flood peaks and discharges, flood depths and velocities, profiles of the water surface during major floods, areas inundated during major floods, time-of-travel of flood wave, and sediment transport data; (b) interpretive information regarding flood-frequency relations, estimates of 10, 50, 100, and 500 years flood discharges, computed water surface profiles, and flood-prone areas delineated on topographic maps, in most communities in the United States with known flood problems; and (c) assistance in minimizing flood losses by quickly identifying areas of potential flood hazards. If the User Assistance Center address is not known contact: Chief, Surface Water Branch, Water Resources Division, U.S. Geological Survey, National Center, Reston, VA 22092. Telephone: 703 860–6837

Bureau of Land Management

The Bureau of Land Management (BLM) has District Offices located in the Western States and Alaska involved in land use planning for public lands.

Floodplain protection and flood prevention is a significant element in the BLM planning system, and each District Office maintains a file of existing floodplain maps which are available for public inspection. If the location of the District Office is not known, contact: Bureau of Land Management, U.S. Department of the Interior, 18th & C Street, N.W., Washington, D.C. 20240. Telephone: 202 343–5717.

Bureau of Reclamation

The flood hydrologist at the seven regional offices has knowledge of flooding and flood elevation for related locations associated with Bureau projects and can provide interpretive assistance for exising data. For information contact one of the seven regional or nearby project offices or the Flood Hydrology Section, U.S. Bureau of Reclamation, P.O. Box 25007, Denver Federal Center, Denver, CO 80225. Telephone: 303 234–2035.

Fish and Wildlife Service

The Fish and Wildlife Service provides expertise on questions relating to fish, wildlife, and habitat resource, preservation, and maintenance. It functions through six regional, area and field offices. For information contact any of these offices, or the Fish and Wildlife Service, U.S. Department of the Interior, 18th & C Street, N.W., Washington, D.C. 20240. Telephone: 202 343–5715.

States

Many (but not all) States have active floodplain management programs. They have on file or access to most floodplain information generated by Federal and State agencies, regional organizations, special districts and private consultants. State agencies are usually staffed and funded to: (1) coordinate floodplain management activities; (2) develop minimum standards for floodplain regulations; (3) assist local units of government (counties, cities, etc.) in developing floodplain management programs; and (4) interpret available floodplain information. For most States, the appropriate contact is the Department of Natural Resources or the Water Resources Division. At the substate level, regional agencies such as conservancy districts and multi-county planning agencies may be a source of floodplain data and interpretation.

Tribal Agencies

Tribal agencies, especially planning agencies, may have acquired information on floodplains and wetlands in connection with assistance provided by other Federal agencies. These are matters which are within the scope of tribal governmental authority, and tribes are encouraged to take appropriate action regarding floodplain management and wetlands protection.

[FR Doc. 79-30303 Filed 9-28-79; 8:45 am]

BILLING CODE 4310-02-M

Bureau of Land Management

Alabama; Announcement of Federal Regional Coal Team Briefing

AGENCY: Department of the Interior, Bureau of Land Management.

ACTION: Announcement of Southern Applachian Federal Regional Coal Team Briefing.

DATE 8:00 a.m. October 16, 1979.

ADDRESS: Briefing will be held in the Stafford Inn, 2209 Ninth Street, Tuscaloosa, Albama.

FOR FURTHER INFORMATION CONTACT: Robert H. Moore, Regional Coal Team Chairman (202) 343–4636.

SUMMARY: The Bureau of Land Management is announcing a briefing of the Southern Appalachian Federal Regional Coal Team to conduct business pursuant to Departmental rules 43 CFR 3400.4, 44 FR 42612, July 19, 1979.

Arnold E. Petty,

Acting Associate Director, Bureau of Land Management.

September 25, 1979.

[FR Doc. 79-30327 Filed 9-28-79; 8:45 am]

BILLING CODE 4310-84-M

Office of the Secretary

[INT FEIS 79-47]

Proposed Grazing Management for the Vermillion Resource Area, Arizona Strip District, Arizona; Notice of Availability of Final Environmental Impact 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 impact statement concerning a proposed intensive grazing management program for the Vermillion Resource Area in northern Mohave and Coconino Counties, Arizona. The proposal involves the analysis of 55 allotment plans and eleven less intensive management plans on a 1,580,504 acre area which is 89 percent Federal land.

Comments on the draft environmental impact statement were solicited from public agencies and interested individuals and entities. The comments were incorporated in the final environmental impact statement.

A limited number of copies of the final environmental impact statement are available upon request at the following offices:

Arizona State Office (911), Bureau of Land Management, 2400 Valley Bank Center, Phoenix, Arizona 85073, Telephone (602) 261–4127.

Arizona Strip District Office, Bureau of Land Management, 196 E. Tabernacle, St. George, Utah 84770, Telephone (801) 673–3545.

Copies of the final environmental impact statement will be available for public reading and review at the following locations:

Office of Information, Bureau of Land Management, Interior Building, 18th and C Streets, NW., Washington, D.C. 20240, Telephone (202) 343–5717.

Arizona State Office (911), Bureau of Land Management, 2400 Valley Bank Center, Phoenix, Arizona 85073, Telephone (602) 261–4127.

Arizona Strip District, Bureau of Land Management, 196 E. Tabernacle, St. George, Utah 84770, Telephone (801) 673–3545.

Dated: September 17, 1979.

James W. Curlin,

Deputy Assistant Secretary of the Interior.

[FR Doc. 79-30336 Filed 9-28-79; 8:45 am]

BILLING CODE 4110-84-M

DEPARTMENT OF LABOR

Office of Surface Mining

Advisory Committee on Mining and Mineral Resources; Change of Meeting Location

The location of the meeting of the Advisory Committee on Mining and Mineral Resources Research which will meet on October 10, 1979, from 9:00 a.m. to 5:00 p.m., in Room 1042, Columbia Plaza, 2401 E Street, N.W., Washington, D.C., has been changed to Conference Room 5160, Department of the Interior, 18th and 19th between C and E Streets, N.W., Washington, D.C. 20240. The meeting had been announced in the **Federal Register**, Vol. 44, No. 185, Page 54785, dated September 21, 1979.

Walter N. Heine,

Director.

[FR Doc. 79-30380 Filed 9-28-79; 8:45 am]

BILLING CODE 4310-05-M

Library of Congress American Folklife Center Board of Trustees; Meeting

In accordance with Pub. L. 92–463, the Board of Trustees of the American Folklife Center announces its meeting to be held on October 23–24, 1979 at 1:30 p.m., in the Green Room, Schoenberg Hall, University of California at Los

Angeles. The meeting will be open to the public up to the seating capacity of the room. It is suggested that persons planning to attend this meeting as observers contact Eleanor Sreb, American Folklife Center (202)287–6590.

The American Folklife Center was created by the U.S. Congress with passage of Pub. L. 94–201, the American Folklife Preservation Act, in 1976. The Center is directed to "preserve and present American folklife" through programs of research, documentation, archival preservation, live presentation, exhibition, publication, dissemination, training, and other activities involving the many folk cultural traditions of the United States. The Center is under the general guidance of a Board of Trustees composed of members from Federal agencies and private life widely recognized for their interest in American folk traditions and arts.

The Center is structured with a small core group of versatile professional who both carry out programs themselves and oversee projects done on contract by others. In the brief period of the Center's operation it has begun energetically to carry out its mandate with programs that provide coordination, assistance, and model projects for the field of American folklife.

Raymond L. Dockstader,

Deputy Director, American Folklife Center.

[FR Doc. 79-30337 Filed 9-28-79; 8:45 am]

BILLING CODE 1410-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Humanities Panel; Meeting

September 26, 1979.

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–463, as amended), notice is hereby given that a meeting of the Humanities Panel will be held at 806 15th Street, NW., Washington, D.C. 20506, in room 1134 from 9 a.m. to 5:30 p.m. on October 16, 1979.

The purpose of the meeting is to review applications to the Research Materials Program for translations projects in Indic languages beginning April 1, 1980.

Because the proposed meeting will consider financial information and discuss information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552b(c) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. Stephen J. McCleary, 806 15th Street NW., Washington, D.C. 20506 or call area code 202–724–0367.

Stephen J. McCleary,

Advisory Committee Management Officer.

[FR Doc. 79-30367 Filed 9-28-79; 8:45 am]

BILLING CODE 7536-01-M

Humanities Panel; Meeting

September 26, 1979.

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–463, as amended), notice is hereby given that a meeting of the Humanities Panel will be held at 806 15th Street, N.W., Washington, D.C. 20506, in room 1134 from 9 a.m. to 5:30 p.m. on October 19, 1979.

The purpose of the meeting is to review applications to the Research Materials Program for translations projects in Near Eastern languages beginning 1 April 1980.

Because the proposed meeting will consider financial information and discuss information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552b(c) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. Stephen J. McCleary, 806 15th Street, N.W., Washington, D.C. 20506 or call area code 202–724–0367.

Stephen J. McCleary,

Advisory Committee Management Officer.

[FR Doc. 79-30366 Filed 9-28-79; 8:45 am]

BILLING CODE 7536-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Procedures for Meetings

Background

Procedures to be followed with respect to meetings conducted by the Nuclear Regulatory Commission's Advisory Committee on Reactor Safeguards, which were published October 4, 1978 (43 FR 45926), are renewed by this notice. These procedures are set forth in order that they may be incorporated by reference in future individual meeting notices.

The Advisory Committee on Reactor Safeguards (ACRS) is an independent group established by Congress to review and report on each application for a construction permit and on each application for an operating license for a reactor facility and on certain other nuclear safety matters. The Committee's reports become a part of the public record. Although ACRS meetings are ordinarily open to the public and provide for oral or written statements from members of the public to be considered as a part of the Committee's information gathering procedure, they are not adjudicatory hearings such as are conducted by the Nuclear Regulatory Commission's Atomic Safey and Licensing Board as part of the Commission's licensing process. ACRS reviews do not normally encompass matters pertaining to environmental impacts other than those pertaining to radiological safety. ACRS full Committee, Subcommittee, and Working Group meetings are conducted in accordance with sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.).

General Rules Regarding ACRS Meetings

An agenda is published in the **Federal Register** for each meeting. Practical considerations may dictate some alterations in the agenda. The Chairman of the Committee, Subcommittee or Working Group which is meeting is empowered to conduct the meeting in a manner that, in his judgment, will facilitate the orderly conduct of business, including provisions to carry over an incomplete session from one day to the next.

With respect to public participation in ACRS meetings, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by providing a readily reproducible copy at the beginning of the meeting. When meetings are held at

locations other than Washington, D.C., reproduction facilities are usually not available. Accordingly, 15 additional copies should be provided for use at such meetings. Comments should be limited to safety related areas within the Committee's purview.

Persons desiring to mail written comments may do so by sending a readily reproducible copy addressed to the Designated Federal Employee specified in the **Federal Register** notice for the individual meeting in care of the ACRS, NRC, Washington, D.C 20555. Comments postmarked no later than one calendar week prior to a meeting will normally be received in time for reproduction, distribution and consideration at the meeting.

(b) Persons desiring to make an oral statement at the meeting should make a request to do so prior to the beginning of the meeting, identifying the topics and desired presentation time so that appropriate arrangements can be made. The Committee, Subcommittee or Working Group will receive oral statements on topics relevant to its purview at an appropriate time chosen by the Chairman.

(c) Further information regarding topics to be discussed, whether a meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call, on the working day prior to the meeting, to the Office of the Executive Director of the Committee (telephone 202–634–3265, ATTN: the Designated Federal Employee specified in the **Federal Register** Notice for the meeting) between 8:15 a.m. and 5:00 p.m., Washington, D.C. time.

(d) Questions may be asked only by ACRS Members, Consultants and Staff.

(e) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will be allowed while the meeting is in session at the discretion of the Chairman to a degree that is not disruptive to the meeting. When use of such equipment is permitted, appropriate measures will be taken to protect proprietary or privileged information which may be in documents, folders, etc., being used during the meeting. Recordings will be permitted only during those sessions of the meeting when a trancript is being kept.

(f) A copy of the transcript of the open portions of the meeting where factual information is presented will be available at the NRC Public Document Room, 1717 H Street, N.W., Washington, D.C. 20555, for inspection within one week following the meeting. A copy of the minutes of the meeting will be available at the same location on or before three months following the meeting. Copies may be obtained upon payment of appropriate charges.

Copies of the above-mentioned minutes and transcript will also be placed in the NRC Local Public Document Room, when appropriate, on the same time schedule. The location of the Public Document Room will be indicated in these cases in the individual **Federal Register** notice for the meeting.

Special Provisions When Proprietary Sessions Are To Be Held

If it is necessary to hold closed sessions for the purpose of discussing matters involving proprietary information, persons with agreements permitting access to such information may attend those portions of ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and relate to the material being discussed.

The Executive Director of the ACRS should be informed of such an agreement at least three working days prior to the meeting so that it can be confirmed and a determination made regarding the applicability of the agreement to the material that will be discussed during the meeting. The minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to the Designated Federal Employee prior to the beginning of the meeting.

Dated: September 25, 1979.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 79-30352 Filed 9-28-79; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Radiobiological Effects and Site Evaluation; Meeting

The ACRS Subcommittee on Radiobiological Effects and Site Evaluation will hold an open meeting on October 16–17, 1979 in Room 1046, 1717 H St., N.W., Washington, DC 20555 to discuss those portions of the ACRS Annual Report to Congress on the NRC Reactor Safety Research Program that relate to research dealing with radiobiological effects and siting considerations. The Subcommittee will also discuss policy and proposed changes for nuclear facility siting. Notice of this meeting was published September 20 (44 FR 54559).

In accordance with the procedures outlined in the **Federal Register** on October 4, 1978 (43 FR 45926), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The agenda for subject meeting shall be as follows: *Tuesday and Wednesday, October 16 and 17, 1979, 8:30 a.m. until conclusion of business each day.*

The Subcommittee may meet in Executive Session, with any of its consultants who may be present, to explore and exchange their preliminary opinions regarding matters which should be considered during the meeting and to formulate a report and recommendations to the full Committee.

At the conclusion of the Executive Session, the Subcommittee will hear presentations by and hold discussions pertinent to this review with representatives of the NRC Staff and their consultants.

The subcommittee may then caucus to determine whether the matters identified in the initial session have been adequately covered and whether the subject matter is ready for review by the full Committee.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefore can be obtained by a prepaid telephone call to the Designated Federal Employee for this meeting, Mr. Ragnwald Muller, (telephone 202–634–1413) between 8:15 a.m. and 5:00 p.m., EDT.

Dated: September 25, 1979.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 79-30353 Filed 9-28-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-368]

Arkansas Power & Light Co.; Granting of Relief From ASME Section XI Inservice Testing Requirements

The U.S. Nuclear Regulatory Commission (the Commission) has granted relief from certain requirements of the ASME Code, Section XI, "Rules for Inservice Inspection of Nuclear Power Plant Components" to the Arkansas Power and Light Company (the licensee). The relief relates to the inservice testing program for the Arkansas Nuclear One, Unit No. 2, located in Pope County, Arkansas. The ASME code requirements are incorporated by reference into the Commission's regulations in 10 CFR Part 50. The relief is effective as of its date of issuance.

The relief is granted, on an interim basis, pending completion of our detailed review, from those inservice testing requirements of the ASME Code that the licensee has determined to be impractical within the limitations of design, geometry, and materials of construction of components, because compliance would result in hardships and unusual difficulties without a compensating increase in the level of quality or safety.

The request for relief complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations. The Commission has made appropriate findings as required by the Act and the Commission's regulations in 10 CFR Chapter I, which are set forth in the letter granting relief. Prior public notice of this action was not required since the granting of this relief from ASME Code requirements does not involve a significant hazards consideration.

The Commission has determined that the granting of this relief 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 this action.

For further details with respect to this action, see (1) the licensee's requests for relief contained in the submittal to the Commission dated June 15, 1978, and (2) the Commission's letter to the licensee dated September 21, 1979.

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 Arkansas Polytechnic College, Russellville, Arkansas 72801. A copy of item (2) 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 21st day of September 1979.

For the Nuclear Regulatory Commission.

Robert W. Reid,

Chief, Operating Reactors Branch No. 4, Division of Operating Reactors.

[FR Doc. 79-30335 Filed 9-28-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-261]

Carolina Power & Light Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 42 to Facility Operating License No. DPR-23, issued to Carolina Power and Light Company, which revised Technical Specifications for operation of the H. B. Robinson Unit No. 2 (the facility) located in Darlington County, South Carolina. The amendment is effective as of its date of issuance.

The amendment consists of additions to the Technical Specifications which incorporate the proposed low temperature overpressure protection system into the limiting Conditions for Operations and Surveillance Requirements.

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 amendment.

For further details with respect to this action, see (1) the applciation for amendment dated December 22, 1977, (2) Amendment No. 42 to License No. DPR-23, 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 Hartsville Memorial Library, Home and Fifth Avenues, Hartsville, South Carolina 29550. 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.

A. Schwencer,

Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc. 79-30356 Filed 9-28-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-295 and 50-304]

Commonwealth Edison Co.; Issuance of Amendment to Facility Operating License and Negative Declaration

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 51 to Facility Operating License No. DPR-39, and Amendment No. 48 to Facility Operating License No. DPR-48 issued to the Commonwealth Edison Company (the licensee), which revised Technical Specifications for operation of Zion Station, Units 1 and 2 (the facilities) located in Zion, Illinois. The amendments are effective as of the date of issuance.

The amendments revise the Environmental Technical Specifications (ETS) contained in Appendix B to the licenses to delete the 8° F per hour rate of temperature change under normal startup and shutdown and its associated monitoring. This action is consistent with the U.S. Enviromental Protection Agency's 316(a) determination and subsequent removal of all temperature limits from the NPDES permit for Zion Station. In addition, these amendments delete Table B.4 "Estimated Chemical Usage" and usage requirements and adds a requirement for submittal of a chemical release for the station with the annual report.

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 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 prepared an Environmental Impact Appraisal for the revised Technical Specifications and

has concluded that an environmental impact statement for this particular action is not warranted because there will be no significant environmental impact attributable to the action.

For further details with respect to this action, see (1) the applications for amendments dated September 26, 1977 (as revised August 13, 1979) and October 13, 1978, (2) Amendment Nos. 51 and 48 to License Nos. DPR-38 and DPT-49, and (3) the Commission's related Environmental Impact Appraisal. All of these items available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Zion-Benton Public Library District, 2600 Emmaus Avenue, Zion, Illinois 60099. 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 17th day of September, 1979.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Operating Reactors Branch Number 1, Division of Operating Reactors.

FR Doc. 79-30357 Filed 9-28-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-245]

Connecticut Light & Power Co.; Issuance of Amendment to Provisional Operating License and Granting of Relief From ASME Section XI Inservice Inspection (Testing) Requirements

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 64 to Provisional Operating License No. DPR-21, issued to Northeast Nuclear Energy Company, The Hartford Electric Light Company, Western Massachusetts Electric Company, and Connecticut Light and Power Company (the Licensees), which revised Technical Specifications for operation of the Millstone Nuclear Power Station, Unit No. 1 (the facility) located in Waterford, Connecticut. The amendment is effective as of its date of issuance.

The amendment revises the Technical Specifications to replace the current inservice inspection and testing Technical Specifications with an inservice inspection and testing program that meets the requirements of 10 CFR 50.55a.

By letter dated September 19, 1979, as supported by the related safety evaluation, the Commission has also granted relief from certain requirements of the ASME Code, Section XI, "Rules for Inservice Inspection of Nuclear Power Plant Components" to the licensee. The relief relates to the inservice inspection (testing) program for the facility. The ASME Code requirements are incorporated by reference into the Commission's rules and regulations in 10 CFR Part 50. The relief is effective as of its date of issuance.

The application for the amendment and request for relief comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment, and letter and safety evaluation granting relief. Prior public notice of the amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment and the granting of the relief 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 actions.

For further details with respect to these actions, see (1) the application transmitted by letter dated May 27, 1977, and the information submitted by letter dated February 28, 1979, (2) Amendment No. 64 to License No. DPR-21, (3) the Commissions's related Safety Evaluation, and (4) the Commission's letter to the licensee dated September 19, 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 Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut 06385. A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Maryland, this 19th day of September, 1979.

For the Nuclear Regulatory Commission.

Dennis L. Ziemann,

Chief, Operating Reactors Branch No. 2, Division of Operating Reactors.

FR Doc. 79-30358 Filed 9-28-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-3 and 50-247]

Consolidated Edison Co. of New York, Inc.; Issuance of Amendment to Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 27 to Provisional Operating License No. DPR-5, and Amendment No. 59 to Facility Operating License No. DPR-26 issued to the Consolidated Edison Company of New York (the licensee), which revised Technical Specifications for operation of the Indian Point Station Unit No. 1 and Indian Point Nuclear Generating Unit No. 2 (the facilities) located in Buchanan, Westchester County, New York. The amendments are effective as of the date of issuance.

The amendments revise the Technical Specifications concerning the operating organization for Unit Nos. 1 and 2, the reporting requirements for Unit No. 1, the qualifications of the Chemistry and Radiation Safety Director for Unit Nos. 1 and 2, and number of fire detectors for Unit No. 2.

The application for the amendments 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 amendments. Prior public notice of the 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 application for amendments dated February 26, 1979, (2) Amendment Nos. 27 and 59 to License Nos. DPR-5 and DPR-26, respectively, 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 White Plains Public Library, 100 Martine Avenue, White Plains, New York. 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 18th day of September, 1979.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Operating Reactors Branch No. 1, Division of Operating Reactors.

[FR Doc. 79-30359 Filed 9-28-79; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-338]

Virginia Electric & Power Co.; Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 15 to Facility Operating license No. NPF-4, issued to Virginia Electric and Power Company, which amends the one time basis extension granted as License Condition 2.D.(3)p in Amendment No. 13, for the surveillance frequency response time testing of systems, safety injection and containment depressurization actuation testing as specified in the Technical Specification to Appendix A of the North Anna Power Station, Unit No. 1 (the facility). The effect of this amendment is to permit continued facility operations for an additional twenty (20) days, to October 5, 1979, the date by which the facility must know be shutdown to perform these tests. October 5 is also the date by which the facility will begin its first refueling outage.

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 regulations. The Commission has made appropriate findings as required by the Act and the Commisison's 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 amendment does not authorize a change in effluent types or total amounts nor an increase in power level and will not result in any significant environmental impact. Having made this determination, it has further been concluded that the amendment involves an action which is insignificant from the standpoint of environmental impact and, pursuant to 10 CFR Section 51.5(d)(4), that an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) Virginia Electric and Power Company letter, dated September 11, 1979, (2) Amendment No. 15 to License No. NPF-4, 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. 20555 and at the Board of Supervisor's Office, Louisa County Courthouse, Louisa, Virginia, 23093 and at the Alderman Library, Manuscripts Department, University of Virginia, Charlottesville, Virginia 22901. 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.

For the Nuclear Regulatory Commission.

A. Schwencer,

Chief, Operating Reactors, Branch No. 1, Division of Operating Reactors.

FR Doc. 79-30360 Filed 9-28-79; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

Background

September 26, 1979.

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Federal Reports Act (44 USC, Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions, or reinstatements. Each entry contains the following information:

The name and telephone number of the agency clearance officer;

The office of the agency issuing this form:

The title of the form;

The agency form number, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

An estimate of the number of forms that will be filled out;

An estimate of the total number of hours needed to fill out the form; and

The name and telephone number of the person or office responsible for OMB review.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. In addition, most repetitive reporting requirements or forms that require one half hour or less to complete and a total of 20,000 hours or less annually will be approved ten business days after this notice is published unless specific issues are raised; such forms are identified in the list by an asterisk(*).

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Stanley E. Morris, Deputy Associate Director for Regulatory Policy and Reports Management, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503.

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—447-6201

New Forms

Agricultural Marketing Service
Food Facility Survey
MRD-1, MRD-2
Single time
Food wholesalers, distributors, & processors, 250 responses; 150 hours
Charles A. Ellett, 395-5080

Revisions

Food and Nutrition Service
*Regs: School Breakfast Program on occasion

State agencies & school food authorities, 9,956 responses; 2,531 hours
Charles A. Ellett, 395–5080

DEPARTMENT OF ENERGY

Agency Clearance Officer—John Gross—252–5214

New Forms

Pennsylvania Anthracite Distribution Survey
EIA–196B
Annually
Anthracite prep plant operators & wholesalers, 140 responses; 210 hours
Jefferson B. Hill, 395–5867

Pennsylvania Anthracite Production Survey
EIA–196A
Annually
Anthracite mine and/or prep plant operators, 650 responses; 975 hours
Jefferson B. Hill, 395–5867

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Agency Clearance Officer—Peter Gness—245–7488

New Forms

Food and Drug Administration
Dental Text Book Use
Single time
Dental schools, 59 responses; 10 hours
Richard Eisinger, 395–3214

Health Resources Administration
National Reporting System for Family Planning Services Study
Single time
Family Planning Service Sites, 800 responses; 544 hours
Off. of Federal Statistical Policy & Standard, 673–7974

Health Resources Administration
1979 Resurvey of primary care physicians
Single time
Receptionists of primary care physicians, 8,500 responses; 1,275 hours
Richard Eisinger, 395–3214

Health Resources Administration
Nursing Talent Search Survey
Single time
Nurses, 1,200 reponses; 209 hours
Richard Eisinger, 395–3214

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Agency Clearance Officer—Robert G. Masarsky—755–5184

New Forms

Community Planning and Development
Urban Development Action Grant (UDAG) Program
Quarterly progress report
Quarterly
Severely distressed cities & urban counties, 4,000 reponses; 16,000 hours
Arnold Strasser, 395–5080

Community Planning and Development
Application for Urban Development Action Grants
Quarterly
Units of general local govts. eligible for UDAG grants, 950 responses; 38,000 hours
Arnold Strasser, 395–5080

DEPARTMENT OF LABOR

Agency Clearance Officer—Philip M. Oliver—523–6341

Revisions

Employment and Training Administration
*Employer Services Activity Report
ETA 520 (formerly MA 5–20)
Monthly
State employment security agencies, 624 responses; 169 hours
Arnold Strasser, 395–5080

Stanley E. Morris,

Deputy Associate Director for Regulatory Policy and Reports Management.

FR Doc. 79–30364 Filed 9–28–79; 8:45 am]

BILLING CODE 3110–01–M

PRESIDENTIAL COMMISSION ON WORLD HUNGER

Meeting to Discuss Draft Portions of Commission's Report

The ninth meeting of the Presidential Commission on World Hunger will be held on Monday, October 15, 1979. The location of the meeting has not yet been determined. The meeting will begin at 9:30 a.m. and conclude at approximately 4:30 p.m.

The agenda for the meeting will include discussion of draft portions of the Commission's Report.

The meeting will be open to observation by the public to the extent space is available. Reservations are required and requests should be addressed to Presidential Commission on World Hunger, 734 Jackson Place, N.W. Washington, D.C. 20006. Reservations will be honored on the basis of the earliest postmarks of requests.

Donald B. Harper,

Administrative Officer, Presidential Commission on World Hunger.

[FR Doc. 79–30384 Filed 9–28–79; 8:45 am]

BILLING CODE 6820–97–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 16217; SR–CBOE–79–8]

Chicago Board Options Exchange, Inc.; Order Approving Proposed Rule Change

September 21, 1979.

On August 6, 1979, the Chicago Board Options Exchange, Incorporated, LaSalle at Jackson, Chicago, Illinois 60604, filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78 (s)(b)(1) (the "Act") and Rule 19b–4 thereunder, copies of a proposed rule change which defines combination orders and accords to combination orders the same limited exception to book priority which is presently accorded to spread and straddle orders.[1]

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 34–16114, August 16, 1979) and by publication in the **Federal Register** (44 FR 49538, August 23, 1979). All written statements with respect to the proposed rule change which were filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person were considered and (with the exception of those statements or communications which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552) were made available to the public at the Commission's Public Reference Room.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of Section 6, and the rules and regulations thereunder.

It is therefore ordered, Pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rules change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79–30288 Filed 9–28–79; 8:45 am]

BILLING CODE 8010–01–M

[1] The CBOE staff has informed the Commission staff that the CBOE will require executing members to identify combination orders by checking the box on the floor order ticket labelled "straddle". In addition, the order ticket will designate the put and call series which are the subject of the combination order.

[Release No. 16202; SR-CBOE-79-7]

Chicago Board Options Exchange, Inc.; Order Approving Proposed Rule Change

September 21, 1979.

On August 6, 1979, the Chicago Board Options Exchange, Incorporated, LaSalle at Jackson, Chicago, Illinois 60604, filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(s)(b)(1) (the "Act") and Rule 19b–4 thereunder, copies of a proposed rule change which broadens the permissible uses of hand signals to an executing floor broker so that hand signals may be used to initiate an order or to increase its size.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 34–16115, August 16, 1979) and by publication in the **Federal Register** (44 FR 49539, August 23, 1979). All written statements with respect to the proposed rule change which were filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person were considered and (with the exception of those statements or communications which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552), were made available to the public at the Commission's Public Reference Room.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges and in particular, the requirements of Section 6, and the rules and regulations thereunder.

It is therefore ordered, Pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-30287 Filed 9-28-79; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 16208; File No. 600-18]

Fixed Income Clearing Corp., Inc.; Filing of an Application for Registration of a Clearing Agency

September 18, 1979.

The Fixed Income Clearing Corporation, Inc. has filed an application to become a registered clearing agency under Sections 17A and 19(a) of the Securities Exchange Act of 1934 (the "Act") and pursuant to subparagraph (c)(1) of Rule 17Ab2–1 under the Act (17 CFR 240.17Ab2–1(c)(1)). The Fixed Income Clearing Corporation intends to engage in the business of holding, receiving and delivering fixed income securities.

On or before December 31, 1979, or within such longer period as to which the applicant consents, the Commission will, in accordance with Section 19(a) of the Act:

(A) By order grant such registration, or

(B) Institute proceedings to determine whether registration should be denied.

Pursuant to subparagraph (c)(1) of Rule 17Ab2–1 under the Act, if requested by an applicant, the Commission may grant the applicant registration as a clearing agency in accordance with Sections 17A(b) and 19(a)(1) of the Act, but exempt the applicant from one or more of the requirements as to which the Commission is directed to make a determination pursuant to subparagraphs (A)–(I) of Section 17A(b)(3) of the Act. Registration pursuant to subparagraph (c)(1) of Rule 17Ab2–1 shall not be effective for more than eighteen (18) months from the date on which the registration is made effective by the Commission.

Subparagraph (c)(2) of Rule 17Ab2–1 requires that, in the case of any clearing agency registered in accordance with subparagraph (c)(1) of rule 17Ab2–1, the Commission, not later than nine months from the date such registration is made effective, will either grant registration without exempting the registrant from one or more of the requirements as to which the Commission is directed to make a determination pursuant to subparagraphs (A)–(I) of Section 17A(b)(3) of the Act or will institute proceedings to determine whether registration should be denied at the expiration of 18 months.

Interested persons are invited to submit written data, views and arguments concerning the foregoing application within six weeks from the date of publication of this notice in the **Federal Register.** Such written data, views and arguments will be considered by the Commission in granting registration or instituting proceedings to determine whether registration should be denied in accordance with Section 19(a) of the Act and subparagraph (c)(2) of Rule 17Ab2–1. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File Number 600–18.

Copies of the application and of all written comments will be avilable for inspection at the Securities and Exchange Commission's Public Reference Room, 1100 L Street NW., Washington, D.C. 20006.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-30284 Filed 9-28-79; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 10873; 812-4338]

Federated Fiduciary Trust; Filing of Application for Order Exempting Applicant

September 21, 1979.

Notice is hereby given that Federated Fiduciary Trust ("Applicant"), registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on July 28, 1978, and amendments thereto on August 7, 1979, and September 4, 1979, requesting an order of the Commission, pursuant to Section 6(c) of the Act, exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder, to the extent necessary to permit Applicant's assets to be valued at amortized cost. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it is a "money market" fund organized as a Massachusetts Business Trust, and that Fiduciary Research Corp., a wholly-owned subsidiary of Federated Investors, Inc., serves as its investment adviser. Applicant further states that it is designed as an investment vehicle for temporary cash reserves and that its shares are currently offered only to institutional investors, although Applicant reserves the right to offer its shares to individual investors in the future. According to the application, Applicant's investment objective is to provide stability of principal and current income consistent with stability of principal. Applicant states that it invests in a variety of money market instruments.

As here pertinent Section 2(a)(41) of the Act defines value to mean: (1) With respect to securities for which market quotations are readily available, the

market value of such securities, and (2) with respect to other securities and assets, fair value as determined in good faith by the board of directors. Rule 22c–1 adopted under the Act provides, in part, that no registered investment company or principal underwriter therefor issuing any redeemable security shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or to sell such security. Rule 2a–4 adopted under the Act provides, as here relevant, that the "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the purposes of distribution and redemption shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a–4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and that other securities and assets shall be valued at fair value as determined in good faith by the board of directors of the registered company. Prior to the filing of the application, the Commission expressed its view that, among other things: (1) Rule 2a–4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and (2) it would be inconsistent, generally, with the provisions of Rule 2a–4 for a "money market" fund to value its portfolio instruments on an amoritzed cost basis (Investment Company Act Release No. 9786, May 31, 1977).

Applicant states that its experience indicates that two features are necessary in a "money market" fund: (1) Certainty of stability of principal and (2) steady flow of predictable and competitive investment income. Applicant asserts that by maintaining a portfolio of high quality, short-term money market instruments valued at amortized cost it can provide these features. Applicant represents that its trustees have properly determined in good faith under the provisions of the Act to value the portfolio of Applicant by use of the amortized cost method and that this method is in the best interests of the shareholders of Applicant. Applicant further represents that: (1) Its trustees have determined in good faith, in light of the characteristics of Applicant, that the amortized cost method of valuation of portfolio instruments is appropriate and preferable to the use of a market based valuation method, and (2) its trustees have further determined to continuously monitor valuations indicated by methods other than amortized cost so that any necessary changes in the valuation method may be made to assure that the valuation method being used is a fair approximation of fair value in view of all pertinent factors. Accordingly, Applicant requests exemptions from Section 2(a)(41) of the Act, and Rules 2a–4 and 22c–1 thereunder, to the extent necessary to permit its assets to be valued as set forth in the application, and as described above, whether or not market quotations are available.

Section 6(c) of the Act provides, in part, that upon application the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities or transactions, from any provision or provisions of the Act or of the rules thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicant submits that the exemptions it requests satisfy these standards in view of its management policies and the conditions hereinafter set forth.

Applicant consents to the imposition of the following conditions in an order granting the relief it requests:

1. In supervising Applicant's operations and delegating special responsibilites involving portfolio management to Applicant's investment adviser, the trustees undertake—as a particular responsibility within the overall duty of care owed to shareholders—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objectives, to stabilize Applicant's new asset value per share, as computed for the purpose of distribution, redemption and repurchase, at $1.00 per share.

2. Included within the procedures to be adopted by the trustees shall be the following:

(a) Review by the trustees, as they deem appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from Applicant's $1.00 amortized cost price per share, and the maintenance of records of such review.[1]

(b) In the event such deviation from Applicant's $1.00 amortized cost price per share exceeds ½ of 1 percent, a requirement that the trustees will promptly consider what action, if any, should be initiated by the trustees.

(c) Where the trustees believe the extent of any deviation from Applicant's $1.00 amortized cost price per share may result in a material dilution or other unfair results to investors or existing shareholders, they shall take such action as they deem appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which may include: redemption of shares in kind; selling portfolio instruments prior to maturity to realize capital gains or losses, or to shorten the average maturity of portfolio instruments of Applicant; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share; provided, however, that Applicant will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity which exceeds 120 days.[2]

4. Applicant will record, maintain, and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in paragraph 1. above, and Applicant will record, maintain and preserve for a period or not less than six years (the first two years in an easily accessible place) a written record of the trustees' considerations and actions taken in connection with the discharge of their responsibilities, as set forth above, to be included in the minutes of the trustees' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the

[1] To fulfill this condition, Applicant intends to use actual quotations or estimates of market value reflecting current market conditions chosen by the trustees in the exercise of their discretion to be appropriate indicators of value which may include, *inter alia*, (1) quotations or estimates of market value for individual portfolio instruments, or (2) values obtained from yield data relating to classes of money market instruments published by reputable sources.

[2] In fulfilling this condition, if the disposition of a portfolio security results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest it available cash in such a manner as to reduce the dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

Act, as if such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit its portfolio investments, including repurchase agreements, to those United States dollar denominate instruments which the trustees determine present minimal credit risks, and which are of "high quality" as determined by any major rating service or, in the case of any instrument that is not so rated, of comparable quality as determined by the trustees.

6. Applicant will include in each quarterly report, as an attachment to Form N–1Q, a statement as to whether any action pusuant to paragraph 2(c) above was taken during the preceding fiscal quarter and, if any such action was taken, will describe the nature and circumstances of such action.

Notice is further given that any interested person may, not later than October 11, 1979, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-30285 Filed 9-28-79; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 21221; 70-6354]

Jersey Central Power & Light Co.; Proposed Issuance and Sale of First Mortgage Bonds by Subsidiary; Request for Exemption From Competitive Bidding

September 21, 1979.

Notice is hereby given that Jersey Central Power & Light Company ("Jersey Central"), Madison Avenue at Punch Bowl Road, Morristown, New Jersey 07960, an electric utility subsidiary of General Public Utilities Corporation ("GPU"), a registered holding company, has filed with this Commission an application and amendments thereto pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Section 6(b) of the Act and Rules 45 and 50(a)(5) promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Jersey Central proposes to issue and sell up to $47,500,000 aggregate principal amount first mortgage bonds ("Bonds"), to be issued under its indenture dated as of March 1, 1946, as heretofore supplemented and amended and as to be further supplemented and amended by a supplemental indenture. The Bonds will contain a provision prohibiting their call for a period not exceeding 10 years from their date of issue. Other terms of the Bonds will be supplied by amendment.

The net proceeds from the sale of the Bonds will be applied to the anticipated payment at or before maturity of $25,000,000 principal amount of 12-⅜% First Mortgage Bonds, due November 1, 1979 and to pay at or before maturity up to $22,500,000 of short-term loans outstanding at the date of sale. At August 27, 1979, Jersey Central had short-term bank loans outstanding of approximately $69,000,000.

Jersey Central requests an exemption from the competitive bidding requirements of Rule 50 pursuant to Rule 50(a)(5). It refers to the March 28, 1979, nuclear accident at Unit No. 2 of the Three Mile Island nuclear generating station ("TMI–2"), in which unit Jersey Central owns an undivided 25% interest, the remainder being owned by Pennsylvania Electric Company (25%) and Metropolitan Edison Company (50%), associate companies of Jersey Central. Expenditures related to TMI–2 and the purchase of replacement energy will subject to the GPU system, including Jersey Central, to a serious cash drain for an indeterminable period. In view of these uncertain and exceptional conditions, Jersey Central believes that competitive bidding for the Bonds is not now feasible.

Jersey Central believes it may be possible to effect a sale of the Bonds through private placement. Jersey Central proposes to explore with a group of prospective underwriters the prospects for such private offering and negotiate the terms thereof. It is hereby authorized to do so.

The fees and expenses to be incurred in connection with the proposed transaction will be supplied by amendment. It is stated that the Board of Public utilities of the State of New Jersey has jurisdiction over the proposed issuance and sale of the Bonds and that no other state commission and no federal commission, other than this commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than October 17, 1979, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant at the above stated address and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date the application, as amended or as it may be further amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-30283 Filed 9-28-79; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 10874; 812-4531]

Lutheran Brotherhood Money Market Fund, Inc.; Filing of Application for Order Exempting Applicant

September 21, 1979.

Notice is hereby given that Lutheran Brotherhood Money Market Fund, Inc. ("Applicant"), 421 Seventh Avenue, Pittsburgh, Pennsylvania 15219, registered under the Investment Company Act of 1940 ("Act") as an open-end, diversified, management investment company, filed an application on February 28, 1979, and amendments thereto on August 7, 1979, and September 4, 1979, requesting an order of the Commission, pursuant to Section 6(c) of the Act, exempting Applicant from the provisions of Section 2(a)(41) of the Act and Rules 2a–4 and 22c–1 thereunder, to the extent necessary to permit Applicant's assests to be valued at amortized cost. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that it is a "money market" fund organized as a Maryland Corporation and that Lutheran Brotherhood Resources Corp., a wholly-owned subsidiary of Lutheran Brotherhood (a fraternal benefit insurance society), and Federated Research Corp., a wholly-owned subsidiary of Federated Investors, Inc., serve as investment advisers to Applicant. Applicant further states that it is designed as an investment vehicle for investors with temporary cash reserves and that its shares may be purchased only by (1) members of Lutheran Brotherhood and those eligible for such membership, and (2) Lutheran Church organizations, trusts or employee benefit plans. The application states that a one-time sales charge of $100 is imposed on the purchase of Applicant's shares and that such sales charge amounts to 4% of the public offering price of Applicant's shares when calculated as a percentage of Applicant's required minimum initial investment of $2500. According to the application, Applicant is designed to provide current income consistent with stability of principal. Applicant states that as a matter of fundamental investment policy it invests in a variety of money market instruments with maturities of one year or less.

As here pertinent, Section 2(a)(41) of the Act defines value to mean: (1) with respect to securities for which market quotations are readily available, the market value of such securities, and (2) with respect to other securities and assets, fair value as determined in good faith by the board of directors. Rule 22c–1 adopted under the Act provides, in part, that no registered investment company or principal underwriter therefor issuing any redeemable security shall sell, redeem or repurchase any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or to sell such security. Rule 2a–4 adopted under the Act provides, as here relevant, that the "current net asset value" of a redeemable security issued by a registered investment company used in computing its price for the purposes of distribution and redemption shall be an amount which reflects calculations made substantially in accordance with the provisions of that rule, with estimates used where necessary or appropriate. Rule 2a–4 further states that portfolio securities with respect to which market quotations are readily available shall be valued at current market value, and that other securities and assets shall be valued at fair value as determined in good faith by the board of directors of the registered company. Prior to the filing of the application, the Commission expressed its view that, among other things: (1) Rule 2a–4 under the Act requires that portfolio instruments of "money market" funds be valued with reference to market factors, and (2) it would be inconsistent, generally, with the provisions of Rule 2a–4 for a "money market" fund to value its portfolio instruments with remaining maturities in excess of 60 days on an amortized cost basis (Investment Company Act Release No. 9786, May 31, 1977) ("Release No. 9786").

Applicant states that experience indicates that two features are necessary in a "money market" fund: (1) Stability of principal and (2) steady flow of investment income. Applicant further states that by maintaining a portfolio of high quality, short-term money market instruments valued at amortized cost it can provide these features to investors. Applicant notes that, since its inception, it has limited its investments to money market instruments with maturities of 60 days or less and that it values these investments at amortized cost in accordance with the views expressed by the Commission in Release No. 9786. According to the application, the Board of Directors of Applicant has determined that an average portfolio maturity of 120 days would obviate the possibility of significant volatility in the values of portfolio instruments, while at the same time provide a yield not available with a portfolio of shorter average maturity. Applicant represents that its Board of Directors has properly determined in good faith under the provisions of the Act to value the portfolio of Applicant by use of the amortized cost method and that this method is in the best interests of the shareholders of Applicant. Applicant further represents that: (1) Its Board of Directors has determined in good faith, in light of the characteristics of Applicant, that the amortized cost method of valuation of portfolio instruments is appropriate and preferable to the use of a market base valuation method, and (2) its Board of Directors has further determined to continuously monitor valuations indicated by methods other than amortized cost so that any necessary changes in the valuation method may be made to assure that the valuation method being used is a fair approximation of fair value in view of all pertinent factors. Accordingly, Applicant requests exemptions from Section 2(a)(41) of the Act, and Rules 2a–4 and 22c–1 thereunder, to the extent necessary to permit its assets to be valued as set forth in the application, and as described above, whether or not market quotations are available.

Section 6(c) of the Act provides, in part, that upon application the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision or provisions of the Act or of the rules thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicant submits that the exemptions it requests satisfy these standards in view of its management policies and the conditions hereinafter set forth.

Applicant consents to the imposition of the following conditions in an order granting the relief it requests:

1. In supervising Applicant's operations and delegating special responsibilities involving portfolio management to Applicant's investment adviser, the Board of Directors undertakes—as a particular responsibility within the overall duty of care owed to shareholders—to establish procedures reasonably designed, taking into account current market conditions and Applicant's investment objectives, to stabilize Applicant's net asset value per share, as computed for the purpose

of distribution, redemption and repurchase, at $1.00 per share.

2. Included within the procedures to be adopted by the Board of Directors shall be the following:

(a) Review by the Board of Directors, as it deems appropriate and at such intervals as are reasonable in light of current market conditions, to determine the extent of deviation, if any, of the net asset value per share as determined by using available market quotations from Applicant's $1.00 amortized cost price per share, and the maintenance of records of such review.[1]

(b) In the event such deviation from Applicant's $1.00 amortized cost price per share exceeds ½ pf 1 percent, a requirement that the Board of Directors will promptly consider what action, if any, should be initiated by the Board of Directors.

(c) Where the Board of Directors believes the extent of any deviation from Applicant's $1.00 amortized cost price per share may result in material dilution or other unfair results to investors or existing shareholders, it shall take such action as it deems appropriate to eliminate or to reduce to the extent reasonably practicable such dilution or unfair results, which may include: Redemption of shares in kind; selling portfolio instruments prior to maturity to realize capital gains or losses, or to shorten the average maturity of portfolio instruments of Applicant; withholding dividends; or utilizing a net asset value per share as determined by using available market quotations.

3. Applicant will maintain a dollar-weighted average portfolio maturity appropriate to its objective of maintaining a stable net asset value per share: *Provided, however,* That Applicant will not (a) purchase any instrument with a remaining maturity of greater than one year, or (b) maintain a dollar-weighted average portfolio maturity which exceeds 120 days.[2]

4. Applicant will record, maintain, and preserve permanently in an easily accessible place a written copy of the procedures (and any modifications thereto) described in paragraph 1. above, and Applicant will record, maintain and preserve for a period of not less than six years (the first two years in an easily accessible place) a written record of the Board of Directors' considerations and actions taken in connection with the discharge of its responsibilities, as set forth above, to be included in the minutes of the Board of Directors' meetings. The documents preserved pursuant to this condition shall be subject to inspection by the Commission in accordance with Section 31(b) of the Act, as if such documents were records required to be maintained pursuant to rules adopted under Section 31(a) of the Act.

5. Applicant will limit its portfolio investments, including repurchase agreements, to those United States dollar denominated instruments which the Board of Directors determines present minimal credit risks, and which are of "high quality" as determined by any major rating service or, in the case of any instrument that is not so rated, of comparable quality as determined by the Board of Directors.

6. Applicant will include in each quarterly report, as an attachment to Form N–1Q, a statement as to whether any action pursuant to paragraph 2(c) above was taken during the preceding fiscal quarter and, if any such action was taken, will describe the nature and circumstances of such action.

Notice is further given that any interested person may, not later than Ocober 11, 1979, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advise as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-30286 Filed 9-28-79; 8:45 am]

BILLING CODE 8010-01-M

[1] To fulfill this condition, Applicant intends to use actual quotations or estimates of market value reflecting current market conditions chosen by the Board of Directors in the exercise of its discretion to be appropriate indicators of value which may include, *inter alia*, (1) quotations or estimates of market value for individual portfolio instruments, or (2) values obtained from yield data relating to classes of money market instruments published by reputable sources.

[2] In fulfilling this condition, if the disposition of a portfolio security results in a dollar-weighted average portfolio maturity in excess of 120 days, Applicant will invest its available cash in such a manner as to reduce the dollar-weighted average portfolio maturity to 120 days or less as soon as reasonably practicable.

[Release No. 21225; 70-6351]

Southern Co.; Proposal by Holding Company to Become Bonded as Surety of Public Utility Subsidiary Company

September 24, 1979.

Notice is hereby given that The Southern Company ("Southern"), Perimeter Center East, P.O. Box 720071, Atlanta, Georgia 30346, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 12(b) and 12(f) of the Act as applicable to the following proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Southern proposes to act as one of two sureties on a bond of its subsidiary, Alabama Power Company ("Alabama"), in connection with Alabama's appeal of a rate proceeding. On July 19, 1979, the Alabama Public Service Commission entered an order which denied the rates requested by Alabama, made permanent a 9½ percent emergency rate increase granted in March 1979, added on a 5 percent increase to go into effect on July 19, 1979 and scheduled an additional 8 percent increase to go into effect in January of 1980. On August 20, 1979, Alabama filed notice of appeal to the Supreme Court of Alabama and plans to petition that court for authority to place into effect subject to refund under supersedeas bond, that portion of the rate increase denied. The maximum amount of the bond would be $120,536,000, twice the estimated revenues from the refundable rates for the first six months supersedeas period. Southern proposes to act as surety during the initial six months from the date of delivery of the bond and to execute as surety such further bonds, renewals or extensions, as may be required to keep the proposed rates in effect pending a determination on the appeal. Alabama has been advised that such a bond can be obtained from a commercial surety only with difficulty

and at substantial premium costs. To avoid such costs, Southern proposes to act as surety for no premium, fee or other compensation. The President of Alabama will act as the second surety.

The fees and expenses incurred or to be incurred in connection with the proposed transaction will be filed by amendment. It is stated that no State commission, and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested persons may, not later than October 15, 1979, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) whould be filed with the request. At any time after said date, the declaration, as filed, or as it may be amended, may be granted as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 79-30289 Filed 9-28-79; 8:45 am]

BILLING CODE 8010-01-M

SMALL BUSINESS ADMINISTRATION

[License No. 02/02-0372]

Preferential Capital Corp.; Issuance of a License To Operate as a Small Business Investment Company

On May 31, 1979, a Notice was published in the **Federal Register** (44 FR 31339) stating that Preferential Capital Corp., 16 Court Street, Brooklyn, New York 11241, had filed an application with the Small Business Administration pursuant to Section 107.102 of the SBA Rules and Regulations governing small business investment companies (13 CR 107.102 (1979)), for a license to operate as a small business investment company.

Interested parties were given until the close of business June 15, 1979, to submit their comments. No comments were received.

Notice is hereby given that, having considered the application and all other pertinent information, SBA, on September 12, 1979, issued License No. 02/02-0372 to Preferential Capital Corp., pursuant to Section 301(c) of the Small Business Investment Act of 1958, as amended.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies).

Dated: September 4, 1979.

Peter F. McNeish,

Acting Associate Administrator for Finance and Investment.

[FR Doc. 79-30381 Filed 9-28-79; 8:45 am]

BILLING CODE 8025-01-M

Region V Advisory Council Meeting; Public Meeting

The Small Business Administration Region V Advisory Council, located in the geographical area of Madison, Wisconsin, will hold a public meeting at 10:00 a.m. on Tuesday, October 16, 1979, in the Madison District Office Conference Room, The Federal Center, 212 East Washington Avenue, Room 213, Madison, Wisconsin, to discuss such business as may be presented by members, the staff of the U.S. Small Business Administration, and others attending.

For further information, write or call Lisa W. Perrin, Acting District Director, U.S. Small Business Administration, The Federal Center, 212 East Washington Avenue, Madison, Wisconsin 53703—(608) 364-5267.

Dated: September 26, 1979.

K. Drew,

Deputy Advocate for Advisory Councils.

[FR Doc. 79-30382 Filed 9-28-79; 8:45 am

BILLING CODE 8025-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Air Traffic Procedures Advisory Committee; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1) notice is hereby given of a meeting of the Federal Aviation Administration Air Traffic Procedure Advisory Committee to be held October 30—November 2, 1979, from 9 a.m. E.D.T. to 4 p.m. daily, in conference rooms 7A and B at FAA Headquarters, 800 Independence Ave., S.W., Washington, D.C.

The agenda for this meeting is as follows: A continuation of the Committee's review of present air traffic control procedures and practices for standardization, clarification, and upgrading of terminology and procedures.

Attendance is open to the interested public but limited to the space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to attend and persons wishing to present oral statements should notify, not later than the day before the meeting, and information may be obtained from, Mr. Frank L. Cunningham, Executive Director, Air Traffic Procedures Advisory Committee, Air Traffic Service, AAT-300, 800 Independence Ave., S.W., Washington, D.C. 20591, telephone (202) 426-3725.

Any member of the public may present a written statement to the Committee at any time.

Issued in Washington, D.C. on September 20, 1979.

F. L. Cunningham,

Executive Director, ATPAC.

[FR Doc. 79-30266 Filed 9-28-79; 8:45 am]

BILLING CODE 4910-13-M

Maui Combined Station Tower at Kahului, Hawaii; Notice of Decombination

Notice is hereby given that the Maui Combined Station Tower, Kahului Airport, Kahului, Hawaii, was decombined on September 21, 1979. Flight Service Station services formerly provided by this facility to the aviation public of Maui, Hawaii, are now provided by the Honolulu Flight Service Station in Honolulu, Hawaii.

Issued in Honolulu, Hawaii, on September 21, 1979.

Joseph B. Nestor,

Acting Director, Pacific-Asia Region.

[FR Doc. 79-30294 Filed 9-28-79; 8:45 am]

BILLING CODE 4910-13-M

National Highway Traffic Safety Administration

Fiat 124 Models for Model Years 1970-1974 Imported by Fiat Motors of North America, Inc.; Public Proceeding Rescheduled

A public proceeding previously scheduled for 10:00 A.M. on September 26, 1979 with respect to undercarriage corrosion in the 124 models of the Fiat

automobile for model years 1970 through 1974 has been rescheduled for 10:00 A.M., October 3, 1979, Room 2230, Department of Transportation Headquarters, 400 Seventh Street, S.W., Washington, D.C. 20590. The issues to be considered at the proceeding are whether or not a defect relating to motor vehicle safety exists in the frame and underbody of these vehicles due to excessive corrosion, and whether Fiat, in repurchasing some of these models from owners who have complained of rust, has violated the agency's statutory requirements of notification and remedy.

Interested persons are invited to participate through written or oral presentations. Persons wishing to make oral presentations are requested to notify Mrs. Joan Murianka, Office of Defects Investigation, National Highway Traffic Safety Administration, Washington, D.C. 209590, telephone 202–426–2850, before the close of business on October 2, 1979.

(Sec. 152, Pub. L. 93–492, 88 Stat. 1470 (15 U.S.C. 1412); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on September 27, 1979.

Lynn L. Bradford,

Associate Administrator for Enforcement.

[FR Doc. 79-30446 Filed 9-27-79; 1:27 pm]

BILLING CODE 4910-59-M

Fiat 850 Spyder for Model Year 1971 Imported by Fiat Motors of North America, Inc.; Public Proceeding Rescheduled

A public proceeding previously scheduled for 10:00 A.M. on September 26, 1979 to review the adequacy of the manufacturer's notification and remedy campaign on rust and corrosion for 1971 Fiat model 850 Spyders has been rescheduled for 10:00 A.M., October 3, 1979 in Room 2230, Department of Transportation Headquarters, 400 Seventh Street, S.W., Washington, D.C. 20590.

Interested persons are invited to participate through written or oral presentations. Persons wishing to make oral presentations are requested to notify Mrs. Joan Murianka, Office of Defects Investigation, National Highway Traffic Safety Administration, Washington, D.C. 20590, telephone 202–426–2850, before the close of business on October 2, 1979.

(Sec. 152, Pub. L. 93–492, 88 Stat. 1470 (15 U.S.C. 1412); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on September 27, 1979.

Lynn L. Bradford,

Associate Administrator for Enforcement.

[FR Doc. 79-30445 Filed 9-27-79; 1:27 pm]

BILLING CODE 4910-59-M

Office of the Secretary

Procedures for Considering Environmental Impacts; Policies and Procedures

AGENCY: Department of Transportation (DOT).

ACTION: Notice.

SUMMARY: This final Order revises the Department's procedures for considering environmental impacts to conform with the Council on Environmental Quality (CEQ) regulations for implementing the procedural provisions of the National Environmental Policy Act. Those regulations were issued by CEQ on November 29, 1978.

EFFECTIVE DATE: September 18, 1979.

FOR FURTHER INFORMATION CONTACT: Camille Cleveland, Office of Environment and Safety, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, D.C. 20590, (202) 426–4396.

SUPPLEMENTARY INFORMATION:

1. Background

On November 29, 1978, the Council on Environmental Quality (CEQ) published regulations governing the implementation of the National Environmental Policy Act (NEPA) (43 FR 55978). The regulations direct Federal agencies to adopt procedures to implement the regulations (40 CFR section 1507.3). This Order establishes policies and procedures that supplement the CEQ regulations and apply them to Department of Transportation (DOT) programs.

The Order, designated as DOT Order 5610.1C, is an internal directive and applies to all elements of DOT. In addition to this directive, most operating administrations of the Department will issue their own implementing instructions or regulations consistent with this Order and the CEQ regulations which will provide more specific guidance on applying NEPA to their programs. Unit such time as each administration adopts its own individual instructions, this Order prescribes the format and guidelines for the consideration of environmental impacts by that administration.

2. Response to Comments

The proposed Order and request for public comment was published on May 31, 1979. Comments were received from 19 state departments of transportation, four metropolitan planning organizations, one city government, two professional organizations, two private non-profit environmental organizations, and three federal agencies. At the same time, the proposed Order was the subject of an internal review pursuant to DOT procedures. The issues raised in the Departmental review process were addressed internally, and are therefore not a subject of discussion here.

3. Principal Comments

Paragraph 7(g)—Tiering

Paragraph 7(g)'s provision for encouraging the development of environmental impact statements (EISs) on a regional/systems level proved the most controversial section of the draft Order. Comments ranged from strongly positive (6) to adamantly opposed (8). Those who argued against the inclusion of 7(g) in the final Order most frequently raised the following points: (i) It was argued that 7(g) would represent a costly burden upon metropolitan planning organizations (MPOs), which are neither financially nor administratively capable of undertaking the increased responsibilities which 7(g) would delegate to them. (ii) Opponents further contended that 7(g) would represent a superflous formality in that environmental factors are already taken into account in the regional planning process. Hence, 7(g)'s effect would be merely to require a *documentation* of the role of environmental factors in that process; there would not be any actual change in current practices. (iii) It was further argued that an EIS prepared at the regional/systems level would be a meaningless document, because the data needed to prepare a meaningful EIS is not available on a regional basis or so far in advance of site-specific project development. (iv) It was also felt that a regional/systems EIS would represent an extremely tentative analysis, since many proposed transportation actions at the level will never be developed, or will not use Federal funding support. (v) The final argument of opponents of 7(g) was that that section would lead to unnecessarily added Federal red tape, which would only lengthen and make more difficult an already long and difficult process.

Four commenters felt that that *concept* of 7(g) was desirable, but expressed reservations as to the wisdom of including such a provision in the final Order at this time. The primary concern

among this group of commenters was the possible legal ramifications of 7(g). It was feared that opponents of transportation projects might be able to use 7(g) as a point of attack in the courts, which might conceivably interpret the section as requiring that which the regulation was intended only to encourage. One commenter among this group suggested that it would be premature to adopt the 7(g) concept in the regulation before testing that concept in a demonstration project.

Two commenters felt that the Order should be more flexible, stressing that 7(g) procedures only be used in certain limited circumstances, or, more generally, that they be used when they would simplify or improve environmental processing. Another commenter suggested that a broad "environmental analysis" would be the appropriate vehicle to assess systems-level environmental impacts, rather than the EIS.

At the other end of the spectrum, five commenters endorsed 7(g) to the point of recommending that its procedures be made mandatory. This group of commenters maintained that a mandatory tiering process was essential, elsewise MPOs would opt not to perform this additional task. It was also argued that the systems-level approach to the consideration of environmental factors was required if those factors were to play a truly meaningful role in the decision-making process, since most "big" decisions are made long before the implementation of site-specific projects. Moreover, this group of commenters contended that national policy goals other than transportation considerations *per se* (such as urban economic revitalization, equitable access, etc.) could not be adequately evaluated in examining the need for development of transportation systems at the site-specific level, where, in their opinion, the EIS functions more as a device for insuring mitigation than as a means for introducing environmental considerations into the decision-making process.

The language of 7(g) in the final Order reflects a compromise between these two viewpoints. Although references to "regional plans" have been deleted in the revised version, the final Order has retained its emphasis upon encouraging the preparation of broad scale EISs. Environmental studies are encouraged at the systems planning level, and information from these studies should be used in the preparation of EISs.

We believe the language of the final Order is consistent with the concept of tiering as described in the CEQ regulations. Where appropriate, EISs will progress from the analysis of broader scale actions to subsequent narrower actions. Conducting environmental studies at the systems planning level will assure that environmental factors are considered at the earliest stages of planning for proposed transportation actions.

Paragraph 11(d)—Internal Processing

Three commenters criticized 11(d) as being too inflexible in its approach to concurrence requirements. It was suggested that the categories which would require the concurrence of the Assistant Secretary for Policy and International Affairs (P–1) were overly rigid, and that P–1's concurrence be limited to those projects which were "controversial"; that the desirability of P–1's concurrence be determined on a per project basis; or, at minimum, that 11(d) be modified so as to exclude minor readjustments to centerlines of existing highways, an action which is technically a "new alignment".

Paragraph 11(d) as written is unchanged from the existing DOT Order 5610.1B, except for the addition of a mechanism for lending flexibility in 11(d)(6), which provides that, upon review of a draft EIS for a proposed action normally requiring P–1 concurrence, P–1 may decide that the final EIS may be processed without prior concurrence. We believe that this provision will achieve a good balance in the processing of final EISs, allowing a majority to be processed within the operating administrations, while at the same time maintaining oversight by the Office of the Secretary (OST) of those larger projects likely to be controversial, to involve the most significant environmental impacts, or to require the personal attention of the Secretary. No substantial objection to 11(d) has been raised within the Department. Therefore, we have retained this provision in 5610.1C.

Paragraph 11(f)—Availability Pending Approval

Four commenters recommended that 11(f) be changed so as not to require circulation and distribution of EISs to the public and governmental agencies until *after* final approval. It was felt that this would minimize the chance of error and consequent confusion of the reader.

Paragraph 11(f) does not require circulation of EISs prior to final approval. Rather, it provides that EISs be made available for public inspection prior to approval. This provision reflects the practice that has been followed in many DOT offices, but not in others. This experience over the past several years has indicated a need for guidance to provide fair and uniform procedures. We believe that paragraph 11(f) will accomplish this goal, while affording interested parties a reasonable opportunity to become familiar with proposed final EISs. At the same time, paragraph 11(f) does not create any additional burden in terms of added paperwork, circulation, etc.

Paragraph 11(k)—Supplemental Statements

Three commenters focused on paragraph 11(k). One emphasized the need for clarity and elaboration in the regulations as to what circumstances, under paragraph 11(k), would require that a final EIS be supplemented. Another commenter suggested that supplemental EIS's under paragraph 11(k) follow those guidelines under which the original draft EIS was developed. One other commenter recommended that paragraph 11(k) mandate supplemental study only of "significantly different" project alternatives, not all "reasonable" project alternatives (as the proposed Order had indicated).

Upon review and reconsideration, we have accepted the viewpoints of these latter two commenters. Paragraph 11(k) of the final Order reflects these revisions.

As regards the former comment concerning the clarity of the provisions of paragraph 11(k), we believe that paragraph 11(k) is sufficiently clear for use by DOT administrations. No concern in this regard was raised within the Department.

Paragraph 19—Time in Effect of Statements

Paragraph 19 elicited a strong adverse reaction from commenters. Seven commenters felt that the provisions of paragraph 19 should be eliminated altogether. Their general position was that if any significant changes have occurred, the EIS could be supplemented rather than presumed invalid.

Other commenters underscored the need for a more flexible approach to the paragraph 19 problem. They suggested a range of alternatives: That the time frames proposed in paragraphs 19 (a) and (b) should be extended (one commenter recommending an extension of from three to five years); That in lieu of the time frames of paragraph 19, each operating administration should be required to make a determination that the time lapse is reasonable (in view of the nature of the project), that the environment is unchanged and that the action is essentially the same before adopting any final EIS filed three years after the circulation of the draft EIS; that

a "finding of validity" be required on all statements or assessments over one year old, with no limitations as to maximum age; and That, under paragraph 19(b), the criteria for preparation of a supplemental EIS after a delay of three years should be the same as the *general* criteria for preparation of supplemental statements (set forth in paragraph 11(k)).

Upon reconsideration, we agree with the commenters as to the need for greater flexibility in our approach to the problem to which paragraph 19 is addressed. Accordingly, we have revised this provision in the final Order to require, in paragraph 19(c), a *reevaluation* of final EISs if major steps toward the implementation of the proposed action have not occurred within five years of approval of the final EIS, or within the time frame set forth in the final EIS. This reevaluation would be subject to internal review and concurrence. That provision of paragraph 19 in the proposed Order which stipulated presumed invalidity for final EISs beyond a given time frame has been deleted in the final Order.

Attachment 2—Format and Content of EIS's

We had requested comments on Attachment 2, which prescribes the format and content of EISs. Only five commenters addressed themselves to the Attachment. Their comments ranged from an "OK as is" assessment, to a general approval with some specific recommendations for appending the Attachment, to strong criticism of the Attachment as overly inflexible, with detailed suggestions for modifying it.

The Attachment as published in Notice 79–9 was identical in every respect to Attachment 2 as originally promulgated, in 1974. The Attachment as it appears here reflects certan minor changes which have been made in order to insure conformity with CEQ regulations. In addition, paragraph 15 of the original Attachment has been deleted, due to the fact that existing procedures of FAA adequately address the considerations which originally prompted paragraph 15.

We currently plan a major revision of Attachment 2 which will insure its currency insofar as basic national policy objections (e.g. urban revitalization, energy conservation, etc.) and recently promulgated environmental requirements (such as those dealing with endangered species) are concerned. Further comments in regard to this revision of Attachment 2 will be solicited at the appropriate time.

4. Other Comments

The Department of the Interior requested that we add language providing for notification and consultation with Federal land management entities and other states, pursuant to section 102(2)(d) of NEPA. We have added such language in the final Order.

Both the Department of the Interior and the Environmental Protection Agency expressed reservations in regard to paragraph 6(e). Their concern was that comments from agencies which had declined to participate as cooperating agencies in the EIS process might not be afforded the degree of consideration which those comments merited. In our view, paragraph 6(e) was not intended to produce any such effect; nor does the language of the provision imply that any such effect will accompany an agency's refusal to cooperate in the EIS process. Moreover, we believe that paragraph 6(e) as it stands makes an important contribution to the Department's policy of one-stop environmental processing. Therefore, this provision has been retained in the final Order.

At the request of the Department of State, we have added a reference in the authority section to EO 12114, Environmental Effects Abroad of Major Federal Actions. The final Order also provides that communications with foreign governments concerning environmental studies be coordinated with the State Department, in accordance with EO 12114.

Charles Swinburn,

Acting Assistant Secretary for Policy and International Affairs.

September 22, 1979.

BILLING CODE 4910-62-M

[Order No. DOT 5610.1c]

Subject: Procedures for considering environmental impacts.

Dated: September 18, 1979.

Introduction

1. *Purpose.* This Order establishes procedures for consideration of environmental impacts in decision making on proposed Department of Transportation (DOT) actions. The Order provides that information on environmental impacts of proposed actions will be made available to public officials and citizens through environmental impact statements, environmental assessments or findings of no significant impact. These documents serve as the single vehicle for environmental findings and coordination.

2. *Cancellation.* DOT 5610.1B, PROCEDURES FOR CONSIDERING ENVIRONMENTAL IMPACTS, dated September 30, 1974.

3. *Authority.* This Order provides instructions for implementing Section 102(2) of the National Environmental Policy Act of 1969, as amended, (42 USC 4321–4347, hereinafter "NEPA") and the Regulations for Implementing NEPA issued by the Council on Environmental Quality, 11–29–78 (40 CFR 1500–1508); Sections 2(b) and 4(f) of the Department of Transportation Act of 1966 (49 USC 1653, hereinafter "the DOT Act"); Sections 309 and 176 of the Clean Air Act, as amended (42 USC 7401 et seq.); Section 106 of the National Historic Preservation Act of 1966 (16 USC 470, hereinafter "the Historic Preservation Act"); Sections 303 and 307 of the Coastal Zone Management Act of 1972 (43 USC 1241); Section 2 of the Fish and Wildlife Coordination Act (16 USC 661 et seq.); Section 7 of the Endangered Species Act, as amended (16 USC 1533); the Federal Water Pollution Control Act, as amended (33 USC 1314 et seq.); Executive Order 12114, Environmental Effects Abroad of Major Federal Actions; and various Executive Orders relating to environmental impacts. In addition, the Order provides instructions for implementing, where environmental statements are required, Sections 138 and 109 of Federal-aid highway legislation (Title 23, USC, hereinafter "the Highway Act"); Sections 16 and 18(a) of the Airport and Airway Development Act of 1970 (49 USC 1716, 1718, hereinafter "the Airport Act"); and Section 14 of the Urban Mass Transportation Act of 1964 (49 USC Section 1601 et seq., hereinafter "the Urban Mass Transportation Act").

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Attachment 1.—*State and Localities with EIS Requirements*

Attachment 2.—*Form and Content of Environmental Impact Statements*

1. Background

The National Environmental Policy Act (NEPA) establishes a broad national policy to promote efforts to improve the relationship between man and his environment. NEPA sets out certain policies and goals concerning the environment and requires that to the fullest extent possible, the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with those policies and goals

Section 102 of NEPA is designed to insure that environmental considerations are given careful attention and appropriate weight in all decisions of the Federal Government. Section 102(2)(C) requires that all agencies of the Federal Government shall

include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on—

(i) the environmental impact of the proposed action,

(ii) any adverse environmental effects which cannot be avoided should the proposal be implemented,

(iii) alternatives to the proposed action,

(iv) the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and

(v) any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

Section 102(2)(A) requires all agencies of the Federal Government to "utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and decision making which may have an impact on man's environment * * *"

The Council on Environmental Quality (CEQ) issued regulations for implementation of the procedural provisions of NEPA (40 CFR Parts 1500–1508) on 11–29–78. The CEQ regulations apply uniformly to and are binding upon all Federal agencies, and direct each agency to adopt implementing procedures which relate the CEQ regulations to the specific needs of that agency's programs and operating procedures.

This Order implements the mandate of NEPA, as defined and elaborated upon by CEQ's regulations, within the programs of the Department of Transportation. The Order is not a substitute for the regulations promulgated by CEQ, nor does it repeat or paraphrase the language of those regulations. Rather, the Order *supplements* the CEQ regulations by applying them to DOT programs. Therefore, all operating administrations and Secretarial Offices shall comply with both the CEQ regulations and the provisions of this Order.

This Order provides instructions for implementation of relevant environmental laws and executive orders in addition to NEPA. The environmental process established by this Order is intended to implement the Department's policy objective of one-stop environmental processing. To the maximum extent possible, a single process shall be used to meet requirements for environmental studies, consultations and reviews.

2. Policy and Intent

a. It is the policy of the Department of Transportation to integrate national environmental objectives into the missions and programs of the Department and to:

(1) Avoid or minimize adverse effects wherever possible;

(2) Restore or enhance environmental quality to the fullest extent practicable;

(3) Preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites;

(4) Preserve, restore and improve wetlands;

(5) Improve the urban physical, social and economic environment;

(6) Increase access to opportunities for disadvantaged persons; and

(7) Utilize a systematic, interdisciplinary approach in planning and decision making which may have an impact on the environment.

b. The purpose of the environmental procedures in this Order is to provide Department officials, other decision makers, and the public, as part of the decision making process, with an understanding of the potential effects of proposed actions significantly affecting the quality of the human environment. The environmental review process is to be used to explore and document alternative actions that will avoid or minimize adverse impacts.

c. The environmental impact statement (EIS), finding of no significant impact (FONSI, formerly "negative declaration") and determination that a proposed action is categorically excluded serve as the record of compliance with the policy and procedures of NEPA and the policy and procedures of other environmental statutes and executive orders. To the maximum extent possible, all environmental studies, reviews and consultantaions shall be coordinated into a single process, and compliance with all applicable environmental requirements shall be reflected in the EIS or FONSI.

3. Planning and Early Coordination

a. The identification and evaluation of the social, economic and environmental effects of a proposed action and the identification of all reasonable measures to mitigate adverse impacts shall be initiated in the early planning stages of the action, and shall be considered along with technical and economic studies. Assessment of environmental impacts should be a part of regional transportation system planning and broad transportation program development.

General criteria for identification of social, economic, and environmental impacts in DOT planning programs are set forth in subparagraph 10.e., DOT 1130.4, Intermodal Planning Groups and Unified Planning Work Programs, of 2–12–79. Other guidance may be identified in the implementing procedures of the administrations.

b. Where the DOT action is initiated by a State or local agency or a private applicant, the responsible operating administration shall assure that the applicant is advised of environmental assessment and review requirements and that consultation with appropriate agencies and interested parties is initiated at the earlies possible time. (See paragraph 20.b. below.)

c. Existing administration procedures for early consultation and citizen participation shall be modified to incorporate the scoping process (CEQ 1501.7). Implementing procedures shall assure that significant issues are identified and that all interested parties have an opportunity to participate in the scoping and early consultation process.

d. Where the proposed action is initiated by a State and may have significant impacts on a Federal land management entity or any other State, the responsible Federal official shall

provide early notice to and solicit the views of the Federal land management entity or other State.

4. Environmental Processing Choice

a. *Actions covered.* Except as provided in subparagraph c. below, the requirements of this Order apply to, but are not limited to, the following: all grants, loans, loan guarantees, construction, research activities, rulemaking and regulatory actions, certifications, licenses, permits, approval of policies and plans (including those submitted to the Department by State or local agencies), adoption or implementation of programs, legislation proposed by DOT, and any renewals or reapprovals of the foregoing. (CEQ 1508.18(b).)

b. *Environmental Impact Statements.* An EIS shall be prepared for any proposed major Federal action significantly affecting the environment. (See also: CEQ 1508.27, and paragraphs 7 and 20 of this Order.)

c. *Categorical Exclusions.* the following actions are not Federal actions with a significant impact on the environment, and do not require either an environmental assessment or an environmental impact statement:

(1) Administrative procurements (e.g. general supplies) and contracts for personal services;

(2) Personnel actions (e.g. promotions, hirings);

(3) Project amendments (e.g. increases in costs) which do not significantly alter the environmental impact of the action;

(4) Operating or maintenance subsidies when the subsidy will not result in a change in the effect on the environment; and

(5) Other actions identified by the Administrations as categorical exclusions pursuant to paragraph 20.

d. *Environmental Assessment.* An environmenatl assessment is a document concisely describing the environmental impacts of a proposed action and its alternatives. If a decision has not been make to prepare an EIS and a proposed action has not been classified as a categorical exclusion, an environmental assessment shall be prepared. The results of an environmental assessment shall be used to determine whether an EIS or FONSI shall be prepared. (See CEQ 1508.9 and 1506.5(b).)

e. *Finding of No significant Impact (FONSI).* If it is determined following preparation of the environmental assessment that the proposed action will not have a significant impact on the environment, a FONSI shall be prepared. (See paragraph 5.)

5. Finding of No Significant Impact

a. The FONSI may be attached to an environmental assessment or the environmental assessment and FONSI may be combined into a single document.

b. Except as provided in subparagraph c. below, a FONSI or environmental assessment need not be coordinated outside the originating office, but must be made available to the public upon request. Notice of availability shall be provided (see suggestions for public notice in CEQ 1506.6(b)). In all cases, notice shall be provided to State and areawide clearinghouses.

c. In the circumstances defined in CEQ 1501.4(e)(2), a copy of the proposed finding of no significant impact and the environmental assessment shall be provided to the Assistant Secretary for Policy and International Affairs (P–1), and the documents should be made available to the public for a period of not less than 30 days before the finding of no significant impact is made and the action is implemented. Consultation with other Federal agencies concerning section 4(f) of the DOT Act, the Historic Preservation Act, section 404 permits, and other Federal requirements should be accomplished prior to or during this period.

6. Lead Agencies and Cooperating Agencies

a. The appropriate operating administration or Secretarial Office shall serve as the lead agency or joint lead agency for preparing and processing environmental documents when that element has the primary Federal responsibility for the action.

b. An applicant should to the fullest extent possible serve as a joint lead agency if the applicant is a State agency with state-wide jurisdiction, or is a State or local agency, and the proposed action is subject to State requirements comparable to NEPA. (See CEQ 1506.2.)

c. The Office of Environment and Safety (P–20) should be notified if it is necessary to request CEQ resolution of lead agency designation pursuant to CEQ 1501.5(e).

d. Coordination with cooperating agencies shall be initiated early in project planning and shall be continued through all stages of development of the appropriate environmental document.

e. If an agency requested to be a cooperating agency replies pursuant to CEQ 1501.6(c), that it will not participate, the responsible DOT official shall provide a copy of this reply to P–1. The agency shall be provided a copy of the draft EIS. If the agency makes adverse comments on the draft EIS (including the adequacy of the EIS or consideration of alternatives or of mitigating measures), or if the agency indicates that it may delay or withhold action on some aspect of the proposal, the matter shall be referred to P–1 for discussion with CEQ.

f. Where a DOT element is requested to be a cooperating agency, it shall make every effort to paricipate.

7. Preparation and Processing of Draft Environmental Statements

a. *Scope of Statement.* The action covered by the statement should have independent significance, and must be broad enough in scope to avoid segmentation of projects and to insure meaningful consideraion of alternatives. The scope of the statement should be decided upon during the scoping process. (See also CEQ 1502.20 and paragraph 7.g. below.) A general class of actions may be covered in a single EIS when the environmental impacts of all the actions are similar.

b. *Timing of Preparation of Draft Statements.* Draft statements shall be prepared at the earliest practical time prior to the first significant point of decision in the program or project development process. They should be prepared early enough in the process so that the analysis of the environmental effects and the exploration of alternatives are meaningful inputs to the decision making process. The implementing guidance (see paragraph 19) shall specify the point at which draft statements should be prepared for each type of action.

c. *Interdisciplinary Approach and Responsibilities for EIS Preparation.* An interdisciplinary approach should be used throughout planning and preparation of environmental documents to help assure a systematic evaluation of reasonable alternative courses of action and their potential social, economic, and environmental consequences. At a minimum, operating administrations should have staff capabilities adequate to evaluate environmental assessments and environmental documents so that DOT can take responsbility for their content. Secretarial Offices may request assistance from P–20. If the necessary disciplines are not represented on the staff of the Administration, the responsible official should obtain professional services from other Federal, State or local agencies, universities, or consulting firms.

d. *Preparation of Draft.* Draft EISs shall be prepared concurrently with and integrated with environmental analyses required by other environmental review laws and executive orders. To the

maximum extent possible, the EIS process shall be used to coordinate all studies, reviews and consultations. (See CEQ 1502.25.) The draft EIS should reflect the result of the scoping/early consultation process. Further guidance on compliance with the various environmental statutes is included in Attachment 2.

e. *Format and Content.* Further guidance on the format and content of EISs is provided in Attachment 2.

f. *Circulation of the Draft Environmental Impact Statement.*

(1) The originating operating administration or Secretarial Office shall circulate the draft environmental statement or summary to the parties indicated in paragraph 8 below. Copies of the draft EIS should be filed with the Environmental Protection Agency (EPA). (See also CEQ 1506.9 and 1506.10.)

(2) If a State agency with statewide jurisdiction is functioning as a joint lead agency and has prepared the draft EIS, the draft statement may be circulated by the State agency after the operating administration has approved it.

g. *Tiering.* Tiering of EISs as discussed in CEQ 1502.20 is encouraged when it will improve or simplify the environmental processing of proposed DOT actions. Preparation of tiered EISs should be considered for complex transportation proposals (e.g. major urban transportation investments, airport master plans, aid to navigation systems, etc.) or for a number of discrete but closely related Federal actions. The first tier EIS should focus on broad issues such as mode choice, general location and areawide air quality and land use implications of the alternative transportation inprovements. System planning activities should encompass environmental studies, as noted in subparagraph 3.a., and the first tier EISs should use information from these system planning studies and appropriate corridor planning and other planning studies. A second tier, site specific EIS should focus on more detailed project impacts and detailed mitigation measures (e.g. addressing detailed location, transit station locations, highway interchange configurations, etc.).

8. Inviting Comments on the Draft EIS

The draft EIS shall be circulated with an invitation to comment to: (1) all agencies having jurisdiction by law or special expertise with respect to the environmental impact involved; (2) Interested parties; (3) EPA Office of Federal Activities; (4) The Assistant Secretary for Policy and International Affairs (P–1); and (5) Other elements of DOT, where appropriate. A reasonable number of copies shall be provided to permit agencies and interested parties to comment expeditiously.

a. *State and Local Reviews.*

(1) Review of the proposed action by State and local agencies, when appropriate, shall be obtained as follows:

(a) Where review of draft Federal development projects, and of projects assisted under programs listed in Attachment D to revised OMB Circular A–95 (as implemented by DOT 4600.4C, Evaluation, Review and Coordination of DOT Assistance Programs and Projects, of 4–12–79), takes place prior to preparation of a draft environmental statement, comments of the reviewing agencies on the environmental effects of the proposed project shall be attached to the environmental statement. Copies of the draft and final environmental statements shall be sent to clearinghouses and to the applicant whose project is the subject of the statement.

(b) Project applicants or administrations shall obtain comments directly from appropriate State and local agencies, except where review is secured by agreement through A–95 clearinghouses. Comments shall be solicited from all affected local governments.

(2) At the time a draft or final environmental statement is filed with EPA, the availability of the statement should be announced through advertisements in local newspapers and other effective methods. Copies of EISs shall be provided to the public upon request and made available at appropriate public places.

b. *Review of EISs Prepared Pursuant to Section 102)(2)(D) of NEPA.* If the draft EIS is prepared by a State agency with statewide jurisdiction, and the proposed action will affect another State or Federal land management entity, the draft EIS shall be circulated to the affected State or Federal land management entity.

9. Review of Environmental Statements Prepared by Other Agencies

The purpose of DOT review and comment on environmental statements drafted by other agencies is to provide a competent and cooperative advisory and consultative service.

a. Comments should be limited to the impacts on areas within the Department's functional responsibility, jurisdiction by law or expertise.

b. DOT projects that are environmentally or functionally related to the action proposed in the EIS should be identified so that interrelationships can be discussed in the final statement. In such cases, the DOT agency should consider serving as a joint lead agency or cooperating agency.

c. Other agencies will generally be requested to forward their draft environmental statements directly to the appropriate regional offices to the Department. There are several types of proposals, however, that should be referred by regional offices ot Departmental headquarters for comment. These generally include the following:

(1) Actions with national policy implications;

(2) Legislation, regulations having national impacts, or national program proposals.

Draft EISs in these categories are to be referred to P–1 for preparation of DOT comments and, where appropriate, to the headquarters of the operating administrations. In referring these matters to headquarters, the regional office is encouraged to prepare a proposed Departmental response.

d. Draft EISs for actions which have impact on only one region or which do not fall within subparagraph c. above should be reviewed by regional offices of DOT administrations. Comments should be forwarded directly to the office designated by the originating agency. If the receiving office believes that another DOT office is in a better position to respond, it should send the statement to that office. If more than one administration is commenting at the regional level, the comments shall be coordinated by the Regional Representative or a designee.

e. When appropriate, the commenting office should coordinate a response with other Departmental offices having special expertise in the subject matter. For example, comments on projects affecting the transportation of hazardous materials or natural gas and liquid-products pipelines should be coordinated with the Research and Special Programs Administration, Materials Transportation Bureau, and water resources projects should be coordinated with the U.S. Coast Guard, Ports and Waterways Planning Staff (G–WS/73).

f. Copies of comments on another agency's EIS shall be provided to the requesting agency, to P–1 and to the Regional Representative if the comment is prepared by a regional office.

10. Predecision Referrals to the Council on Environmental Quality

The following specific procedures apply to referrals involving DOT elements:

a. *DOT Lead Agency Proposals.*

(1) An operating administration or Secretarial Office receiving a notice of intended referral from another agency with respect to a proposed DOT action shall provide P–20 with a copy of the notice. The final EIS involved shall be submitted to P–1 for concurrence, unless, prior to processing the final EIS, the referring agency notifies the lead agency in writing that its objections are resolved. Every effort should be made to resolve the issues raised by the referring agency prior to processing the final EIS. These efforts should be documented in the EIS. P–1 will be available to assist in any such resolution, and should be notified of the results.

(2) In the event of an actual referral, the lead agency shall obtain P–1's concurrence in the response to CEQ.

b. *DOT Referrals to CEQ on other Agencies' Proposals.*

(1) If upon reviewing a draft from another Federal agency, an operating administration or Secretrial Office believes a referral will be necessary, it should so advise P–20. If P–20 agrees, it will advise the lead agency that DOT intends to refer the proposal to CEQ unless the proposal is changed. P–20 will coordinate DOT comments on the draft EIS, including the notice of intended referral.

(2) Environmental referrals should be avoided, where possible, through efforts to resolve the issues, after providing notice of intent to refer and prior to the lead agency's filing the final EIS.

(3) In the event that the issues have not been resolved prior to filing of the final EIS with EPA, P–1 will deliver a referral to CEQ not later than 25 calendar days after the final EIS is made available to EPA, commenting agencies, and the public.

(a) Operating administrations and Secretarial Offices should submit proposed referrals to P–1 at least 5 days prior to the 25-day deadline. The proposed referral should include the information specified in section 1504.3(c) of the CEQ regulations.

(b) P–1 will inform the lead agency of the referral and the reasons for it, including a copy of the detailed statement developed pursuant to section 1504.3(c).

11. Final Environmental Impact Statements

a. *Preparation.* The final EIS shall identify the preferred alternative, including measures to mitigate adverse impacts. In indentifying the preferred alternative, the DOT element should consider the policies stated in paragraph 2 above. Every effort should be made to resolve significant issues raised through circulation of the draft EIS, the community involvement process and consultation with cooperating agencies before the EIS is put into final form for approval by the responsible official. The final statement shall reflect such issues, consultation and efforts to resolve the issues, including an explanation of why any remaining issues have not been resolved.

b. *Compliance with other Requirements.* The final EIS should reflect that there has been compliance with the requirements of all applicable environmental laws and orders, e.g. section 4(f) of the DOT Act, section 106 of the Historic Preservation Act, section 404 of the Clean Water Act, section 7 of the Endangered Species Act, the DOT Floodplain Management Order (5650.2) and the DOT Wetlands Order (5660.1A). If such compliance is not possible by the time of final EIS preparation, the EIS should reflect consultation with the appropriate agencies and provide reasonable assurance that the requirements can be met.

c. *Legal Review.* All final environmental statements shall be reviewed for legal sufficiency by the Chief Counsel of the operating administration concerned, or by a designee. Final environmental statements prepared within the Office of the Secretary (OST) shall be reviewed for legal sufficiency by the General Counsel (C–1). Statements which require concurrence at the OST level pursuant to paragraph 11.d. below and which also involve section 4(f) shall be reviewed for legal sufficiency by counsel at the headquarters of the operating administration.

d. *Internal Processing.* Final enviornmental impact statements will be processed pursuant to this subparagraph.

(1) *Grants for Highway Construction Projects.* Final environmental impact statements for all grants for highway construction projects may be approved by th Federal Highway Administrator or a designee. For projects in the following categories, that approval may be given only after concurrence of P–1:

(a) Any highway project located on a new alignment in a standard metropolitan statistical area of over 100,000 population;

(b) Any new controlled access freeway;

(c) Any project to which a Federal, State, or local government agency has expressed opposition on environmental grounds;

(d) Any project for which P–1 requests an opportunity to review and concur in the final statement.

(2) *Grants for Airport Development Projects.* Final environmental impact statements for all airport development grants may be approved by the Federal Aviation Administrator or a designee. For projects in the following categories, that approval may be given only after concurrence of P–1:

(a) Any new airport serving a metropolitan area;

(b) Any new runway or runway extension for an airport located in whole or in part within a metropolitan area and either certificated under Section 612 of the Federal Aviation Act of 1958, as amended, or used by large aircraft (except helicopters) of commerical operators;

(c) Any project to which a Federal, State, or local governmental agency has expressed opposition on environmental grounds;

(d) Any project for which P–1 requests an opportunity to review and concur in the final statement.

(3) *Bridge Permits.* Final environmental impact statements for all bridge permits issued under Section 9 of the Act of March 3, 1899, 33 USC 401; the Bridge Act of 1906, as amended, 33 USC 491 et seq.; or the General Bridge Act of 1946, as amended, 33 USC 525 et seq.; may be approved by the Commandant of the Coast Guard or a designee. For bridge permits in the following categories, that approval may be given only after concurrence of P–1:

(a) Any bridge that would be part of a road located on a new alignment in a metropolitan area,

(b) Any bridge that would be part of a new controlled access freeway;

(c) Any bridge to which a Federal, State, or local governmental agency has expressed opposition on environmental grounds;

(d) Any bridge for which P–1 requests an opportunity to review and concur in the final statement.

(4) *Other Final Enviornmental Impact Statements.* Final environmental impact statements on actions not dealt with in subparagraphs (1) through (3) above may be approved by the Administrator or Secretarial Officer (or a designee) originating the action, but only after concurrence of P–1.

(5) For final EISs which require P–1 concurrence pursuant to subparagraphs (1)–(4) above and which also involve a section 4(f) determination, concurrence in the section 4(f) determination is required by both P–1 and the General Counsel (C–1).

(6) After review of a draft EIS for a proposed action normally requiring P–1's concurrence, as described in subparagraphs (1) through (4) above, P–1 may decide that the final EIS may be processed without prior concrrence.

This decision will include consideration of the following:

(a) Adequacy of early coordination with other Federal, State, and local government agencies, and

(b) Adequacy of the draft EIS in identifying the environmental impacts of and the reasonable alternatives to the proposed action.

Any decision made under this subparagraph is subject to review and withdrawal at any time prior to the date the final EIS is approved.

e. *Final Processing.* Where P–1's concurrence is required, the administrations shall submit to P–1 two copies of the final environmental statement, together with all comments received on the draft from the responsible Federal, State, and local agencies and private organizations. The final statement may be deemed to be concurred in by P–1 unless, within two weeks after its receipt, P–1 notifies the administration to the contrary or requests an extension of the review period; or unless it is a statement including a section 4(f) determination. In the case of section 4(f) involvement, the final statement may be deemed to be concurred in by P–1 and C–1 after 30 days, unless P–1 or C–1 notifies the administration to the contrary or requests an extension of the review period. Where warranted, P–1 may request formal concurrence from other Secretarial Officers. For such statements, P–1 shall transmit the coordinated decisions of the Secretarial Officers to the originating administration or office. A final statement requiring P–1 concurrence may not be formally transmitted to EPA until that concurrence has been secured. When P[1 does not concur, the final statement shall be returned to the originating administration or office with a statement of the reasons for nonconcurrence.

f. *Availability Pending Approval.* Following the initial level of approval by the administration (for example, by the FHWA Division Administrator), proposed final statements should normally be made available for inspection during usual business hours by the public and Federal, State or local agencies. Such statements should carry a notation that the statement is not approved and filed.

g. *Decisions Reserved to the Secretary.* If an action requires the personal approval of the Secretary or Deputy Secretary pursuant to a request by them or by P–1, C–1, or the administration or Secretarial Office originating the action, the final environmental statement shall be accompanied by a brief cover memorandum requesting the Secretary's or Deputy Secretary's approval of the action.

P–1, in conjunction with the Director, Executive Secretariat, is responsible for informing the Assistant Secretary for Governmental Affairs of the Secretary's decisions so that they, in coordination with the operating administration or other Secretarial Offices involved, may take appropriate notification actions.

h. *Availability of Statements to EPA and the Public.* After approval, the originating office shall transmit copies of each final statement to EPA in accordance with instructions from EPA. The originating office shall send copies of the final statement to the applicant, all Federal, State, and local agencies and private organizations which commented substantively on the draft statement or requested copies of the final statement, and to individuals who requested copies.

i. *Record of Decision.* The office preparing the final EIS shall prepare a draft record of decision which shall accompany the proposed final statement during the internal review prior to EIS approval. The draft record of decision should include a description of the proposed action and the environmental information specified in CEQ 1502.2. It would not necessarily include information relating to funding or other matters not directly related to the environmental impacts of the proposed action. The draft record of decision shall include proposed findings pursuant to section 4(f), as appropriate. The EIS and other relevant environmental documents shall be made available to the decision maker. If the decision maker wishes to take an action which was not identified as the preferred action in the final EIS or proposes to make substantial changes to the mitigation measures or findings discussed in the draft record of decision, the revised record of decision shall be processed internally in the same manner as EIS approval, pursuant to subparagraph 11.d.

j. *Implementation of Representations in Environmental Statements.* The administrations shall assure, through funding agreements and project review procedures, that applicants carry out any actions to minimize adverse environmental effects set forth in the approved statement. Any significant deviation from prescribed action that may reduce protection to the environment must be submitted to P–1 for concurrence, if the approved statement was concurred in by P–1.

k. *Supplemental Statements.* The responsible official shall supplement a draft EIS when either: (1) it is determined that a reasonable alternative which is significantly different from alternatives considered in the draft EIS exists and will be considered, or (2) when environmental conditions or data change significantly from those presented in the statement. A final EIS shall be supplemented when substantial changes are made in the proposed action, when conditions or data change significantly from that presented in the statement, or if the responsible official determines that a supplement is necessary for some other reason. (The development of additional data as a proposal moves through the implementation process would not require a supplement if the data does not materially conflict with the data in the EIS.) A supplemental EIS may be prepared to address detailed information which was not available at the time an EIS was prepared and approved, for example, site or project specific impacts which have been discussed only in general terms in a corridor or program EIS. (See also CEQ 1502.20 and paragraph 7.g.) A supplemental statement should be prepared, circulated and approved in accordance with the provisions of the CEQ regulations and paragraphs 7, 8, and 11 of this Order, unless the responsible official believes there are compelling reasons to do otherwise. In such cases, the operating administration or Secretarial Office should consult with CEQ through P–1 on alternative procedures.

12. Determinations Under Section 4(f) of the DOT Act

a. Any action having more than a minimal effect on lands protected under section 4(f) of the DOT Act will normally require the preparation of an environmental statement. In these cases, the environmental statement shall include the material required by paragraph 4 of Attachment 2. If in the preparation of the final EIS, it is concluded that there is no feasible and prudent alternative to the use of section 4(f) lands, the final EIS shall support a specific determination to that effect, including evidence that there has been all possible planning to minimize harm to the protected lands. For actions which require concurrence by P–1 in the final EIS, the concurrence of P–1 and C–1, or a designee, is required in the section 4(f) determination. For other actions, the section 4(f) determination shall be approved as provided in administration implementing instructions.

b. If an environmental statement is not required, the material called for in paragraph 4 of Attachment 2 shall be set forth in a separate document,

accompanied by a FONSI or a determination that the section 4(f) involvement is minimal and that the action is categorically excluded. The section 4(f) determination shall be reviewed for legal sufficiency by the Chief Counsel of the operating administration involved, or by a designee. The document must reflect consultation with the Department of the Interior, and where appropriate, the Departments of Agriculture or Housing and Urban Development.

13. Responsibility

Where an operating administration or Secretarial Office serves as lead agency or joint lead agency, it shall be responsible for the scope, objectivity, accuracy and content of EISs and environmental assessments. The EIS or environmental assessment shall be prepared by the operating administration or secretarial office, by a contractor selected by DOT, or by the applicant, pursuant to the provisions of CEQ 1506.2 and 1506.5. In developing implementing instructions, administrations shall note the distinctions made in the CEQ regulations between State agencies with statewide jurisdiction, State and local agencies which must comply with State or local requirements comparable to NEPA, and other applicants. State and local governments with requirements comparable to NEPA are listed in Attachment 1.

14. Citizen Involvement Procedures

a. Citizen involvement in the environmental assessment of Departmental actions is encouraged at each appropriate stage of development of the proposed action and should be sought as early as possible. Citizen involvement in the environmental process should be integrated with other citizen involvement procedures to the maximum extent possible. Attempts should be made to solicit the views of the public through hearings, personal contact, press releases, advertisements or notices in newspapers, including minority or foreign language papers, if appropriate, and other methods. A summary of citizen involvement and any environmental issues raised should be documented in the EIS.

b. The administrations' implementing instructions shall provide (1) that interested parties and Federal, State, and local agencies receive early notification of the decision to prepare an environmental impact statement, including publication of a notice of intent in the Federal Register, and (2) that their comments on the environmental effects of the proposed Federal action are solicited at an early stage in the preparation of the draft impact statement.

c. Administrations are encouraged to develop lists of interested parties at the national, State and local levels. These would include individuals and community, environmental, conservation, public service, education, labor, or business organizations, who are affected by or known to have an interest in the project, or who can speak knowledgeably on the environmental impact of the proposed action.

d. Under OMB Circular A–95, (Revised) Evaluation, Review, and Coordination of Federal Assistance Programs and Projects, and DOT 4600.4C, Evaluation, Review and Coordination of DOT Assistance Programs and Projects, of 4–12–76, a grant applicant must notify the clearinghouse of its intention to apply for Federal program assistance. The administrations' implementing instructions should provide for the solicitation of comments from the clearinghouse on the environmental consequences of the proposed action.

e. Hearings.

(1) In several instances, a public hearing is required by statute as a condition to Federal approval of a proposed action. Even where not required by statute, an informational hearing or meeting may serve as a useful forum for public involvement.

(2) If a public hearing is to be held, the draft EIS or environmental assessment (or environmental analysis where the hearing is held by an applicant which is not a joint lead agency) should be made available to the public at least 30 days prior to the hearing.

f. Interested persons can get information on the DOT environmental process and on the status of EISs issued by the Office of the Secretary from: Director, Office of Environment and Safety (P–20), Department of Transportation, Washington, D.C. 20590, telephone 202–426–4357.

Each administration shall indicate in its implementing instructions where interested persons can get information or status reports on EISs and other elements of the NEPA process.

15. Proposals for Legislation

a. *Preparation.* An EIS shall be prepared and circulated for any legislative proposal, or for any favorable report on proposed legislation, for which DOT is primarily responsible and which involves significant environmental impacts. The administration or Secretarial Office originating the legislation or developing the Departmental position on the report shall prepare the EIS.

b. *Processing.* The draft EIS shall be cleared with P–1 and submitted by the Assistant General Counsel for Legislation (C–40) to the Office of Management and Budget for circulation in the normal legislative clearance process. The EIS shall be transmitted to Congress no later than 30 days after transmittal of the legislative proposal, and must be available in time for Congressional hearings. Any comments received on the EIS shall be transmitted to Congress. Except as provided by CEQ 1506.8(b)(2), there need not be a final EIS.

16. International Actions

a. Pursuant to Executive Order 12114, Environmental Effects Abroad of Major Federal Actions, the requirements of this Order apply to:

(1) Major Federal actions significantly affecting the environment of the global commons outside the jurisdiction of any nation (e.g. the oceans and Antarctica).

(2) Major Federal actions significantly affecting the environment of a foreign nation not participating in the action or otherwise involved in the action.

(3) Major Federal actions significantly affecting the environment of a foreign nation which provide a product or a project producing a toxic emission or effluent, which is prohibited or strictly regulated in the U.S. by Federal law.

(4) Major Federal actions outside the U.S., its territories and possessions which significantly affect natural resources of global importance designated for protection by the President or by international agreement.

b. If communication with a foreign government concerning environmental studies or documentation is anticipated, the responsible Federal official shall coordinate such communication with the State Department, through P–1.

17. Timing of Agency Action

A decision on the proposed action may not be made sooner than the times specified in CEQ 1506.10(b).

a. Requests for reasonable extensions of the review period for the draft EISs shall be granted whenever possible, and particularly when warranted by the magnitude and complexity of the statement or the extent of citizen interest.

b. If an administration or Secretarial Office believes it is necessary to reduce the prescribed time periods for EIS processing, the request to EPA should be made through P–1.

c. Where emergency circumstances make it necessary to take an action with significant environmental impacts

without observing the provisions of this Order and the CEQ regulations, the administration or Secretarial Office should consult with CEQ through P–1.

18. Effective Date

a. This Order and attachments apply to all draft statements filed by DOT with EPA after 7–30–79, except as provided in paragraph 1506.12 of the CEQ regulations.

b. For final statements whose drafts are filed by 7–30–79, paragraph 11 of this Order applies after 7–30–81, except that subparagraph 11.i. (the record of decision requirement) does not apply. In the interim, final EISs shall be processed in accordance with the provisions of DOT 5610.1B.

19. Time in Effect of Statements

a. The draft EIS may be assumed valid for a period of three years. If the proposed final EIS is not submitted to the approving official within three years from the date of the draft EIS circulation, a written reevaluation of the draft shall be prepared by the responsible Federal official to determine whether the consideration of alternatives, impacts, existing environment and mitigation measures set forth in the draft EIS remain applicable, accurate and valid. If there have been changes in these factors which would be significant in the consideration of the proposed action, a supplement to the draft EIS or a new draft statement shall be prepared and circulated.

b. If major steps toward implementation of the proposed action (such as the start of construction or substantial acquisition and relocation activities) have not commenced within three years from the date of approval of the final EIS, a written reevaluation of the adequacy, accuracy and validity of the EIS shall be prepared by the responsible Federal official unless tiering of EISs (as discussed in subparagraph 7.g.) is being used. If there have been significant changes in the proposed action, the affected environment, anticipated impacts, or proposed mitigation measures, a new or supplemental EIS shall be prepared and circulated.

c. If major steps toward implementation of the proposed action have not occurred within five years from the date of approval of the final EIS, or within the time frame set forth in the final EIS, the responsible Federal official shall prepare a written reevaluation of the adequacy, accuracy, and validity of the EIS. This reevaluation shall be processed in accordance with subparagraph 11.d.

d. If the proposed action is to be implemented in phases or requires successive Federal approvals, a written reevaluation of the continued adequacy, accuracy and validity of the EIS shall be made prior to Federal approval of each major stage which occurs more than three years after approval of the final EIS, and a new or supplemental EIS prepared, if necessary.

20. Implementing Instructions

a. Operating administrations shall issue instructions implementing this Order using one of the following options:

(1) An operating administration may issue detailed instructions or regulations which incorporate the points of this Order and the CEQ regulations and provide guidance on applying the environmental process to the administration's programs; or

(2) An operating administration may rely on this Order as its implementing procedures, provided it issues supplementary guidance which at a minimum applies the environmental process to the administration's programs, as described in the following subparagraph.

b. Implementing instructions shall include the following information:

(1) A list of actions which normally require preparation of an EIS.

(2) A list of actions which are not normally major Federal actions significantly affecting the environment and as such do not normally require an environmental assessment or an environmental impact statement (i.e. categorical exclusions). These actions may include, but are not limited to, funding or authorizing: maintenance and modernization of existing facilities; minor safety improvements; equipment purchases; operating expenses; and planning grants which do not imply a project commitment. Instructions should provide for preparation of environmental assessments or EISs, as appropriate, for actions which would otherwise be classified as categorically excluded, but which are likely to involve: (1) significant impacts on the environment; (2) substantial controversy; (3) impacts which are more than minimal on properties protected by section 4(f) and section 106 of the Historic Preservation Act; or (4) inconsistencies with any Federal, State, or local law or administrative determination relating to the environment.

(3) Identification of the decision making process, including timing for preparation of a draft and final environmental statement or a FONSI and designation of officials responsible for providing information on the administration's preparation, review and approval of environmental documents.

(4) A description of the public participation process or reference to other administration guidance on the public participation process. (See paragraph 14, public participation.)

(5) A description of the processes to be used to insure early involvement of DOT, other agencies and the public in the environmental review of actions proposed by nonfederal applicants (CEQ 1501.2(d)).

(6) A description of the procedures for assuring implementation of mitigation measures indentified in the EIS and the record of decision.

c. Proposed implementing instructions and any substantial amendments thereto shall be submitted to P–1 for review and concurrence. Consultation with CEQ will be assisted by P–1. Proposed and final implementing instructions shall be published in the **Federal Register.**

For the Secretary of Transportation.

Robert L. Fairman,

Deputy Assistant Secretary for Administration.

States and Localities With EIS Requirements

1. States with Comprehensive Statutory Requirements: California, Connecticut, Hawaii, Indiana, Maryland, Massachusetts, Minnesota, Montana, New York, New Jersey, North Carolina, South Dakota, Virginia, Washington, Wisconsin, Puerto Rico.

2. States with Comprehensive Executive or Administrative Orders: Michigan, New Jersey, Texas, Utah.

3. Local EIS requirements: Bowie, Maryland; New York, New York.

Source: Memorandum for NEPA Liaisons from the Council on Environmental Quality, on agency implementing procedures under CEQ's NEPA regulations, dated January 19, 1979. (Appendix D)

Format and Content of Environmental Impact Statements

1. *Format.* a. The format recommended in CEQ 1502.10 should be used for DOT EISs:

(a) Cover Sheet,

(b) Summary,

(c) Table of Contents,

(d) Purpose and Need for the Action,

(e) Alternatives Including the Proposed Action,

(f) Affected Environment,

(g) Environmental Consequences,

(h) List of Preparers,

(i) List of Agencies, Organizations, and Persons to Whom Copies of the Statement Are Sent,

(j) Index,

(k) Appendices (if any).

b. The cover sheet for each environmental impact statement will include the information identified in CEQ 1502.11 and will be headed as follows:

Department of Transportation

(operating administration)

(Draft/Final) Environmental Impact Statement Puusuant to Section 102(2)(C), P.L. 91–190.

As appropriate, the heading will indicate that the EIS also covers the requirements of section 4(f) of the DOT Act, section 14 of the Mass Transportation Act, and/or sections 16 and 18(a)(4) of the Airport Act.

2. *Guidance as to Content of Statements.*

a. Environmental impact statements shall include the information specified in CEQ 1502.11 through 1502.18. The following paragraphs of Attachment 2 are intended to be considered, where relevant, as guidance regarding the content of environmental statements.

b. Additional information contained in research reports, guidance on methodology, and other materials relating to consideration of environmental factors should be employed as appropriate in the preparation of EISs and environmental assessments. Examples of such materials include:

U.S. Department of Transportation, *Environmental Assessment Notebook Series: Highways*, 1975, Report No. DOT P 5600.4, available from the U.S. Government Printing Office, Washington, D.C. 20402, Stock Number 050–000–000109–1;

U.S. DOT, *Environmental Assessment Notebook Series: Airports*, 1978, Report Number DOT P 5600.5, available from the U.S. Government Printing Office, Washington, D.C. 20402, Stock Number 050–000–00138–5;

U.S. DOT, FAA, *Environmental Assessment of Airport Development Actions*, 1977, available from the National Technical Information Service, 5284 Port Royal Road, Springfield, Virginia 22161, NTIS Catalog Number ADA–039274; and

U.S. DOT, *Guidelines for Assessing the Environmental Impact of Public Mass Transportation Projects*, 1979, Report Number DOT P 79 001, available from the National Technical Information Service, Springfield, Virginia 22161.

3. *General Content.* The following points are to be covered.

a. *A description of the proposed Federal action* (e.g. "The proposed Federal action is approval of location of highway . . ." or "The proposed Federal action is approval of a grant application to contruct . . ."), and a statement of its purpose.

b. *Alternatives, including the proposed action,* and including, where relevant, those alternatives not within the existing authority of the responsible preparing office. Section 102(2)(E) of NEPA requires the responsible agency to "study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources." A rigorous exploration and an objective evaluation of the environmental impacts of all reasonable alternative actions, particularly those that might enhance environmental quality or avoid some or all of the adverse environmental effects, are essential. Sufficient analysis of such alternatives and their environmental benefits, costs, and risks should accompany the proposed action through the review process in order not to foreclose prematurely options which might enhance environmental quality or have less detrimental effects. Examples of such alternatives include: the alternative of not taking any action or of postponing action pending further study; alternatives requiring actions of a significantly different nature which would provide similar benefits with different environmental impacts, e.g. low capital intensive improvements, mass transit alternatives to highway construction; alternatives related to different locations or designs or details of the proposed action which would present different environmental impacts. In each case, the analysis should be sufficiently detailed to reveal comparative evaluation of the environmental benefits, costs, and risks of each reasonable alternative, including the proposed action. Where an existing impact statement already contains such analysis, its treatment of alternatives may be incorporated, provided such treatment is current and relevant to the precise purpose of the proposed action.

c. *Affected environment.* (1) The statement should succinctly describe the environment of the area affected as it exists prior to a proposed action, including other related Federal activities in the area, their interrelationships, and cumulative environmental impact. The amount of detail provided in such descriptions should be commensurate with the extent and expected impact of the action, and with the amount of information required at the particular level of decision making (planning, feasibility, design, etc.).

(2) The statement should identify, as appropriate, population and growth characteristics of the affected area and any population and growth assumptions used to justify the project or program or to determine secondary population and growth impacts resulting from the proposed action and its alternatives (see paragraph 3e(2)). In discussing these population aspects, the statement should give consideration to using the rates of growth in the region of the project contained in the projections compiled for the Water Resources Council by the Bureau of Economic Analysis of the Department of Commerce and the Economic Research Service of the Department of Agriculture (the OBERS projection).

d. *The relationship of the proposed action* and how it may conform to or conflict with adopted or proposed land use plans, policies, controls, and goals and objectives as have been promulgated by affected communities. Where a conflict or inconsistency exists, the statement should describe the extent of reconciliation and the reasons for proceeding notwithstanding the absence of full reconciliation.

e. *The probable impact of the proposed action on the environment.* (1) This requires assessment of the positive and negative effects of the proposed action as it affects both national and international human environment. The attention given to different environmental factors will vary according to the nature, scale, and location of proposed actions. Primary attention should be given in the statement to discussing those factors most evidently impacted by the proposed action.

2. Secondary and other foreseeable effects, as well as primary consequences for the environment, should be included in the analysis. Secondary effects, such as impacts on existing community facilities and activities inducing new facilities and activities, may often be even more substantial than the primary effects of the original action itself. For example, the effects of the proposed action on population and growth may be among the more significant secondary effects. Such population growth impacts should be estimated and an assessment made on their effects upon the resource base, including land use, water, and public services, of the area in question.

f. *Any probable adverse environmental effects which cannot be avoided* (such as water or air pollution, noise, undesirable land use patterns, or impacts on public parks and recreation areas, wildlife and waterfowl refuges, or on historic sites, damage to life systems, traffic congestion, threats to health, or

other consequences adverse to the environmental goals set out in section 101(b) of NEPA). This should be a brief summary of those effects discussed in paragraph 3c that are adverse and unavoidable under the proposed action. Included for purposes of contrast should be a clear statement of how all adverse effects will be mitigated.

g. *The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity.* This discussion should cover the extent to which the proposed action involves tradeoffs between short-term environmental gains at the expense of long-term losses, or vice versa, and a discussion of the extent to which the proposed action forecloses future options.

h. *Any irreversible and irretrievable commitments of resources* that would be involved in the proposed action should it be implemented. This requires identification of unavoidable impacts and the extent to which the action irreversibly curtails the range of potential uses of the environment. "Resources" means not only the labor and materials devoted to an action but also the natural and cultural resources lost or destroyed.

i. *An indication of what other interests and considerations of Federal policy* are thought to offset the adverse environmental effects of the proposed action identified pursuant to subparagraphs (e) and (f) of this paragraph. The statement should also indicate the extent to which these stated countervailing benefits could be realized by following reasonable alternatives to the proposed action (as identified in subparagraph (b) of this paragraph) that would avoid some or all of the adverse environmental effects. In this connection, cost-benefit analyses of proposed actions, if prepared, should be attached, or summaries thereof, to the environmental impact statement, and should clearly indicate the extent to which environmental costs have not been reflected in such analyses.

j. *A discussion of problems and objections raised by other Federal agencies, State and local entities, and citizens in the review process,* and the disposition of the issues involved and the reasons therefor. (This section may be added to the final environmental statement at the end of the review process.)

(1) The draft and final statements should document issues raised through consultations with Federal, State, and local agencies with jurisdiction or special expertise and with citizens, of actions taken in response to comments, public hearings, and other citizen involvement proceedings.

(2) Any unresolved environmental issues and efforts to resolve them, through further consultations or otherwise, should be identified in the final statement. For instance, where an agency comments that the statement has inadequate analysis or that the agency has reservations concerning the impacts, or believes that the impacts are too adverse for approval, either the issue should be resolved or the final statement should reflect efforts to resolve the issue and set forth any action that will result.

(3) The statement should reflect that every effort was made to discover and discuss all major points of view on the environmental effects of the proposed action and alternatives in the draft statement. However, where opposing professional views and responsible opinion have been overlooked in the draft statement and are raised through the commenting process, the environmental effects of the action should be reviewed in light of those views. A meaningful reference should be made in the final statement to the existence of any responsible opposing view not adequately discussed in the draft statement indicating responses to the issues raised.

(4) All substantive comments received on the draft (or summaries of responses from the public which have been exceptionally voluminous) should be attached to the final statement, whether or not each such comment is thought to merit individual discussion in the text of the statement.

k. *Draft statements should indicate at appropriate points in the text* any underlying studies, reports, and other information obtained and considered in preparing the statement, including any cost benefit analyses prepared. In the case of documents not likely to be easily accessible (such as internal studies or reports), the statement should indicate how such information may be obtained. If such information is attached to the statement, care should be taken to insure that the statement remains an essentially self-contained instrument, capable of being understood by the reader without the need for undue cross reference.

Publicly Owned Parklands, Recreational Areas, Wildlife and Waterfowl Refuges and Historic Sites. The following points are to be covered:

a. Description of "any publicly owned land from a public park, recreational area or wildlife and waterfowl refuge" or "any land from an historic site" affected or taken by the project. This includes its size, available activities, use, patronage, unique or irreplaceable qualities, relationship to other similarly used lands in the vicinity of the project, maps, plans, slides, photographs, and drawings showing in sufficient scale and detail the project. This also includes its impact on park, recreation, wildlife, or historic areas, and changes in vehicular or pedestrian access.

b. Statement of the "national, State or local significance" of the entire park, recreation area, refuge, or historic site "as determined by the Federal, State or local officials having jurisdiction thereof."

(1) In the absence of such a statement, lands will be presumed to be significant. Any statement of "insignificance" by the official having jurisdiction is subject to review by the Department as to whether such statement is capricious.

(2) Where Federal lands are administered for multiple uses, the Federal official having jurisdiction over the lands shall determine whether the subject lands are in fact being used for park, recreation, wildlife, waterfowl, or historic purposes.

c. Similar data, as appropriate, for alternative designs and locations, including detailed cost estimates (with figures showing percentage differences in total project costs) and technical feasibility, and appropriate analysis of the alternatives, including any unique problems present and evidence that the cost or community disruptions resulting from alternative routes reach extraordinary magnitudes. This portion of the statement should demonstrate compliance with the Supreme Court's statement in the *Overton Park* case, as follows:

"The very existence of the statute indicates that the protection of parklands was to be given paramount importance. The few green havens that are public parks were not to be lost unless there were truly unusual factors present in a particular case or the cost or community disruption resulting from alternative routes reached extraordinary magnitudes. If the statutes are to have any meaning, the Secretary cannot approve the destruction of parkland unless he finds that the alternative routes present unique problems."

d. If there is no feasible and prudent alternative, description of all planning undertaken to minimize harm to the protected area and statement of actions taken or to be taken to implement this planning, including measures to maintain or enhance the natural beauty of the lands traversed.

(1) Measures to minimize harm may include replacement of land and facilities, providing land or facilities, or

provision for functional replacement of the facility (see 49 CFR 25.267).

(2) Design measures to minimize harm; e.g. tunneling, cut and cover, cut and fill, treatment of embankments, planting, screening, maintenance of pedestrian or bicycle paths and noise mitigation measures, all reflecting utilization of appropriate interdisciplinary design personnel.

e. Evidence of concurrence or description of efforts to obtain concurrence of Federal, State or local officials having jurisdiction over the section 4(f) property regarding the action proposed and the measures planned to minimize harm.

f. If Federally-owned properties are involved in highway projects, the final statement shall include the action taken or an indication of the expected action after filing a map of the proposed use of the land or other appropriate documentation with the Secretary of the Department supervising the land (23 U.S.C. 317).

g. If land acquired with Federal grant money (Department of Housing and Urban Development open space or Heritage Conservation and Recreation Service land and water conservation funds) is involved, the final statement shall include appropriate communications with the grantor agency.

h. The General Counsel will determine application of section 4(f) to public interests in lands, such as easements, reversions, etc.

i. A specific statement that there is no feasible and prudent alternative and that the proposal includes all possible planning to minimize harm to the "section 4(f) area" involved.

5. *Properties and Sites of Historic and Cultural Significance.* The statement should document actions taken to preserve and enhance districts, sites, buildings, structures, and objects of historical, architectural, archaeological, or cultural significance affected by the action.

a. Draft environmental statement should include identification, through consulting the State Historic Preservation Officer and the National Register and applying the National Register Criter (36 CFR Part 800), of properties that are included in or eligible for inclusion in the National Register of Historic Places that may be affected by the project. The Secretary of the Interior will advise whether properties not listed are eligible for the National Register (36 CFR Part 63).

b. If application of the Advisory Council on Historic Preservation's (ACHP) Criteria of Effect (36 CFR Part 800) indicates that the project will have an effect upon a property included in or eligible for inclusion in the National Register of Historic Places, the draft environmental statement should document the effect. Evaluation of the effect should be made in consultation with the State Historic Preservation Officer (SHPO) and in accordance with the ACHP's Criteria of Adverse Effect (36 CFR Part 800).

c. Determinations of no adverse effect should be documented in the draft statement with evidence of the application of the ACHP's Criteria of Adverse Effect, the views of the appropriate State Historic Preservation Officer, and submission of the determination to the ACHP for review.

d. If the project will have an adverse effect upon a property included in or eligible for inclusion in the National Register of Historic Places, the final environmental statement should include either an executed Memorandum of Agreement or comments from the Council after consideration of the project at a meeting of the ACHP and an account of actions to be taken in response to the comments of the ACHP. Procedures for obtaining a Memorandum of Agreement and the comments of the Council are found in 36 CFR Part 800.

To determine whether the project will have an effect on properties of State or local historical, architectural, archaeological, or cultural significance not included in or eligible for inclusion in the National Register, the responsible official should consult with the State Historic Preservation Officer, with the local official having jurisdiction of the property, and, where appropriate, with historical societies, museums, or academic institutions having expertise with regard to the property. Use of land from historic properties of Federal, State and local significance as determined by the official having jurisdiction thereof involves section 4(f) of the DOT Act and documentation should include information necessary to consider a section 4(f) determination (see paragraph 4).

6. *Impacts of the Proposed Action on the Human Environment Involving Community Disruption and Relocation.* a. The statement should include a description of probable impact sufficient to enable an understanding of the extent of the environmental and social impact of the project alternatives and to consider whether relocation problems can be properly handled. This would include the follwiing information obtainable by visual inspection of the proposed affected area and from secondary sources and community sources when available.

(1) An estimate of the households to be displaced including the family characterisctics (e.g. minorities, and income levels, tenure, the elderly, large families).

(2) Impact on the human environment of an action which divides or disrupts an established community, including where pertinent, the effect of displacement on types of families and individuals affected, effect of streets cut off, separation of residences from community facilities, separation of residential areas.

(3) Impact on the neighborhood and housing to which relocation is likely to take place (e.g. lack of sufficient housing for large families, doublings up).

(4) An estimate of the businesses to be displaced, and the general effect of business dislocation on the economy of the community.

(5) A discussion of relocation housing in the area and the ability to provide adequate relocation housing for the types of families to be displaced. If the resources are insufficient to meet the estimated displacement needs, a description of the actions proposed to remedy this situation including, if necessary, use of housing of last resort.

(6) Results of consultation with local officials and community groups regarding the impacts to the community affected. Relocation agencies and staff and other social agencies can help to describe probable social impacts of this proposed action.

(7) Where necessary, special relocation advisory services to be provided the elderly, handicapped and illiterate regarding interpretations of benefits, assistance in selecting replacement housing, and consultation with respect to acquiring, leasing, and occupying replacement housing.

b. this data should provide the preliminary basis for assurance of the availability of relocation housing as required by DOT 5620.1, Replacement Housing Policy, dated 6–24–70, and 49 CFR 25.57.

7. *Considerations Relating to Pedestrians and bicyclists.* Where appropriate, the statement should discuss impacts on and consideration to be given in the development of the project to pedestrian and bicycle access, movement and safety within the affected area, particularly in medium and high density commercial and residential areas.

8. *Other Social Impacts.* The general social groups specially benefitted or harmed by the proposed action should be identified in the statement, including the following:

a. Particular effects of a proposal on the elderly, handicapped, non-drivers,

transit dependent, or minorities should be described to the extent reasonably predicatble.

b. How the proposal will facilitate or inhibit their access to jobs, educational facilities, religious institutions, health and welfare services, recreational facilities, social and cultural facilities, pedstrian movement facilities, and public transit services.

9. *Standards as to Noise, Air, and Water Pollution.* The statement shall reflect sufficient analysis of the effects of the proposed action on attainment and maintenance of any environmental standards established by law or administrative determination (e.g. noise, ambient air quality, water quality), including the following documentation:

a. With respect to water quality, there should be consultation with the agency responsible for the State water pollution control program as to conformity with standards and regulations regarding storm sewer discharge, sedimentation control, and other non-point source discharges.

b. The comments or determinations of the offices charged with administration of the State's implementation plan for air quality as to the consistency of the project with State plans for the implementation of ambient air quality standards.

c. Conformity to adopted noise standards, compatible, if appropriate, with different land uses.

10. *Energy Supply and Natural Resources Development.* Where applicable, the statement should reflect consideration of whether the project or program will have any effect on either the production or consumption of energy and other natural resources, and discuss such effects if they are significant.

11. *Floodplain Management Evaluation.* When an alternative under consideration encroaches on a base (100-year) floodplain, the statement should describe the anticipated impacts on natural and beneficial floodplain values, any risk to or resulting from the transportation action, and the degree to which the action facilitates additional development in the base floodplain. The necessary measures to address floodplain impacts, including an evaluation of alternatives to avoid the encroachment in appropriate cases, should be described in compliance with Executive Order 11988, "Floodplain Management," and DOT Order 5650.2, "Floodplain Management and Protection."

12. *Considerations Relating to Wetlands or Coastal Zones.* Where wetlands or coastal zones are involved, the statement should reflect compliance with Executive Order 11990, Protection of Wetlands, and DOT 5660.1A and should include:

a. Information on location, types, and extent of wetlands areas which might be affected by the proposed action.

b. An assessment of the impacts resulting from both construction and operation of the project on the wetlands and associated wildlife, and measures to minimize adverse impacts.

c. A statement by the local representative of the Department of the Interior, and any other responsible officials with special expertise, setting forth his views on the impacts of the project on the wetlands, the worth of the particular wetlands areas involved to the community and to the Nation, and recommendations as to whether the proposed action should proceed, and, if applicable, along what alternative route.

d. Where applicable, a discussion of how the proposed project relates to the State coastal zone management program for the particular State in which the project is to take place.

13. *Construction Impacts.* In general, adverse impacts during construction will be of less importance than long-term impacts of a proposal. Nonetheless, statements should appropriately address such matters as the following, identifying any special problem areas:

a. Noise impacts from construction and any specifications setting maximum noise levels.

b. Disposal of spoil and effect on borrow areas and disposal sites (include specifications where special problems are involved).

c. Measures to minimize effects on traffic and pedestrians.

14. *Land Use and Urban Growth.* The statement should include, to the extent relevant and predictable:

a. The effect of the project on land use, development patterns, and urban growth.

b. Where significant land use and development impacts are anticipated, identify public facilities needed to serve the new development and any problems or issues which would arise in connection with these facilities, and the comments of agencies that would provide these facilities.

15. (Deleted)

16. *Projects under Section 14 of the Mass Transportation Act: Mass Transit Projects with a Significant Impact on the Quality of the Human Environment.* The statement should include:

a. Evidence of the opportunity that was afforded for the presentation of views by all parties with a significant economic, social or environmental interest.

b. Evidence that fair consideration has been given to the preservation and enhancement of the environment and to the interests of the community in which the project is located.

c. If there is an adverse environmental effect and there is no feasible and prudent alternative, description of all planning undertaken to minimize such adverse environmental effect and statement of actions taken or to be taken to implement the planning; or a specific statement that there is no adverse environmental effect.

[FR Doc. 79-30307 Filed 9-28-79; 8:45 am]

BILLING CODE 4910-62-M

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1979 Rev., Supp. No. 6]

Surety Companies Acceptable on Federal Bonds

A certificate of authority as an acceptable reinsurer on Federal bonds is hereby issued to the following company under Sections 6 to 13 of Title 6 of the United States Code. An underwriting limitation of $2,842,000 has been established for the company.

Name of Company, Business Address, and State In Which Incorporated

The Tokio Marine and Fire Insurance Company, Limited (U.S. Branch), 55 Water Street, New York, New York 10041, Japan

Certificates of authority expire on June 30 each year, unless renewed prior to that date or sooner revoked. The certificates are subject to subsequent annual renewal so long as the companies remain qualified (31 CFR, Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information. Copies of the circular, when issued, may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

D. A. Pagliai,

Commissioner, Bureau of Government Financial Operations.

September 24, 1979.

[FR Doc. 79-30328 Filed 9-28-79; 8:45 am]

BILLING CODE 4810-35-M

Office of Foreign Assets Control

Agreement Between the Government of the United States of America and the Government of the People's Republic of China Concerning the Settlement of Claims; Postponement of Unblocking of Assets Blocked by Virtue of Interests of the People's Republic of China or its Nationals

Notice is hereby given that the date for unblocking of assets blocked by virtue of an interest of the People's Republic of China or any national thereof originally scheduled for October 1, 1979 is now being postponed until January 31, 1980. The unblocking will be pursuant to the Agreement Concerning the Settlement of Claims between the United States and the People's Republic of China signed on May 11, 1979, which was amended by agreement between the United States and the PRC to provide for the postponement. The unblocking will be accomplished by publishing amendments to the Foreign Assets Control Regulations at the appropriate time. All other provisions of the Agreement, such as the obligation of the People's Republic of China to make an initial payment of $30 million on October 1, 1979, remain in effect.

Dated: September 27, 1979.

Stanley L. Sommerfield,

Director.

Approved: Richard J. Davis,

Assistant Secretary.

[FR Doc. 79-30527 Filed 9-28-79; 9:01 am]

BILLING CODE 4810-25-M

INTERSTATE COMMERCE COMMISSION

[Docket No. AB-6 (Sub-No. 66F)

Burlington Northern, Inc. Abandonment Near Clear Lake and Sedro Woolley in Skagit County, Wash.; Notice of Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a Certificate and Decision decided September 13, 1979, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in AB-36 (Sub-No. 2), *Oregon Short Line R. CO.-Abandonement Goshen,* 360 I.C.C. 91 (1979), and further that applicant shall keep intact all of the right-of-way underlying the track, including all of the bridges and culverts for a period of 120 days from the effective date of the certificate and decisions to permit any state or local government agency or other interested party to negotiate the acquisition for public use of all or any portion of the right-of-way; and provided further (a) that during this 120 days period, applicant shall take measures to prevent significant alteration or deterioration of the BN #50 bridge, (b) that, in event the bridge is eventually demolished, applicant will ensure that appropriate measures are taken to adequately record the structure according to standards prescribed by the Historic American Building Survey, and (c) that, if the bridge is sold to another party, the applicant shall insert in the contract of sale a provision ensuring the appropriate recordation of the structure as provided in (b) immediately above, the present and future public convenience and necessity permit the abandonment by the Burlington Northern Inc. of a line of railroad known as the Clear Lake to Sedro Woolley Line extending from railroad milepost 83.05 near Clear Lake, WA, to railroad milepost 85.79 at the end of the line near Sedro Woolley, WA, a distance of 2.74 miles, in Skagit County, WA. A certificate of public convenience and necessity permitting abandonment was issued to the Burlington Northern Inc. Since no investigation was instituted, the requirement of Section 1121.38(a) of the Regulations that publication of notice of abandonment decisions in the **Federal Register** be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (Section 1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed and served no later than 15 days after publication of this Notice. The offer, as filed, shall contain information required pursuant to Section 1121.38(b)(2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective 45 days from the date of this publication.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79-30331 Filed 9-28-79; 8:45 am]

BILLING CODE 7035-01-M

[Docket AB-1 (Sub-82F)]

Chicago & North Western Transportation Co., Abandonment Near Coulter and Clarion in Franklin and Wright Counties, Iowa; Notice of Findings

Notice is hereby given pursuant to 49 U.S.C § 10903 that by a Certificate and Decision decided September 5, 1979, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in AB-36 (Sub-No. 2), *Oregon Short Line R. Co.—Abandonment Goshen,* 360 I.C.C. 91 (1979), and further North Western shall keep intact all of the right-of-way underlying the track, including all of the bridges and culverts for a period of 120 days from the effective date of the certificate and decision to permit any state or local government agency or other interested party to negotiate the acquisition for public use of all or any portion of the right-of-way, the present and future public convenience and necessity permit the abandonment by the Chicago and North Western Transportation Company of a line of railroad known as the Coulter-Clarion line extending from railroad milepost 326.5 near Coulter to milepost 344.4 near Clarion, a distance of 17.9 miles, in Franklin and Wright Counties, IA. A certificate of public convenience and necessity permitting abandonment was issued to the Chicago and North Western Transportation Company. Since no investigation was instituted, the requirement of Section 1121.38(a) of the Regulations that publication of notice of abandonment decisions in the **Federal Register** be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (Section 1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed and served no later than 15 days after publication of this Notice. The offer, as filed, shall contain information required pursuant to Section 1121.38(b) (2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment

shall become effective 45 days from the date of this publication.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79-30329 Filed 9-28-79; 8:45 am]

BILLING CODE 7035-01-M

[Permanent Authority Decisions Vol. No. 162]

Greater Pensacola Movers, Inc., et al.; Decision-Notice

Decided: August 30, 1979.

The following applications are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR § 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date notice of the application is published in the **Federal Register**. Failure to file a protest, within 30 days, will be considered as a waiver of opposition to the application. A protest under these rules should comply with Rule 247(e)(3) of the Rules of Practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding, (as specifically noted below), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. A protestant should include a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describe in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed. Protests not in reasonable compliance with the requirements of the rules may be rejected. the original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of section 247(e)(4) of the special rules and shall include the certification required in that section.

On cases filed on or after March 1, 1979, petitions for intervention either with or without leave are appropriate.

Section 247(f) provides, in part, that an applicant which does not intend timely to prosecute its application shall promptly request that it be dismissed, and that failure to prosecute in application under the procedures of the Commission will result in its dismissal.

If applicant has introduced rates as an issue it is noted. Upon request an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

We find: With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. § 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a protestant, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. § 10101 subject to the right of the Commission, which is expressly reserved, to impose such conditions as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. § 10930(a) (formerly section 210 of the Interstate Commerce Act).

In the absence of legally sufficient protests, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, such duplication shall not be construed as conferring more than a single operating right.

Applicants must comply with all specific conditions set forth in the grant or grants of authority within 90 days after the service of the notification of the effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

By the Commission, Review Board Number 3, Members Parker, Fortier, and Hill.

Agatha Mergenovich,

Secretary.

MC 133912 (Sub-2F), filed January 12, 1979. Applicant: GREATER PENSACOLA MOVERS, INC., 35 East Fairfield Drive, Pensacola, FL 32501. Representative: C. E. Walker, P.O. Box 1085, Columbus, GA 31902. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods, as defined by the Commission, and commodities in bulk) between points in Escambia County, FL, on the one hand, and, on the other, points in Bay, Escambia, Okaloosa, Santa Rosa, and Walton County, FL, and Escambia County, AL, restricted to the transportation of traffic having a prior or subsequent movement by rail. (Hearing site: Pensacola, FL, or Montgomery, AL.)

MC 145582 (Sub-2F), filed February 13, 1979. Applicant: DENMARK TRUCKING, INC., P.O. Box 373, Greenville, MS 38701. Representative: Harold H. Mitchell, Jr., P.O. Box 1295, Greenville, MS 38701. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *metal wire products and hinges*, (2) *molded rubber and metal products*, (3) *kitchen cabinets and laminated products*, and (4) *materials, supplies and component parts of kitchen cabients and vanity cabinets*, (a) between the facilities of Hager Hinge & Sons Co., Inc., at or near Anniston, AL, St. Louis, MO, and Greenville, MS, on the one hand, and, on the other, Feasterville, PA, Los Angeles, CA, St. Louis, MO, Denver, CO, Tacoma, WA, Dallas, TX, Greenville, MS, Anniston, AL, and Atlanta, GA, (b) between the facilities of Moeller Manufacturing Co., Inc., at or near Greenville, MS, on the one hand, and, on the other, Camdenton, MO, Soddy, TN, and Dyersburg, TN, (c) between the facilities of Ampco Division of Chromalloy America Corporation, at or near Rosedale, MS, and points in MO

and IL, under continuing contract(s) with Hager Hinge & Sons Co., Inc., and Moeller Manufacturing Co., Inc., of Greenville, MS, and Ampco Division of Chromalloy of Rosedale, MS. (Hearing site: Greenville, MS or St. Louis, MO.)

MC 146492F, filed February 23, 1979. Applicant: AIRPORT LIVERY SERVICE, INC., 257 Stuart Avenue, Aurora, IL 60505. Representative: Joseph E. Ludden, 324 Exchange Building, P.O. Box 1567, La Crosse, WI 54601. To operate as a *common carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, houshold goods as defined by the Commission, commodities in bulk, and commodities requiring the use of special equipment), between Aurora and Joliet, IL, on the one hand, and, on the other, points in WI on and south of U.S. Hwy 10, those points in IA on and east of U.S. Hwy 63, points in IL on and north of U.S. Hwy 36, those points in IN on and north and west of a line beginning at the IL–IN State line, and extending along U.S. Hwy 36 to junction U.S. Hwy 27, then north over U.S. Hwy 27 to IN–MI State line, and those points in MI on west and south of a line beginning at the IN–MI State line, and extending along U.S. Hwy 127 to junction U.S. Hwy 10, then west over U.S. Hwy 10 to Lake Michigan. (Hearing site: Chicago, IL or Springfield, IL.)

[FR Doc. 79-29967 Filed 9-28-79; 8:45 am]
BILLING CODE 7035-01-M

[Docket No. AB-7 (Sub-56F); and Docket No. AB-7 (Sub-57-F)]

Stanley E. G. Hillman, Trustee of the Property of Chicago, Milwaukee, St. Paul & Pacific Railroad Co., Debtor, Abandonment Near Farmington to Benning, in Dakota, Scott, Rice, Le Sueur and Blue Earth Counties, Minn.; and Stanley E. G. Hillman, Trustee of the Property of Chicago, Milwaukee, St. Paul & Pacific Railroad Co., Debtor, Abandonment Near Farmington to Shakopee, in Dakota and Scott Counties, Minn.; Notice of Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a decision decided April 13, 1979, and the decision of the Commission, Division 2, served August 22, 1979, as modified, adopted the decision of the Commission, Review Board Number 5, which is administratively final, stating that, in AB-7 (Sub-No. 56), the present and future public convenience and necessity permit the abandonment by Stanley E. G. Hillman, Trustee of the Property of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Debtor, of its line of railroad extending from railroad milepost 1.2 near Farmington, MN, to railroad milepost 56.1 near Benning, MN, a distance of 54.9 miles, in Dakota, Scott, Rice, Le Sueur, and Blue Earth Counties, MN, and in AB-7 (Sub-No. 57), the present and future public convenience and necessity permit the abandonment by Milwaukee of its line of railroad extending from railroad milepost 0.5 near Farmington, MN, to railroad milepost 24.0 near Shakopee, MN, a distance of 23.5 miles in Dakota and Scott Counties, MN, subject to the conditions for the protection of employees as adopted in the decision of the Commission in AB-36 (Sub-No. 2), *Oregon Short Line R. Co. Abandonment Goshen*, 360 I.C.C. 91 (1979), *provided, however*, that Stanley E. G. Hillman, Trustee of the Property of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Debtor, shall not sell, lease or otherwise dispose of the right-of-way underlying the tracks between mileposts 1.2 and 56.1 and between milepost 0.5 and 24.0, including all bridges and culverts, for a period of 180 days following issuance of certificates to permit any state or local government agency or other interested party to negotiate the acquisition for public use of all or any portion of the right-of-way. Certificates of abandonment will be issued to Stanley E. G. Hillman, Trustee of the Property of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, Debtor, based on the above-described findings 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, issuance of certificates of abandonment will be postponed 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 operating 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 involved 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. 79-30330 Filed 9-28-79; 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 210(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. 167

MC 4963 (Sub-72TA), filed June 7, 1979, and published in the FR issue of August 1, 1979 and republished as corrected this issue. Applicant: JONES MOTOR CO., INC., Bridge St. & Schuylkill Road, Spring City, PA 19455. Representative: William H. Peiffer (same address as applicant). *Iron or steel articles, metals, metal products, paper and paper products, lumber,* commodities the transportation of which, because of size or weight, require the use of special equipment, between points in NC, AL, GA, KY, MO, TN, and SC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are 29 shippers which may be examined at the field office listed below and Headquarters. Send protests to: ICC, Federal Res. Bank Bldg., 101 N. 7th St., Philadelphia, PA 19106. Applicant intends to tack with his presently held authority. The purpose of this republication is to include the tacking information which was previously omitted.

MC 110683 (Sub-146TA), filed May 23, 1979, and published in the **Federal Register** issue of August 1, 1979, and republished as corrected this issue. Applicant: SMITH'S TRANSFER CORPORATION, P.O. Box 1000, Staunton, VA 24401. Representative: Francis W. McInerny, 1000 Sixteenth St., NW., Washington, DC 20036. *General commodities,* except those of unusual value, classes A & B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Birmingham, AL, and points within 15 miles thereof on the one hand, and, Tuscumbia and Sheffield, AL, on the other hand, for 180 days. Applicant intends to tack this authority with existing regular routes. Supporting shipper(s): There are 20 statements of support to this application which may be examined at the ICC, Washington, DC, or the field office named below. Send protest to: Charles F. Myers, DS, ICC, Rm 10–502 Federal Bldg., 400 North 8th St., Richmond, VA 23240. The purpose of this republication is to show that the applicant intends to tack this authority.

MC 115523 (Sub-181TA), filed April 24, 1979, and published in the **Federal Register** issue of July 2, 1979 and republish as corrected this issue. Applicant: CLARK TANK LINES COMPANY, 1450 Beck Street, Salt Lake City, UT 84110. Representative: Melvin J. Whitear (same as above). *Sugar, products of corn, and blends thereof,* in bulk, from Ogden, UT to Caldwell and Boise, ID and from Nampa, ID to Billings, Butte, Great Falls and Missoula, MT, La Grande, OR and Spokane and Walla Walla, WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Amalgated Sugar Company, P.O. Box 1520, Ogden, UT 84402. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Bldg., Salt Lake City, UT 84138. The purpose of this republication is to add Boise, ID as a destination which was previously omitted.

MC 119493 (Sub-311TA), filed July 11, 1979, and published in the **Federal Register** issue of August 22, 1979, and corrected this issue. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, MO 64801. Representative: Thomas D. Boone (same as above). *Clay and clay products* (except in bulk) and materials and supplies used in the manufacture and distribution thereof (except in bulk), between Middleton, TN, on the one hand, and, on the other, AR, FL, GA, IL, IN, KY, LA, MI, NC, OH, TX and VA, for 180 days. Supporting shipper(s): Maltan, Inc., Highway 125 South, Middleton, TN 38502. Send protests to: John, V. Barry, DS, ICC, Rm 600 Federal Bldg., 911 Walnut St., Kansas City, MO 64106. The purpose of this republication is to include "KY" as a destination state which was previously omitted.

MC 141402 (Sub-35TA), filed March 22, 1979, and published in the **Federal Register** issue of June 21, 1979 and republished as corrected this issue. Applicant: LINCOLN FREIGHT LINES, INC., P.O. Box 427, Lapel, IN 46051. Representative: Norman R. Garvin, 1301 Merchants Plaza, Indianapolis, IN 46204. Contract carrier: irregular routes: (1) *Canned fruit flavored beverages, non-carbonated and* (2) *dry beverage preparations and* (3) *canned single strength juice,* from the facilities of Penny Products, Inc. at or near Trafalgar, IN to points in OH, IL, KY, WV, VA, TN, MN, WI, MI and MO and (4) *materials equipment and supplies,* (except commodities in bulk), used in the manufacture, sale and production of the commodities named in (1), (2), and (3) above in the reverse direction, under a contract or continuing contracts with Penny Products, Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Penny Products, Inc., Red Gold Drive, Trafalgar, IN 46181. Send protests to: Beverly J. Williams, TA, ICC, 46 E. Ohio St. Rm 429, Indianapolis, IN 46204. The purpose of this republication is show the complete origin and destination which was previously omitted.

MC 143713 (Sub-4TA), filed April 16, 1979, and published in the **Federal Register** issue of August 22, 1979, and republished as corrected this issue. Applicant: AGRICULTURAL TRANSPORTATION ASSOCIATION OF ILLINOIS, RFD 8, Forest Ridge, Springfield, IL 62707. Representative: Marshall D. Becker, Suite 610, 7171 Mercy Road, Omaha, NE 68106. (1) *animal and poultry feed ingredients,* from Rhinelander, WI to points in IL, IN, KY, MI, OH, and PA; (2) *feed and feed ingredients, bags, and equipment and supplies used in the manufacture of feed and feed ingredients,* from Fairbury, IL to points in MI, TX, MN, IN, and KY; from KY, NM, TX, MN, IN, to Fairbury, IL; (3) *feed and feed ingredients* (except in bulk in tank vehicles), from the facilities of Kand Molass Labs at Mt. Pulaski, IL to points in MN, MO, TN, MI and NE; (4) *feed and feed ingredients* (except in bulk in tank vehicles), from the facilities of Wells at Monmouth, IL to points in KY and SD; (5) *liquid fertilizer,* from points in IA to Aledo, IL; (6) *feed ingredients, animal and poultry health products, and equipment, materials and supplies used in the manufacture and distribution thereof,* between the facilities of Diamond Shamrock Corporation located at Van Buren, AR; Fresno, CA; Cherry Hills and Harrison, NJ; Louisville, KY and Franklin Park, IL, on the one hand, and on the other, all points in the United States (except AK and HI); (7) *chemical fertilizer,* from Ashkum, IL to West Des Moines, IA; (8) *animal, poultry and fish feed in bags,* from Peoria, IL to MI, IN, OH, PA, KY, TN, MS, AL, GA, FL, WI, MN, SD, IA, NE, MO, KS, OK, TX, NM, CO, UT, AZ, NV, CA, OR, WA and equipment and supplies used in the manufacture of animal, poultry and fish feed and feed ingredients from the above-named destination states to Peoria, IL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are approximately 8 supporting shippers which can be examined at Headquarters or at the field office named below. Send protests to: Lois Stahl, TA, ICC, Everett McKinley Dirksen Bldg., Rm. 1386, 219 South Dearborn St., Chicago, IL 60604. The purpose of this republication is to include portion 8 of the application

which was previously omitted; to correctly show the supporting shipper statement and to show the correct field office for protests.

MC 1628 (Sub-2TA), filed July 30, 1979. Applicant: STEVEN C. REUTER d.b.a. CARL REUTER FREIGHT LINE, 712 West 3rd Street, Sumner, IA 50674. Representative: Cecil L. Goettsch, 1100 Des Moines Bldg., Des Moines, IA 50309. *General commodities (except those of unusual value, high explosives, household goods as defined by the Commission, and commodities requiring special equipment),* between Alpha, Artesian, Denver, Festina, Ft. Atkinson, Fredricksburg, Fredricka, Hawkeye, Jackson Junction, Lawler, Protivin, St. Lucas, Spillville, Sumner, Tripoli, Waterloo, and Waucoma, IA, for 180 days. Applicant intends to interline with other carriers at Waterloo, IA. An underlying ETA seeks 90 days authority. Supporting Shipper(s): There are 15 shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: Herbert W. Allen D/S, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 25798 (Sub-387TA), filed August 8, 1979. Applicant: CLAY HYDER TRUCKING LINES, INC., P.O. Box 1186, Auburndale, FL 33823. Representative: Tony G. Russell, (Same address as applicant). *Bananas* from Port Hueneme, CA to CO, IA, KS, MN, MO, NE, NM, ND, OK, and SD for 180 days. Supporting Shipper(s): Del Monte Banana Co., 1201 Brickell Ave., Miami, FL 33101. Send protests to: Donna M. Jones, T/A, ICC—BOp, Monterey Bldg., Suite 101, 8410 N.W. 53rd Ter., Miami, FL 33166.

MC 28478 (Sub-48TA), filed August 7, 1979. Applicant: GREAT LAKES EXPRESS COMPANY, 114 Fifth Avenue, New York, N.Y. 10011. Representative: G. G. Heller, President (same address as applicant). *General commodities having a prior or subsequent movement by air,* between Willow Run and Detroit Metropolitan Airports, MI, on the one hand, and , on the other, points in Washtenaw, Lenawee, Macomb and St. Clair Counties, MI; for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): 1. Armada Rubber Manufacturing Co., 28068 Ridge Rd., Armada, MI 48005. 2. Marketing Faraday Inc., 805 South Maumee, Tecunseh, MI 49826. Send protests to: Maria B. Kejss, Transportaion Assistant, Interstate Commerce Commission, 26 Federal Plaza New York, N.Y.10007.

MC 35358 (Sub-46TA), filed August 7, 1979. Applicant: BERGER TRANSFER & STORAGE, INC., 3720 Macalaster Drive, Northeast, Minneapolis, MN 55421. Representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, MN 55402. *Records and tapes* from Hauppauge, Rye and Ronkonkoma, NY to Indianapolis, IN, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shippers(s): K-Tel International Incorporated, 11311 K-Tel Drive, Minnetonka, MN 55343. Send protests to: Judith L. Olson, ICC, 414 Fed. Bldg., 110 S. 4th St., Minneapolis, MN 55401.

MC 35628 (Sub-417TA), filed July 25, 1979. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, P.O. Box 175, 110 Ionia Avenue, NS, Grand Rapids, MI 49501. Representative: Michael P. Zell, P.O. Box 175, 110 Ionia Ave., NS, Grand Rapids, MI 49501. *Junk or spent batteries;* serving Frankfort, IN as an off-route point in connection with applicant's presently authorized regular route service. For 180 days. Supporting Shipper(s): General Battery Corporation, P.O. Box 1262, Reading, PA 19603. Send protests to: C. R. Flemming, D/S, I.C.C., 225 Federal Building, Lansing, MI 48933.

MC 73688 (Sub-130TA), filed August 7, 1979. Applicant: SOUTHERN TRUCKING CORPORATION, 1500 Orenda Ave. P.O. Box 7195, Memphis, TN 38107. Representative: Diane Price, Route 6, Box 15, North Little Rock, AR 72118. *Hog and cattle feeders metal/ or wood, NOI,* from Yazoo City, MS to points in AL, AR, GA, FL, IN, IA, IL, KS, MN, NE, OK, TX, and TN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Marting Mfg. Co. Inc., P.O. Box 629, Yazoo City, MS 39194. Send protests to: Floyd A. Johnson, 100 North Main Suite 2006, Memphis, TN 38103.

MC 78228 (Sub-135TA), filed July 30, 1979. Applicant: J. MILLER EXPRESS, INC., 962 Greentree Rd., Pittsburgh, PA 15220. Representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, PA 15219. *Aluminum dross, in bulk, in dump vehicles,* from the facilities of Republic Foil, Div. of National Aluminum Corp. at Salisbury, NC to South River, NJ for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Republic Foil, Div. of National, Aluminum Corp., 2800 Grant Bldg., Pittsburgh, PA 15219. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 85718 (Sub-16TA), filed August 2, 1979. Applicant: SEWARD MOTOR FREIGHT, INC., P. O. Box 126, Seward, NE 68434. Representative: Michael J. Ogborn, P. O. Box 82028, Lincoln, NE 68501. *(1) Automotive parts and accessories, automotive hand, electric, and pneumatic tools and shock absorbers, and materials, supplies and equipment used in the manufacture, sale and distribution of the commodities previously described* from the facilities of Walker Manufacturing Company at Seward, NE to points in IA, MN, ND, SD and WA and *(2) Materials, supplies and equipment used in the manufacture, sale and distribution of the commodities described in (1) above* from points in IA, MN, ND, SD and WA to the facilities of Walker Manufacturing Company at Seward, NE for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Walker Manufacturing Company, Highway 15, Seward, NE 68434. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th Street, Omaha, NE 68102.

MC 106398 (Sub-948TA), filed August 21, 1979. Applicant: NATIONAL TRAILER CONVOY, INC., 705 South Elgin, Tulsa, OK 74120. Representative: Gayle Gibson, (same address as applicant). *Buildings, knocked down or in sections, including all component parts,* from the facilities of Delta Steel Building, at Dallas, TX, to all points in AZ, CA, CO, NE, NM, MO, OR, UT, WA, & WY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Delta Steel Building Company, P. O. Box 20977, Dallas, TX 75220. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 106398 (Sub-949TA), filed August 9, 1979. Applicant: NATIONAL TRAILER CONVOY, INC., 705 South Elgin, Tulsa, OK 74120. Representative: Irvin Tull, (Same address as applicant). *Concrete products, cattle guard grills and wing braces,* from the facilities of Utility Vault Comp. Inc., at Chandler, AZ, to all points in the United States, (except AK and HI), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Utility Vault Company, Inc., 411 E. Frye Rd., Chandler, AZ 85224. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 106398 (Sub-950TA), filed August 10, 1979. Applicant: NATIONAL TRAILER CONVOY, INC., 705 South Elgin, Tulsa, OK 74120. Representative: Gayle Gibson, (Same address as applicant). *Plastic, plastic articles and plastic pipe tubing,* from the facilities of Robintech Incorporated at Grinnell, IA, to all points in the United States, (ex. AK and HI), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Robintech, Inc., P. O. Box 649, Grinnell, IA 50112. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 106398 (Sub-951TA), filed August 10, 1979. Applicant: NATIONAL

TRAILER CONVOY, INC., 705 South Elgin, Tulsa, OK 74120. Representative Gayle Gibson, (Same address as applicant). *Machine rolls, iron and steel with rubber covers,* between the facilities of the Stowe-Woodward Company of Ruston, LA, on the one hand, and, on the other, all points in the United States (ex. AK and HI), for 180 days. Supporting shipper(s): Stowe-Woodward Co. Ruston, LA 71270. Send protests to: Connie Stanley, ICC, Rm 240, 215 N.W. 3rd , Oklahoma City, OK 73102.

MC 106398 (Sub-952TA), filed August 10, 1979. Applicant: NATIONAL TRAILER CONVOY, INC., 705 South Elgin, Tulsa, OK 74120. Representative Gayle Gibson, (Same address as applicant). *Aluminum extrusions, lineal shapes—pipe tubing, conduit,* from the facility of Arizona Aluminum Co., Pheonix, AZ, to all points in the United States, for 180 days. Supporting shipper(s): Arizona Aluminum Company, 249 S. 51st Ave., Phoenix, AZ 85043. Send protests to: Connie Stanley, ICC, Rm 240, 215 N.W. 3rd , Oklahoma City, OK 73102.

MC 106398 (Sub-953TA), filed August 10, 1979. Applicant: NATIONAL TRAILER CONVOY, INC., 705 South Elgin, Tulsa, OK 74120. Representative Gayle Gibson, (Same address as applicant). *Lumber, plywood, and laminated beams,* from the facilities of Anthony Forest Products Co., at Atlanta, TX, El Dorado, AR, Mansfield, LA, Plain Dealing, LA , Urbana, AR, to all points in the United States (ex. AK and HI), for 180 days. Supporting shipper(s): Anthony Forest Products Co., Box 1877, El Dorado, AR 71730. Send protests to: Connie Stanley, ICC, Rm 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 106398 (Sub-954TA), filed August 13, 1979. Applicant: NATIONAL TRAILER CONVOY, INC., 705 South Elgin, Tulsa, OK 74120. Representative Gayle Gibson, (Same address as applicant). *Refractories, refractory products and material, equipment and supplies used in the manufacture and installation of refractories,* (1) from the facilities of Harbison Walker Refractories, Division of Dresser Industries, Inc., located in Baltimore and Leslie, MD, to points in AZ, CO, NM, & TX; and (2) from the facilities of Harbison Walker Refractories, Division of Dresser Industries, Inc., located in Vandalia and Fulton, MO, to points in AZ, CO, & NM; and *return shipments of material, equipment, and supplies used in the manufacture and installation of refractories including wooden shipping pallets* from the destination states listed in parts (1) and (2) above, to the facilities of Harbision Walker Refractories, Division of Dresser Industries, Inc., listed in parts (1) and (2) above, for 180 days. Supporting shipper(s): Harbison Walker Refractories, Division of Dresser Industries, Inc., Two Gateway Center, Pittsburgh, PA 15222. Send protests to: Connie Stanley, ICC, Rm 240, 215 N.W. 3rd , Oklahoma City, OK 73102.

MC 106398 (Sub-955TA), filed August 13, 1979. Applicant: NATIONAL TRAILER CONVOY, INC., 705 South Elgin, Tulsa, OK 74120. Representative Gayle Gibson, (Same address as applicant). *Aluminum billets, ingots and scrap,* from the facilities of Pimalco, a.k.a. Induction Billet Corp., at Chandler, AZ, to all points in the United States, (ex. AK and HI), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Pimalco a.k.a., Induction Billet Corp., P.O. Box 5050, Chandler, AZ 85224. Send protests to: Connie Stanley, ICC, Rm 240, 215 N.W. 3rd , Oklahoma City, OK 73102.

MC 109478 (Sub-150TA), filed August 2, 1979. Applicant: WORSTER MOTOR LINES, INC., P.O. Box 110, Gay Road, North East, PA 16428. Representative: Robert D. Gunderman, Esquire, 710 Statler Building, Buffalo, NY 14202. *Hospital and laboratory chemicals* in vehicles equipped with mechanical temperature control equipment, from Indianapolis, IN to ports of entry on the International Boundary line between the United States and Canada located in the State of NY for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): American Monitor Corporation, 5425 West 84th Street, Indianapolis, IN 46268. Send protests to: J. J. England, D/S, I.C.C., 2111 Federal Building, Pittsburgh, PA 15222.

MC 109818 (Sub-63TA), filed July 26, 1979. Applicant: WENGER TRUCK LINE, INC., P.O. Box 3427, Davenport, IA 52808. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309. *(1) Irrigation systems, (2) parts for irrigation systems, (3) solar energy systems, fuel burning heating appliances, parts and accessories used in the installation, operation and maintenance of such systems or appliance, (4) pipe, tubing, poles and such materials, equipment and supplies as are used in the installation and maintenance thereof, (5) iron and steel articles, (6) accessories, equipment, materials and supplies used in the manufacture or assembly of the commodities described in (1) through (5) above, and (7) used irrigation systems and parts thereof,* between the facilities of Valmont Industries, Inc. at or near Valley, NE, on the one hand, and, on the other, points in and east of ND, SD, NE, KS, OK, and TX, including all international border crossing points, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Valmont Industries, Inc., Valley, NE 68064. Send protests to: Herbert W. Allen, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 109818 (Sub-64TA), filed July 30, 1979. Applicant: WENGER TRUCK LINE, INC., P.O. Box 3427, Davenport, IA 52808. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309. *Stone and stone aggregates,* from the facilities of Basins Engineering Co., Inc. at or near Wheatland, WY, to points in IA, IL, NE, and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Basins Engineering Co., Inc., P.O. Box 845, Wheatland, WY 82201. Send protests to: Herbert W. Allen D/S, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 110288 (Sub-5TA), filed June 26, 1979. Applicant: HARRY HENERY, INC., 3517 W. Washington St., Indianapolis, IN 46241. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240. *Plastic pipe; equipment, materials and supplies* used in the manufacturing and distribution of plastic pipe between the facilities of Robintech, Inc. at Danville, IL, on the one hand, and points in IL, MO, IA, WI, MI, IN, OH, KY, TN, KS, NY, NJ, CT, MD, MA and AZ, FL, NC, SC, GA, TX on the other for 180 days. Supporting shipper: Robintech, Inc., RR No. 5, Danville, IL 61832. 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 110988 (Sub-397TA), filed June 27, 1979. Applicant: SCHNEIDER TANK LINES, INC., 4321 W. College Ave., Appleton, WI 54911. Representative: John Patterson, 2480 E. Commercial Blvd., Ft. Lauderdale, FL 33308. *Lubricating oil* from St. Paul, MN to facilities of Schneider Transport, Inc. at Green Bay, WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Schneider Transport, P.O. Box 2298, Green Bay, WI 54306. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 110988 (Sub-398TA), filed August 8, 1979. Applicant: SCHNEIDER TANK LINES, INC., 4321 W. College Ave., Appleton, WI 54911. Representative: Neil DuJardin, P.O. Box 2298, Green Bay, WI 54306. (1) *Latex* from Midland, MI to Niagara, Kimberly, Appleton, Neenah, Rothschild, Brokaw, Stevens Point, Biron, Wisconsin Rapids, Menasha,

Nekoosa, North Hudson, WI and Cloquet, Chemolite, and Brainerd, MN and (2) *Vinyl toluene* from Midland, MI to Carpentersville, IL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Dow Chemical Co., 690 Building, P.O. Box 1711, Midland, MI 48640. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202

MC 113158 (Sub-39TA), filed July 27, 1979. Applicant: TODD TRANSPORT CO., INC., Box 158, Secretary, MD 21664. Representative: James W. Patterson, 1200 Western Savings Bank Bldg., Phila., PA 19107. *Empty containers*, from facilities of Connelly Containers, Inc., at Philadelphia, PA to the facilities of Jenkins Foods Corp., in Sussex County, DE and Queen Annes County, MD, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Jenkins Foods Corp., P.O. Box 263, Milford, DE 19963. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Room 620, Phila., PA 19106.

MC 113678 (Sub-830TA), filed August 2, 1979. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022. Representative: Roger M. Shaner, (same address as above). *Empty beverage containers*, (1) from Denver, CO to Los Angeles, CA, and (2) from Indianapolis, IN, to Denver, CO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Western Pop Shoppes,Inc., Wheatridge, CO 80033. Send protests to: H. Ruoff, 492 U.S. Customs House, Denver, CO 80202.

MC 113828 (Sub-272TA), filed July 12, 1979. Applicant: O'BOYLE TANK LINES, INC., P.O. Box 30006, Washington, DC 30006. Representative: William P. Sullivan 1320 Fenwick Lane, Silver Spring, MD 20910. *Jet fuel*, in bulk, in tank vehicles, from Canton, OH and Ashland, KY to Gravely Pt., VA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Western Air Lines, Inc., 6060 Avion Dr., Los Angeles, CA 90045. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Room 620, Phila., PA 19106.

MC 113828 (Sub-273TA), filed July 30, 1979. Applicant: O'BOYLE TANK LINES, INC., P.O. Box 30006, Washington, D.C. 20014. Representative: William P. Sullivan, 1320 Fenwick Lane, Silver Spring, MD 20910. *Liquid chemicals*, in bulk, in tank vehicles, between Baltimore, MD, on the one hand, and, on the other, points in CT, DE, ME, MA, NJ, NY, PA, RI, VA, WV, for 180 days. Supporting shipper(s): SCM Corp., 900 Union Commerce Bldg., Cleveland, OH 44115, PQ Corp., Valley Forge Executive Mall, P.O. Box 840, Valley Forge, PA 19482, Agrico Chemical Co., One Williams Center, Tulsa, OK 74103. Send protests to: I.C.C. Fed. Res. Bank Bldg. 101 N. 7th St., Room 620, Phila., PA 19106.

MC 115648 (Sub-34TA), filed August 2, 1979. Applicant: LOCK TRUCKING, Inc., P.O. Box 278, Wheatland, WY 82201. Representative: Ward A. White, Attorney, P.O. Box 568, Cheyenne, WY 82001. *Volcanic rock, in bulk*, from Des Moines, NM to Casper and Torrington, WY for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Torrington Cement Products, Inc., d.b.a., Wyoming Block, P.O. Box 862, Casper, WY 82602. Send protests to: District Supervisor Paul A. Naughton, Interstate Commerce Commission, Rm 105 Federal Bldg & Crt House, 111 South Wolcott, Casper, WY 82601.

MC 119988 (Sub-207TA), filed August 1, 1979. Applicant: GREAT WESTERN TRUCKING CO., Inc., P.O. Box 1384, Lufkin, TX 75901. Representative: Mike Cox, (same as applicant). (1) *Plastic articles, and such equipment, materials and supplies* as are used in 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 Co. 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, OK, OR, SC, TN, TX, UT, VA, WA, and WY, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Fort Howard Paper Company, P.O. Box 130, Green Bay, WI 54305. Send protests to: John F. Mensing, DS, ICC, 515 Rusk Ave. No. 8610, Houston, TX 77002.

MC 119988 (Sub-208TA), filed August 10, 1979. Applicant: GREAT WESTERN TRUCKING CO., Inc., P.O. Box 1384, Lufkin, TX 75901. Representative: Paul D. Angenend, P.O. Box 2207, Austin, TX 78768. *Plastic articles* (except in bulk) and *materials, equipment and supplies* used in the manufacture of plastic articles (except in bulk) between the facilities of Rheem Manufacturing Company at or near Bryan, TX, on the one hand, and, on the other, points in and west of AL, TN, KY, IN and MI (except AK, HI and TX), for 180 days. Supporting shipper(s): RHEEM MANUFACTURING COMPANY, 7600 South Kedzie, Chicago, IL 60652. Send protests to: John F. Mensing, DS, ICC, 515 Rusk Ave. No. 8610, Houston, TX 77002.

MC 119988 (Sub-209TA), filed August 15, 1979. Applicant: GREAT WESTERN TRUCKING CO., Inc., P.O. Box 1384, Lufkin, TX 75901. Representative: Mike Cox, (same as applicant). Magnesium metal ingots from Snyder, TX to TN, KT, IN, OH, PA, NY, NJ, WV, IL, IA and NB for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): American Magnesium Company, Snyder, TX 79549. Send protests to: John F. Mensing, DS, ICC, 515 Ruck Ave. No. 8610, Houston, TX 77002.

MC 121658 (Sub-22TA), filed August 6, 1979. Applicant: STEVE D. THOMPSON TRUCKING, INC., P.O. Drawer 149, Winnsboro, LA 71295. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205. (a) Household applicances and (b) parts and accessories for household appliances, from the facilities of General Electric Comany at Little Rock, AR to points in LA, and Jackson, Natchez and Vicksburg, MS, for 180 days. Underlying ETA sought corresponding authority for 90 days. Supporting Shipper(s): General Electric Company, 6901 Lindsey Road, Little Rock, AR 72206. Send protests to: William H. Land, Jr., DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 121658 (Sub-23TA), filed August 1, 1979. Applicant: STEVE D. THOMPSON TRUCKING, INC., P.O. Drawer 149, Winnsboro, LA 71295. Representative: Donald B. Morrison, P.O. Box 22628, Jackson, MS 39205. Common carrier over regular routes. General commodities (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) (1) Between Little Rock, AR and Junction City, LA over U.S. Hwy. 167, serving no intermediate points; (2) Between Little Rock, AR and Mer Rouge, LA: From Little Rock over U.S. Hwy. 65 to junction of U.S. Hwy. 165 at or near Dermott, AR, then over U.S. Hwy. 165 to Mer Rouge, LA and return over the same routes, serving no intermediate points; and (3) Between the junction of U.S. Hwy. 65 and U.S. Hwy. 165 at or near Dermott, AR and Lake Providence, LA, from the junction of U.S. Hwy. 65 and U.S. Hwy. 165 over U.S. Hwy. 65 to Laie Providence, LA, and return over the same route, serving no intermediate points in the State of Arkansas, restricted in (1), (2) and (3) against service between Shreveport, LA and Little Rock, AR, and further restricted against service between Little Rock, AR and Memphis, TN, for 180 days. NOTE: Applicant intends to tack the authority sought herein with authority in MC 121658 (Subs 2, 4 and 7) at all common points of joinder. Applicant intends to interline with other carriers at all common points, including Little Rock, AR; Monroe, LA and

Jackson, MS. Applicant seeks to serve the commercial zones of all cities and towns lying on the above described routes. Supporting shipper(s): Approximately 55 shippers. Send protests to: William H. Land, Jr., DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 124078 (Sub-990TA), filed August 2, 1979. Applicant: SCHWERMAN TRUCKING CO., 611 S. 28 St., Milwaukee, WI 53215. Representative: Richard Prevette, (same address as applicant). *Vegetable oil and vegetable oil shortenings*, in bulk, in tank trucks, from facilities of Durkee Foods, Louisville, KY to San Antonio, TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Durkee Foods, P.O. Box 33608, Louisville, KY 40232. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 124078 (Sub-991TA), filed August 10, 1979. Applicant: SCHWERMAN TRUCKING CO., 611 S. 28 St., Milwaukee, WI 53215. Representative: Richard Prevette, (same address as applicant). *Liquid citric acid*, in bulk, in tank vehicles, from Elkhart, IN to New Johnsonville, TN, for 180 days. Supporting shipper(s): Miles Laboratories, Inc., 1127 Myrtle St., Elkhart, IN 46515. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 124078 (Sub-992TA), filed August 13, 1979. Applicant: SCHWERMAN TRUCKING CO., 611 S. 28th St., Milwaukee, WI 53215. Representative: Richard H. Prevette, (same as applicant). *Liquid petroleum wax, in bulk, in tank vehicles*, from Doraville, GA to Mesquite, TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Multi-Chem, Inc., 200 Piedmont Ct., Doraville, GA 30340. Send protests to: John E. Ryden, DS, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 125368 (Sub-85TA), filed August 1, 1979. Applicant: CONTINENTAL COAST TRUCKING COMPANY, INC., P.O. Box 26, Holly Ridge, NC 28445. Representative: (same as applicant). *Meats, meat products and articles distributed by meat packinghouses as described in Sections A and C of Appendix I to the report in Description in Motor Carrier Certificate, 61 MCC 209 and 766 (except hides and skings and commodities in bulk)*, from the facilities used by John Morrell & Co. at or near Arkansas City and Wichita, KS; El Paso, TX; and Sheverport, LA to points in AL, CT, DE, FL, GA, IL, LA, MA, MD, MI, MO, MS, NJ, NY, NC, OH, PA, RI, SC, TN, VA, WV, and DC, 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: Terrell Price, 800 Briar Creek Rd., Rm, CC516, Charlotte, NC 28205.

MC 126118 (Sub-176TA), filed July 25, 1979. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE 68501. Representative: Duane W. Acklie (same address as applicant). *Such commodities as are used by and dealt in by manufacturers of medical, surgical, and hospital supplies and materials (except in bulk)* between the plantsite of Becton, Dickinson & Co. located on the Santee Indian Reservation near Niobrara, NE; and points in the commercial zones of Broken Bow, Columbus, and Holdrege, NE; North Canaan, CT; Sumter, SC; Chicago, IL; Atlanta, GA; New York, NY; Parsippany, NJ; and Jersey City, NJ; on the one hand, and on the other, points in the U.S. (except HI) for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Becton, Dickinson & Co., Rutherford, NJ 07070. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 126118 (Sub-177TA), filed July 27, 1979. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE 68501. Representative: Howard C. Peterson, (same 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 and 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, AR, CO, CT, DE, DC, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NH, NJ, NM, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, VT, VA, WV 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: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 126118 (Sub-178TA), filed July 30, 1979. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE 68501. Representative: David R. Parker, (same address as applicant). *Non-frozen foodstuffs* from points in CA to points in the U.S. (except AK, CA and HI) for 180 days. An underlying ETA seeks 90 days authority. Restricted to traffic originating at the facilities of United Institutional Distributors Corporation and destined to the facilities of the member affiliates of United Institutional Distributors Corporation. Supporting Shipper(s): United Institutional Distributors Corp., 100 Bush St., San Francisco, CA 94104. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 126118 (Sub-179TA), filed August 7, 1979. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE 68501. Representative: Howard C. Petersen, (same as applicant). *(1) Carob mix, carob coated almonds, ambrosia mix, processed seeds and banana chips and (2) Agricultural commodities exempt from economic regulations under Section 203(b)(6) of the Interstate Commerce Act when transported in mixed loads with (1) above* from points in CA to points in the United States in and east of KS, NE, ND, OK, SD and TX and points in CO, OR and WA for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Teneco West, P.O. Box 9380, Bakersfield, CA. Send portests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 128878 (Sub-44TA), filed August 6, 1979. Applicant: SERVICE TRUCK LINE, INC., P.O. Box 3904, Shreveport, LA 71103. Representative: C. Wade Shemwell, (same address as applicant). *Synthetic resins, in bulk, in tank vehicles*, from the plant site or storage facilities of Chembond Corp. in Winn Parish to points in NM, for 180 days. Applicant has filed and underlying ETA for 90 days. Supporting Shipper(s): Chembond Corp., P.O. Box 648, Winnfield, LA 71483. Send protests to: Robert J. Kirspel, DS, ICC, T-9038 Federal Bldg., 701 Loyola Ave., New Orleans, LA 70113.

MC 135078 (Sub-60TA), filed July 27, 1979. Applicant: AMERICAN TRANSPORT, INC., 7850 "F" Street, Omaha, Nebraska 68127. Representative: Arthur J. Cerra, 2100 TenMain Center, P.O. Box 19251, Kansas City, MO 64141. *Carpet padding and materials and supplies used in the installation therof (except commodities in bulk)* from the facilities of E. R. Carpenter Co. at Russellville, KY to points in CO and WY for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): William Volker & Company, 945 California Drive, Bulingame, CA 94010. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 136008 (Sub-116TA), filed August 2, 1979. Applicant: JOE BROWN

COMPANY, INC., 20 Third Street N.E., Ardmore, OK 73401. Representative: John Tipsword, 2900 N. Shields, Moore, OK 73153. *Sand,* in dump vehicles, from Coweta, OK, to points in MO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Coweta Sand, Inc., Box 237, Coweta, OK 74429. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 136818 (Sub-87TA), filed August 6, 1979. Applicant: SWIFT TRANSPORTATION CO., INC., 335 W. Elwood Rd., Phoenix, AZ 85030. Representative: Donald Fernaays, 4040 E. McDowell Rd., Phoenix, AZ. (*1*) *Insulation materials* from Willows and Corona, CA to points in UT and ID (*2*) *Asbestos cement pipe and plastic pipe* from Stockton and Long Beach, CA to points in UT, ID, WY and CO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Johns-Manville Sales Corp., 2600 Campus Dr., San Mateo, CA 94403. Send protests to: Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Ave., Phoenix, AZ 85025.

MC 136818 (Sub-88TA), filed August 7, 1979. Applicant: SWIFT TRANSPORTATION CO., INC., 335 W. Elwood Rd., Phoenix, AZ 85030. Representative: Donald Fernaays, 4040 E. McDowell Rd., Phoenix, AZ. *Iron and steel articles,* (1) from points in CA to points in AZ, (2) between points in CO, UT, AZ, WY, ID and NM, (3) from points in KS, NM, CO, UT, AZ and CA, (4) from Kansas City, KS and Kansas City, MO to points in CO, UT, NM and AZ, for 180 days. Supporting shipper(s): Brown-Strauss, Div. of Azcon Corp., 6900 E. Camelback, St. 700, Scottsdale, AZ 85251. Send protests to: Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Ave., Phoenix, AZ 85025.

MC 136818 (Sub-89TA), filed August 10, 1979. Applicant: SWIFT TRANSPORTATION CO., INC., 335 W. Elwood Rd., Phoenix, AZ 85030. Representative: Donald Fernaays, 4040 E. McDowell Rd., Phoenix, AZ. *Scrap paper products,* from Phoenix and Tucson, AZ to points in CA, for 180 days. An uderlying ETA seeks 90 days authority. Supporting shipper: Consolidated Fibers, 425 S. 15th Ave., Phoenix, AZ 85007. Send protests to: Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Ave., Phoenix, AZ 85025.

MC 136818 (Sub-90TA), filed August 10, 1979. Applicant: SWIFT TRANSPORTATION CO., INC., 335 W. Elwood Rd., Phoenix, AZ 85030. Representative: Donald Fernaays, 4040 E. McDowell Rd., Phoenix, AZ. *Iron and steel articles,* from Port of Entry at Blaine, WA to points in UT, AZ, and CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Tree Island Steel Inc., 261 E. University, Phoenix, AZ 85004. Send protests to: Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Ave., Phoenix, AZ 85025.

MC 136818 (Sub-91TA), filed August 13, 1979. Applicant: SWIFT TRANSPORTATION CO., INC., 335 W. Elwood Rd., Phoenix, AZ 85030. Representative: Donald Fernaays, 4040 E. McDowell Rd., Phoenix, AZ. *Lime,* from Dolomite, UT to points in CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Flintkote Lime Co., 4700 Ramona Blvd., Monterey Park, CA 91754. Send protests to: Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Ave., Phoenix, AZ 85025.

MC 138228 (Sub-9TA), filed August 15, 1979. Applicant: OGALLALA TRANSFER, INC., 165 Denargo St., P.O. Box 16412, Denver, CO 80216. Representative: Marshall Bernstein, (same address as above). *Feed Ingredients, Inedible,* over irregular routes: (1) from the facilities of Consolidated Pet Foods, Denver, CO and points in its commercial zone to all points in OR and CA; (2) from the facilities of Landers & Sowers at Denver, Greeley, Sterling and Ft. Morgan, CO and points in their commercial zones to points in OR and CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Consolidated Pet Foods, 1450 Cottonwood, Denver, CO 80204, and Landers & Sowers, Inc., P.O. Box 21134, Denver, CO 80221. Send protests to: R. Buchanan, 492 U.S. Customs House, Denver, CO 80202.

MC 138308 (Sub-86TA), filed July 31, 1979. Applicant: KLM, INC., Old Highway 49 South, P.O. Box 6098, Jackson, MS 39208. Representative: Fred W. Johnson, Jr., P.O. Box 22628, Jackson, MS 39205. *Foodstuffs* (except in bulk) from the facilities of The Kroger Company at or near Albany, GA to points in AR, CA, KY, IN, MI, MO, OH, TN, TX, VA, and WV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Kroger Company, 1014 Vine St., Cincinnati, OH 45201. Send protests to: Alan Tarrant, D/S, ICC, Federal Building, Suite 1441, 100 W. Capitol St., Jackson, MS 39201.

MC 138438 (Sub-63TA), filed June 18, 1979. Applicant: D. M. BOWMAN, INC., Route 2, Box 43A1, Williamsport, MD 21795. Representative: Edward N. Button, 1329 Pennsylvania Ave., Hagerstown, MD 21740. *Brick(s),* from points in VA to points in NJ for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Woodstown Brick & Supply Co., Inc., P.O. Box 94, Alloway, NJ. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 138438 (Sub-64TA), filed July 23, 1979. Applicant: D.M. BOWMAN, INC., Rt. 2, Box 43A1, Williamsport, MD 21795. Representative: Edward N. Button, 1329 Pennsylvania Ave., Hagerstown, MD 21740. *Gyspum and gypsum products and materials and supplies used in the installation thereof,* (1) from Wilmington, DE and Milford, VA, and their respective commercial zones, to points in CT, GA, KY, ME, MA, NH, NJ, NY, NC, OH, RI, SC, TN, and VT, and (2) from Akron and Buchanan, NY, and their respective commercial zones, to points in CT, DE, ME, MD, MA, NY, NJ, OH, PA, RI, VT, VA, WV, and DC for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Georgia Pacific Corp., Gypsum Div., 1062 Lancaster Ave., Rosemont, PA 19010. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 139958 (Sub-8TA), filed Aug. 2, 1979. Applicant: R. T. TRUCK SERVICE, INC., 4319 Campground Road, Louisville, KY 40216. Representative: Rudy Yessin, 314 Wilkinson St., Frankfort, KY 40601. *Paper, paper products, scrap paper and materials, supplies, machinery and equipment* used in the manufacture of paper and paper products, between the facilities of Wescor Paper Co., a division of Western Kraft Paper Co., in Hancock County, KY, on the one hand, and, on the other, points in AR, LA, MS, AL, SC, VA, PA, WI, TX, IA and FL, for 180 days. Supporting shipper(s): K. O. Petrie, Jr., Williamette Industries, Western Kraft Paper Group, Hawesville, KY 42348. Send protests to: (Ms.) Clara L. Eyl, T/A, ICC, 426 Post Office Bldg., Louisville, KY 40202.

MC 139958 (Sub-9TA), filed Aug. 2, 1979. Applicant: R. T. TRUCK SERVICE, INC., 4319 Campground Road, Louisville, KY 40216. Representative: Rudy Yessin, Atty., 314 Wilkinson St., Frankfort, KY 40601. *Adhesive NOI, Class 85–60, Caulking Compound, Class 23, Rubber Compound unvulcanized, chemical NOI,* from Dow Corning facilities at Elizabethtown, KY, to Portsmouth, VA, for 180 days. Supporting shipper(s): Jerry H. Moe, Dow Corning Corp., Midland, MI 48640. Send protests to: (Ms.) Clara L. Eyl, T/A, ICC, 426 Post Office Bldg., Louisville, KY 40202.

MC 141108 (Sub-9TA), filed August 7, 1979. Applicant: D & C EXPRESS, INC., Wilton, IA 52778. Representative: Kenneth F. Dudley, P.O. Box 279,

Ottumwa, IA 52501. *Iron and steel articles* from the Chicago commercial zone and Glenwood, IL; Detroit, MI; and Kokomo, IN, to points in IA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Raco Steel Co., 19421 S. Forest Ave., Glenwood, IL 60425. Great Western Steel Co., 2310 West 58th St., Chicago, IL 60636. Pittsburgh Des Moines Steel Co., 155 50th Ave., S.W., Cedar Rapids, IA 52404. Intertrade Steel Corporation, P.O. Box 1129, Cedar Rapids, IA 52406. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Building, Des Moines, IA 50309.

MC 143988 (Sub-8TA), filed August 13, 1979. Applicant: JAMES W. TATE, d/b/a JAMAR TRUCKING, P.O. Box 18970, Memphis, TN 38118. Representative: Thomas A. Stroud, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. *General Commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and articles which require special handling because of size or weight) from the facilities of the Memphis Defense Depot, at Memphis, TN to Ft. McCoy, WI; Camp Ripley, WI; Grand Forks AFB, ND; Minot AFB, ND; Ellsworth AFB, SD; Offutt AFB, NE; Fort Leavenworth, KS; and McConnell AFB, KS, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Chief, Regulatory Law Office, U.S. Army Legal Services Agency, Room 442, Nassif Building, 5611 Columbia Pike, Falls Church, VA 22041. Send protests to: Floyd A. Johnson, District Supervisor, 100 North Main St., Suite 2006, Memphis, TN 38103.

MC 144568 (Sub-2TA), filed August 15, 1979. Applicant: S. W. TRANSPORT, INC., 61 Lake Street, Rouses Point, NY 12979. Representative: Donald E. Cross, 918–16th Street NW., Washington, D.C. 20006. Contract carrier, irregular routes: *Nails* from Houlton, ME to points in AL, AR, CA, CO, FL, GA, IL, IN, IA, KS, KY, LA, MO, MN, MS, MI, NV, NE, NC, ND, OH, OK, OR, SC, SD, TN, TX, UT, VA, WV and WI, under continuing contract with Ivaco, Ltd of Marieville, Quebec, Canada, for 180 days. An underling ETA seeks 90 days authority. Supporting shipper(s): Sivaco Maritimes-Division of Ivaco, Ltd., 35 Akerley Boulevard, Dartmouth, Nova Scotia, Canada B3B 1J7. Send protests to: Carol A. Perry, TA, ICC, P.O. Box 548, Montpelier, VT 05602.

MC 145468 (Sub-19TA), filed August 13, 1979. Applicant: K.S.S. TRANSPORTATION CORP. P.O. Box 3052, North Brunswick, NJ 08902. Representative: Elaine M. Conway, Sullivan & Associates, Ltd., 10 S. LaSalle Street, Suite 1600, Chicago, IL 60603. (1) Foodstuffs and frozen foodstuffs, (except commodities in bulk), and (2) commodities used in the manufacture and distribution of the commodities named in (1) above, (except commodities in bulk), *Between Des Moines and Perry, IA, on the one hand, and, on the other, Ft. Wayne, IN; Minneapolis, St. Paul and Maple Lake, MN; and points in IL. *The following points which appeared in the corresponding ETA's were deleted because authority thereto was granted August 6, 1979 in MC–145468 (Sub No. 10TA): Kansas City, Mexico, St. Joseph and Sedalia, MD; and Kansas City, KS, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Beatrice Foods Co., 1719 Grand Avenue, Des Moines, IA 50309. Send protests to: Irwin Rosen, TS, ICC, 744 Broad Street, Room 522, Newark, NJ 07102.

MC 144468 (Sub-20TA), filed July 23, 1979. Applicant: K.S.S. TRANSPORTATION CORP., Route 1 and Adams Station, P.O. Box 3052, North Brunswick, NJ 08902. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Road, Omaha, NE 68106. Meats and packinghouse products from Tama, IA to points in NY, NJ, and PA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Tama Meat Packing Corp., P.O. Box 209, Tama, IA 52339. Send protests to: Irwing Rosen, TS, ICC, 744 Broad Street, Room 522, Newark, NJ 07102.

MC 145468 (Sub-21TA), filed August 8, 1979. Applicant: K.S.S. TRANSPORTATION CORP., Route 1 and Adams Station, P.O. Box 3052, North Brunswick, NJ 08902. Representative: Arlyn L. Westergren, Suite 106, 7101 Mercy Road, Omaha, NE 68106. Meats and packing house products from Tama, IA to points in KY, MD, MA, NC, TN and DC for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Tama Meat Packing Corp., P.O. Box 209, Tama, IA 52339. Send protests to: Irwin Rosen, TS, ICC, 744 Broad Street, Room 522, Newark, NJ 07102.

MC 145768 (Sub-4TA), filed JULY 20, 1979. Applicant: KREILKAMP TRUCKING, Inc., R.R. 1, Allenton, WI 53002. Representative: Nancy Johnson, 103 E. Washington St., Crandon, WI 54520. *Bituminous conduit and pipe and accessories thereto,* from facilities of Bermico Co. at or near West Bend, WI to points in IL, MI, MN, MO, IA, IN, OH, KY, AR, KS, OK, TX, CO & NM, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Bermico Co., 2100 Northwestern Ave. West Bend, WI 53095. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 145978 (Sub-3TA), filed July 24, 1979. Applicant: R & S TRUCKING, INC., RR 1, Box 123, Garretson, SC 57030. Representative: A. J. Swanson, P.O. Box 1103—300 S. Thompson Ave., Sioux Falls, SD 57101. (1) *Refuse containers* from Sioux Falls, SD to points in KS, IA, IL, LA, MI, MO, MN, ND, NY, OK, OH, PA, TX, TAN, UT, WI and WY and (2) *Iron and steel articles and casters* from Sioux City, IA; Chicago, IL; Gary, IN; Minneapolis, MN; Kansas City, MO; Toledo, OH; Sioux Falls, SD and Hustiford, WI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Teem Enterprises, Inc., 3509 Teem Dr. (P.O. Box 1381), Sioux Falls, SC 57101. Send protests to: J. L. Hammond, DS, ICC Room 455, Federal Bldg., Pierre, SD 57501.

MC 146078 (Sub-10TA), filed July 23, 1979. Applicant: CAL-ARK, INC., 854 Moline St., P.O. Box 394, Malvern, AR 72104. Representative: Thomas W. Bartholomew, Same as applicant. *Beverages, alcoholic, NOS,* from the facilities of American Distilling Co., Inc., Union City, CA, to points in the United States for 180 days. Supporting shipper(s): American Distilling Co., Inc., 1000 Whipple Road, Union City, CA 94587. Send protests to: William H. Land, Jr., DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 146128 (Sub-6TA), filed July 16, 1979. Applicant: MERITT FOODS COMPANY, d.b.a. MERRITT REFRIGERATED SERVICES, 2840 Guinotte, Kansas City, MO 64120. Representative: Arthur J. Cerra, 2100 Ten Main Center, P.O. Box 19251, Kansas City, MO 64141. *Confectionery in mechanically refrigerated equipment,* from the facilities of M&M Mars, Division of Mars, Inc., at Waco, TX to Kansas City, MO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): M & M Mars, Division of Mars, Inc., High St., Hackettstown, NJ 07840. Send protests to: Vernon V. Coble, D/S, ICC, Room 600 Federal Bldg., 911 Walnut St., Kansas City, MO 64106.

MC 146148 (Sub-6TA), filed June 20, 1979. Applicant: B-RIGHT TRUCKING CO., 492 Old State Rt. 7, Pottery Addition, Steubenville, OH 43952. Representative: A. Charles Tell, 100 East Broad St., Columbus, OH 43215. *Iron and steel and iron and steel articles,* from the facilities of Wheeling-Pittsburgh Steel Corporation at Steubenville, Mingo Junction, Yorkville, Canfield, and Martins Ferry, OH to points in IL, IN,

MI, NY, OH, PA, and WV for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Wheeling-Pittsburgh Steel Corp., P.O. Box 118, Pittsburgh, PA 15230. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 146378 (Sub-1TA), filed June 1, 1979. Applicant: PAUL H. HARPOLE TRUCK SERVICE, INC., 22 Wilshire Ct., Belleville, IL 62223. Representative: William L. Gagen, 118 S. Charles St., Belleville, IL 62221. *Tires, machinery, and supplies used in the manufacture of tires; household applicances, equipment, materials and supplies used in the manufacture and distribution thereof, except commodities in bulk; automobile parts and accessories related racks and containers related iron and steel articles; candy and confectionery N.O.I.*, from the plant site of the General Tire and Rubber Company and all points in the states of CA, IL, IN, KY, MI, MO, OH, PA and WI; from the facilities of the General Electric Company at Appliance Park, Louisville, KY, to all points in the states of WI, IL, MO, IN, MI, OH and PA; between all points in CA, IL, OH, IN, KY, MI, MO, NJ, NY, PA, WI and Louisville, KY, between Louisville, KY and the Detroit, MI Commercial Zone, from MI to Ford Plants at Claycomo and St. Louis, MO, Pico Rivera and Milpitas, CA; from the facilities of Hollywood Brands, Inc., Centralia, IL to the States of KY, MD, MI, NJ, NY, OH, PA, WI and WV in vehicles equipped with mechanical refrigeration for 180 days. An E.T.A. has been granted for 90 days. Supporting shipper(s): 4—Supporting Shippers. Send protests to: Dave Hunt, T/A, 219 S. Dearborn St., Room 1386, Chicago, IL 60604.

MC 146438 (Sub-5TA), filed July 18, 1979. Applicant: ETV, Inc., P.O. Box 393, Comstock Park, MI 49321. Representative: Miss Wilhelmina Boersma, 1600 First Federal Building, Detroit, MI 48226. (1) *Frozen bakery goods* from the facilities of Mrs. Smith's Pie Company at or near Zeeland, MI to OR, WA, IO, CA, NV, UT and AZ; and (2) *Materials and supplies* used in the manufacture of frozen bakery goods from points in the lower peninsula of MI to the facilities of Mrs. Smith's Pie Company at or near Pottstown and Lake Winola, PA; McMinnville, Portland and Salem, OR; and (3) *Frozen bakery goods* from the facilities of Mrs. Smith's Pie Company at or near Pottstown, Lake Winola, Fogelsville and Philadelphia, PA to MI, IN, IL, OH, SC, NC, GA, FL, TX, CA, and OR; and (4) *Frozen bakery goods* from the facilities of Mrs. Smith's Pie Company at or near McMinnville and Portland, or to CA, AZ and NV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Mrs. Smith's Pie Company, P.O. Box 298, Pottstown, PA 19464. Send protest to: C. R. Flemming, I.C.C., 225 Federal Building, 325 W. Allegan St., Lansing, MI 48933.

MC 146568 (Sub-6TA), filed June 22, 1979. Applicant: PHOENIX BIRD, INC., Suite 118, 1 Neshaminy Plaza, Street Rd. & Bristol Pike, Cornwells Heights, PA 19020. Representative: Ronald N. Cobert, 1730 M St., N.W., Suite 501, Washington, DC 20036. *Contract carrier:* Irregular routes: *Foodstuffs (except in bulk).* From the facilities of Grocery Store Products, a division of The Clorox Co., located at or near Kennett Square and West Chester, PA to pts. within the commercial zones of Los Angeles and Oakland, CA, Denver, CO, Kansas City, MO and Houston, TX, 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.

MC 146638 (Sub-2TA), filed March 23, 1979. Applicant: CLYDE F. HOSTUTLER t/a, CLYDE'S TRANSFER, 604 Aquarius Drive, Mechanicsville, VA 23111. Representative: Calvin F. Major—Attorney at Law, 200 West Grace Street, Richmond, VA 23220. Contract—irregular, *Steel (coil and flat structural),* from PA, DE, NC, SC, GA, WV, NJ, MD and OH, to VA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Gordon Metal Company, 211 South 14th Street, Richmond, VA 23219. Send protests to: Paul D. Collins, DS, ICC, Room 10–502 Federal Bldg., 400 North 8th St., Richmond, VA 23240.

MC 147088 (Sub-2TA), filed July 18, 1979. Applicant: Derby City Express, Inc., 728 Upsliner Road, Louisville, KY 40229. Representative: Wm. P. Whitney, Jr., Atty., 708 McClure Bldg., Frankfort, KY 40601. *Meat products and meat by-products and dairy products,* in vehicles equipped with mechanical refrigeration, from the facilities of Armour Processed Meats Company at Louisville, KY, to points in AR, GA, and MO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Jack M. Ingram, Armour Processed Meats Co., 1200 Story Ave., Louisville, KY 40206. Send protests to: Ms. Clara L. Eyl, T/A, ICC, 426 Post Office Bldg., Louisville, Ky. 40202.

MC 147108 (Sub-1TA), filed June 27, 1979. Applicant: CARRIER TRANSPORT SERVICE, 479 So. Airport Blvd., So. San Francisco, CA 94080. Representative: R. C. Chauvel, 100 Pine St.—Suite 2550, San Francisco, CA 94111. *Household goods* as defined by the Commission in 17 M.C.C. 467, in containers, empty containers, and uncontainerized automobiles in mixed shipments with household goods, between all points in the U.S., excluding AK and HI, moving on bills of lading of freight forwarders and *restricted* to shipments having an immediate prior or subsequent movement by water, for 180 days. Supporting shipper(s): There are 19 statements in support attached to this application which may be examined at the I.C.C. in Washington, D.C. or copies of which may be examined in the field office named below. Send protests to: D/S N.C. Foster, 211 Main, Suite 500, San Francisco, CA 94105.

MC 147198 (Sub-3TA), filed July 10, 1979. Applicant: P. & E. I. TRUCK LINES, INC., P.O. Box 158, Hoopeston, IL 60942. Representative: Albert A. Andrin, 180 N. LaSalle St., Chicago, IL 60601. *Canned goods, except frozen and in bulk,* from the facilities of Joan of Arc Co. Inc., at Hoopeston and Princeville, IL to points in the States of GA, KY, LA, MI, MN, MO, OH, TN, WI, and at Mayville, WI to points in the states of IL, IA, IN, KY, MI, MO, OH, TN and TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Joan of Arc Co., 2231 W. Altorfer Dr., Peoria, IL 61615. Send protests to: Annie Booker, TA, Rm. 1386, 219 S. Dearborn St., Chicago, IL 60604.

MC 147198 (Sub-4TA), filed July 5, 1979. Applicant: P. & E. I. TRUCK LINES, INC., P.O. Box 158, Hoopeston, IL 60942. Representative: Albert A. Andrin, 180 N. LaSalle St., Chicago, IL 60601. *Toilet and cosmetic preparations and insecticides in aerosol containers, empty aerosol containers, valves and materials and supplies used in the refinishing and manufacture of aerosol containers (except in bulk),* between the facilities of Productions Services, Inc., at Rossville, IL on the one hand, and on the other, points in WI, OH, IA, IN, and MI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Production Services, Inc., Rossville, IL 60963. Send protests to: David Hunt, TA, 1386 Everett McKinley Dirksen Bldg., 219 S. Dearborn, Chicago, IL 60604.

MC 147228 (Sub-1TA), filed August 10, 1979. Applicant: ROBERT D. BOWHAY, Summerfield, KS 66541. Representative: Bruce C. Harrington, Suite 1101L, 1010 Tyler, Topeka, KS 66612. *(1) Mechanical Tubing; (2) Iron and steel articles and seamless steel tubing* from facilities of Maverick Tube Corp., near Union, MO to all points in IA, NE, OK and KS. From facilities of Bull Moose Tube Co. at or

near Gerald, MO to all points in IA, NE, OK and KS., for 180 days. *Common, irregular;* Supporting shipper: Maverick Tube Co., Union, MO 63084; Send protests to: M. E. Taylor, DS, ICC, 101 Litwin Bldg., Wichita, KS 67202. An underlying ETA seeks 90 days authority.

MC 147258 (Sub-2TA), filed June 25, 1979. Applicant: F. T. SILFIES, INC., R.D. 2, Box 236, Bath, PA 18014. Representative: Forrest T. Silfies (same address as applicant). *Crushed stone aggregate, in dump vehicles,* from Bath, PA to Staten Island, Richmond County, NY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Keystone Portland Cement Co., Bath, PA 18014. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Philadelphia, PA 19106.

MC 147258 (Sub-3TA), filed June 13, 1979. Applicant: F. T. SILFIES, INC., R.D. 2, Box 236, Bath, PA 18014. Representative: Forrest T. Silfies (same address as applicant). (1) *Crushed stone aggregate, in dump vehicles,* from Bath, PA to Bayway, NJ and New Rochelle, NY, and (2) *Crude Rock (Gypsum), in dump vehicles,* from Stoney Point, NY to Bath, PA, for 180 days. An underlying ETA seeks 30 days authority. Supporting shipper(s): Keystone Portland Cement Co., Bath, PA 18014. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Philadelphia, PA 19106.

MC 147348 (Sub-3TA), filed July 31, 1979. Applicant: SOUTHWEST FREIGHT DISTRIBUTORS, INC., 1320 Henderson, North Little Rock, Arkansas 72114. Representative: James M. Duckett, 927 Pyramid Life Building, Little Rock, AR 72201. General commodities (with the usual exceptions) between Little Rock, AR and Fayetteville, AR; Springfield, Jefferson City, Sikeston and Cape Girardeau, MO; Temple, Longview, Texarkana and San Angelo, TX; Monroe, LA; Lawton, OK; restricted to traffic having a prior or subsequent movement by rail in piggyback service, and destined to facilities of Osco Drug, Inc., for 180 days. Underlying ETA sought corresponding authority for 90 days. Supporting shipper(s): Osco Drug, Inc., 1818 Swift Dr., Oak Brook, IL 60521. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 147378 (Sub-2TA), filed July 2, 1979. Applicant: BAMA TRANSPORTATION COMPANY, INC., 5247 East Pine, Tulsa, OK 74115. Representative: Jack R. Anderson, 525 South Main, 15th Floor, Tulsa, OK 74103. *Packaged oil,* from Congo, WV and Santonio, TX, to the facilities of AAA Oil Company, in Tulsa, OK, for 180 days. Supporting Shipper(s): AAA Oil Company, P.O. Box 9563, Tulsa, OK 74107. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 14708 (Sub-1TA), filed June 25, 1979. Applicant: ISADOR HALL, d.b.a. I. HALL CHARTER SERVICE, 7360 Furance Branch Rd., Glen Burnie, MD 21061. Representative: Walter T. Evans, 7961 Eastern Ave., Silver Spring, MD 20910. *Passengers and their baggage in the same vehicle with passengers, in charter operations,* beginning and ending at points in the Baltimore, MD Commercial Zone and in Anne Arundel County, MD and extending to points in AL, CT, DC, DE, FL, GA, IL, MA, NC, NJ, NY, OH, PA, SC, TN, VA, WV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are 17 statements in support attached to this application which may be examined at the ICC in Washington, DC or copies of which may be examined in the field office named below. Send protests to: ICC, Fed. Res. Bank Bldg., 101 N. 7th St., Room 620, Phila., PA 19106.

MC 14718TA, filed May 18, 1979. Applicant: JUVENTINO A. RIVERA, d.b.a., J. A. RIVERA TRUCKING, 8232 Polk Circle, Huntington Beach, CA 92646. Representative: Juventino A. Rivera, (Same Address As Applicant). *Contract: regular: resin compound, in containers,* from the facilities of Cargill, Incorporated, at or near Lynwood, CA to Tempe, AZ (I–10); Portland, OR (I–5); Seattle, WA (I–5); Spokane, WA (I–5–180–97–190); and Boise, ID (395–95–72), for 180 days. Supporting shipper(s): Cargill, Incorporated, 2801 Lynwood Road, Lynwood, CA 90262. Send protests to: Irene Carlos, TA, ICC, P.O. Box 1551, Los Angeles, CA 90053.

MC 147458TA, filed May 14, 1979. Applicant: NELSON BROS. TRUCKING CO., 600 Mathew St., Santa Clara, CA 95050. Representative: D. W. Baker, 100 Pine St., Suite 2550, San Francisco, CA 94111. *Canned and preserved foods,* between the facilities of Pacific Coast Producers at San Jose, CA and Lodi, CA, restricted to the transportation of traffic having a subsequent movement by rail. SUPPORTING SHIPPER: Pacific Coast Producers, P.O. Box 218, 1601 Civic Center Dr., Santa Clara, CA 95054. Send protests to: N. C. Foster, DS, 211 Main Suite 500, San Francisco, CA 94105, for 180 days.

MC 147478TA, filed May 22, 1979. Applicant: STANLEY R. SOWERS, d.b.a. TEESUN TRUCK LINE, P.O. Box 183, Hayti, SD 57241. Representative: J. Maurice Andren, 1734 Sheridan Lake Road, Rapid City, SD 57701. *Dry fertilizer* from Minneapolis and St. Paul, MN; Sioux City, IA; Omaha, NE and points in their commercial zones to points in SD and those in ND south of U.S. Hwy 10 for 180 days. Supporting shipper(s): South Dakota Wheat Growers, Bath, SD 57427, N–ReN Corporation, P.O. Box 418, S. St. Paul, MN 55075, Peavey Company, 730 2nd Ave., S. Minneapolis, MN 55402. Send protests to: J. L. Hammond, DS, ICC, Room 455, Federal Bldg., Pierre, SD 57501.

MC 147518 (Sub-1TA), filed July 5, 1979. Applicant: L & R OILFIELD SERVICES, INC., 1313 Arapahoe St., Thermopolis, WY 82443. Representative: Brian L. Richardson, (same address as applicant). *Coal,* between points in Hot Springs, Big Horn and Washakie Counties, WY. Restricted to traffic moving in interstate commerce, for 180 days. Underlying ETA seeks 90 days authority. Supporting shipper(s): B.E.C.O.R. (Ranchester Resources) Box 643, Thermopolis, WY 82443 Northwest Resources, Inc., 316 Broadway, Thermopolis, WY 82443. Send protests to: District Supervisor Paul A. Naughton, Interstate Commerce Commission. Rm 105 Federal Bldg & Crt House, 111 South Wolcott, Casper, WY 82601.

MC 147528 (Sub-1TA), filed June 9, 1979. Applicant: TAS TRUCKING, 2652 Springwood Drive, Meridian, ID 83642. Representative: David E. Wishney, P.O. Box 837, Boise, ID 83701. *Masonry articles and supplies, except commodities which by reason of their size or weight require the use of special equipment, commodities in bulk, and those commodities described in Mercer Extension-Oil Field Commodities, 74 MCC 459,* (1) from points in CO and UT to points in ID, those points in OR and WA on or east of US Hwy 97, those points in NV on or north of US Hwy 50 and points in Uinta, Lincoln, Sweetwater, Sublette, Teton and Park Counties, WY; and (2) from points in CO to points in UT on or north of US Hwy 6; restricted to traffic for the account of the Masonry Center, Inc., for 180 days. An underlying ETA seeks 90 day authority. Supporting shipper(s): The Masonry Center, Inc., P.O. Box 7825, Boise, ID 83706. Send protests to: Barney L. Hardin, D/S, ICC, Suite 110, 1471 Shoreline Dr., Boise, ID 83702.

MC 147528 (Sub-2TA), filed June 21, 1979. Applicant: T.A.S. TRUCKING, 2652 Springwood Drive, Meridian, ID 83642. Representative: David E. Wishney, P.O. Box 837, Boise, ID 83701. *Lumber,* from points in ID, OR, MT and WA to points in CA, CO, MN, MO, ND, NE, SD, UT and WI, (Restricted to traffic for the account of Idaho Timber Corporation) for 180 days. An underlying ETA seeks 90 day authority. Supporting shipper(s):

Idaho Timber Corporation, P.O. Box 8146, Boise, ID 83707. Send protests to: Barney L. Hardin, D/S, ICC, Suite 110, 1471 Shoreline Dr., Boise, ID 83702.

MC 147548 (Sub-2TA), filed June 11, 1979. Applicant: ATLANTIC COAST BUS LINES, INC., P.O. Box 184, Lanham, MD 20801. Representative: Gary E. Thompson, 4303 East West Hwy., Washington, DC 20014. *Passengers and their baggage,* in special operations between points in Washington, DC, and its commercial zone, on the one hand, and, on the other, Anne Arundel and Baltimore Counties, MD, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Bingo Las Vegas, 900 E. Church St., Baltimore, MD 21225. Forty West Bingo, 5407 Baltimore National Pike, Baltimore, MD 21229. Josephine M. Love, 137 33rd St. N.E., Washington, DC 20019. Viola Palmer, 1312 I St. N.E., Washington, DC 20002. Delores S. Williams, 1616 Isherwood St. N.E., Washington, DC 20002. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 147608 (Sub-1TA), filed July 2, 1979. Applicant: POPE PAVING COMPANY, INC., P.O. Box 269, Bristol, VA 24201. Representative: J. RAYMOND CLARK, Suite 1150, 600 New Hampshire Ave. N.W., Washington, D.C. 20037. Contract—Irregular. *SALT, in bulk, in dump vehicles,* from the distribution facility of International Salt Company at Bristol, VA to points in KY, NC, TN and WV for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): International Salt Company, Clarks Summit, PA 18411. Send protests to: Charles F. Myers, DS, ICC, Room 10–502 Federal Bldg., 400 North 8th Street, Richmond, VA 23240.

MC 147638 (Sub-1TA), filed July 10, 1979. Applicant: JAMES BASIN TRUCK COMPANY, 1323 W. 3rd Ave., Mitchell, SD 57301. Representative: Mark Menard, 5301 N. Cliff—P.O. Box 480, Sioux Falls, SD 57101. *(1) Cement and flyash in bulk in pneumatic vehicles and in bags* from terminal locations in Aberdeen, Chamberlain, Mitchell, Rapid City, Sioux Falls, and Watertown, SD and from rail sidings at or near portable concrete batch plants in CO, IA, MN, MT, NE, ND, SD and WY (restricted to traffic having a subsequent movement by rail) to points in CO, IA, MN, MT, NE, ND, SD and WY; (2) *Precast concrete products* from Huron and Mitchell, SD to CO, IA, MN, MT, NE, ND and WY for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Concrete Products Co., Huron, SD 57350. Dakota Redi-Mix, 1323 West 3rd, Mitchell, SD 57301. Send protests to: J. L. Hammond, DS, ICC, Room 455, Federal Bldg., Pierre, SD 57501.

MC 147648 (Sub-1TA), filed July 20, 1979. Applicant: ROBERT L. PERKINS, d.b.a. PERKINS TRANSPORT SERVICE, 4913 Maple Street, Omaha, NE 68127. Representative: J. F. Crosby, P.O. Box 37205, I–80 & Hwy. 50, Omaha, NE 68137. *Recreational vehicles, fifth wheels and equipment, materials, accessories, parts, and supplies for recreational vehicles transported at the same time, and with the vehicles of which they are a part, and on which they are to be installed, in truckaway, initial or secondary service* from the facilities of Prowler Industries of Nebraska, Inc. at Omaha, NE to points in CO, IA, IN, KS, MN, MO, MT, ND, SD, WI, TX and WY for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Fleetwood Enterprises, Inc., 3125 Myers St., Riverside, CA 92523. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 147658 (Sub-2TA), filed July 25, 1979. Applicant: R & W TRANSPORTATION, INC., Route 1, Repton, AL 36475. Representative: Gerald D. Colvin, Jr., 603 Frank Nelson Building, Birmingham, AL 35203. Contract, Irregular: *Lumber and lumber products and by-products,* from the facilities of T. R. Miller Mill Company at or near Brewton, AL to points in the states of AR, AL, GA, FL, MS, LA, and TX, under a continuing contract with T. R. Miller Mill Company, for 180 days. Supporting shipper(s): T. R. Miller Mill Company, P.O. Box 708, Brewton, AL 36426. Send protests to: Mabel E. Holston, T/A, ICC, Suite 1616—2121 Building, Birmingham, AL 35203.

MC 147668 (Sub-1TA), filed July 26, 1979. Applicant: NATIONAL PRESTO INDUSTRIES, INC., 3925 North Hastings Way, Eau Claire, WI 54701. Representative: Harold D. Miller Jr., 17th Floor, Deposit Guarantee Plaza, P.O. Box 22567, Jackson, MS 39205. *Alcoholic beverages, and such commodities as are dealt in by wholesale or retail department, variety, hardware or drug stores (except commodities in bulk and those requiring special equipment)* from the facilities of REX Consolidations, Inc. at Jersey City, NJ to the facilities of Memphis Handling Corp. at Memphis,TN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Southeast Shippers Association, Inc., 595 West Alcy Road, Memphis, TN 38109. Memphis Handling Corp., 595 West Alcy Road, Memphis, TN 38109. Send protests to: Judith L. Olson, TA, ICC, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC–147678 (Sub-2TA), filed July 16, 1979. Applicant: NELSON TRUCKING OF BOYCEVILLE, INC., Route 1, Downing, WI 54734. Representative: Wayne Wilson, 150 E. Gilman St., Madison, WI 53703. *Sawdust, shavings, and bark* from facilities of Boyceville Lumber Co., Inc. in the Town of Hay River, Dunn County, WI to the Minnesota State Prison at or near Stillwater, MN, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Boyceville Lumber Co., Inc., Rt. 1, Box 307, Boyceville, WI 54725. Send protests to: Judy Olson, TA, ICC, 414 Federal Bldg & US Courthouse, 110 S. 4th St., Minneapolis, MN 55401.

MC–147698 (Sub-2TA), filed July 18, 1979. Applicant: J.L.M.S., Inc., 115 Moonachie Avenue, Moonachie, NJ 07074. Representative: Michael R. Werner, PO Box 1409, 167 Fairfield Road, Fairfield, NJ 07006.*Copying and duplicating machines, and accessories, materials, supplies and equipment used in the manufacture, installation, repair, maintenance, lease sale and distribution of copying and duplicating machines* (except commodities in bulk) Between Secaucus, NJ on the one hand, and, on the other, Reading, MA, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Xerox Corp., 80 Seaview Drive, Secaucus, NJ 07094. Send protests to: Joel Morrows, D/S, ICC, 744 Broad St., Rm. 522, Newark, NJ 07102.

MC–147708 (Sub-1TA), filed July 16, 1979. Applicant: AIWF TRANSPORTATION CORPORATION, Route 30, Exton, PA 19341. Representative: J. Max Harding, P.O. Box 82028, Lincoln, NE 68501. *Contract carrier:* Irregular routes: *(1) Plastic products, (except in bulk),* From Exton, PA to pts. in the US (except AK and HI). *(2) Materials, supplies and equipment (except in bulk), used in the manufacture and distribution of the commodities in (1) above,* from pts in the US (except AK and HI) to Exton, PA, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Alan IW Frank Corp., Route 30, Exton, PA 19341. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th. St., Rm. 620, Phila., PA 19106.

MC–147838 (Sub-1TA), filed August 13, 1979. Applicant: RON LEWIS, Route 2, Box 6 P, Corning, CA 96021. Representative: Wallace Aiken, 1215 Norton Building, Seattle, WA 98104. PH (206) 624–2650. *Contract carrier,* irregular routes: *Alcoholic beverages* (excluding bulk) between points in

Seattle, WA and Portland, OR commercial zones and points in CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Sid Eland Distributing, Inc., 1212 6th Ave. So., Seattle, WA 98134. Send protests to: A. J. Rodriguez, 211 Main Street, Suite 500, San Francisco, CA 94105.

MC–147888TA filed July 12, 1979. Applicant: SALEM CONTRACT CARRIER, INC., PO Box 26945, Charlotte, NC 28213. Representative: Francis W. McInerny, Esq., 1000 16th St., NW, Washington, DC 20036. *Contract* carrier-irregular route: *Such merchandise as is dealt in by wholesale and retail chain department and food stores and equipment, material, and supplies used in the conduct of such businesses:* (a) between Charlotte, NC on the one hand, and on the other, points in CT, DE, GA, IL, IN, IA, KS, KY, ME, MD, MA, MI, MO, NH, NJ, NY, OH, PA, RI, TN, VT, VA, WV, and WI; and (b) from points in the 24 States named in Section (a), except GA, to points in GA, NC, and SC, under a continuing contract or contracts with Kmart Corp. and restricted to shipments moving from, to, or between facilities used by Kmart Corporation, for 180 days. Supporting Shipper(s): Kmart Corporation, 3100 West Big Beaver, Troy, MI 48084. Send protests to: Terrell Price, 800 Briar Creek Rd-Rm CC516, Charlotte, NC 28205.

MC 147898TA filed July 26, 1979. Applicant: TRI-AD PICKUP AND DELIVERY SERVICE, INC., Rt. 9, Box 448, Greensboro, NC 27402. Representative: John F. Comer, 119 N. Greene St., Greensboro, NC 27402. *General commodities (Except in bulk) having prior or subsequent movement by air* between airports at Raleigh-Durham, Charlotte and Greensboro-Winston Salem-High Point, NC, for 180 days. Supporting Shipper(s): Emery Air Freight Corp., Old Danbury Rd., Wilton, CT 06897. Send Protests to: Sheila Reece, Transportation Assistant, 800 Briar Creek Rd-Rm CC516, Charlotte, NC 28205.

MC 147948 (Sub-1TA), filed August 9, 1979. Applicant: A. J. ROSS ENTERPRISES, INC., 225 Smith Street, Keasbey, NJ 08832. Representative: Morton E. Kiel, Suite 1832–2 World Trade Center, New York, NY 10048. *Structural steel.* Between Keasbey, NJ on the one hand, and, on the other, Baltimore, MD, Providence, RI; Washington, DC and Chicago, IL for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Drachman Structural, Inc., 2116 Merrick Avenue, Merrick, NY 11566. Send Protests to: Irwin Rosen, T/S, ICC, 744 Broad St., Room 522, Newark, NJ 07102.

MC 148058TA filed July 30, 1979. Applicant: JAT EXPRESS, Rt. 1, Box 405, Muncie, IN 47302. Representative: Jack W. Tapy, (same address as Applicant). Meats, meat products and meat by products and articles distributed by meat packinghouses from the plant site and storage facilities utilized by Farmland Foods at or near Garden City, KA from the facilities of Farmland Foods, Inc. at or near Garden City, KA to points in the 48 states for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Farmland Foods, Inc., P.O. Box 957, Garden City, KS 67846. Send protest(s) to: Beverly Williams, I.C.C. 429 Federal Building & U.S. Court House, 46 East Ohio Street, Indianapolis, IN 46204.

MC 148078TA filed August 6, 1979. Applicant: BEAU PARRISH EXPRESS CO., INC., P.O. Box 14733, Baton Rouge, LA 70808. Representative: Rick Chambers, (same address as applicant). *Machinery and equipment, machinery and equipment parts and accessories, and materials (other than in bulk), used in connection with the operation, maintenance, and repair of: (1) Paper and pulp mills, (2) Electrical power and power transmission plants, also transmission lines, (3) Barge, towing companies, shipyards and related facilities, (4) Refineries and cracking plants, (5) Chemical and petro-chemical plants and (6) Pipeline compressor stations;* between points located within Louisiana Parishes of Iberville, Ascension, East Baton Rouge, West Baton Rouge, East Feliciana and West Feliciana on the one hand, and on the other hand, points located in the United States east of, and on, Interstate Highway No. 35, including the entire States of OK and TX, with transportation limited to shipments moving between facilities of the named businesses and/or facilities of repair ships or stations, for 180 days. Supporting Shipper(s): Baton Rouge Marine Electrical Service, Inc., P.O. Box 3476, Baton Rouge, LA 70821. Ingersoll-Rand Service Division, 4152 Rhoda Dr., Baton Rouge, LA 70816 General Electric Co.—Apparatus Service Div. Baton Rouge Service Shop, 10955 No. Dual St., Baton Rouge, LA 70814. SFI, Inc., P.O. Box 455, Zachary, LA 70791. Send Protests to: Robert J. Kirspel, DS, ICC, T–9038 Federal Bldg., 701 Loyola Ave., New Orleans, LA 70113.

MC 147358 Sub-1TA), filed June 5, 1979. Applicant: BEND BUILDING SUPPLY, INC., P.O. Box 206, Bend, Oregon 97701. Representative: Thomas Y. Higashi, 2075 S.W. First Ave., Suite 2N. *Common, irregular* Lumber, lumber mill products and wood products, from Bend, Lakeview, Burns and Prineville, Oregon to Los Angeles, Colton, Anaheim, Hayward, Sacramento, Fair Oaks, Santa Fe Springs, Redding, Ontario, La Mesa and San Francisco, California for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Brooks Scanlon, Inc., P.O. Box 1111, Bend, OR 97701. Deschutes Pine Sales, Inc., P.O. Box 1243, Bend, OR 97701. Send Protests to: Robert Dubay, TS, 114 Pioneer Courthouse, 555 S.W. Yamhill Street, Portland, OR 97204.

MC 24583 (Sub-25TA), filed August 15, 1979. Applicant: FRED STEWART COMPANY, P.O. Box 665, Magnolia, AR 71753. Representative: James M. Duckett, 927 Pyramid Life Bldg., Little Rock, AR 72201. *Sodium Hydrosulfide and Waste Petroleum Refinery sulfide,* in bulk, in tank vehicles, from Union County, AR to points in LA, TX, OK, MS, TN, MO, AL, KS, NC, FL, KY and AZ, for 180 days. Underlying ETA seeks 90 days authority. Supporting shipper(s): T & T Chemicals, Inc., P.O. Box 782, El Dorado, AR 71730. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 52793 (Sub-30TA), filed June 13, 1979. Applicant: BEKINS VAN LINES CO., 3090 Via Mondo, Compton, CA 90221. Representative: David P. Christianson, 707 Wilshire Boulevard, Los Angeles, CA 90017. *Furniture, furnishings, and household, office and institutional fixtures and equipment, crated,* from Los Angeles County, CA to all points in the United States (except Alaska and Hawaii), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): SCS Industries, Inc., 12836 Arroyo, Sylmar, CA 91342. Send protests to: David Hunt, TA, Rm. 1386, 219 S. Dearborn St., Chicago, IL 60604.

MC 52793 (Sub-31TA), filed August 20, 1979. Applicant: BEKINS VAN LINES CO., P.O. Box 109, La Grange, IL 60525. Representative: Patricia Schnegg, 707 Wilshire Blvd., Suite 1800, Los Angeles, CA 90017. *Furniture, furnishings and household, office and institutional fixtures and equipment, crated,* from Harrison and Fort Smith, AR to AZ, CA, CO, ID, MT, NE, NV, NM, OR, TX, UT, WA, and WY for 180 days. Supporting shipper(s): Harrison Furniture Manufacturing, Inc., P.O. Box 340, Harrison, AR 72601, The Covey Company, 900 N. 2nd St., Ft. Smith, AR 72901. Send protests to: Cheryl Livingston, TA, ICC, 219 S. Dearborn, Rm. 1386, Chicago, IL 60604.

MC 52793 (Sub-32TA), filed August 24, 1979. Applicant: BEKINS VAN LINES

CO., 333 S. Center St., Hillside, IL 60162. Representative: Lawrence E. Lindeman, 425 13th St., NW, Suite 1032, Washington, D.C. 20004. *(1) Office furniture, and parts, equipment, and supplies used in the manufacture of office furniture,* between Grand Rapids, MI and points in ME, NH, VT, MA, RI, CT, NY, NJ, PA, DE, and MD; (2) *new furniture,* from Red Lion, Mifflinburg, and Stewartstown, PA to points in OH, IN, MI, IL, WI, MN, and IA; and (3) *new furniture,* from points in Worcester County, MA to points in IL, IN, and MI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are seven supporting shippers. Their statements may be examined at the office listed below. Send protests to: Cheryl Livingston, TA, ICC, 219 S. Dearborn, Rm. 1386, Chicago, IL 60604.

MC 103993 (Sub-989TA), filed August 13, 1979. Applicant: MORGAN DRIVE-AWAY, INC., 28651 U.S. Hwy 20 West, Elkhart, IN 46515. Representative: Paul D. Borghesani, (same as applicant). *Foam insulation board,* from the facilities of United Foam Corporation at or near Bremen, IN, to points in the U.S. in and east of the States of ND, SD, NE, KS, OK and TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): United Foam Corporation, 1111 W. Dewes St., Bremen, IN 46506. Send protests to: Beverly J. Willams, TA, ICC, 46 E Ohio St., Rm. 429, Indianapolis, IN 46204.

MC 103993 (Sub-990TA), filed August 7, 1979. Applicant: MORGAN DRIVE AWAY, INC., 28651 U.S. 20 West, Elkhart, IN 46515. Representative: James B. Buda (same as above). *Trucks,* in secondary movements, form the plantsite of Haig Manufacturing, Inc., in Elkhart, IN, to points in the U.S. (except AK and HI), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s); Haig Manufacturing, Inc., 29391 Hwy 33 West, Elkhart, IN 46514. Send protests to: Beverly J. Williams, TA, ICC, 46 E. Ohio St., Rm 429, Indianapolis, IN 46204.

MC 107403 (Sub-1251TA), filed August 8, 1979. Applicant: MATLACK, INC., Ten W. Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr., (same address as above). *Synthetic resins, in bulk, in tank vehicles* from San Diego, CA to Albuquerque, NM for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Calgon Corp., Box 1346, Pittsburgh, PA 15230. Send protests to: ICC, Fed. Res. Bank Bldg., 101 N. 7th St., Rm 620, Phila., PA 19106.

MC 107403 (Sub-1252TA), filed July 16, 1979. Applicant: MATLACK, INC., Ten W. Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr., (same as applicant). *Liquid plastic materials, in bulk, in tank vehicles,* from the facilities of Celanese Polymers Specialties Co., Inc., at Lousiville, KY to all points in and east of MT, WY, CO, and NM, and *raw materials used in the manufacture of liquid plastic materials, in bulk, in tank vehicles,* from all points in and east of MT, WY, CO, and NM to the facilities of Celanese Polymers Specialties Co., Inc. at Louisville, KY for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Celanese Polymers Specialties Co., One Riverfront Plaza, Louisville, KY 40202. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 107403 (Sub-1253TA), filed August 13, 1979. Applicant: MATLACK, INC., Ten W. Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr., (same as applicant). *Liquid chemicals,* in bulk, in tank vehicles from Doe Run, KY to all points in the U.S. (except AK and HI) for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Olin Corp., 120 Long Ridge Rd., Stamford, CT 06904. Send protests to: ICC, Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 107403 (Sub-1254TA), filed August 13, 1979. Applicant: MATLACK, INC., Ten W. Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr., (same as applicant). *Aluminum sulfate,* in bulk, in tank vehicles, from Baltimore, MD to Washington, DC for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Olin Corp., 120 Long Ridge Rd., Stamford, CT 06904. Send protests to: ICC, Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 107403 (Sub-1255TA), filed August 15, 1979. Applicant: MATLACK, INC., Ten W. Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes, Jr., (same as applicant). *Diesel fuel,* in bulk, in tank vehicle, from Carrollton, KY to Jackson, TN for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Consolidated Aluminum Corp., 11960 Westline Industrial, St. Louis, MO 63141. Send protests to: ICC, Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 107403 (Sub-1256TA), filed August 17, 1979. Applicant: MATLACK, INC., Ten West Baltimore Ave., Lansdowne, PA 19050. Representative: Martin C. Hynes (same as applicant). *Liquid caustic soda, in bulk, in tank vehicles,* from Shreveport, LA, to all points in TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Thompson-Hayward Chemical Company, 1011 Jack Wells Blvd., P.O. Box 7884, Shreveport, LA 71107. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St. Rm. 620, Phila., PA 19106.

MC 107993 (Sub-63TA), filed August 8, 1979. Applicant: J. J. WILLIS TRUCKING COMPANY, P.O. Box 226186, Dallas, TX 75266. Representative: James W. Hightower, 5801 Marvin D. Love Freeway, First Continental Bank Bldg., Suite 301, Dallas, TX 75237. *(A) (1) Machinery, equipment, materials, and supplies used in or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; machinery, equipment, materials, and supplies used in connection with the construction, operations, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof; (2) Commodities, which because of size or weight, require the use of special equipment; and (3) Self-propelled articles, each weighing 15,000 pounds or more, restricted to commodities which are transported on trailers,* between points in California, Arizona, and New Mexico; *and (B)(1) Pipe and fittings used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products, and by-products, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof; (2) Commodities, which because of size or weight, require the use of special equipment,* between California on the one hand, and, on the other, points in CO for 180 days. Underlying ETA filed. Supporting shippers(s): There are twenty shippers which can be examined at the ICC field office listed below or headquarters. Send protests to: Opal M. Jones, TCS, ICC, 9A27 Federal Bldg., 819 Taylor St., Ft. Worth, TX 76102.

Note.—Operations are already being conducted by tacking regular and irregular route authority. The purpose of this application is to eliminate Blythe and Winterhaven CA as gateway points and thereby conserving fuel and expenses.

MC 112123 (Sub-18TA), filed August 14, 1979. Applicant: BEST-WAY TRANSPORTATION, 5150 N. 16th St., Phoenix, AZ 85016. Representative: Donald E. Fernaays, 4040 E. McDowell Rd., Phoenix, AZ 85008. Common, Regular Route, *General commodities, (except those of unusual value, Classes*

A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), (1) between Phoenix and Williams, AZ, serving all intermediate points, from Phoenix over I-Hwy 17 to Flagstaff, AZ, then over I-Hwy 40 to Williams, and return over the same route; (2) between Cordes Junction and Flagstaff, AZ serving all intermediate points, from Cordes Junction over AZ Hwy 69 to Prescott, AZ, then over U.S. Hwy 89 to junction of U.S. Hwy 89A, then over U.S. Hwy 89A to Flagstaff, and return over the same route; (3) between the junction of I–Hwy 17 and State Route 279 and Cottonwood, AZ, serving all intermediate points, from the junction of I–Hwy 17 and State Route 279 over State Route 279 to Cottonwood, and return over the same route; (4) between the junction of I–Hwy 17 and State Route 179 and Sedona, AZ, serving all intermediate points, from the junction of I–Hwy 17 and State Route 179 over State Route 179 to Sedona, and return over the same route; (5) in connection with routes 1 through 4 serving the commercial zones of the termini and intermediate points, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are 14 supporting shippers. Their statements may be reviewed at the below address or at headquarters. Send protests to: Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Ave., Phoenix, AZ 85025.

MC 113843 (Sub-270TA); filed August 16, 1979. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, MA 02210. Representative: Lawrence T. Sheils, (same address as applicant). *Plastic film,* from Aurora, OH to points in CT, DE, FL, GA, IL, IN, KY, MA, ME, MD, MI, MO, MN, NC, NH, NJ, NY, PA, RI, SC, TN, VA, VT, WV, WI. For 180 days. Supporting shipper(s): R. J. R. Archer, Inc., 1450 So. Chillicothe Rd., Aurora, OH. Send protests to: John B. Thomas, District Supervisor, Interstate Commerce Commission, 150 Causeway Street, Boston, MA 02114.

MC 114273 (Sub-643TA), filed July 27, 1979. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core, (address same as applicant). (1) *Canned and preserved foodstuffs,* from the facilities of Heinz USA at or near Holland, MI to the facilities of Heinz USA at or near Iowa City, IA; Pittsburgh, PA; Mechanicsburg, PA; and Harrison, NJ, and (2) *Empty foodstuffs containers,* from the facilities of Heinz USA at or near Holland, MI to the facilities of Heinz USA at or near Muscatine and Iowa City, IA, for 180 days. An underlying ETA seeks 90 days authority. Restricted in (1) and (2) to traffic originating at the named facilities and destined to the named facilities. Supporting shipper(s): Heinz USA, Division of H. J. Heinz Company, P.O. Box 57, Pittsburgh, PA 15230. Send protests to: Herbert W. Allen D/S, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 114273 (Sub-644TA), filed July 31, 1979. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core, (same address as applicant). *drugs and feed supplements (except in bulk)* from Belvidere, NJ, to Chicago, IL, and Ames, IA, 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): Hoffman-LaRoche, Inc., 340 Kingsland Rd., Nutley, NJ 07110. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 115523 (Sub-191TA), filed July 16, 1979. Applicant: CLARK TANK LINES COMPANY, 1450 Beck Street, Salt Lake City, UT 84110. Representative: Melvin Jm Whitear, (same address as applicant). *Magnesium compounds, liquid, in bulk* from Little Mountain, UT to points and places in AZ, CA, CO, ID, IS, MT, NM, NV, OR, TX, UT, WA, and WY, for 180 days. Supporting shipper(s): Great Salt Lake Minerals & Chemical Corp., P.O. Box 1190, Ogden, UT 84402. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Building, Salt Lake City, UT 84138.

MC 116073 (Sub-379TA), filed August 9, 1979. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, P.O. Box 919, Moorhead, NM 56560. Representative: John C. Barrett, (same address as above). *Buildings, complete or in sections,* mounted on their own or removable undercarriage, from at or near Moses Lake, WA, to points in ID, MT, NV, OR, UT and WA, for 180 days. Supporting shipper(s): Lancer Homes Incorporated, 1128 E. 6th St., Corona, CA 91720. Send protests to: H. E. Farsdale, DS, ICC, Room 268 Fed. Bldg. & U.S. Post Office, 657 2nd Avenue North, Fargo, ND 58102.

MC 116273 (Sub-243TA), filed August 20, 1979. Applicant: D & L TRANSPORT, INC., 3800 S. Laramie Ave., Cicero, IL 60650. Representative: William R. Lavery, (same address as applicant). *Petroleum grease, in bulk, in tank vehicles,* from Whiting, IN to points in SC and VA for 180 days. An underlying ETA seeks 90 days. Supporting shipper(s): Amoco Oil Company, 200 E. Randolph Drive, Chicago, IL 60601. Send protests to: Dave Hunt, T/A, 219 S. Dearborn St., Room 1386, Chicago, IL 600604.

MC 116763 (Sub-582TA), filed July 30, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West St., Versailles, OH 45380. Representative: Gary J. Jira, (same address as applicant). *Foodstuffs* (except commodities in bulk, in tank vehicles), from the facilities of Doric Foods Corp. located at or near Findlay, OH to points in CT, DE, IL, IN, IA, KS, KY, ME, MD, MA, MI, MN, MO, NE, NH, NJ, NY, PA, RI, VT, VA, WV and WI, for 180 days. Supporting shipper(s): DORIC FOODS CORP., P.O. B. 986, MT. Dora, FL 32757. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Room 620, Phila., PA 19106.

MC 116763 (Sub-583TA), filed August 6, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West St., Versailles, OH 45380. Representative: Gary J. Jira, (same as applicant). *Foodstuffs (except commodities in bulk, in tank vehicles)* from the facilities of Vlasic Foods, Inc. located at or near Millsboro, DE, to points in ME, NH, VT, MA, RI, CT, NY, NJ, PA, MD, WV, VA, NC, SC and DC for 180 days. Restricted to traffic originating at the named origin and destined to the indicated destinations. An underlying ETA seeks 90 days authority. Supporting shipper(s): Vlasic Foods, Inc., 33200 W. Fourteen Mile Rd., West Bloomfield, MI 48033. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 116763 (Sub-584TA), filed August 6, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West St., Versailles, OH 45380. Representative: Gary J. Jira, (same as applicant). *Foodstuffs (except commodities in bulk, in tank vehicles* from the facilities of Vlasic Foods, Inc. located at or near Greenville, MS, to points in IL, TN, GA, AL, AR, LA, MO, OK and TX for 180 days. Restricted to traffic originating at the named origin and destined to the indicated destinations. An underlying ETA seeks 90 days authority. Supporting shipper(s): Vlasic Foods, Inc., 33200 W. Fourteen Mile Rd., West Bloomfield, MI 48033. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106

MC 116763 (Sub-585TA), filed August 10, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West St., Versailles, OH 45380. Representative: Gary J. Jira, (same as applicant). *Such commodities as are manufactured, processed or dealt in by rubber products manufacturers (except commodities in*

bulk, in tank vehicles), from points in the U.S. in and east of MN, IA, MO, OK, TX, to the facilities of Central Delta, Inc., located at or near Chicago, IL for 180 days. Supporting shipper(s): Central Delta, Inc., 1725 So. Indiana, Chicago, IL 60616. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 116763 (Sub-586TA), filed August 15, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West St., Versailles, OH 45380. Representative: Gary J. Jira, (same as applicant). *Foodstuffs* (except frozen and commodities in bulk, in tank vehicles), from the facilities of Allen Canning Co., located at or near Moorhead, MS to points in AL, GA, NC, SC, TN, VA, MD, DC, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Allen Canning Co., P.O.B. 250, Siloam Springs, AK 72761. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Phila., PA 19106.

MC 116763 (Sub-587TA), filed August 20, 1979. Applicant: CARL SUBLER TRUCKING, INC., North West St., Versailles, OH 45380. Representative: Gary J. Jira, (same as applicant). *Foodstuffs (except commodities in bulk, in tank vehicles)* from the facilities utilized by Presto Food Products, Inc., located at or near Kansas City, MO, to points in the U.S. in and east of MN, IA, MO, AR, and LA. Restricted to traffic originating at the named origins and destined to the indicated destinations for 180 days. Supporting shipper(s): Presto Food Products, Inc., 1101 E. 16th St., Kansas City, MO 64108. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Phila., PA 19106.

MC 121783 (Sub-6TA), filed August 7, 1979. Applicant: WEST-PAK, INC., 3987 San Pablo Avenue, Emeryville, CA 94662. Representative: Daniel W. Baker, 100 Pine Street, Suite 2550, San Francisco, CA 94111. *Common carrier, regular routes: Cleaning compounds, food supplements, candy, vitamins, cosmetics, plastic articles and printed materials;* From facilities of Shaklee Corporation at Hayward, CA to following points: (1) Between Hayward, CA and Oakland, CA over CA Hwy 17; (2) Between Oakland, CA and Elko, NV over I Hwy 80; (3) Between Stateline, NV and Carson City, NV, over U.S. Hwy 50; (4) Between Carson City, NV and Reno, NV over I Hwy 395; (5) Between CA–NV State line, near Crystal Bay, NV and junction of NV Hwy 28 and U.S. Hwy 50, over NV Hwy 28; Serving all intermediate points on above-described routes (3) and (5) and all intermediate points between Verdi, NV and Elko, NV on route (2); Traffic will be interlined with Wycoff Company, Incorporated (MC–89684) at Reno, Winnemucca and/or Elko, NV; for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Shaklee Corporation, 1900 Powell Street, Emeryville, CA 94608. Send protests to: A. J. Rodriguez, 211 Main Street, Suite 500, San Francisco, CA 94105.

MC 123993 (Sub-52TA), filed June 28, 1979. Applicant: FOGLEMAN TRUCK LINE, INC., P.O. Box 1504, Crowley, LA 70526. Representative: Byron Fogleman, (same address as applicant). *Malt beverages, non-alcoholic beverages, materials and supplies used in the manufacture and distribution thereof, (except commodities in bulk)* from Houston, TX to points in LA, for 180 days. Applicant has filed an underlying ETA seeking 90 days. Supporting shipper(s): Champagne Beverage Co., Inc., P.O. Box 818, Covington, LA 70433, Schilling Dist. Co., Inc., P.O. Box 2279, Lafayette, LA 70502, Buquet Distributing Co., Inc., 1200 St. Charles St., Houma, LA 70360. Send protests to: Robert J. Kirspel, DS, ICC, T–9038 Federal Bldg., 701 Loyola Ave., New Orleans, LA 70113.

MC 123993 (Sub-53TA), filed July 12, 1979. Applicant: FOGLEMAN TRUCK LINE, INC., P.O. Box 1504, Crowley, LA 70526. Representative: Byron Fogleman, (same address as applicant). *Poultry and animal feed and mineral or vitamin mixtures for poultry and animal feeding except in bulk* from Mountaire Feeds at North Little Rock, AR to points in FL, for 180 days. Applicant has filed an underlying ETA seeking 90 days. Supporting shipper(s): Mountaire Feeds Inc., 124 E. 5th, North Little Rock, AR. Send protests to: Robert J. Kirspel, DS, ICC, T–9038 Federal Bldg., 701 Loyola Ave., New Orleans, LA 70113.

MC 124813 (Sub-212TA), filed August 23, 1979. Applicant: UMTHUN TRUCKING CO., 910 South Jackson St., Eagle Grove, IA 50533. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. *Railroad crossties* from Cambria, IL to Boone, IA for 180 days. Supporting shipper(s): D.A. Wilson Company, 2017 East Lincolnway, Ames, IA 50010. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 124813 (Sub-213TA), filed August 23, 1979. Applicant: UMTHUN TRUCKING CO., 910 South Jackson St., Eagle Grove, IA 50533. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. *Concrete products and forms,* between the facilities of Wilson Concrete Products Company, at Omaha, NE, on one hand, and, on the other, points in IA for 180 days. Supporting shipper(s): Wilson Concrete Company, P.O. Box 7208, South Omaha Station, Omaha, NE 68107. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 125433 (Sub-305TA), filed August 23, 1979. Applicant: F–B TRUCK LINE COMPANY, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson, (same address as applicant). (1) *Printing presses,* and (2) *equipment, materials, parts and supplies therefor,* except commodities in bulk, between the facilities of MGD Graphic Systems, Inc., located at or near Cicero and Rockford, IL; Cedar Rapids, IA and Wyomissing, PA, on the one hand, and, on the other, points in the United States (except AK and HI), for 180 days. Supporting shipper(s): MGD Graphic Systems, Inc., 5601 West 31st Street, Chicago, IL 60650. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Building, Salt Lake City, UT 84138.

MC 125433 (Sub-306TA), filed August 21, 1979. Applicant: F–B TRUCK LINE COMPANY, 1945 South Redwood Road, Salt Lake City, UT 84104. Representative: John B. Anderson, (same address as applicant). *Lead scrap* (loose) from the facilities of Philipp Brothers, Division of Engelhard Minerals & Chemicals Corporation located at or near Ontario, CA to East Helena, MT and San Antonio, TX, for 180 days. An underlying ETA requests 90 days authority. Supporting shipper(s): Philipp Brothers, Division of Engelhard Minerals & Chemicals Corporation, 1221 Ave. of Americas, New York, NY 10020. Send protests to: L. D. Helfer, DS, ICC, 5301 Federal Building, Salt Lake City, UT 84138.

MC 129613 (Sub-27TA), filed July 27, 1979. Applicant: ARTHUR H. FULTON, INC., P.O. Box 86, Stephens City, VA 22655. Representative: Edward N. Button, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. *Plastic articles, materials and supplies* (except in bulk), used in the manufacture thereof, between Winchester, VA, and its commercial zone, on the one hand, and, on the other, points in NC, SC and TN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Rubbermaid Commercial Products, Inc., 3124 Valley Ave., Winchester, VA 22601. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Room 620, Phila., PA 19106.

MC 135743 (Sub-2TA), filed August 21, 1979. Applicant: WILLIAM MOVING CO., Harold Williams, d.b.a, P.O. Box 518, Dexter, MO 63841. Representative: Ernest A. Brooks, II, 1301 Ambassador

Bldg. St. Louis, MO 63841. Household goods, as defined by the Commission, between points in MO on and south of Interstate 70, points in IL on and south of Interstate 70, points in KY on and west of Interstate 24, points in TN on and west of Interstate 24, and points in AR on and north of US Hwy 64 on the one hand, and, on the other, points in FL, GA, LA, and MS, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Arvin Automotive, 1207 Arvin Rd., Dexter, MO 63841, Monarch Feed Mills, Inc., Dexter, MO 63841, Stites Concrete, Dexter, MO 63841, IXL Manufacturing Company, Inc., Bernie, MO 63822. Send protests to: P. E. Binder, TS, ICC, Rm. 1465, 210 N. 12th St., St. Louis, MO 63101.

MC 136343 (Sub-177TA), filed August 14, 1979. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, PA 17847. Representative: George A. Olsen, P.O. Box 357 Gladstone, NJ 07934. *Plastic bags, plastic film, and plastic sheeting and racks (except commodities in bulk)*, from the facilities of the St. Regis Paper Co., West Hazelton, PA to Washington Court House, Chillicothe, Toledo, Lima, Cincinnati, Columbus, Akron, Cleveland, and Youngstown, OH, Morristown, South Bend, Indianapolis, and Lafayette, IN, Macedon, NY, Jackson, MI, and points in NC and SC for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): St. Regis Paper Co., 150 E. 42nd St., New York, NY. Send protests to: ICC, Fed. Res. Bank Bldg., 101 N. 7th St., Rm 620 Phila., PA 19106

MC 136343 (Sub-178TA), filed June 28, 1979. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, Milton, PA 17847. Representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. *Paper, paper products, and plastic articles, and materials, equipment, and supplies used in the manufacture and distribution of paper, paper products, and plastic articles (except commodities in bulk in tank vehicles)*, between points in the US east of and including MN, IA, MO, KS, OK, and TX on the one hand, and, on the other, the facilities of Scott Paper Co. located in PA, NY, NJ, WI, AL, AR, OH, ME, MA, MI, IN, FL, VA, IL, DE, and TN for 180 days. Supporting shipper(s): Scott Paper Co., Scott Plaza, Philadelphia, PA 19113. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 136553 (Sub-81TA), filed August 17, 1979. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th St., Dubuque, IA 52001. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. *Urea, in bags*, from Platteville, WI to points in IL, IA, and MN for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): N-Ren Corporation, P.O. Drawer D, East Dubuque, IL 61025. Send protests to: Herbert W. Allen D/S, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 136553 (Sub-82TA), filed August 17, 1979. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th St., Dubuque, IA 52001. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. *Malt Beverages*, from Dubuque, IA to points in MI and WI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Joseph S. Pickett & Sons, Inc., East Fourth Street Extension, Dubuque, IA 52001. Send protests to: Herbert W. Allen DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 138283 (Sub-9TA), filed August 8, 1979. Applicant: DANA TRUCKING CORPORATION, P.O. Box 6, Round Lake, MN 56167. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501. *Contract Carrier:* irregular routes: Alcoholic beverages, wine, and non-alcoholic beverages in mixed loads with alcoholic beverages and wine (except commodities in bulk) from points in IL, IN, KY and OH to Sioux Falls, SD, under continuing contract(s) with Midland Distributors, Inc. of Sioux Falls, SD, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Midland Distributors, Inc., 110 West 5th Sioux Falls, SD 57102. Send protests to: Judith L. Olson, TA, ICC, 414 Federal Building & U.S.Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 141443 (Sub-33TA), filed August 2, 1979. Applicant: JOHN LONG TRUCKING, INC., 1030 Denton Street, Sapulpa, OK 74066. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. *Canned goods*, from Siloam Springs, Alma, Van Buren and Springdale, AR, to points in CO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Allen Canning Company, 305 E. Main, P.O. Box 250, Siloam Springs, AR 72761. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 141443 (sub-34TA), filed August 2, 1979. Applicant: JOHN LONG TRUCKING, INC., 1030 East Denton, Sapulpa, OK 74066. Representative: Wilburn L. Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. *Glass containers and closures therefor*, from Okmulgee, OK, to points in CO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ball Corporation, 345 South High Street, Muncie, IN 47302. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 141443 (Sub-35TA), filed August 27, 1979. Applicant: JOHN LONG TRUCKING, INC., 1030 Denton Street, Sapulpa, OK 74066. Representative: Dean Williamson, Suite 615-East, The Oil Center, 2601 Northwest Expressway, Oklahoma City, OK 73112. *Alcoholic beverages*, from Oklahoma City, OK, to points in CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Central Liquor Company, 4001 N.W. 3rd Street, Oklahoma City, OK 73107. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 141913 (Sub-5TA), filed August 21, 1979. Applicant: V. N. TRANSPORTATION CO., INC., No. 7 Ensign Girardot Pl., Cape Girardeau, MO 63701. Representative: Richard D. Kinder, P.O. Box 643, Cape Girardeau, MO 63701. All *products* used in the *operation* and *maintenance* of a *hospital* from Memphis, TN commercial zone to St. Louis, MO commercial zone, together with return of shipments by consignees, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Travenol Laboratories, Inc., Deerfield, IL 60015, Mid-America Shared Services, Inc., No. 5 Ensign Girardot Place, Cape Girardeau, MO 63701. Send protests to: P. E. Binder, TS, ICC, Rm. 1465, 210 N. 12th St., St. Louis, MO 63101.

MC 143693 (Sub-5TA), filed August 10, 1979. Applicant: DFC TRUCKING COMPANY, 17872 Cartwright Road, Irvine, CA 92705. Representative: Floyd L. Farano, 2555 E. Chapman Avenue, Suite 705, Fullerton, CA 92631. *Contract:* Irregular: (*1*) *Frozen and chilled foodstuffs*, from Eugene, OR; Othello, Tacoma, Pyallup and Moses Lake, WA; Nampa and Pocatello, ID; Denver, CO; and West Liberty, IA, to customers of Chef Francisco, and also warehouse and distribution centers of Delly Food Co. and Proficient Food Co., Inc., at Irvine and Hayward, CA; Arlington, TX; Franklin Park, IL; Orlando, FL; and Bridgeport (Logan Township, Gloucester County), NJ. (*2*) *Dry and packaged foodstuffs*, from Houston, TX; Independence, MO; Winterhaven, FL and Denver, CO, to warehouse and distribution centers of Delly Food Co. and Proficient Food Co., Inc., at Irvine and Hayward, CA; Arlington, TX; Franklin Park, IL; Orlando, FL; and Bridgeport (Logan Township, Gloucester County), NJ. (*3*) *Paper products*, from Savannah, GA and Little Rock, AR, to

warehouse and distribution centers of Delly Food Co. and Proficient Food Co., Inc., at Irvine and Hayward, CA; Arlington, TX; Franklin Park, IL; Orlando, FL; and Bridgeport (Logan Township, Gloucester County), NJ. (4) *Fresh and frozen meats,* between Mansfield, TX, on the one hand, and customers of Portion Trol located in Los Angeles and San Jose, CA; Renton and Spokane, WA; Boise and Pocatello, ID; Salt Lake City, UT; and Denver, CO. (5) *Cookies, sugar, flour, flavorings, shortening, cooking oils and other components and materials, including catalysts used in the process of manufacturing donut mix; canned and processed fruit, coffee, dairy products, paper products, furniture, fixtures and supplies used in the establishment and operation of a donut shop,* from WA, OR, ID, UT, CO, SD, ND, NE, CA, KS, TX, MN, IA, AR, WI, and IL to distribution and shipping centers of Winchell's Donut Houses located in La Mirada, CA; Union City, CA; Portland, OR; Denver, CO; Arlington, TX; Kansas City, MO; Bonner Spring, KS; Chicago, IL; Itasca, IL; Bloomington, MN; Minneapolis, MN; and Cleveland, OH. (6) *Frozen turkeys,* from Turlock, CA to distribution and warehouse centers of Delly Food Co. and Proficient Food Co. at Irvine and Hayward, CA; Arlington, TX; Franklin Park, IL; Orlando, FL; and Bridgeport (Logan Township, Gloucester County), NJ, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): There are approximately 5 supporting shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: Irene Carlos, TA, ICC, P.O. Box 1551, Los Angeles, CA 90053.

MC 144293 (Sub-12TA), filed August 17, 1979. Applicant: GEO. McFARLAND, SR., operated by Duane McFarland, P.O. box 1006, Austin, MN 55912. Representative: Duane McFarland, (same address as applicant). *Foodstuffs (except commodities in bulk)* from Beloit, WI to Austin, MN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Geo. A. Hormel & Co., P.O. Box 800, Austin, MN 55912. Send protests to: Judith L. Olson, TA, ICC, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 144293 (Sub-13TA), filed August 28, 1979. Applicant: Duane McFarland, Operator of GEORGE McFARLAND, SR., P.O. Box 1006, Austin, MN 55912. Representative: Duane McFarland, (same address as applicant). *Meats, meat products, meat by-products, and articles distributed by meat packinghouses as described in Sections A, C and D of Appendix I to the report in Description in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk)* between the facilities of Lauridsen Foods, Inc. at or near Britt, IA and the facilities of Armour and Co. at or near Mason City, IA, on the one hand, and, on the other, points in MI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Armour and Co., Greyhound Tower, Phoneix, AZ 85077. Send protests to: Judith L. Olson, TA, ICC, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 144713 (Sub-6TA), filed August 16, 1979. Applicant: HAULMARK TRANSFER, INC., 1100 North Macon St., Baltimore, MD 21205. Representative: Glenn M. Heagerty, (same as applicant). Contract; irregular; *such merchandise as is dealt in by a manufacturer of foodstuffs* (except in bulk) (1) between Memphis, Imlay City and Bridgeport, MI, on the one hand, and, on the other, Millsboro, DE (2) from Millsboro, DE to CT, MD, MA and RI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Vlasic Foods, Inc., 33200 W. 14th, Mile Rd., West Bloomfield, MI 48033. Send protests to: ICC, Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 146293 (Sub-29TA), filed July 9, 1979. Applicant: REGAL TRUCKING CO., INC., 95 Lawrenceville Industrial Park Circle, NE, Lawrenceville, GA 30245. Representative: Alan E. Serby, 3390 Peachtree Road, NE, 5th Floor, Lenox Towers South, Atlanta, GA 30326. *Fluorescent lighting fixtures, parts and accessories for fluorescent lighting fixtures, equipment, materials and supplies used in the manufacture, sale, and distribution of the above commodity stated* between the facilities of Lithonia Lighting, Div. of National Service Industries, Inc. at or near Cochran and Conyers, GA, on the one hand, and, on the other, points in and east of VA, WV, PA and NY for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Lithonia Lighting, Div. of National Service Industries, Inc., P.O. box H, 1400 Lester Rd., Conyers, GA 30207. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St., NW, Rm. 300, Atlanta, GA 30309.

MC 146893 (Sub-4TA), filed August 20, 1979. Applicant: BROWN TRANSPORT, INC., Box 327A; R.R. No. 3, West Alexandria, OH 45381. Representative: Lewis S. Witherspoon, 88 E. Broad St., Columbus, OH 43215. *(1) haydite; (2) slag (except scrap metal), in bulk, in dump vehicles* from (1) Brooklyn, IN to Hamilton, Middletown, and Seven Mile, OH; and (2) from Lawrenceburg, IN to Franklin, OH for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Georgia-Pacific Corp., Gypsum Div., 1062 Lancaster Ave., Rosemont, PA 19010, Fin-Pan, Inc., P.O. box 411, Hamilton, OH 45012, Riv-Co., Inc. dba Riverside Concrete Co., P.O. Box 149, Middletown, OH 45042, Miami Cement Products, Inc., 416 Ritter St., Seven Mile, OH 45062. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 147003 (Sub-2TA), filed August 7, 1979. Applicant: RAWHIDE CARRIERS, INC., 716 South Elm Street, Grand Island, NE 68801. Representative: Darryl Pauly, P.O. Box 1171, Grand Island, NE 68801. *Grain bins, grain drying and handling equipment, and parts and accessories therefor* from the facilities of Grain Systems, Inc. at or near Assumption, IL to points in NE for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Grain Systems, Inc., Rt. 51, Assumption, IL 62510. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 147003 (Sub-3TA), filed August 20, 1979. Applicant: RAWHIDE CARRIERS, INC., 716 South Elm Street, Grand Island, NE 68801. Representative: Darryl Pauly, P.O. Box 1171, Grand Island, NE 68801. (1) *Refuse containers (2) parts, materials and supplies used in the manufacture and distribution of refuse containers* (1) from the facilities of Ram Kan Manufacturing located at or near Lincoln, NE to points in IA, KS, MO and OK (2) from Chicago, IL and Kansas City, KS and their commercial zones to the facilities of Ram Kan Manufacturing located at or near Lincoln, NE for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ram Kan Manufacturing, 6310 No. 56th St., Lincoln, NE 68505. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 147183 (Sub-1TA), filed June 27, 1979. Applicant: FOUR STAR TRUCK BROKERAGE, INC., 14392 So. Mendocino, Kingsburg, CA 93631. Representative: A. L. Campbell, (same address as above). *Petroleum products* manufactured by Schaeffer Manufacturing Company (excluding commodities in bulk and in tank vehicles) between points in the United States, for 180 days. Supporting shipper(s): Schaeffer Manufacturing Company, 102 Barton St., St. Louis, MO 63104. Send protests to: D/S N. C. Foster, 211 Main, Suite 500, San Francisco, CA 94105.

MC 147273 (Sub-2TA), filed August 2, 1979. Applicant: KENNETH SHAFER, d.b.a. K & T HOT SHOT SERVICE, P.O. Box 558, Proctorville, OH 45669. Representative: John M. Friedman, 2930 Putnam Ave., Hurricane, WV 25526. *Mine machines, machinery and mine machine parts requiring expedited service* between Huntington, WV and points in the Huntington, WV Terminal Area, on the one hand, and, on the other, points in CO, AZ, UT, NM, WY, MT, NE, and CA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): J. H. Fletcher & Co., 707 W. 7th St., Huntington, WV. Send protests to: I.C.C. Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620 Phila., PA 19106.

MC 147793 (Sub-1TA), filed July 26, 1979. Applicant: C. L. HALL, Route 2, Cumby, Texas 75433. Representative: Lawrence A. Winkle, Winkle, Wells & Stafford, P.O. Box 45538, Dallas, TX 75245. *Steel Plates*, from Houston and Lone Star, TX to points in KS for 180 days. Underlying ETA for 90 days sought. Supporting shipper(s): Friedman Industries, Lone Star, TX. Send protests to: Opal M. Jones, Trans. Consumer Specialist, Interstate Commerce Commission, 9A27 Federal Building, 819 Taylor St., Fort Worth, TX 76102.

MC 147823 (Sub-1TA), filed August 8, 1979. Applicant: DG SHELTER PRODUCTS COMPANY, 401 Watt Avenue, Sacramento, CA 95825. Representative: Gary A. Campbell (same address as applicant). *Selective torque Cling Peach pitting machinery; Weigh-O-Matic Carrot and Potato bagging machinery; including accessories and parts* for installation and repair, between facilities of Filper Corporation, Reno, NV and CA, for 180 days. An Underlying ETA seeks 90 days authority. Supporting shipper(s): Filper Corporation, 475 Edison Way, Reno, NV 89510. Send protests to: A. J. Rodriguez, 211 Main Street, Suite 500, San Francisco, CA 94105.

MC 147993 (Sub-1TA), filed August 17, 1979. Applicant: C. H. MASLAND & SONS, Box 40, 50 Spring Rd., Carlisle, PA 17013. Representative: J. Roger Gratz, (same as applicant). Contract; irregular; *automobile parts, supplies, accessories, and related articles* from points in MI, OH to Mahway, Edison and Metuchen, NJ, Norfolk, VA & Atlanta (Hapeville), GA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ford Motor Co., One Parklane Bldd., Parklane Towers East, Suite 200, Dearborn, MI 48126. Send protests to: ICC, Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 148153TA, filed August 20, 1979. Applicant: WALBON & COMPANY, 3242 Old Highway 8, Minneapolis, MN 55418. Representative: Stanley C. Olsen, Jr., 4601 Excelsior Boulevard, Minneapolis, MN 55416. *Contract carrier:* irregular routes: *(1) Corner bead and steel studs; and (2) Materials, supplies and accessories used in the manufacture and installation of the commodities named in (1) above, (except commodities in bulk),* between the facilities of Clinch-On-Corners, Inc. at or near New Brighton, MN, on the one hand, and, on the other, points in AL, FL, GA, IL, IN, OH, PA and WI, under a continuing contrast(s) with Clinch-On-Corners, Inc., for 180 days. Supporting shipper(s): Clinch-On-Corners, Inc., 50 Southwest Cleveland Avenue, New Brighton, MN 55112. Send protests to: Judith L. Olson, TA, ICC, 414 Federal Building & U. S. Court House, 110 South 4th Street, Minneapolis MN 55401.

MC 116273 (Sub-No. 228TA), filed May 10, 1979, and previously published in the **Federal Register** on June 22, 1979, and republished this issue. By decision entered September 26, 1979, the Motor Carrier Board granted D & L Transport, Inc., of Cicero, IL, 180-day temporary authority to engage in the transportation of *liquid chemicals*, in bulk, in tank vehicles, over irregular routes, from the facilities of Union Carbide Corporation, at Texas City, TX, and at or near Seadrift, TX, to points in Alabama, Illinois, Indiana, Kansas, Minnesota, Missouri, Oklahoma, and Wisconsin. William R. Lavery, 3800 South Laramie Avenue, Cicero, IL, 60650, 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.

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MC 3062 (Sub-44TA), filed August 20, 1979. Applicant: INMAN FREIGHT SYSTEM, INC., 321 N. Spring Ave., Cape Girardeau, MO 63701. Representative: Joel H. Steiner, 39 S. LaSalle St., Chicago, IL 60603. *General commodities* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are 19 supporting shippers. Send protests to: P. E. Binder, Transportation Specialist, ICC, Rm. 1465, 210 N. 12th St., St. Louis, MO 63101.

MC 11722 (Sub-63TA), filed August 15, 1979. Applicant: BRADER HAULING SERVICE, INC., P.O. Box 655, Zillah, WA 98953. Representative: Philip G. Skofstad, 1525 N. E. Weidler Street, Portland, OR 97232. (1) Business, office and school supply papers and Polyethylene bags; between Seattle, WA and Portland, OR and from Salem, OR to Seattle, WA. (2) Carpets, carpeting, mats, matting or rugs and carpet or rug cushions, cushioning, lining, pads or padding and carpet supplies; between Tukwila, WA and Portland, OR for 180 days. A corresponding permanent will be filed in the immediate future. Supporting shipper(s): Carpet Services of Oregon, Inc., 3202 N. W. Guam, Portland, OR 97210. Carpet Services, Inc., P.O. Box 88156, Tukwila, WA 98188. Western Paper Co., 7011 S. 188th, Kent, WA 98031. Send protests to: R. V. Dubay, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, OR 97204.

MC 11722 (Sub-64TA), filed July 31, 1979. Applicant: BRADER HAULING SERVICE, INC., P.O. Box 655, Zillah, WA 98953. Representative: Philip G. Skofstad, 1525 N. E. Weidler Street, Portland, OR 97232. Toilet paper, napkins and towels from the plantsite of American Can Co. at or near Halsey, OR to Tacoma, Kent, Seattle, Bellevue and Spokane, WA for 180 days. ETA R–56 granted 7/17/79, expires 10/14/79. A permanent will be filed. An underlying ETA seeks 90 days authority. Supporting shipper(s): American Can Co., 333 Gellert Blvd., Daly City, CA 94015. Send protests to: R. V. Dubay, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, OR 97204.

MC 14252 (Sub-76TA), filed August 15, 1979. Applicant: COMMERCIAL LOVELACE MOTOR FREIGHT INC., 3400 Refugee Rd., Columbus, OH 43227. Representative: William C. Buckman, (same as applicant). (1) *Alcoholic liquors in glass and/or in bulk in barrels; (2) Material and supplies* used in the manufacturing or sales of beverage products, between the plantsites of Hiram Walker & Sons, Inc., at Peoria, IL and Delavan, IL on the one hand and the plantsites of the same Co. located at Bardstown, Clermont, Coxs Creek, Frankfort and Louisville, KY on the other hand, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Hiram Walker & Sons, Inc., P.O. Box 479, Peoria, IL 61651. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 14252 (Sub-77TA), filed August 14, 1979. Applicant: COMMERCIAL LOVELACE MOTOR FREIGHT INC., 3400 Refugee Rd., Columbus, OH 43227. Representative: William C. Buckman, (same as applicant). *Common carrier:* regular routes: Auto parts and related articles, between the plantsite of Luber-Finer, Inc., located at or near Albion, IL, as an off-route pt and the carrier's presently authorized regular route operations, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Luber-Finer, Inc., P.O. Box 8, Albion, IL. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 14252 (Sub-78TA), filed August 14, 1979. Applicant: COMMERCIAL LOVELACE MOTOR FREIGHT, INC., 3400 Refugee Rd., Columbus, OH 43227. Representative: William C. Buckham, (same address as applicant). Common carrier, regular routes, *automotive parts, tool and accessories,* between the plant site of Champion Laboratories, Inc. at or near Albion, IL as an off-route point and the carrier's presently authorized regular route operations, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Champion Laboratories, Inc., 4th & Walnut, Albion, IL 62806. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Room 620, Phila., PA 19106.

Note.—Applicant proposes to tack the authority sought here with its existing operating authority. An underlying ETA seeks 90 days authority.

MC 14552 (Sub-67TA), filed July 25, 1979. Applicant: McNICHOLAS TRANSPORTATION CO., 555 W. Federal St., Youngstown, OH 44501. Representative: Paul F. Beery, 275 E. State St., Columbus, OH 43215. *Iron, steel and aluminum, iron, steel and aluminum articles; building and construction materials; and equipment, materials and supplies used in the manufacture thereof;* between all pts. in WI, IL, MI, IN, KY, OH, WV, PA, MD, DE, VA, NY, NJ, CT, RI, MA, VT, NH, ME, DC, and St. Louis, MO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are 16 supporting shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 60012 (Sub-101TA), filed July 24, 1979. Applicant: RIO GRANDE MOTOR WAY, INC., 1400 West 52nd Ave., Denver, CO 80221. Representative: John S. Walker, Jr., Esq., P.O. Box 5482, Denver, CO 80217. *Common* carrier: *regular* route: *General Commodities, except those of unusual value, household goods as defined by the Commission, Classes A and B explosives, commodities in bulk, and those requiring special equipment* between Farmington, NM and Albuquerque, NM: from Farmington, NM over NM Hwy 17 to Jct. NM Hwy 44 near Bloomfield, NM, then over NM Hwy 44 to Jct. Interstate Hwy 25, then over Interstate Hwy 25 to Albuquerque, NM, and return over the same route, serving no intermediate points, for 180 days. Applicant will tack and interline. Underlying ETA filed seeking 90 days authority. Supporting shipper(s): 21 statement of support. Send protests to: R. Buchanan, 492 U.S. Customs House, Denver, CO 80202.

MC 70502 (Sub-2TA), filed August 15, 1979. Applicant: WARNER STORAGE, INC., 3208 Broadview Rd., Cleveland, OH 44109. Representative: Thomas A. Keefe (same address as applicant). *Household goods* as defined by the Commission, (1) between points and places in Cuyahoga County, OH, on the one hand, and, on the other, points in VT, NH, ME, MA, CT, RI, NJ, DE, MD, VA, DC, NC, SC, GA, TN, KY, IN, IL, MO, MN, WI and (2) between points in the Counties of Lorain, Medina, Summit, Portage, Geauga, and Lake, OH, on the one hand, and, on the other, points in OH, PA, NY, VT, NH, ME, MA, CT, RI, NJ, DE, MD, VA, NC, SC, GA, TN, KY, IN, IL, MO, IA, MN, WI, MI, for 180 days. Supporting shipper(s): Danco Metal Products, 24018 Detroit, Rd., Westlake, OH 44145. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Room 620, Phila., PA 19106.

Note.—Applicant proposes to tack the authority sought here with its existing operating authority.

MC 71652 (Sub-33TA), filed July 27, 1979. Applicant: BYRNE TRUCKING, INC., 4669 Crater Lake Highway (P.O. Box 280), Medford, OR 97501. Representative: Mr. William D. Taylor—Handler, Baker, Greene & Taylor, P. C., 100 Pine Street, Suite 2550, San Francisco, CA 94111 (415–986–1414). IRON AND STEEL ARTICLES, AS DESCRIBED, IN APPENDIX V IN EX PARTE MC–45 61 MCC 209 from points in the State of California to the facilities of Metra Steel at or near Portland, Oregon for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Metra Steel, Michael S. Pierce, Transportation Manager-V.P., 5851 N. Lagoon—Swan Island, Portland, Oregon 97208. Send protests to: A. E. Odoms, DS, ICC, 114 Pioneer Courthouse, 555 S. W. Yamhill Street, Portland, OR 97204.

MC 97962 (Sub-3TA), filed August 14, 1979. Applicant: JOHN C. NEKITOPOULOS d.b.a. A–C MOTOR EXPRESS, 429 Memorial Avenue, West Springfield, Massachusetts 01089. Representative: John C. Nekitopoulos (same address). *Meat, meat products, fresh fish, perishables and frozen foods requiring refrigerated service,* between Massachusetts and Connecticut, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are twenty-five supporting shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: David M. Miller, DS, ICC, 436 Dwight Street, Springfield, MA 01103.

MC 107002 (Sub-559TA), filed July 27, 1979. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, MS 39205. Representative: John J. Borth (same address as applicant). *Jet fuel,* in bulk, in tank vehicles from Naval Air Station at or near Pensacola, FL, to Belle Chase, LA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): U.S. Army Legal Services Agency, Department of the Army (JALS–RL), Room 422, Nassif Bldg., 5611 Columbia Pike, Falls Church, VA 22041. Send protests to: Alan Tarrant, D/S, ICC, Federal Building, Suite 1441, 100 W. Capitol St., Jackson, MS 39201.

MC 107012 (Sub-412TA), filed June 25, 1979. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Ft. Wayne, IN 46801. Representative: Gerald A. Burns (same address as applicant). (1) *Artificial Christmas trees,* from the facilties of Marathon Carey-McFall Company, at or near Atlanta, GA, to points in AL, AR, DC, FL, KY, LA, MS, NC, SC, TN, TX and VA. (2) *Artificial Christmas trees,* from the facilities of Marathon Carey-McFall Co., at or near Longview, TX to Atlanta, GA. (3) *Commodities used in the manufacture of artificial Christmas trees,* between Atlanta, GA, Montgomery and Montoursville, PA and Longview, TX for 180 days. Supporting shipper(s): Marathon Carey-McFall Company, P.O. box 988, Montoursville, PA 17754. 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-413TA), 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). *Recreational equipment and parts and accessories for recreational equipment* from the facilities of Coleman Company,

Inc. located at or near New Braunfels, TX to points in the United States (except AK, HI, and TX) for 180 days. Supporting shipper(s): Coleman Company, Inc., 250 N. St. Francis, Wichita, KS 67201. Send protests to: Beverly J. Williams, Transportation Assistant, ICC, 46 E. Ohio St., Rm. 429, Indianapolis, IN 46204.

MC 107012 (Sub-414TA), filed April 9, 1979. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Ft. Wayne, IN 46801. Representative: Gerald A. Burns (address same as applicant). (1) *Lawn mowers, rotary tillers, snow throwers, lawn and garden equipment, tools, work benches, vises, vacuum cleaners, flashlights, air compressors and (2) parts and accessories for the commodities named in (1) above,* from the facilities of Black & Decker (U.S.), Inc. at or near Easton and Hampstead, MD; Fayetteville and Tarboro, NC; and Lancaster, PA, to points in the U.S. (except AK and HI), for 180 days. Restricted to traffic originating at the named origin points. Supporting shipper(s): Black & Decker (U.S.) Inc., 701 East Joppa Road, Towson, MD 21204. 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 107162 (Sub-56TA), filed July 23, 1979. Applicant: NOBLE GRAHAM TRANSPORT, INC., R.R. No. 1, Brimley, MI 49715. Representative: John Duncan Varda, 121 South Pinckney Street, Madison, WI 53703. *Roofing, building and insulating materials* (except Iron and Steel Articles and Commodities in bulk) from the facilities of CertainTeed Corporation in Scott County, MN to WI and the Upper Peninsula of MI. For 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): CertainTeed Corporation, P.O. Box 86, Valley Forge, PA 19482. Send protests to: C. R. Flemming, D/S, I.C.C., 225 Federal Building, Lansing, MI 48933.

MC 107912 (Sub-25TA), filed July 26, 1979. Applicant: REBEL MOTOR FREIGHT, INC., 3934 Homewood, Memphis, TN 38118. Representative: James N. Clay, III, 2700 Sterick Building, Memphis, TN 38103. *Common: 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 West Helena, AR and including the termini: From Memphis over U.S. Highway 61 to junction with U.S. Highway 49, then over U.S. Highway 49 to West Helena and return over the same route. Between Batesville, MS and West Helena, AR serving Helena, AR and with the right of joinder at Clarksdale, MS: From Batesville over Mississippi Highway 6 to Clarksdale, then north over U.S. Highway 61 to junction with U.S. Highway 49, then west over U.S. Highway 49 to West Helena and return over the same route. Request is for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are 21 supporting shippers to the application. 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 107912 (Sub-26TA), filed August 8, 1979. Applicant: REBEL MOTOR FREIGHT, INC., 3934 Homewood Drive, Memphis, TN 38118. Representative: James N. Clay, III, 2700 Sterick Building, Memphis, TN 38103. *Agricultural chemical products, except in bulk,* from West Helena, AR to Tunica, Grenada, Belzoni, Cleveland, Indianola, Yazoo City, Clarksdale and Vicksburg, MS for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Helena Chemical Company, 5100 Poplar Avenue—Suite 3200, Memphis, TN 38137. Send protests to: Floyd A. Johnson, 100 North Main Street—Suite 2006, Memphis, TN 38103.

MC 109632 (Sub-29TA), filed August 14, 1979. Applicant: LOPEZ TRUCKING, INC., 141 Linden Street, Waltham, MA 02154. Representative: Kenneth B. Williams or Joseph M. Klements, 84 State Street, Boston, MA 02109. (1.) *Coated crushed rock granules, in bulk in tank vehicles,* from Belle Mead and Bound Brook, NJ to the facilities of Owens-Corning Fiberglass, Inc., in Waltham, MA; (2.) *Slag granules, in bulk in tank vehicles,* from Bow, NH to the facilities of Owens-Corning Fiberglass, Inc., in Waltham, MA; (3.) *Asphalt in bulk in tank vehicles,* from Kearney, NJ to the facilities of Owens-Corning Fiberglass, Inc., in Waltham, MA. For 180 days. Supporting shipper(s): Owens-Corning Fiberglass, Inc., Clematis St., Waltham, MA. Send protests to: John B. Thomas, District Supervisor, Interstate Commerce Commission, 150 Causeway Street, Boston, MA 02114.

MC 110012 (Sub-60TA), filed August 20, 1979. Applicant: ROY WIDENER MOTOR LINES, INC., 707 N. Liberty Hill Rd., Morristown, TN 37814. Representative: John R. Sims, Jr. or Robert B. Walker, 915 Pennsylvania Bldg., 425 13th Street NW, Washington, DC 20004. *(1) New furniture and furniture parts and (2) materials and supplies used in the manufacture of furniture* (1) from Hancock County, TN, to points in the U.S. (except AK and HI) and (2) from points in the U.S. (except AK and HI) to Hancock County, TN, for 180 days. Supporting shipper(s): R & R Wood Products, P.O. Box 1236, Morristown, TN 37814. Send protests to: Glenda Kuss, TA, ICC, Suite A–422, U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 111302 (Sub-156TA), filed July 23, 1979. Applicant: HIGHWAY TRANSPORT, INC., P.O. Box 10108, 1500 Amherst Rd., Knoxville, TN 37919. Representative: David A. Petersen (same address as applicant). *Liquid caustic soda, in bulk, in tank vehicles,* from the Chattanooga River Terminals in Chattanooga, TN to points in AL and GA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): BASF Wyandotte Corporation, 100 Cherry Hill Rd., Parsippany, NJ 07054. Send protests to: Glenda Kuss, TA, ICC, Suite A–422, U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 111302 (Sub-157TA), filed July 23, 1979. Applicant: HIGHWAY TRANSPORT INC., P.O. Box 10108, 1500 Amherst Road, Knoxville, TN 37919. Representative: David A. Petersen, (same address as applicant). *Liquid chemicals, in bulk in tank vehicles,* from the facilities of Dow Chemical Co. at or near Dalton, GA to points in AL, CT, DE, DC, FL, GA, IL, IN, KY, LA, ME, MA, MD, MI, MN, MS, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV, and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Dow Chemical U.S.A., 14955 Sprague Rd., P.O. Box 36000, Strongville, OH 44136. Send protests to: Glenda Kuss, TA, ICC, Suite A–422, U.S. Court House, 801 Broadway, Nashville, TN 37203.

MC 111812 (Sub-673TA), filed July 27, 1979. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57101. Representative: Lamoyne Brandsma, (same address as applicant's). *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 the facilities of Raven Industries, Inc. at or near Sioux Falls, Beresford, Freeman and Parkston, SD on the one hand, and, on the other, points in AZ, CA, CT, ID, MD, MA, MT, NV, NJ, NY, OR, PA, RI, UT, VT, VA, WV, and WA. Restricted to the transportation of traffic originating at or destined to the facilities of Raven Industries, Inc., for 180 days. Supporting shipper(s): Raven Industries, Inc., 205 E. 6th Street, P.O. Box 1007, Sioux Falls, SD

57102. Send protests to: J. L. Hammond, DS, ICC, Room 455, Federal Bldg., Pierre, SD 57501.

MC 111812 (Sub-674TA), filed July 24, 1979. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57101. Representative: Lamoyne Brandsma, (same address as applicant's). *Confectionery, NOI* from the facilities of Switzer Candy Co., Division of Beatrice Foods, Inc., located at or near St. Louis, MO to points in AZ, CA, CO, ID, MT, NV, OR, UT, and WA for 180 days. Supporting shipper(s): Switzer Candy Co., Division of Beatrice Foods, Inc., 1600 N. Broadway, St. Louis, MO 63102. Send protests to: J. L. Hammond, DS, ICC, Room 455, Federal Bldg., Pierre, SD 57501.

MC 111812 (Sub-675TA), filed July 17, 1979. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57101. Representative: Lamoyne Brandsma, (same address as applicant's). *Petroleum products (except in bulk)* from the facilities of Mooney Chemical Co. located at or near Franklin, PA to points in FL and GA for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Mooney Chemical Co., 2301 Scranton Road, Cleveland, OH 44113. Send protests to: J. L. Hammond, DS, ICC, Room 455, Federal Bldg., Pierre, SD 57501.

MC 111812 (Sub-676TA), filed July 17, 1979. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57101. Representative: Lamoyne Brandsma, (same address as applicant's). *Meats, meat products, meat by-products, dairy products and articles distributed by meat packing houses and commodities as are used by meat packers in the conduct of their business when destined to and for use by meat packers,* as described in Sections A, B, C, and D of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except commodities in bulk) from the facilities of Armour & Co. located at or near Pittsburgh, PA to points in CT, MA, ME, MD, NH, NJ, NY, VT, DC, VA, WV, OH, and KY for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Armour & Co., Greyhound Tower, Phoenix, AZ 85077. Send protests to: J. L. Hammond, DS, ICC, Room 455, Federal Bldg., Pierre, SD 57501.

MC 111812 (Sub-677TA), filed July 17, 1979. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57101. Representative: Lamoyne Brandsma (same address as applicant's). *Foodstuffs* from the facilities of Creamette Co. located at or near Minneapolis, MN to points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA and WY for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Creamette Co., 428 1st Street, North, Minneapolis, MN 55401. Send protests to: J. L. Hammond, DS, ICC, Room 455, Federal Bldg., Pierre, SD 57501.

MC 111812 (Sub-678TA), filed July 17, 1979. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57101. Representative: Lamoyne Brandsma (same address as applicant's). *Frozen concentrate* from the facilities of the H. P. Hood Co. located at or near Dunedin, FL to St. Paul, MN for 180 days. Restricted to traffic originating at and destined to the named origin and destination. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Perlman-Rocque Company, 711 Vandalia, St. Paul, MN 55114. Send protests to: J. L. Hammond, DS, ICC, Room 455, Federal Bldg., Pierre, SD 57501.

MC 112822 (Sub-473TA), filed August 23, 1979. Applicant: BRAY LINES INCORPORATED, 1401 N. Little Street, P.O. Box 1191, Cushing, OK 74023. Representative: Dudley G. Sherrill (same address as applicant). *Return empty drums used in the transportation of petroleum products,* from AR, AL, CA, CO, GA, ID, IL, IA, KS, LA, MI, MN, MS, MO, MT, NE, NM, NC, NV, ND, OK, OR, SC, SD, TN, UT, WA, WI, and WY, to Houston, TX and the facilities of Evans Drum Company, at or near Dayton, TX, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Texaco, Inc., P.O. Box 52332, Houston, TX 77052. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 114273 (Sub-639TA), filed August 15, 1979. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). *Foodstuffs (except commodities in bulk)* from the facilities of General Foods Corporation at Dover, DE, to Chicago, IL; Kansas City, MO; and St. Paul, MN, for 180 days. Restricted to traffic originating at the facilities of General Foods Corporation at Dover, DE. 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): General Foods Corporation, 250 North St., White Plains, NY 10625. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 115162 (Sub-498TA), filed August 8, 1979. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, AL 36401. Representative: Robert E. Tate (same address as above). *Such commodities as are dealt in or used by agricultural and industrial equipment manufacturers and dealers (except commodities in bulk)* (1) From the facilities of Massey Ferguson, Inc. at Detroit and Taylor, MI to AL, FL, GA, TN, NC, SC, VA and MS; and (2) from ports of entry on the International Boundary Line between the U.S. and Canada, at Detroit, MI and Buffalo, NY to points in the States of AL, FL, GA, TN, NC, SC, VA, and MS, for 180 days. Supporting shipper(s): Massey Ferguson, Inc., 1901 Bell Avenue, Des Moines, IA 50315. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616—2121 Building, Birmingham, AL 35203.

MC 115322 (Sub-198TA), filed August 13, 1979. Applicant: REDWING REFRIGERATED, INC., 9831 South Orange Avenue, P.O. Box 10177, Taft, FL 32809. Representative: Warren P. Kurtz, 9831 South Orange Avenue, P.O. Box 10177, Taft, FL 32809. *General commodities,* over irregular routes, *(except unusual value Class A–B explosives, household goods as defined by the Commission and commodities in bulk and commodities which because of size or weight require special handling or use of special equipment),* restricted to traffic originating at the facilities of The Charter Oak Shippers Co-operative Association, Inc., located at or near Berlin, CT, to points in the states of FL, GA, AL, LA, MS, TN, NC, SC, and VA, for 180 days. Supporting shipper(s): The Charter Oak Shippers Co-operative Association, Inc., 1 Parkland Drive, Darien, CT 06820. Send protests to: G. H. Fauss, Jr., DS, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 115322 (Sub-199TA), filed August 20, 1979. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, FL 32809. Representative: Lawrence E. Lindeman, 1032 Pennsylvania Building, 425 13th Street, N.W., Washington, DC 20004. *General commodities (except Classes A & B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment),* between (1) points in ME, NH, VT, MA, RI, CT, NY, PA, NJ, DE, and MD, on the one hand, and, on the other, Alexandria, VA; and (2) between Miami, Tampa, Orlando, and Jacksonville FL, on the one hand, and, on the other, points in FL, restricted to traffic having a prior or subsequent movement by rail, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Piggy Back Shippers Association of Florida, Inc., P.O. Box 1390, Hialeah, FL 33011. Send protests to: G. H. Fauss, Jr., DS,

ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 116632 (Sub-25TA), filed August 17, 1979. Applicant: H. O. BOUCHARD, INC., MRC Box 141A, Bangor, ME 04401. Representative: John R. McKernan, Jr., P.O. Box 586, Two Canal Plaza, Portland, ME 04112. *Coal* from Schuylkill County, PA to points in ME, for 180 days. Underlying ETA seeking 90 days authority. Supporting shipper(s): Coal Energy of Maine, Inc., 193 Broad St., Bangor, ME 04401. Send protests to: Donald G. Weiler, District Supervisor, ICC, 76 Pearl St., Rm. 303, Portland, ME 04101.

MC 117972 (Sub-7TA), filed August 9, 1979. Applicant: GROWERS COLD STORAGE CO., INC., Route 279, Waterport, NY 14571. Representative: William J. Hirsch, Esq., 43 Court Street, Suite 1125, Buffalo, NY 14202. *Frozen foods*, from Syracuse, NY to points in OH on and east of U.S. Hwy 75, and to all points in PA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): General Foods Corporation, 250 North Street, White Plains, NY 10625. Send protests to: Anne C. Siler, TA, ICC, 910 Federal Bldg., 111 W. Huron St., Buffalo, NY 14202.

MC 118922 (Sub-20TA), filed August 1, 1979. Applicant: CARTER TRUCKING CO., INC., P.O. Box 38, Locust Grove, GA 30248. Representative: W. Randall Tye, John C. Bach, 1400 Candler Bldg., Atlanta, GA 30303. *Contract carrier:* irregular routes: *such commodities as are dealt in or used by, agricultural equipment, industrial equipment, and lawn and leisure product dealers*, from the facilities to John Deere Co., located in Rock Island County at or near Milan, IL, to points in AL, FL, GA, NC, SC, TN, and VA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): John Deere Company, 2001 Deere Dr., Conyers, GA 30208. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St., N.W., Rm. 300, Atlanta, GA 30309.

MC 119912 (Sub-5TA), filed July 25, 1979. Applicant: SUNRISE TRANSPORTATION, INC., 9850 East Highway 120, Manteca, CA 95336. Representative: Thomas M. Loughran, Loughran & Hegarty, 100 Bush Street, 21st Floor, San Francisco, CA 94104. *Lime, in bulk, in tank or hopper type vehicles*, from Arrowlime, NV and Nelson, AZ to points in CA south of San Luis Obispo, Kern and Inyo counties, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Flintkote Lime Company, 4700 Ramona Blvd., Monterey Park, CA 91754. Send protests to: A. J. Rodriguez, 211 Main Street, Suite 500, San Francisco, CA 94105.

MC 123902 (Sub-5TA), filed August 16, 1979. Applicant: NORTH JERSEY TRANSFER, INC., P.O. Box 292, Sparta, NJ 07871. Representative: Fred M. Finkle, P.O. Box 292, Sparta, NJ 07871. Contract irregular. *Insulating and weatherproofing materials and materials, equipment and supplies* used in the manufacture and sale of insulating and weatherproofing materials; between Stanhope, NJ and Netcong, NJ on the one hand and on the other points in AL, CT, DE, GA, KY, ME, MD, MA, NH, NJ, NY, NC, OH, PA, RI, SC, TN, VT, VA, WV and the District of Columbia under a continuing contract with United States Mineral Products Co., Stanhope, NJ, for 180 days. Supporting shipper(s): U.S. Mineral Products Co., Stanhope, NJ 07874. Send protests to: Joel Morrows, D/S, ICC, 744 Broad St., Room 522, Newark, NJ 07102.

MC 124212 (Sub-104TA), filed August 6, 1979. Applicant: MITCHELL TRANSPORT, INC., 6500 Pearl Rd., P.O. Box 30248, Cleveland, OH 44130. Representative: J. A. Kundtz, 1110 National City Bank Bldg., Cleveland, OH 44114. *Cement*, in bulk, from Hartford, CT to points in CT, restricted to traffic originating at the facilities of Lehigh Portland Cement Co., and restricted to shipments having an immediately prior movement by rail, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Lehigh Portland Cement Co., 718 Hamilton Mall, Allentown, PA 18105. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Room 620, Phila., PA 19106.

MC 124403 (Sub-10TA), filed July 26, 1979. Applicant: FLEET LINE, INCORPORATED, 100 East 29th Street, Chattanooga, TN 37410. Representative: William A. Roberts (same address as above). *Packing House Products (Meats, cooked and cured)*, between the facilities of V. W. Joyer, Inc. (Division of Swift & Co.) at or near Smithfield, VA on the one hand, and on the other, points in the states of MS, NC, SC, GA, FL, AL, and TN, 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: Glenda Kuss, TA, ICC, Suite A–122 U.S. Courthouse, 801 Broadway, Nashville, TN 37203.

MC 124692 (Sub-303TA), filed July 26, 1979. Applicant: SAMMONS TRUCKING, P.O. Box 4347, Missoula, MT 59801. Representative: James B. Hovland, P.O. Box 1680, Fargo, ND. (1) *Machinery and tractor cabs and parts and accessories therefor; bale trailers; two-wheel travel trailers; bean roasters, wood splitters; tractor fenders; cab mates;* and (2) *equipment, materials and supplies used in fur farming and fur ranching operations;* from points in Meeker County, MN to points in the U.S. in and west of ND, SD, NE, KS, OK, TX, and LA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Lester Mills Fur Farm Supply Company, Eden Valley, MN, Fabridyne, Inc., P.O. Box 1040, Litchfield, MN 55355, Custom Products of Litchfield, Inc., Box 718, Litchfield, MN 55355. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 125952 (Sub-43TA), filed May 18, 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: *Toppings, flavoring, extract, pie filling, syrups, fruit juice concentrates, jams and jellies in packages, drums, dispensers and equipment used for its dispensing when moving therewith*, from the facilities of Lyons Magnus at Clovis, CA to points in ID, OR, NV, UT, and WA, under contract with Lyons Magnus, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Lyons Magnus, 3789 E. Alluvial, P.O. Box 646, Clovis, CA 93612. Send protests to: Shirley M. Holmes, T/A, ICC, 858 Federal Bldg., Seattle, WA 98174.

MC 127042 (Sub-275TA), filed July 31, 1979. Applicant: HAGEN, INC., 3232 Highway 75 North, Sioux City, IA 51108. Representative: Joseph B. Davis, (same address as applicant). *Carcass beef* from Coffeyville, KS to New London, WI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Coffeyville Pack Co., Inc., P.O. Box 334, 14th & Read St., Coffeyville, KS 67337. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 127042 (Sub-276TA), filed August 23, 1979. Applicant: HAGEN, INC., 3232 Highway 75 North, Sioux City, IA 51108. Representative: Joseph B. Davis, (same address as applicant). *Cleaning, scouring, washing compounds; soap and soap products; toilet preparations; mouthwash, syrup NOIBN Not Med., margarine, vegetable oil shortening; vegetable oil compound aerated* from the facilities of Lever Brothers Company at or near Chicago, IL and Hammond, IN to Minneapolis, MN for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Lever Brothers Company, 390 Park Avenue, New York, NY 10022. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 129282 (Sub-50TA), filed August 17, 1979. Applicant: BERRY TRANSPORTATION, INC., P.O. Box 2147, Longview, TX 75601. Representative: Fred S. Berry, President, (same as above). *Sugar, in containers, materials and supplies used in the manufacture thereof, (except in bulk)* between the facilities of the Imperial Sugar Company at Sugar Land, TX on the one hand and points in AR, LA, and OK, on the other for 180 days. Underlying ETA seeks 90 days filed. Supporting shipper(s): Imperial Sugar Company, P.O. Box 9, Sugar Land, TX 77478. Send protests to: Opal M. Jones, TCS, ICC, 9A27 Federal Bldg., 819 Taylor St., Ft. Worth, TX 76102.

MC 129702 (Sub-8TA), filed July 12, 1979. Applicant: CARPET TRANSPORT, INC., Route 5, Lovers Lane Road, Calhoun, GA 30701. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. *Carpets, carpeting and rugs* between points in Hamilton, County, TN, GA and SC, on the one hand, and, on the other, points in FL for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are 60 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.

MC 133082 (Sub-6TA), filed June 15, 1979. Applicant: MOORE'S HAULING, INC., Broad & Sunneytown Pike, Lansdale, PA 19446. Representative: Peter A. Greene, 900 17th St., N.W., Washington, DC 20006. *Automotive parts and accessories and materials and supplies used in the manufacture and distribution of automotive parts and accessories,* between the facilities of Delbar Products, Inc. at Telford, PA, on the one hand, and, on the other, Louisville, KY, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Delbar Products, Inc., 7th & Spruce Sts., Perkasie, PA 18944. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 135082 (Sub-91TA), filed August 13, 1979. Applicant: ROADRUNNER TRUCKING, INC., 4100 Edith Blvd. NE, P.O. Box 26748, Albuquerque, NM 87125. Representative: Randall R. Sain (same address as applicant). *Construction materials, except roofing and roofing products, lumber, lumber products, articles which because of size or weight that require the use of special equipment, commodities described in Mercer 74 MCC 495, and commodities in bulk in tank vehicles,* (1) from AZ, CO, CA, & UT to OK, NM, & TX. (2) from OK & TX to AZ, CO, NM, CA, UT, NV, & WY. (3) from CO, NM, & UT to AZ, CA, TX, & OK. (4) From CO to NM. (5) from NM to CO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are 8 shippers. Their statements may be examined at the office listed below or at Headquarters. Send protests to: DS/ICC 1106 Federal Office Building, 517 Gold Avenue SW, Albuquerque, NM 87101.

MC 138052 (Sub-3TA), filed July 25, 1979. Applicant: MOORE TRANSPORTATION, INC., 10360 N. Vancouver Way, Portland, OR 97211. Representative: Philip G. Skofstad, 1525 N. E. Weidler St., Portland, OR 97232. Furniture, KD or KDF, in boxes, from the facilities of Sageland Manufacturing, Inc. in Bend, OR, to Los Angeles, San Diego, Bakersfield, Fresno, San Jose, Compton, Van Nuys, San Francisco, and Sacramento, CA. for 180 days. A corresponding ETA has been filed and a permanent will be in the near future. Supporting shipper(s): Sageland Manufacturing, Inc., 63270 Lyman Place, Bend, OR 97701. Send protest to: R. V. Dubay, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oregon 97204.

MC 138762 (Sub-46TA), filed July 30, 1979. Applicant: MUNICIPAL TANK LINES LIMITED, P.O. Box 3500, Calgary, AB, Canada T2P 2P9. Representative: D. S. Vincent (same address as applicant). (1) *Tall oil and synthetic alcohol, in bulk,* from Panama City, FL and Springhill, LA to ports of entry on the U.S.-Canada International Boundary line located in MI and NY, and (2) *acrylic copolymer, in bulk, in tank vehicles,* from ports of entry on the U.S.-Canada International Boundary line located in MI and NY to Rockmart, GA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Bate Chemical Co., Ltd., 160 Lesmill Rd., Don Mills, ON, Canada M3B 2T7. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 138762 (Sub-47TA), filed July 26, 1979. Applicant: MUNICIPAL TANK LINES LIMITED, P.O. Box 3500, Calgary, AB, Canada T2P 2P9. Representative: D. S. Vincent (same address as applicant). *Lime and lime products,* in bulk, in tank vehicles, from ports of entry on the U.S.-Canada International Boundary line located in MI and NY to Cleveland, OH, and Aliquippa and Pittsburgh, PA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Jones & Laughlin Steel Corporation, 1600 West Carson St., Pittsburgh, PA 15263. Send protests to: Paul J. Labane, DS, ICC, 2602 First Avenue North, Billings, MT 59101.

MC 139482 (Sub-143TA), filed August 15, 1979. Applicant: NEW ULM FREIGHT LINES, INC., P.O. Box 877, New Ulm, MN 56073. Representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, MN 55403. *Copper Wire* from Pauline, KS, to Minneapolis, MN, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Essex Group, Inc., Corporate Traffic Manager, P.O. Box 1216, Fort Wayne, IN 46801. Send protest to: Judith L. Olson, TA, Interstate Commerce Commission, 414 Federal Building and U.S. Courthouse, 110 South 4th Street, Minneapolis, MN 55401.

MC 139852 (Sub-2TA), filed June 11, 1979. Applicant: E. C. BLACK, d.b.a. BLACK TRUCKING COMPANY, Route 1, York, SC 29745. Representative: Joseph M. Epting, 1338 Main Street, P.O. box 11414, Columbia, SC 29211. *Contract carrier:* irregular routes, *galvanized and vinyl coated chain link fence, fencing accessories, wire, pipes, tubing, gates and reinforcing concrete wire mesh,* from Rock Hill, SC to points and places in NC, GA, and points and places in TN, on and East Interstate Hwy. 65, for 180 days. Supporting shipper(s): National Fence Manufacturing Co., Inc., 181 North Lee Street, Rock Hill, SC 29730. Send protests to: E. E. Stroetheid, D/S, ICC, Rm. 302, 1400 Bldg., 1400 Pickens St., Columbia, SC 29201.

MC 140902 (Sub-7TA), filed August 3, 1979. Applicant: DPD, INC., 3600 N.W. 82nd Ave., Miami, FL 33166. Representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137. Contract Carrier—Irregular route: *Prefabricated buildings and component parts thereof, materials, equipment and supplies used in the construction of prefabricated buildings* between the facilities of National Homes Corporation, at or near Lafayette, IN, on the one hand, and, on the other, points in AL, AZ, AR, CA, CO, CT, DE, FL, GA, IL, IN, IO, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NV, NH, NJ, NM NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, TX, UT, VT, VA, WV, WI and WY for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): National Homes Corporation, Earl Ave. and Wallace, Lafayette, IN 47903. Send protests to: Donna M. Jones, T/A, ICC–BOp, Monterey Bldg., Suite 101, 8410 N.W. 53rd Ter., Miami, FL 33166.

MC 140962 (Sub-2TA), filed August 14, 1979. Applicant: PHILIP ANTONUCCI d/b/a, ANTY TRUCKING, 150 Linwood Avenue, Paterson, NJ 07502. Representative: George A. Olsen, P.O.

Box 357, Gladstone, NJ 07934. CONTRACT, IRREGULAR. (1) *Mine, quarry and drilling equipment;* (2) *Compressors and loaders;* (3) *Bars, tools, and parts used in connection with the commodities in (1) and (2) above,* and (4) *materials, equipment and supplies* used in the manufacture and sale of the commodities in (1), (2) and (3) above, (except commodities in bulk), between the facilities of Atlas Copco, Inc. located at Wayne, NJ on the one hand, and, on the other, points in the State of AK. Under a continuing contract or contracts with Atlas Copco, Inc., Wayne, NJ for 180 days. Supporting shipper(s): Atlas Copco, Inc., 70 Demarest Drive, Wayne, NJ. Send protests to: Joel Morrows, D/S, ICC, 744 Broad St., Room 522, Newark, NJ 07102.

MC 142062 (Sub-33TA), filed May 4, 1979. Applicant: VICTORY FREIGHTWAY SYSTEM, INC., Post Office Drawer P, Sellersburg, IN 47172. Representative: William P. Jackson, Jr., 3426 N. Washington Blvd., P.O. Box 1240, Arlington, VA 22201. Contract carrier: Irregular routes: (1) *Varnish and synthetic resin plastic liquids (except in bulk),* from the facilities of Celanese Polymer Specialties Company, Inc., at or near Los Angeles, CA to points in OR, WA, CO, AZ and, (2) *Materials, equipment and supplies used in the manufacture of commodities named in part (1) above (except in bulk),* from points in OR, WA, CO, and AZ to the facilities of Celanese Polymer Specialties Company, at or near Los Angeles, CA for 180 days. RESTRICTION: Restricted to transportation under a continuing contract or contracts with Celanese Polymer Specialties Company, Inc. Supporting shipper(s): Celanese Polymer Specialties Company, Inc., P.O. Box 32190, Louisville, KY 40232. 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 142672 (Sub-76TA), filed July 19, 1979. Applicant: DAVID BENEUX PRODUCE AND TRUCKING, INC., P.O. Drawer F, Mulberry, AR 72947. Representative: Don A. Smith, P.O. Box 43, Ft. Smith, AR 72902. (1) *New furniture, crated and uncrated,* and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk), (1) from Ft. Smith, AR to points in the U.S. (except AK and HI) and (2) from points in the U.S. (except AK and HI) to Ft. Smith, AR, for 180 days. Underlying ETA sought corresponding authority for 90 days. Supporting shipper(s): Riverside Furniture Corporation, P.O. Box 1427, Ft. Smith, AR 72902. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 143512 (Sub-4TA), filed July 26, 1979. Applicant: ALL CORPS, 838 Hutchison Street, Vista, CA 92083. Representative: Milton W. Flack, 4311 Wilshire Blvd., Suite 300, Los Angeles, CA 90010. *Contract:* irregular: *Frozen bread and display racks,* from the facilities of King's International Bakery located at Torrance, CA, to Beaverton, Klamath Falls and Portland, OR, and Auburn, Kent, Seattle and Spokane, WA, under a continuing contract with King's International Bakery of Torrance, CA, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting Shipper(s): King's International Bakery, 18655 South Western Avenue, Torrance, CA 90504. Send protests to: Irene Carlos, TA, ICC, P.O. Box 1551, Los Angeles, CA 90053.

MC 143812 (Sub-15TA), filed July 20, 1979. Applicant: MARTIN E. VAN DIEST d/b/a, M. Van Diest Company, 8087 Victoria Avenue, Riverside, CA 92504. Representative: William J. Monheim, P.O. Box 1756, Whittier, CA 90609. *Denatured alcohol,* in bulk, from Bellingham, WA, to Montebello and Watsonville, CA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting Shipper(s): Speas Company, Division of the Pillsbury Company, 2400 Nicholson Avenue, Kansas City, MO 64120. Send protests to: Irene Carlos, TA, ICC, P.O. Box 1551, Los Angeles, CA 90053.

MC 144082 (Sub-12TA), filed July 26, 1979. Applicant: DIST/TRANS MULTI-SERVICES, INC., DBA TAHWHEELALEN EXPRESS, INC., P.O. Box 7191, Charlotte, NC 28217. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210. *Contract* carrier, irregular routes; *Such commodities as are dealt in, distributed or used by retail department stores and mail order merchandisers* from Statesville, NC, to Indianapolis, IN, and Kansas City, MO, for 180 days. RESTRICTION: Restricted to service performed under a continuing contract or contracts with J. C. Penney Company, Inc., of New York, NY. Supporting Shipper(s): J. C. Penney Company, Inc., 1301 Ave. of the Americas, New York, NY 10019. Send protests to: Sheila Reece, Transportation Assistant, 800 Briar Creek Rd-Rm CC516, Charlotte, NC 28205.

MC 144082 (Sub-13TA), filed July 26, 1979. Applicant: DIST/TRANS MULTI-SERVICES, INC., DBA TAHWHEELALEN EXPRESS, INC., P.O. Box 7191, Charlotte, NC 28217. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210. *Contract* carrier, irregular routes; *Such commodities as are dealt in, distributed or used by retail department stores and mail order merchandisers* between Charlotte, NC, on the one hand, and on the other, Forest Park, GA, for 180 days. RESTRICTION: Restricted to service performed under a continuing contract or contracts with J. C. Penney Company, Inc., of New York, NY. Supporting Shipper(s): J. C. Penney Company, Inc., 1301 Ave. of the Americas, New York, NY 10019. Send protests to: Sheila Reece, Transportation Assistant, 800 Briar Creek Rd-Rm CC516, Charlotte, NC 28205.

MC 144452 (Sub-14TA), filed July 26, 1979. Applicant: ARLEN LINDQUIST, d/b/a/ Arlen E. Linquist Trucking, 3242 Old Highway 8, Minneapolis, MN 55418. Representative: William J. Gambucci, 414 Gate City Building, P.O. Box 1680, Fargo, ND 58107. *Storage tanks* from the facilities of Roll Tank Co., Inc., located at or near Eden Prairie and Maple Plain, MN, to points in IL and WI for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Roll Tank Co., Inc., 7901 Fuller Road, Eden Prairie, MN 55343. Send protests to: Judith L. Olson, TA, ICC, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 144622 (Sub-89TA), filed July 18, 1979. Applicant: GLENN BROS. TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72219. Representative: Robert D. Gisvold, 1000 First National Bank Bldg., Minneapolis, MN 55402. *Meat, meat products, meat by-products and articles distributed by meat packing houses* (except hides and commodities in bulk) from St. Joseph, MO to OH, PA, NJ, NY, and MA and from Hereford, TX, to AL and from Amarillo, TX to GA, for 180 days. Supporting shipper(s): Armour Fresh Meat Company, 111 W. Clarendon, Greyhound Tower, Phoeniz, AZ 85077. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 144622 (Sub-90TA), filed July 18, 1979. Applicant: GLENN BROS. TRUCKING, INC., P.O. Box 9343, Little Rock, AR 72201. Representative: Robert D. Gisvold, 1000 First National Bank Bldg., Minneapolis, MN 55402. *Meat and meat products,* from Louisville, KY to FL, MD, MI, NC, OH, PA, and VA, for 180 days. Underlying ETA sought corresponding authority for 90 days. Supporting shipper(s): Armour Fresh Meat Company, Greyhound Tower, 111 W. Clarendon, Phoenix, AZ 85077. Send

protests to: William H. Land, Jr., DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 145102 (Sub-39TA), filed August 2, 1979. Applicant: FREYMILLER TRUCKING INC., P.O. Box 188, Shullsburg, WI 53586. Representative: Michael Wyngaard, 150 E. Gilman St., Madison, WI 53703. *Meat, meat products, meat byproducts, 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 MCC 209 & 766 (except hides and commodities in bulk)* from Ft. Dodge, IA & Schuyler, NE to points in CA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Geo. Hormel & Co., P.O. Box 800, Austin, MN 55912. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

MC 145152 (Sub-101TA), filed July 24, 1979. Applicant: BIG THREE TRANSPORTATION, INC., P.O. Box 706, Springdale, AR 72764. Representative: Kent L. Tharel, P.O. Box 334, Fayetteville, AR 72701. *Candy and confectionery items and nuts* in packages and containers from facilities of or used by California Peanut Company, at or near Richmond and Los Angeles, CA to points in the U.S. except AK, HI and CA; *candy, confectionery items and nuts* in containers from points in the U.S. except AK, HI and CA to facilities of or used by California Peanut Company at or near Richmond, and Los Angeles, CA, for 180 days. Underlying ETA sought corresponding authority for 90 days. Supporting shipper(s): California Peanut Company, 500 West Ohio Ave., Richmond, CA 94804. Send protests to: William H. Land, Jr., DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 145842 (Sub-5TA), filed August 6, 1979. Applicant: SUNDERMAN TRANSFER INC., Box 63, Windom, MN 56101. Representative: Carl E. Munson, 469 Fischer Building, Dubuque, IA 52001. *Meat, meat products and meat by-products* from Worthington, MN to points in IL, IA and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Armour Fresh Meat Company, 111 West Clarendon, Greyhound Tower, Phoenix, AZ 85077. Send protests to: Judith L. Olson, TA, ICC, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 145842 (Sub-6TA), filed July 31, 1979. Applicant: SUNDERMAN TRANSFER INC., Box 63, Windom, MN 56101. Representative: Carl E. Munson, 469 Fischer Building, Dubuque, IA 52001. *Fresh meat, in boxes,* from the facilities of Kenosha Beef International at or near Kenosha, WI to points in MI, OH and PA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Kenosha Beef International, P.O. Box 639, Kenosha, WI 53140. Send protests to: Judith L. Olson, TA, ICC, 414 Federal Building & U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

MC 145872 (Sub-5TA), filed July 11, 1979. Applicant: TREVIS BERRY TRANSPORTAITON, P.O. Box 1802, Gilroy, CA 95020. Representative: T. L. Berry, 655 Luchessa, P.O. Box 1802, Gilroy, CA 95020. Contract carrier; irregular routes: (1) *Fibreboard, Paper or Pulpboard Products,* including materials and supplies used in the manufacture and distribution of Fibreboard, Paper or Pulpboard Products, (2) *Waste Paper and Waste Paper Products,* between the facilities of Crown Zellerbach Corp., at or near Antioch and Gilroy, CA on the one hand, and on the other, points in Carson City, Humboldt and Washoe Counties, NV for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Crown Zellerbach Corp., 6400 Jamieson Way, Gilroy, CA 95020. Send protests to: D/S Neil C. Foster, 211 Main, Suite 500, San Francisco, CA 94105.

MC 146432 (Sub-4TA), filed July 13, 1979. Applicant: THE HIRT TRUCKING COMPANY, 771 Walnut St., Fremont, OH 43420. Representative: John L. Alden, 1396 W. Fifth Ave., Columbus, OH 43212. *Foodstuffs, and materials, equipment and supplies used in the manufacturing and packaging of foodstuffs, except commodities in bulk,* Between the facilities of Heinz USA at or near Holland, MI, Fremont and Toledo, OH on the one hand, and, on the other, points in IN, MI, and OH, for 180 days. An underlying ETA seeks 90 days authority. Restricted to traffic originating at or destined to the named facilities. Supporting shipper(s): Heinz USA, Division of H. J. Heinz Co., P.O. Box 57, Pittsburgh, PA 15230. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Rm. 620, Phila., PA 19106.

MC 147152 (Sub-8TA), filed August 6, 1979. Applicant: GENERAL CARRIERS CORPORATION, 12425 East Florence Avenue, Santa Fe Springs, CA 90670. Representative: Miles L. Kavaller, Mandel & Kavaller, 315 South Beverly Drive, Suite 315, Beverly Hills, CA 90212. *General commodities (except those of unusual value, commodities in bulk, Classes A & B explosives, household goods as defined by the Commission and those requiring handling or equipment),* on the bills of lading of Major Shippers Association, Inc., from points in IL, MI, NJ, OH, PA, and VA to points in Alameda, Contra Costa, Los Angeles, Marin, Orange and San Francisco Counties, CA, for 180 days. Supporting shipper(s): Major Shippers Association, Inc., P.O. Box 3045, Santa Fe Springs, CA 90670. Send protests to: Irene Carlos, TA, ICC, P.O. Box 1551, Los Angeles, CA 90053.

MC 147232 (Sub-3TA), filed July 6, 1979. Applicant: A. L. SMITH TRUCKING, INC., 8984 Murphy Rd., Versailles, OH 45380. Representative: James Duvall, 220 W. Bridge St., Dublin, OH 43017. *Fertilizer and fertilizer products, in bulk,* between points in IN and OH for 180 days. Supporting shipper(s): Vistron Corp., 314 Midland Bldg., Cleveland, OH 44115. Send protests to: I.C.C., 101 N. 7th St., Rm. 620, Fed Res Bank Bldg., Phila, PA 19106.

MC 147262 (Sub-1TA), filed June 1, 1979. Applicant: Detroit Air Cargo, Inc., 28450 Highland Road, Romulus, MI 48174. Representative: James P. Kirkhope, 3012 South Calhoun, Fort Wayne, Indiana 46807. *General commodities* with the exception of commodities in bulk, classes A & B explosives, passengers and livestock—further restricted to shipments having an immediately prior or subsequent movement by air; between Detroit Metropolitan Airport, at or near Romulus, MI on the one hand, and O'Hare International Airport, Chicago, IL on the other hand. For 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): American Airlines, Metropolitan Airport, Detroit, MI 48242; Flying Tiger Line, Metropolitan Airport, Detroit, MI 48242. Send protests to: C. R. Flemming, D/S, I.C.C., 225 Federal Building, Lansing, MI 48933.

MC 147502 (Sub-1TA), filed June 11, 1979. Applicant: DALLAS ALLEN TRUCKING, INC., R.R. #1, Box 362, Carlyle, IL 62231. Representative: Robert Lawley, 300 Reisch Bldg., Springfield, IL 62701. *Contract carrier:* irregular routes: *Wood laminated fiberglass panels,* from Centralia, IL to points in the United States (except Hawaii), for the account of American Solartron Corp. for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): American Solartron Corp., Rt. 5, P.O. Box 170, Centralia, IL 62801. Send protests to: David Hunt, TA, Rm. 1386, 219 S. Dearborn St., Chicago, IL 60604.

MC 147552 (Sub-2TA), filed July 27, 1979. Applicant: CAJUN CARTAGE AND WAREHOUSING CORP., 1205 St. Louis Street, New Orleans, LA 70150. Representative: Thomas N. Willess, 1000 Sixteenth St. NW., Washington, DC

20036. *Pulpboard, fiberboard, paper bags, plastic bags and wrapping paper,* from Hodge, LA to Lake Charles, LA, for 180 days. Restricted to movements having a subsequent movement by water carrier. Applicant has filed an underlying ETA seeking 90 days. Supporting shipper(s): Continental Forest Insuatries (a member of The Continental Group, Inc.), Greenwich Office Park II, Greenwich, CT 06830. Send protests to: Robert J. Kirspel, DS, ICC, T-9038 Federal Bldg., 701 Loyola Ave., New Orleans, LA 70113.

MC 147602 (Sub-1TA), filed August 7, 1979. Applicant: DARRELL STAUFFENBERG, d.b.a. STAUFFENBERG TRUCKING, Route 3, Box 222, Kankakee, IL 60901. Representative: Albert Andrin, 180 North LaSalle Street, Chicago, IL 60601. *General commodities* having a prior or subsequent movement by rail or water from Dwight to Kankakee and Chicago Commercial zone; and empty containers having a prior or subsequent movement by rail or water from Kankakee and Chicago, IL to Dwight, IL for 180 days. Supporting shipper(s): R. R. Donnelley & Sons Company, Route 66 and Highway 47, Dwight, IL 60420. Send protests to: Annie Booker, TA, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

MC 147632 (Sub-1TA), filed July 6, 1979. Applicant: M & M FARM LINES, INC., Bertrand, MO 63823. Representative: B. W. LaTourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, MO 63105. *Food products* from Wapakaneto, OH, on the one hand, and, on the other, points in TX, OK, KS, NE, WY, MT, WA, OR, ID, NV, CA, UT, CO, AZ and NM, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Fisher Cheese Company, 409 Krien Ave., Wapakoneta, OH 45895. Send protests to: P. E. Binder, DS, ICC, Rm. 1465, 210 N. 12th St., St. Louis, MO 63101.

MC 147642 (Sub-1TA), filed July 10, 1979. Applicant: TRANSPORT LEASING, INC., P.O. Box 1904, Fort Smith, AR 72902. Representative: G. Alan Wooten, P.O. Box 1626, Ft. Smith, AR 72902. Contract carrier, irregular routes, *New furniture,* crated, in cartons, or uncrated or not in cartons, *materials* used in the manufacture or packing of new furniture and *returned or rejected shipments of new furniture* described above, from (1) Fort Smith, AR to all points in AL, CO, FL, GA, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NE, NM, NC, ND, OH, OK, PA, SC, SD, TN, TX, UT, VA, WV, WI: and (2) from all the above points to Ft. Smith, AR under contract with Riverside Furniture Corporation for 180 days. Underlying ETA sought corresponding authority for 90 days. Supporting shipper(s): Riverside Furniture Corporation, 301 South E Street, Ft. Smith, AR 72901. Send protests to: William H. Land, DS 3108 Federal Bldg., Little Rock, AR 72201.

MC 147682 (Sub-2TA), filed July 26, 1979. Applicant: POPE TRUCKING, INC., Route No. 1, Axson, GA. Representative: Berrien L. Sutton, P.O. Box 636, Pearson, GA 31642. *Contract carrier,* irregular routes, *lumber* from the mill site at Pearson Wood Products, Pearson, GA to all points in FL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Pearson Wood Products, P.O. Drawer 799, Pearson, GA 31642. Send protests to: Jean King, TA, ICC, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

MC 144682 (Sub-24TA), filed July 5, 1979. Applicant: R. R. STANLEY, 1738 Empire Central, Dallas, TX 75235. Representative: D. Paul Stafford, Winkle and Wells, P.O. Box 45538, Dallas, TX 75245. *Foodstuffs, except in bulk* from the facilities of American Home Foods, a Division of American Home Products Corporation located at or near Vacaville, CA to points and places in the states of CO, OK, and TX for 180 days. Underlying ETA for 90 days filed. Supporting shipper(s): American Home Foods, Division of American Home Products Corporation, 685 Third Avenue, New York, NY 10017. Send protests to: Opal M. Jones, Trans. Asst., Interstate Commerce Commission, 9A27 Federal Building, 819 Taylor Street, Ft. Worth, TX 76102.

MC 147812 TA, filed July 26, 1979. Applicant: ANTHONY W. DAUITO, d.b.a. DAUITO'S EXPRESS, 3526 Northwest Boulevard, Vineland, NJ 08360. Representative: Wilmer B. Hill, Attorney-at-Law, Suite 805, 666 Eleventh Street, NW., Washington, DC 20001. *General commodities* (except motor vehicles, commodities of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those commodities which because of size or weight require the use of special equipment), for 180 days. An underlying ETA seeks 90 days authority. (1) From New York, NY and Philadelphia, PA to Alexandria, VA, restricted to the transportation of traffic having an immediately subsequent movement by rail in trailer-on-flatcar service, and (2) From Alexandria, VA to New York, NY and Philadelphia, PA, restricted to the transportation of traffic having an immediately prior movement by rail in trailer-on-flatcar service. Supporting shipper(s): Florida-Texas Freight, Inc., PO Box 1173, Secaucus, NJ 07094. Send protests to: Irwin Rosen, T/S, ICC, 744 Broad St., Room 522, Newark, NJ 07102.

MC 148082 TA, filed August 2, 1979. Applicant: KEITH ASMUSSEN, d.b.a. ASMUSSEN RACING STABLES, Box 1861, Laredo, TX 78041. Representative: Keith Asmussen (same as above). *Race and show horses, stable equipment and supplies and personal effects of attendants in the same vehicle with horses* between points in the following states: TX, OK, NM, AZ, CA, KY, KS, CO, LA, SD and WY for 180 days. Supporting shipper(s): There are fifteen (15) supporting shippers. Send protests to: Opal M. Jones, TCS, Interstate Commerce Commission, 9A27 Federal Bldg., 819 Taylor St., Ft. Worth, TX 76102.

By the Commission

Agatha L. Mergenovich,

Secretary.

[FR Doc. 79-30332 Filed 9-28-79; 8:45 am]

BILLING CODE 7035-01-M

Sunshine Act Meetings

Federal Register
Vol. 44, No. 191
Monday, October 1, 1979

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10 a.m., Friday, October 5, 1979.

PLACE: 2033 K Street, N.W., Washington, D.C., 8th floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Enforcement Matters.

CONTACT PERSON FOR MORE INFORMATION: Jane Stuckey, 254-6314.

[S-1902-79 Filed 9-27-79; 9:19 am]

BILLING CODE 6351-01-M

2

FEDERAL COMMUNICATIONS COMMISSION.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m., Thursday, September 27, 1979.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Commission Open Meeting.

CHANGES IN THE MEETING: The following item has been deleted:

Agenda, Item No., and Subject

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 Initial 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.

Additional information concerning this item may be obtained from Maureen Peratino, FCC Public Affairs Office, telephone number (202) 632-7260.

Issued: September 27, 1979.

[S-1908-79 Filed 9-27-79; 2:13 pm]

BILLING CODE 6712-01-M

3

FEDERAL ELECTION COMMISSION.

FEDERAL REGISTER NO. 1888.

PREVIOUSLY ANNOUNCED DATE AND TIME: Thursday, October 4, 1979, 10 a.m.

CHANGE IN MEETING:

The Meeting will begin at 10:30 a.m.

The following items have been added to the agenda:

1. Supplemental Outreach Program.
2. Future Referrals to the Office of the General Counsel from the Reports Analysis Division.

PERSON TO CONTACT FOR INFORMATION: Mr. Fred S. Eiland, Public Information Officer, Telephone: 202/523-4065.

Majorie W. Emmons,
Secretary to the Commission.

[S-1909-79 Filed 9-27-79; 3:12 pm]

BILLING CODE 6715-01-M

4

FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 9:30 a.m., October 4, 1979.

PLACE: 1700 G Street, NW., Sixth Floor, Washington, D.C.

STATUS: Open Meeting.

CONTACT PERSON FOR MORE INFORMATION: Franklin O. Bolling, (202-377-6677).

MATTERS TO BE CONSIDERED:

Application for Authority to Incur Debt—General Ohio Savings and Loan Association, Findlay, Ohio

Applications for Bank Membership and Insurance of Accounts—St. Peter Savings and Loan Association, St. Peter, Minnesota

Application for Request for a Commitment to Insure Accounts—Range Savings and Loan Association, Hurley, Wisconsin

Applications for Concurrent Consideration of Limited Facility—First Federal Savings and Loan Association of Lincoln, Lincoln, Nebraska and Commercial Federal Savings and Loan Association, Omaha, Nebraska

Application for Limited Facility Branch Office—Home Federal Savings and Loan Association, San Francisco, California

Application for Branch Office—First Federal Savings and Loan Association of Eau Claire, Eau Claire, Wisconsin

Application for Branch Office—Rocky Mountain Federal Savings and Loan Association, Cheyenne, Wyoming

Discount Note Pass-Throughs to the Federal Home Loan Mortgage Corporation No. 272, September 27, 1979.

[S-1906-79 Filed 9-27-79; 11:14 am]

BILLING CODE 6720-01-M

5

FEDERAL TRADE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: FR 44, September 27, 1979, Page No. 55733.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 2 p.m., Friday, October 5, 1979.

CHANGES IN THE AGENDA: The Federal Trade Commission has changed the time of its previously announced oral argument of Friday, October 5, 1979, 2 p.m., to 3 p.m.

[S-1910-79 Filed 9-27-79; 3:40 p.m.]

BILLING CODE 6750-01-M

6

[FCSC Meeting Notice No. 9-79]

FOREIGN CLAIMS SETTLEMENT COMMISSION.

Announcement in Regard to Commission Meetings and Hearings.

The Foreign Claims Settlement Commission, pursuant to its regulations (45 CFR Part 504), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notices in regard to the scheduling of open meetings and oral hearings for the transaction of Commission business and other matters specified, as follows:

Date, Time, and Subject Matter

Wed., Sept. 19, 1979, at 10:30 a.m., and Wed., Sept. 26, 1979, at 10:30 a.m.—Previous announcement of subject matter is amended to also include consideration of the entry of orders in first China Claims Program and proposed decisions in second China Claims Program.

Wed., Oct. 3, 1979, at 10:30 a.m.—Consideration of decisions involving claims of American Citizens against the German

Democratic Republic and the People's Republic of China.
Wed., Oct. 9, 1979, at 10:30 a.m.—Oral hearing on objection to decision issued under the German Democratic Republic Claims Program: G–1940–Bogumilla Wdzieczna.
Wed., Oct. 10, 1979, at 10:30 a.m.—Consideration of decisions involving claims of American Citizens against the German Democratic Republic and the People's Republic of China and consideration of an amendment to the Commission's regulations.
Wed., Oct. 17, 1979, at 10:30 a.m.—Consideration of decisions involving claims of American Citizens against the German Democratic Republic and the People's Republic of China.
Wed., Oct. 24, 1979, at 10:30 a.m.—Canceled.
Wed., Oct. 31, 1979, at 10:30 a.m.—Canceled.

Subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

All meetings are held at the Foreign Claims Settlement Commission, 1111–20th Street, N.W.; Washington, D.C. Request for information, or advance notices of intention to observe a meeting, may be directed to: Executive Director, Foreign Claims Settlement Commission, 1111–20th Street, N.W., Washington, D.C. 20579. Telephone: (202) 653–6155.

Dated at Washington, D.C. on September 25, 1979.

Francis T. Masterson,

Executive Director.

[S–1904–79 Filed 9–27–79; 10:01 am]

BILLING CODE 6770–01–M

7

[USITC SE–79–35A and 36A]

INTERNATIONAL TRADE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: (44 FR 55487) Thursday, September 26, 1979.

PREVIOUSLY ANNOUNCED TIMES AND DATES OF THE MEETINGS: 10 a.m., Tuesday, October 2, 1979, and 2 p.m., Thursday, October 4, 1979.

CHANGES IN THE MEETINGS' DATES AND TIMES: The meeting scheduled for 10 a.m., Tuesday, October 2, 1979 deferred to 10 a.m., Wednesday, October 3, 1979, and the meeting scheduled for 2 p.m., Thursday, October 4, 1979 deferred to 10 a.m., Friday, October 5, 1979.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary, (202) 523–0161.

[S–1903–79 Filed 9–27–79; 10:01 am]

BILLING CODE 7020–02–M

8

INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Tuesday, October 9, 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:
a. Certain turning machines and components therefor (Docket No. 595).
5. Consideration of the FY 1981 budget.
6. Any items left over from previous agenda.

CONTACT PERSON FOR MORE INFORMATION: Kenneth R. Mason, Secretary, (202) 523–0161.

[S–1907–79 Filed 9–27–79; 12:40 pm]

BILLING CODE 7020–02–M

9

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENTS: [44 FR 55105 September 24, 1979].

STATUS: Open meeting; Closed meeting.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

DATES PREVIOUSLY ANNOUNCED: Wednesday September 19, 1979.

CHANGES IN THE MEETING: Additional items.

The following additional item will be considered at an open meeting scheduled for Thursday, September 27, 1979, at 10 a.m.:

Consideration of whether to send a letter to the Municipal Securities Rulemaking Board ("MSRB") approving the election of James V. Young, as a public representative, to the MSRB. Mr. Young is scheduled to take office October 1, 1979. For further information, please contact Marcia L. MacHarg at (202) 272–2405.

The following additional items will be considered at a closed meeting scheduled for Thursday, September 27, 1979, following the 10 a.m. open meeting:

Formal order of investigation.
Litigation matter.
Consideration of amicus participation.
Regulatory matter regarding financial institution.

The following additional item will be considered at a closed meeting scheduled for Tuesday, October 2, 1979 at 9:30 a.m.:

Regulatory matter regarding financial institution.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: John Ketels at (202) 272–2462.

September 26, 1979.

[S–1905–79 Filed 9–27–79; 11:14 am]

BILLING CODE 8010–01–M

federal register

Monday
October 1, 1979

Part II

Department of the Treasury

Internal Revenue Service

Improving Government Regulations; Semiannual Agenda of Regulations

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Ch. I

Improving Government Regulations; Semiannual Agenda of Regulations

AGENCY: Internal Revenue Service (IRS).

ACTION: Semiannual agenda of regulations, significant and nonsignificant, under development or review.

SUMMARY: This semiannual agenda lists the regulations determined as of September 1, 1979, that the Internal Revenue Service will be developing from September 1, 1979, through March 31, 1979. The purpose of this semiannual agenda is to give the public adequate notice of Internal Revenue Service regulatory activities.

FOR FURTHER INFORMATION CONTACT: George H. Bradley, Chief, Technical Section, Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, N.W., Washington, DC 20224, Attention: CC:LR:T, 202-566-3486, not a toll-free call.

SUPPLEMENTARY INFORMATION:

General

Executive Order 12044, "Improving Government Regulations," and Treasury Directive 50-04.F, "Criteria and procedures for the Preparation, Review, and Approval of Regulations," require that a semiannual agenda of regulations under development and review be published in the **Federal Register**. In the **Federal Register** of Wednesday, November 1, 1978, it was announced that the Internal Revenue Service will publish its semiannual agenda on March 31 and September 30 of each calendar year. The next semiannual agenda of the Internal Revenue Service will be published in the **Federal Register** of Monday, March 31, 1980.

Description

This Semiannual Agenda of Regulations lists all projects within the Internal Revenue Service as of August 31, 1979, for the development of regulations to appear in the Code of Federal Regulations. This agenda is divided into three parts. Part I lists existing regulations under development by the Legislation and Regulations Division, Office of the Chief Counsel. Part II lists existing regulations under development by the Employee Plans and Exempt Organizations Division, Office of the Chief of the Chief Counsel. Part III lists separately projects also appearing in Part I or Part II under which existing regulations are to be reviewed pursuant to paragraph 12 of the Treasury Directive. Part IV lists the various regulation projects closed since February 28, 1979, which was the closing date with respect to which the first semiannual agenda of the Internal Revenue Service was prepared. All other projects appearing on the first semiannual agenda are reported in Parts I, II, or III, as the case may be, of this semiannual agenda. A table defining abbreviations used throughout this agenda and a second table listing attorneys (and their telephone numbers) within the Legislation and Regulations Division and the Employee Plans and Exempt Organizations Division follow Part IV. Regulations are issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805) in order to provide necessary guidance to Internal Revenue Service personnel who administer the law and to the public who must comply with the law. Additionally, in some instances the specific sections of the Internal Revenue Code of 1954 and the sections of the act of Congress given in this agenda with respect to projects may specifically require or authorize regulations. Each of the regulation projects within each part of this agenda is listed in order by reference to the first section of the Internal Revenue Code of 1954 to which the project is in important measure addressed. The following information is disclosed in columnar form with respect to each regulation project.

1. 1954 Code Section and File Number

The first column lists sections of the Internal Revenue Code of 1954 (Code) with which the subject project is directly concerned and the file number of the Internal Revenue Service under which the project is maintained.

2. Subject, Drafter, and Reviewer

The second column names the part of Title 26 of the Code of Federal Regulations to be amended, describes briefly the subject of the regulation, names each section of each act of Congress (if any) which gives rise to the project, and names the drafting and reviewing attorneys (in that order) within the Legislation and Regulations Division or Employee Plans and Exempt Organizations Division, Office of the Chief Counsel, who are responsible for drafting the regulation. As appropriate, the reviewing attorney within the Office of Tax Legislative Counsel or Office of International Tax Counsel, Department of the Treasury, is also named. Where a section of an act of Congress is specified in connection with a project, that project is necessary to provide regulations under the amendments to the Code made by that section of the act. In all other cases, regulations are needed under the Code sections named to provide corrective or clarifying changes in existing regulations relating to the subject matter.

3. Office in Which Pending and Status

The third column names the office or offices within the Internal Revenue Service and/or the Department of the Treasury in which the project is presently under consideration and describes the status of the project.

4. Priority and Regulatory Analysis

The fourth column discloses the relative degree of importance and necessity for publication assigned to the regulation. A priority of #1 shows that the project is of substantial importance; a priority of #2 shows that the project is of medium importance; and a priority of #3 shows that the project is of lesser importance. If a regulatory analysis is required for a project, a note to this effect and whether the regulatory analysis has been prepared appears in this column.

By direction of the Secretary of the Treasury.

Dated: September 14, 1979.

Jerome Kurtz,

Commissioner of Internal Revenue.

Part I.—*Regulations Under Development in the Legislation and Regulations Division*

1954 code section and file No.	Subject and draftsman and reviewer	Office in which pending and status	Priority
§§ 3, 4, 144. LR-249-76	Inc. Tax—Part 1—Tax tables for individuals (§§ 206, 301(b), (c), Rev. Act 1971; § 501, TRA 1976) (Coughlin/Saverude—TLC).	LR—In LR for prep of notice	2
§§ 11, 21. LR-33-76	Inc. Tax—Part 1—Corporate tax rates and surtax exemptions (Rev. Adj. Act 1975, § 4) (TRA 1976, § 901(a), (e)(2)) (Murphy/Saverude).	LR—In LR for prep of notice	2
§ 37. LR-250-76	Inc. Tax—Part 1—Credit for the elderly (TRA 1976, §§ 503, 1901(c)(1)) (Francis/Bromeli—TLC-Flynn).	Commr. 8/17/79 Notice to Commr. for formal approval	2

Part I.—*Regulations Under Development in the Legislation and Regulations Division*—Continued

1954 code section and file No.	Subject and draftsman and reviewer	Office in which pending and status	Priority
§ 43. LR-201-78	Inc. Tax—Part 1—Earned income credit (RA 1978, §§ 103, 104, 105(a) (Coughlin/Saverude—TLC-Roche).	LR—7/6/79 Notice pub	2
§ 44C. LR-206-78	Inc. Tax—Part 1—Residential energy credit (Energy Tax Act 1978, § 101) (Woo/Bromell—TLC-Schuldinger/Drapkin).	LR—5/23/79 Notice pub. 9/12/79 Hrg. to be held	1
§§ 46, 47. LR-92-73	Inc. Tax—Part 1—Tax Treatment of mass assets for investment credit purposes (Mull/Blumkin-TLC-Cohen).	LR—3/12/79 Ret'd. to LR for reconsideration	2
§§ 46, 47, 48. LR-73-75	Inc. Tax—Part 1—Changes in investment credit (§§ 301, 302, 604, TRA 1975, P.L. 94-12) (Mull/Whedbee—TLC-Cohen).	LR—1/30/79 Notice pub. 6/27/79 Hrg. held in LR for prep of T.D.	1
§ 46. LR-139-76	Inc. Tax—Part 1—To conform to changes made by sec. 802, TRA 1976, and sec. 301(a), Energy Tax Act 1978 (Mull/Blumkin).	LR—In LR for prep of notice	2
§ 46(f), (l). LR-241-74	Inc. Tax—Part 1—Ratemaking treatment of certain public utility property (Lanning/Rock—TLC-Drapkin).	LR—In LR for prep of notice	2
§ 46(g). LR-248-76	Inc. Tax—Part 1—Investment credit in the case of certain ships (TRA 1976, § 805) (Rood/Fisher—TLC-Cohen).	LR—In LR for prep of notice	3
§§ 46, 47. LR-4-78	Inc. Tax—Part 1—Investment credit for cooperatives (RA 1978, § 316) (P.L. 95-600) (Kissel/Blumkin—TLC-Shakow).	LR—In LR for prep of notice	2
§ 48(l). LR-165-77	Inc. Tax—Part 1—Definition of energy property for the business investment credit (Energy Tax Act 1978, § 301) (Mull/Blumkin—TLC-Schuldinger/Drapkin).	TLC—2/13/79 Draft of notice to TLC	1
§§ 50A, 50B. LR-200-78	Inc. Tax—Part 1—Relating to WIN credit (RA 1978, § 322) (Coughlin/Bromell—TLC-Flynn).	T:C—6/29/79 Draft of notice to TLC & T:C 8/3/79 Comments from TLC	2
§ 51. LR-199-78	Inc. Tax—Part 1—Amounts of jobs credit (RA 1978, § 321) (Charnas/Woo—TLC-Flynn).	T:I—8/31/79 Final draft of notice to T:I	1
§§ 56, 57, 58. LR-151-76	Inc. Tax—Part 1—Minimum tax (TRA 1976, § 301; TR&SA, § 301) (Coplan/Smith—TLC-Goodman).	LR—In LR for prep of notice	1
§ 61. LR-87-78	Inc. Tax—Part 1— Gross income—Taxation of fringe benefits (Katcher/Fisher—TLC-Krupsky).	TLC & T:I—6/13/79 Draft of notice to TLC & T:I	2
§ 61. LR-194-77	Inc. Tax—Part 1—Nonqualified salary reduction agreements (Mantle/Dickinson—TLC-Sorensen).	LR-2/3/78 Notice pub. 5/4/78 Hrg. held 6/11/78 New Release issued soliciting further comments.	3
§§ 61, 162, 174, 263, 471. LR-253-76.	Inc. Tax—Part 1—Prepublication expenditures of publishers (Katcher/Fisher—TLC-Koppelman).	TLC—4/9/79 Draft of notice to TLC & T:I 4/18/79 Comments from T:I	2
§ 79. LR-42-76	Inc. Tax—Part 1—Group term life insurance—Evidence of insurability (Parcell/Rood—TLC-O'Laughlin).	LR—In LR for prep of notice	2
§ 83. LR-95-77	Inc. Tax—Part 1—Reporting requirements for nonqualified stock options (TRA 1969, § 321) (Lanning/Fischer—TLC-Sorensen).	TLC—9/20/77 Notice pub. 3/20/78 Hrg. held 7/30/79 Draft of withdrawal notice to TLC & T:I 8/15/79 Comments from T:I.	1
§§ 84, 276, 501(a), 2501(a), 6012(a). LR-24-75.	Inc. Tax—Part 1—Gift Tax—Part 25— Transfers of appreciated property to political orgs. & returns of such orgs. (P.L. 93-625, § 10(b)-(g), (13) (Thompson/Coulter—TLC-Schuldinger).	LR—7/30/79 Notice pub	3
§ 85. LR-194-78	Inc. Tax—Part 1—Unemployment compensation (RA 1978, § 112) (Schmalz/Fischer—TLC-Goodman).	LR—4/25/79 Draft of notice to TLC & T:I 5/24/79 Comments from T:I 8/17/79 Comments from TLC.	3
§§ 103, 61, 162, 163, 165, 171, 249, 1232. LR-70-77.	Inc. Tax—Part 1—To provide for the tax consequences of refunding industrial development bonds to the issuer, bondholder & industrial user (Thompson/Mantle—TLC-Krupsky).	TLC & T:I—12/6/77 Notice pub. 3/15/78 Hrg. held 2/6/79 2nd Notice pub. 4/13/79 Draft of T.D. to TLC & T:I.	1
§ 103(b). LR-233-78	Inc. Tax—Part 1—To clarify the definition of an airport (MacMaster/Coulter—TLC-Drapkin).	LR—1/5/79 Notice pub. 5/1/79 Hrg. held 8/27/79 Draft of T.D. ret'd. to LR for rev.	1
§ 103(a). LR-8-73	Inc. Tax—Part 1—To revise the definition of "on behalf of" (MacMaster/Coulter—TLC-Drapkin).	Treas.—2/2/76 Notice pub. 4/26/76 Hrg. held 8/16/78 T.D. to Treas. for formal approval.	1
§ 103(b). LR-11-76	Inc. Tax—Part 1—To determine rules relating to acquisition of exempt facilities by a regional authority (MacMaster/Coulter—TLC-Drapkin).	TLC—6/28/77 Draft of notice to TLC, T:C, T:I 10/15/77 Comments from TC 1/23/78 Comments from T:I.	2
§ 103(b). LR-100-75	Inc. Tax—Part 1—To clarify the definition of property that is a solid waste disposal facility (MacMaster/Coulter—TLC-Roche).	TLC—1/18/79 Draft of notice to TLC & T:C 3/14/79 Comments from T:C	1
§ 103(b). LR-59-74	Inc. Tax—Part 1—To define the term "principal user of a facility" (Toll/Coulter—TLC-Drapkin).	TLC & T:I—7/31/79 Draft of notice to TLC & T:I	2
§ 103(c). LR-9-75	Inc. Tax—Part 1—To clarify the definition of property which is a pollution control facility (MacMaster/Coulter—TLC-Roche).	TLC—8/20/75 Notice pub. 11/21/75 Hrg. held 3/9/79 Draft of T.D. to TLC & T:C for comments. 6/19/79 Comments from T:C.	2
§§ 104 (a) & (b), 105(d). LR-159-76.	Inc. Tax—Part 1—Changes in exclusion for sick pay & certain military etc., disability pensions; Certain disability income (TRA 1976, § 505; TR&SA, § 301) (Parcell/Fischer—TLC-Flynn).	TLC & T: I—5/15/79 Draft of notice to TLC, T:I, & E 8/19/79 Comments from E	2
§ 118(b). LR-136-76	Inc. Tax—Part 1—Contributions in aid of construction for certain utilities (TRA 1976, § 2120; TRA 1978, § 364) (Levine/Blumkin—TLC-Brown).	LR—5/30/78 Notice pub. 9/27/78 Hrg. held	1
§ 124. LR-193-78	Inc. Tax—Part 1—Exclusion from gross income of value of qualified transportation provided by employer (Energy Act of 1978, § 242) (Katcher/Fischer).	TLC & T: I—8/30/79 Draft of notice to TLC & T:I	3
§§ 126, 1255. LR-222-78	Inc. Tax—Part 1—Exclusion from income of certain cost-sharing payments under governmental programs (RA 1978, § 543) (Rood/Fischer—TLC-Brown).	TLC—7/31/79 Draft of notice to TLC & T:I 8/30/79 Comments from T:I	1
§§ 162, 62, 262, 3121, 3306, 3401. LR-173-77.	Inc. Tax—Part 1—Empl. Tax—Part 31—Deductibility of certain transportation expenses (Cubeta/Saverude—TLC-Rocke).	CC—3/29/78 Rev. draft of notice to CC for informal approval	1
§§ 163(d), 703(b). LR-1639	Inc. Tax—Part 1—Limitation on interest deduction (TRA 1969, § 221; RA 1971, § 304; TRA 1976, §§ 209, 901 (b)(21)(F)) (Jacobson/Rock—TLC-Flynn).	LR—11/28/77 Notice ret'd. to LR for revision	1

Part I.—*Regulations Under Development in the Legislation and Regulations Division*—Continued

1954 code section and file No.	Subject and draftsman and reviewer	Office in which pending and status	Priority
§ 166(f). LR-255-76	Inc. Tax—Part 1—Deduction for guarantees of business bad debts to guarantors not involved in business (TRA 1976, § 605) (Charnas/Saverude—TLC-O'Laughlin).	TLC & T:I—9/15/78 Notice pub. 8/14/79 T.D. fwd. for formal approval	3
§ 166(f). LR-1173	Inc. Tax—Part 1—Deductions for additions to a reserve for certain guaranteed debt obligations (P.L. 89-722) (Rood/Fischer—TLC-O'Laughlin).	TLC—11/29/78 Draft of notice to TLC & T:C 1/25/79 Comments from T:C	3
§ 167(a). LR-107-78	Inc. Tax—Part 1—Relating to conventions for vintage accounts (Kissel/Blumkin—TLC-Cohen).	Commr.—7/19/79 Notice to Commr. for formal approval	2
§ 167(q). LR-189-78	Inc. Tax—Part 1—Depreciation allowance in case of retirement of certain oil & gas boilers (Energy Tax Act 1978, § 301 (e)) (Dean/Mantle—TLC-Schuldinger/Drapkin).	TLC & T:C—8/30/79 Rev. draft of notice to TLC & T:C	2
§ 169(d)(1), (4)	Inc. Tax—Part 1—Amortization of certain pollution control facilities (TRA 1976, § 2112 (b), (c)) (MacMaster/Coulter).	LR—In LR for prep of notice	2
§ 170 LR-272-76	Inc. Tax—Part 1—Charitable contributions of inventory (TRA 1976, §§ 2035, 205 (c)(1), 1052 (c)(2), 1307 (c), (d)(1), 1313 (b) (1), (c), 1901 (a)(28), (b)(8), 2124 (e)(1)) (Murphy/Saverude—TLC-Sims).	TLC & T:I—8/7/79 Notice fwd. for formal apporval	2
§§ 170(f)(3), 2055(e)(2), 2522 (c)(2). LR-200-76.	Inc. Tax—Part 1—Est. Tax—Part 20—Gift Tax—Part 25—Transfers of partial interests in property for conservation purposes (TRA 1976, § 2124 (e); TR&SA, § 309) (Small/Smith—TLC-Sims).	LR—In LR for prep of notice	3
§ 175. LR-1947	Inc. Tax—Part 1—Soil and water conservation expenditures—*Estate of Howard L. Straughn,* 55 T.C. 21 (1971) (Francis/Bromell-TLC-Melton).	TLC—3/26/79 Draft of notice to TLC & T:I 4/27/79 Comments from T:I	2
§ 179(D)(8). LR-256-76	Inc. Tax—Part 1—Dollar limitation with respect to additional first-year depreciation allowance for small business in case of partnerships (Parcell/Fischer—TLC-Drapkin).	TLC & T:C—7/13/79 Draft of notice to TLC & T:C	2
§ 183(e). LR-61-74	Inc. Tax—Part 1—Election to postpone application of sec. 183 (d) presumption (§ 311, RA 1971; TRA 1976, § 214) (Rood/Fischer—TLC-Flynn).	LR—9/18/75 Notice approved by Tech—New provisions to be added	3
§ 189. LR-145-76	Inc. Tax—Part 1—Amoritization of real property construction period interest & taxes (TRA 1976, § 201) (Katcher/Fischer—TLC-Koppelman).	TLC—3/20/79 Draft of notice to TLC & T:I 4/16/79 Comments from T:I	2
§§ 191, 1245, 642 (f), (a)(2)(B), 1250, 57. LR-199-76.	Inc. Tax—Part 1—Amortization and depreciation of certain rehabilitation expenditures for, and disallowance of deduction for amounts expended in demolishing, certain historic structures (TRA 1976, § 2124 (a)–(d); RA 1978, § 701 (f)) (Hartley/Saverude—TLC-Schuldinger).	Treas.—8/30/78 Notice Pub. 3/15/79 Hrg. held 7/9/79 T.D. to Treas. for formal approval.	2
§ 192. LR-62-78	Inc. Tax—Part 1—Contributions to Black Lung Benefit (Black Lung Benefit Trust Rev. Act 1977, § 4 (b)) (Charnas/Woo—TLC-Copeland).	LR—In LR for prep of notice	2
§ 263(c). LR-202-78	Inc. Tax—Part 1—Intangible drilling costs (Energy Tax Act 1978, § 402(a)) (Cubeta/Woo—TLC-Schuldinger).	T:C—7/31/79 Draft of notice to TLC & T:C 8/6/79 Comments from TLC	2
§ 274(h). LR-260-76	Inc. Tax—Part 1—Deductions for attending foreign conventions (TRA 1976, § 602) (Cubeta/Coulter—TLC-Levinson.	LR—5/10/79 Notice ret'd. to LR for revision	1
§ 277. LR-1721	Inc. Tax—Part 1—Taxation of nonexempt membership organizations (§ 121(b)(3), TRA 1976) (Jacobson/Fischer—TLC-Schuldinger).	Commr.—5/6/72 Notice pub. 8/8/72 Hrg. held 5/8/78 Rev. notice to Commr. for formal approval.	2
§ 280. LR-220-76	Inc. Tax—Part 1—Amortization of production cost of motion pictures, books, records, and other similar property (TRA 1976, § 210 (a), (b)) (Jacobson/Fischer—TLC-Koppelman).	TLC—7/1/77 Rev. draft of notice to TLC & T:I 2/14/78 Comments from T:I	3
§ 280A. LR-261-76	Inc. Tax—Part 1—Deductions for expenses attributable to business use of homes, rental of vacation homes (TRA 1976, § 601) (Francis/Coulter—TLC-Flynn).	LR—5/11/79 Notice ret'd. to LR for revision	2
§ 303. LR-124-76	Inc. Tax—Part 1—Distributions in redemption of stock to pay death taxes (TRA 1976, § 2004(e)) (Kissel/Blumkin—TLC-Levinson).	TLC—3/3/77 Draft of notice to TLC & T:C 5/17/77 Approved by T:C	2
§ 305. LR-91-74	Inc. Tax—Part 1—To clarify meaning of term "reasonable redemption premium" (Kissel/Blumkin—TLC-Cohen.	LR—5/22/79 Notice ret'd to LR for revision	2
§ 337. LR—227-78	Inc. Tax—Part 1—60-day extension of 12-month period if there is an involuntary conversion (P.L. 95-628)(Axelrod/Blumkin—TLC-Kripskey)..	LR—8/8/79 Final draft of notice ret'd. to LR	1
§ 337. LR-130-76	Inc. Tax—Part 1—Simultaneous liquidation of a parent and subsidiary (TRA 1976, §§ 2118, 1901 (a)) (Axelrod/Blumkin—TLC-Krupsky).	LR—In LR for prep of notice	2
341 (a), (f), 301, 312(c), 453(d)(4). LR-764.	Inc. Tax—Part 1—Limitation on application of sec. 341 in case of certain sales of stock; certain tech. amendments (P.L. 88-484, §§ 1, 2) (Axelrod/Blumkin—TLC-Sims).	TLC & T:FP—7/6/77 Notice pub. 7/31/79 T.D. fwd. for formal approval	2
§ 351. LR-754	Inc. Tax—Part 1—Transfer by a cash basis taxpayer of unrealized accounts receivable, etc., to a corp. controlled by the transferee (Yecies/Blumkin—TLC-Cohen).	LR—12/7/77 Draft of notice ret'd. to LR for revision	2
§§ 351, 368. LR-1993	Inc. Tax—Part 1—Basis in stock of a corp. acquiring property in exchange for stock of corp. in control of acquiring corp. (Levine/Blumkin—TLC-Cohen).	LR—4/13/79 Notice ret'd. to LR for revison	1
§ 355. LR-936	Inc. Tax—Part 1—Distribution of stock and securities of a controlled corp. (Yecies/Blumkin—TLC-Cohen).	LR—1/13/77 Notice pub. 1/21/77 Notice repub. In LR for prep of T.D.	2
§ 367. LR-2-78	Inc. Tax—Part 1—Changes in ruling requirements under sec. 367 (other than subsec. (a)(2) (TRA 1976, § 1042 (a)) (Horowitz/Felton—ITC-Holberton).	Commr.—12/30/77 Notice pub. under LR-230-76 Hrg. to be held 8/7/79 T.D. to Commr. for formal approval.	1

Part I.—*Regulations Under Development in the Legislation and Regulations Division*—Continued

1954 code section and file No.	Subject and draftsman and reviewer	Office in which pending and status	Priority
§ 367(a)(2). LR-231-76	Inc. Tax—Part 1—Exception for transfers of property from the U.S. designated by the Secretary (TRA 1976, § 1042 (a)) (Horowitz/Felton—ITC-Hannes).	LR—In LR for prep of notice	1
§§ 368(a)(2)(F), 721, 722, 723, 683. LR-135-76.	Inc. Tax—Part 1—Exchange funds (TRA 1976, § 2131) (Mull/Blumkin—TLC-Rabinowitz).	LR—8/17/79 Draft of notice ret'd. to LR for rev	1
§368(a)(2)(E), (b)(2). LR-1994	Inc. Tax—Part 1—Acquisition of a corp. by merger of a corp. controlled by the acquiring corp. (Levine/Blumkin—TLC-Cohen).	LR—4/13/78 Notice ret'd. to LR for revision	2
§ 382. LR-57-79	Inc. Tax—Part 1—Regs. under sec. 368(b) of RA 1978 (P.L. 95-600) relating to election of 1976 Act changes to Code sec. 382 (Yecies/Whedbee—TLC-Cohen).	Commr.—8/28/79 T.D. to Commr. for formal approval	1
§§ 382, 383, 368(c). LR-138-76	Inc. tax—Part 1—Limitations on certain carryovers (TRA 1976, §§ 806 (e), (f), 1031(b)) (Yecies/Blumkin—TLC-Cohen).	LR—In LR awaiting Cong. consideration of additional revision of § 382	3
§ 385. LR-1661	Inc. Tax—Part 1—Treatment of certain corporate interests as stock or indebtedness (§ 415, TRA 1969) (Levine/Blumkin—TLC-Cohen).	TLC & T—8/27/79 Notice fwd. for formal approval	1
§ 414 (b), (c). LR-209-74	Inc. Tax—Part 1—Definitions and special rules (P.L. 93-406, § 1015) (Yecies/Blumkin—TLC-Sorensen).	TLC & EP—11/5/75 Notice pub. 1/13/76 Draft of T.D. to TLC & EP	3
§ 414(e) LR-193-74	Inc. Tax—Part 1—Definition of church plans (P.L. 93-406, § 1015) (Jacobson/Rood—TLC-Melton).	TLC—4/8/77 Notice pub. 10/6/77 Hrg. held 7/20/79 T.D. fwd. for formal approval 8/27/79 T.D. approved by EP.	2
§§ 422, 424. LR-157-76	Inc. Tax—Part 1—Change in treatment of qualified stock options (Alexander/Fischer—TLC-Sorensen).	Treas.—12/18/78 Notice pub. 7/6/79 T. D. to Treas. for formal approval	3
§ 423. LR-1111	Inc. Tax—Part 1—Stock option regulations (Alexander/Fischer—TLC-Sorensen).	Treas.—2/20/79 Notice pub. 7/26/79 T.D. to Treas. for formal approval	3
§ 447. LR-143-76	Inc. Tax—Part 1—Method of accounting for corps. engaged in farming (TRA 1976, § 207(c)) (Katcher/Rood—TLC-Melton).	TLC—5/18/78 Draft of notice to TLC & T:C 6/26/78 Comments from T:C	2
§ 453. LR-32-75	Inc. Tax—Part 1—Adoption of installment method of reporting by dealers of personal property (Rood/Fischer—TLC-Brown).	LR—In LR for prep. of notice	3
§ 453. LR-635	Inc. Tax—Part 1—Election to adopt installment method of reporting income from sale of real property or casual sale of personal property (Rood/Fischer—TLC-Brown).	LR—3/21/78 Notice ret'd. to LR for revision	3
§ 461. LR-190-76	Inc. Tax—Part 1—Treatment of prepaid interest (TRA 1976, §§ 208, 1901 (a)(69)) (Parcell/Fischer—TLC-Brown.	LR—2/28/78 Draft of notice ret'd. to LR for rev	1
§§ 463, 81. LR-6-75	Inc. Tax—Part 1—Accrual of vacation pay (P.L. 93-625) (Katcher/Fischer—TLC-Brown).	TLC—3/28/78 Rev. draft of notice to TLC and T:C 4/19/78 Comments from T:C	1
§§ 464, 278(b). LR-144-76	Inc. Tax—Part 1—Limitation on deductions in case of farming syndicates (TRA 1976, § 207(a), (b))<{ /Rood—TLC-Melton).	TLC—11/7/78 Rev. draft of notice to TLC and T:I 11/22/78 Comments from T:I	2
§ 465. LR-168-76	Inc. Tax—Part 1—Determination of amounts at risk with respect to certain activities (TRA 1976, § 204) (Jacobson/Fischer—TLC-Levinson).	LR—6/5/79 Notice pub. 9/27/79 Hrg. to be held	1
§ 466(d). LR-216-78	Inc. Tax—Part 5—Temp. Regs.—Exclusion from gross income with respect to qualified discount coupon redeemed after close of taxable year (RA 1978, § 373 (a)) (Schmalz/Fischer—TLC-Brown).	Commr.—8/13/79 T.D. to Commr. for formal approval	1
§ 471. LR-2158	Inc. Tax—Part 1—Inventories at cost or market, whichever is lower (Lanning/Fischer—TLC-Brown).	TLC—6/1/77 Final draft of notice to TLC	2
§ 472. LR-84-77	Inc. Tax—Part 1—Conformity requirement incident to use of LIFO inventory method; Use of market value (Lanning/Fischer—TLC-Brown).	LR—7/20/79 Notice pub	2
§ 482. LR-307-76	Inc. Tax—Part 1—Allocation of income and deductions among T/P's to revise percentage applied in determining rental charge for use of tangible property to reflect amdmt. of regs. to provide for a "safe haven" imputed interest rate of 6-8 percent (Horowitz/Felton—ITC-Kau).	LR—1/19/79 Notice ret'd. to LR by CC/LS for rev	2
§§ 482, 483. LR-171-79	Inc. Tax—Part 6—Temp. Regs.—Imputed interest rates (Rood/Fischer—ITC-Dolan).	LR—In LR for prep of T.D.	2
§§ 482, 483. LR-221-78	Inc. Tax—Part 1—Imputed interest rates (Rood/Fischer—ITC-Dolan).	ITC & T:C—7/31/79 Draft of notice to TLC & T:C	2
§§ 512(a)(3), 501(c)(7), (9). LR-1744.	Inc. Tax—Part 1—Social clubs—Unrelated business income (TRA 1969, § 121(b)(1)) (Jacobson/Fischer—TLC-Sims).	EO—5/13/71 Notice pub. 8/31/71 Hrg. held 6/20/79 T.D. fwd. for formal approval	2
§ 527. LR-16-75	Inc. Tax—Part 1—Political organizations (P.L. 93-625) (Katcher/Felton—TLC-Schuldinger).	LR—11/24/76 Notice pub. 2/24/77 Hrg. held 7/18/79 T.D. ret'd. to LR for revision	1
§§ 528, 6012. LR-165-76	Inc. Tax—Part 1—Treatment of Homeowners Associations (TRA 1976, § 2101) (Jacobson/Fischer—TLC-Sims).	LR—1/9/79 Notice pub. 4/9/79 Draft of T.D. to TLC, T:C & EO 4/20/79 Comments from T:C 8/21/79 Comments from TLC.	3
§ 532. LR-125-78	Inc. Tax—Part 1—To apply accumulated earnings tax to corps. accumulating E&P to avoid income tax on certain foreign corp. shareholders (Klein/Felton—TLC-Sims/Kau).	Tech—8/29/79 Notice fwd. for formal approval	3
§§ 541-45, 551-55. LR-680	Inc. Tax—Part 1—Various sections of the Code affecting personal holding cos. (§ 225, in part), RA 1964; also P.L.'s 89-809, § 104(h), 206; 91-172, § 101(j)(16); TRA 1976, §§ 211, 2106) (Thompson/Saverude—TLC-Sims).	TLC—9/5/68 Notice pub. 11/3/78 Draft of rev. notice to TLC & T:C 11/30/78 Comments from TC.	2
§§ 584(a)(1), (c)(1)(A) & (B), (c)(2), (e), 6032. LR-133-76.	Inc. Tax—Part 1—Tax treatment of common trust funds (P.L.'s 94-414, § 1; 94-455; TRA 1976, §§ 2138(a), 1402(b), 1901(b), 2131(d)) (Schreiner/Coulter—TLC-Sims).	TLC—6/25/79 Notice fwd. for formal approval 7/30/79 Approved by T:I Awaiting approval by TLC.	2
§ 593(b) (3), (4), (5). LR-152-73	Inc. Tax—Part 1—Reserves for losses on loans of mutual savings banks, etc. (TRA 1969, § 432(a)) (Dean/Coulter—TLC-Koppelman).	LR—In LR for prep of notice	3

Part I.—*Regulations Under Development in the Legislation and Regulations Division*—Continued

1954 code section and file No.	Subject and draftsman and reviewer	Office in which pending and status	Priority
§§ 612, 613, LR-1148	Inc. Tax—Part 1—Restoration of depletion deductions on bonus and advanced royalties in certain cases (Woo/Bromell—TLC-Koppelman).	TLC—12/16/74 Draft of notice to TLC & T:C 4/76 Comments from T:C	2
§ 613, LR-2073	Inc. Tax—Part 1—Percentage depletion deduction—To clarify rules relating to determination of gross income from the property in the case of oil and gas wells (Woo/Bromell—TLC-Koppelman).	TLC—5/3/73 Partial draft of notice to TLC & T:C Comments from T:C	2
§ 613(b), LR-2072	Inc. Tax—Part 1—Percentage depletion rates (TRA 1960, § 501); Also P.L. 89-809, §§ 207, 208, 209 (Woo/Bromell—TLC-Schuldinger).	TLC & T:C—12/12/78 Rev. draft of notice to TLC & T:C	2
§§ 613A, 703(a), 705(a), LR-105-75	Inc. Tax—Part 1—Supplementary rules on limitations on percentage depletion for oil & gas (TRA 1975, § 501; TRA 1976, §§ 1901(a)(86), 2115) (Woo/Bromell—TLC-Schuldinger).	TLC—5/13/77 Notice pub. 8/31/77 Hrg. held 8/2/78 Draft of T.D. to TLC & T:C 9/78 Comments from T:C.	1
§ 642(g), LR-183-76	Inc. Tax—Part 1—Certain expenses of estates (TRA 1976, § 2009(d)) (Waltuch/Smith—TLC-Sorensen).	LR—5/24/78 Notice ret'd. to LR for revision	3
§ 642(i), LR-287-76	Inc. Tax—Part 1—Cemetery perpetual care funds (P.L. 94-528) (Coplan/Smith—TLC-Shakow).	LR—8/2/78 Notice pub. 11/29/78 Hrg. held 8/21/79 T.D. to CC/DED	2
§§ 644, 641(b), LR-188-76	Inc. Tax—Part 1—Special rule for property transferred at less than fair market value (TRA 1976, § 701(e)) (RA 1978, § 701(p)) (Kusma/Smith—TLC-Sorensen.	LR—In LR for prep of notice	2
§§ 664, 170A, 25.2522, LR-42-73	Inc. Tax—Part 1—To provide rules for application of charitable remainder trust provisions to certain living trusts (Coughlin/Woo—TLC-Sims)	LR—In LR for prep of notice	3
§§ 667, 666(e), 668, 665 (b), (e)-(g), 669, 1302 (a)(2)(B), (b)(2)(B), 6401(b), LR-184-76.	Inc. Tax—Part 1—Proc. & Admin.—Part 301—Accumulation trusts (TRA 1976, §§ 701 (a)-(d), (f), 1014) Hartley/Smith—TLC/Sorensen).	LR—In LR for prep of notice	2
§§ 679, 678(b), 643 (a)(c)(C), (D), (d), 6048, 6677, LR-187-76.	Inc. Tax—Part 1—Proc. & Admin.—Part 301—Foreign trusts having U.S. beneficiaries (TRA 1976, § 1013) (Kusma/Smith—ITC-Langbein).	ITC & T:I—8/28/79 Draft of notice to ITC & T:I	2
§ 704(b), LR-262-76	Inc. Tax—Part 1—Determination of partner's distributive share (TRA 1976, § 213(d)) (Cubeta/Bromell—TLC-Levinson/Koppelman).	TLC & T:I—11/30/78 Draft of notice to TLC & T:I	2
§§ 705(c)(2)(B), 704, LR-265-76	Inc. Tax—Part 1—Items allocated to portion of year partner held interest (TRA 1976, § 213(c)) (Francis/Bromell—TLC-Levinson/Koppelman).	TLC—3/27/79 Draft of notice to TLC	2
§ 707(c), LR-2127	Inc. Tax—Part 1—To conform the income tax regs. relating to guaranteed payments to partners to sec. 213(b)(3) of TRA 1976 and to the *Miller* & *Carey* decisions (Francis/Bromell—TLC-Levinson/Koppelman).	TLC—3/12/76 Draft of notice to TLC & T:I 4/22/76 Comments from T:I	2
§ 709, LR-266-76	Inc. Tax—Part 1—Clarification of treatment of partnership syndication fees, etc. (TRA 1976, § 213(b)) (Coughlin/Bromell—TLC-Levinson/Koppelman).	LR—8/24/79 Notice approved by Tech Fwd. to CC/DED	2
§§ 852, 857, LR-23-79	Inc. Tax—Part 5—Temp. Regs.—To provide additional rules re treatment of capital gains of regulated investment cos. & real estate investment trusts (Schreiner/Mantle—TLC-Brown).	TLC—3/1/79 Draft of T.D. to TLC, T:I & T:C for comments 3/29/79 Comments from T:C.	1
§§ 856-860, 172(b), (d), 316(b), 381(c)(25), 443(e)(5), 4981, 6161(b), 6211-6213(a), 6214, 6344(a), 6422, 6503(i), 6512, 6515, 6601(c), 6697, 7422, LR-218-76.	Inc. Tax—Part 1—Real Estate Investment trusts (TRA 1976, §§ 1601-1608, 1901(a), (b), 1906(a), (f)) (P.L. 93-625, § 6) (Whedbee/Blumkin—TLC-Levinson).	TLC—7/7/78 Notice pub. 12/20/78 Hrg. held 5/14/79 Draft of T.D. to TLC & T:FP <6/25/79 Comments from T.	2
§ 856(e)(3), LR-149-79	Inc. Tax—Part 10—Temp. Regs.—Extensions of grace period for foreclosure property by a real estate investment trust (RA 1978, § 363(c)) (Whedbee/Blumkin—TLC-Levenson).	Commr.—8/23/79 T.D. to Commr. for formal approval	1
§ 860, LR-183-76	Inc. Tax—Part 1—Real estate investment trusts & regulated investment companies (RA 1978, § 362) (Whedbee/Blumkin—TLC-Levenson).	TLC & T:I—8/31/79 Draft of notice to TLC & T:I	2
§ 861(a)(1)(B), LR-173-75	Inc. Tax—Part 1—To determine source of interest on court judgments, source of commitment fees & acceptance fees, & application of § 861 to interest paid by certain domestic corps.—Amdmt. of § 1.861-4 to determine application of payroll cost method (Renfroe/Felton—ITC-Langbein).	LR—6/2/78 Notice ret'd. to LR for revision	2
§ 861(a)(1)(H), LR-41-75	Inc. Tax—Part 1—Subch. N—As added by sec. 9(a) of P.L. 93-625, with respect to source of interest of certain debt obligations (Renfroe/Felton—ITC-Langbein.	LR—In LR for prep of notice	3
§ 861(a)(7), LR-71-77	Inc. Tax—Part 1—Source of income of underwriting income (TRA 1976, § 1036) (Renfroe/Felton—ITC-Kau).	LR—In LR for prep of notice	2
§ 861(a), LR-215-78	Inc. Tax—Part 1—Computation of taxable income from sources within and without the U.S. (Duffy/Saverude).	LR—In LR for prep of notice	1 Regulatory analysis required, not prepared as yet.
§§ 871, 881, 1441, 1442, LR-2043	Inc. Tax—Part 1—Original issue discount (RA 1971, § 313) (Klein/Felton—ITC-langbein.	LR—7/12/76 Notice pub. 11/18/76 Hrg. held 4/20/79 T.D. ret'd. to LR with comments.	1
§§ 892, 893, 895, 47.4382, LR-106-75	Inc. Tax—Part 1—exemption of income of foreign gov'ts., employees of foreign gov'ts. & foreign central banks of issue, and exemption from tax on issuance of certificates of indebtedness issued by any foreign government (Duffy/Felton—ITC-Hannes).	ITC & Tech—8/15/78 Notice pub. 1/23/79 Hrg. held 8/28/79 T.D. fwd. for formal approval.	1
§§ 901, 903, LR-100-78	Inc. Tax—Part 1—To provide rules setting forth requirements for creditable foreign taxes (Horowitz/Felton—ITC-Kau).	LR—6/20/79 Notice pub. 10/11/79 Hrg. to be held	1

Part I.—*Regulations Under Development in the Legislation and Regulations Division*—Continued

1954 code section and file No.	Subject and draftsman and reviewer	Office in which pending and status	Priority
§ 901(f). LR-65-75	Inc. Tax—Part 1—Certain payments for oil or gas not to be considered as taxes (§§ 275 (a), 901, 601 (b), TRA 1975, P.L. 94-12) (Duffy/Blumkin—ITC-Hannes).	LR—In LR for prep of notice	1
§§ 902, 78, 960, 535(b)(1)545(b)(1). LR-229-76.	Inc. Tax—Part 1—Dividends from less developed country corps. to be grossed up for purposes of foreign tax credit (TRA 1976, § 1033) (Renfroe/Felton—ITC-Dolan).	ITC & Tech—12/29/78 Notice pub. 6/28/79 T.D. fwd. for formal approval	3
§ 902. LR-196-75	Inc. Tax—Part 1—To clarify rules for determining earnings & profits of a foreign corp. & amount of creditable foreign taxes (Horowitz/Felton—ITC-Hannes).	ITC—4/7/78 Draft of notice to ITC & T:C	2
§ 904(b) (2) & (3). LR-228-76	Inc. Tax—Part 1—Limitation on, and treatment of, capital gains for purposes of foreign tax credit (TRA 1976, §§ 1031, 1034; RA 1978, §§ 403 (c)(4), 701 (u)(2) & (3)) (Feldman/Felton—ITC-Kau).	LR—In LR for prep of notice	2
§ 904(e). LR-11-77	Inc. Tax—Part 1—Transitional rules for carrybacks & carryovers of foreign tax credits as a result of repeal of per-country limitation by sec. 1031 (a), TRA 1976 (Renfroe/Felton—ITC-Kau).	LR—In LR for prep of notice	2
§ 904(f). LR-3-77	Inc. Tax—Part 1—Recapture of foreign losses (TRA 1976, § 1032) (Renfroe/Felton—ITC-Hannes/Kau).	LR—In LR for prep of notice	2
§ 907. LR-70-75	Inc. Tax—Part 1—Limitation dealing with foreign tax credit for taxes paid in connection with foreign oil & gas income (§ 601, TRA 1975; § 1035, TRA 1976) (Duffy/Blumkin—ITC-Hannes).	Treas.—5/8/79 Notice to Treas. for formal approval	1
§§ 911, 913. LR-2-79	Inc. Tax—Part 1—Treatment of foreign earned income derived by U.S. citizens & residents (Foreign Earned Income Act 1978, §§ 4, 202, 203)< { /Felton—ITC-Dolan).	LR—5/9/79 Notice pub. 8/28/79 Hrg. held	1
§ 936(e). LR-139-78	Inc. Tax—Part 1—Time for making an election (TRA 1976, § 1051(b)) (Horowitz/Felton—ITC-Langbein).	TLC & T—5/9/79 Notice pub. 8/23/79 T.D. fwd. for formal approval	2
§§ 936, 33, 931, 901 (d), (g), 904(b), 243(b)(1), 246, 1504(b)(4), 48(a)(2)(B), 116(b)(2), 861(a)(2)(A), 6091(b)(2). LR-247-76.	Inc. Tax—Part 1—Tax treatment of corps. conducting a trade or business in Puerto Rico & possession of the U.S. (TRA 1976, § 1051) (Bouknight/Felton—ITC-Langbein).	LR—In LR for prep of notice	2
§ 936(d)(2). LR-106-77	Inc. Tax—Part 1—Definition of qualified possession source investment income for purposes of Puerto Rican & possession tax credit (TRA 1969, § 1051) (Horowitz/Felton—ITC-Langbein).	ITC—2/27/79 Comments from T:C on notice	2
§§ 951, 954, 955. LR-68-75	Inc. Tax—Part 1—Current taxation of shipping profits of controlled foreign corps. except to extent such profits are reinvested in shipping operations (§ 602(d), TRA 1975; TRA 1976, § 1024) (Klein/Saverude—ITC-Hannes).	ITC—8/9/76 Notice pub. 8/22/77 Temp. Regs. T.D. 7503 published 5/18/79 Draft of T.D. to ITC & T:C 7/19/79 Comments from T.C.	1
§§ 951(a), 954(b)(1), (f), 955. LR-67-75.	Inc. Tax—Part 1—Conforming regs. to certain amendments to subpart F (§ 602(a)(3)(B) & (c) (other than (c)(6)), TRA 1975, P.L. 94-12) (Klein/Saverude—ITC-Hannes).	LR—2/9/78 Notice pub	2
§§ 952, 995, 964. LR-234-76	Inc. Tax—Part 1—Denial of certain tax benefits in connection with the payment of certain bribes (TRA 1976, §§ 1065, 1066(b)) (Bouknight/Felton).	LR—In LR for prep of notice	3
§ 954(c)(3)(C). LR-226-76	Inc. Tax—Part 1—Exclusion from subpart F of certain earnings of insurance companies (TRA 1976, § 1023) (Duffy/Saverude—ITC-Kau).	TLC & T:C—4/23/79 Notice pub. 8/24/79 Draft of T.D. to TLC & T:C	2
§§ 956(d)(2), 958(b). LR-227-76	Inc. Tax—Part 1—Investment in U.S. property by controlled foreign corporation; clarification of term "pledge or guarantee" (TRA 1976, § 1021) (Feldman/Felton—ITC-Kau).	LR—4/23/79 Notice pub. 10/30/79 Hrg. to be held	2
§ 960(a)(1). Lr-237-76	Inc. Tax—Part 1—Third tier foreign tax credit when sec. 951 applies (TRA 1976, § 1037) (Renfroe/Felton—ITC-Dolan).	ITC & T:C—7/12/79 Draft of notice to ITC & T:C	3
§§ 993 (c)(2), (d), 995(c), 751(c), 996(a)(2). LR-245-76.	Inc. Tax—Part 1—Misc. DISC amdts. (TRA 1976, § 1101 (c), (e), & (g)(1)–(4)) (Klein/Felton—ITC-Langbein).	LR—In LR for prep of notice	2
§ 993. LR-92-77	Inc. Tax—Part 1—DISC—Definition of trade receivable (Act of 1971, § 501) (Feldman/Felton—ITC-Langbein).	ITC & Tech—8/2/79 Notice fwd. for formal approval	2
§ 995. LR-246-76	Inc. Tax—Part 1—Amdts. affecting DISC pertaining to military sales and incremental export gross receipts (TRA 1976, § 1101 (a), (g) (1) & (5)) (Feldman/Felton—ITC-Langbein).	ITC & T:C—7/27/79 Rev. draft of notice to ITC & T:C	2
§§ 999, 908, 952(a), 995(b)(1). LR-235-76.	Inc. Tax—Part 1—Denial of certain tax benefits for cooperation with or participation in international boycotts (TRA 1976, §§ 1061-1064, 1066(a), 1067) Felton—ITC-Holberton).	LR—In LR for prep of notice	3
§ 1001. LR-52-79	Inc. Tax—Part 1—Discharge of liabilities on the sale or other disposition of property (Jacobson/Fischer—TLC-Cohen).	T:I—8/1/79 Draft of notice to TLC & T:I 8/24/79 Comments from TLC	2
§§ 1014(d), 1023, 1016(a)(23), 691(c)(2) (A), (C), 1246. LR-196-76.	Inc. Tax—Part 1—Carryover basis (TRA 1976, § 2005(a)) (Small/Smith—TLC-Sorensen).	TLC—5/3/78 Draft of notice to TLC & T:I 6/19/78 Comments from T:I	1
§ 1033(g)(3). LR-268-76	Inc. Tax—Part 1—Election to treat outdoor advertising displays as real property (TRA 1976, § 2127) (Charnas/Bromell—TLC-Flynn).	LR—8/23/79 Notice pending in LR	2
§§ 1040, 1015(d)(6). LR-214-76	Inc. Tax—Part 1—Various rules relating to carryover basis (TRA 1976, § 2005 (b), (c)) (Kusma/Smith—TLC-Sorensen).	LR—In LR for prep of notice	2

Part I.—*Regulations Under Development in the Legislation and Regulations Division*—Continued

1954 code section and file No.	Subject and draftsman and reviewer	Office in which pending and status	Priority
§§ 1056, 1245. LR-222-76	Inc. Tax—Part 1—Basis limitation & recapture of depreciation on player contracts (TRA 1976, §§ 212 (a), (b), 1901(b)(11)(D), 1951(c)(2)(C), 2122(b)(3), 2124(a)(2)) (Schmalz/Fischer—TLC-Flynn.	LR—Notice ret'd. to LR for revision	3
§§ 1101, 1102, 1103, 311, 6151, 6158, 6503, 6601. LR-286-76.	Inc. Tax—Part 1—Divestures of assets by bank holding companies (P.L. 94-453) (Levine/Blumkin—TLC-Koppelman).	TLC—12/27/78 Draft of notice to TLC & T 3/27/79 Comments from T	3
§ 1212(a)(1). LR-270-76	Inc. Tax—Part 1—Allowance of 8-year capital loss carryover in case of regulated investment companies (TRA 1976, §§ 1403, 1901(b)(3)(O)) (Schreiner/Coulter—TLC-Levinson).	LR—7/6/79 Notice pub	2
§ 1222. LR-273-76	Inc. Tax—Part 1—Increase in holding period required for capital gain or loss to be long term (TRA 1976, §§ 1402, 1901(a)(136)) (Schreiner/Mantle—TLC-Flynn).	TLC & T:C—7/24/79 Draft of notice to TLC & T:C	2
§ 1232(a)(3). LR-43-76	Inc. Tax—Part 1—Treatment of original issued discount on certain short-term obligations (Tolleris/Mantle—TLC-Sims/Brown).	TLC & T:C—7/5/79 Notice pub. 8/14/79 Hrg. held 8/28/79 Draft of rev. notice to TLC & T:C.	2
§ 1234. LR-274-76	Inc. Tax—Part 1—Tax treatment of the grantor of options of stock, securities & commodities (TRA 1976, §§ 1236, 1402(b)(1)(U)) (Marcinko/Coulter—TLC-Rabinovitz).	Commr.—4/19/79 Notice pub. 8/23/79 T.D. to Commr. for formal approval	2
§ 1244. LR-186-78	Inc. Tax—Part 1—Liberalization of rules relating to losses on small business stock (Rev. Act of 1978, § 345). (Thompson/Coulter—TLC-Cohen).	Treas.—8/22/79 Notice to Treas. for formal approval	1
§§ 1248, 751. LR-232-76	Inc. Tax—Part 1—Gain from sale or exchange of stock in foreign corps. (TRA 196, §§ 1022, 1042 (b), (c)) (Horowitz/Felton—ITC-Hannes).	LR—7/26/79 Draft of notice ret'd. to LR for rev.	2
§ 1250. LR-131-76	Inc. Tax—Part 1—Recapture of depreciation on real property (TRA 1976, §§ 202, 1901(b), 1951(e), 2122(b), 2124(a)) (Marcinko/Rock).	LR—In LR for prep of notice	3
§ 1253. LR-1644	Inc. Tax—Part 1—Transfer of franchises; trademarks and trade names (TRA 1969, § 516(c)) (Tolleris/Rood—TLC-Koppelman).	TLC—7/15/71 Notice pub. 4/10/79 Draft of rev. notice to TLC & T:C 5/11/79 Comments from T:C.	2
§ 1254, 751(c). LR-276-76	Inc. Tax—Part 1—Gain from disposition of interest in oil or gas property (TRA 1976, §§ 205, 1901(a)(93)) (Mantle/Saverude—TLC-Schuldinger).	TLC—10/5/78 Draft of notice to TLC & T:C 1/79 Comments from T:C	2
§ 1348. LR-156-76	Inc. Tax—Part 1—Maximum tax on personal service income (TRA 1976, § 302) (Lanning/Dickinson—TLC-O'Laughlin).	LR—5/10/77 Notice ret'd. to LR for revision	2
§ 1371. LR-4-73	Inc. Tax—Part 1—Treatment of obligations which purport to represent debt as a second class of stock (Woo/Saverude—TLC-Cohen).	LR—11/11/76 Rev. draft of notice to TLC & T:I 12/14/76 Comments from TI 11/29/78 Comments from TLC.	2
§§ 1371, 1372. LR-277-76	Inc. Tax—Part 1—Certain rules relating to shareholders of subchapter S corporations (TRA 1976, §§ 902 (a) & (c); 1901(a)(149)) (Murphy/Saverude—TLC-Cohen.	LR—5/23/79 Draft of notice ret'd. to LR for rev.	2
§§ 1385, 1388. LR-1175	Inc. Tax—Part 1—Relating to tax treatment of per unit retain allocations (P.L. 89-809, § 211) (Parcell/Fischer—TLC-Schuldinger).	TLC—4/11/74 Draft of notice to TLC & T:C 1/26/76 Comments from T:C	3
§ 1441. LR-165-78	Inc. Tax—Part 1—Personal services income of nonresident individuals (Klein/Felton).	LR—In LR for prep of notice	2
§ 1441. LR-2139	Inc. Tax—Part 1—Withholding of income tax on payments to Virgin Island inhabitants (Bouknight/Felton—ITC-Langbein).	LR—7/31/79 Notice ret'd. to LR	3
§§ 1491, 1057. LR-236-76	Inc. Tax—Part 1—Excise tax on transfers of property to foreign persons to avoid the Federal income tax (TRA 1976, § 1015) (Klein/Felton—ITC-Langbein).	ITC—9/9/77 Rev. draft of notice to ITC & T:C 7/25/78 Comments from T:C	1
§ 1502. LR-75-79	Inc. Tax—Part 1—At risk limitations of sec. 465 (Axelrod/Blumkin—TLC-Cohen).	LR—In LR for prep of notice	1
§ 1502. LR-1086	Inc. Tax—Part 1—Revision of regs. under sec. 1502 re personal holding companies (Whedbee/Blumkin—TLC-Brown/Cohen.	LR—7/5/79 Notice ret'd. to LR for revision	2
§ 1502. LR-140-73	Inc. Tax—Part 1—Misc. & Tech. amdmts to consolidated return regs. (Axelrod/Blumkin—TLC-Brown/Cohen).	LR—3/21/78 Notice ret'd. to LR for revision	1
§ 1502. LR-97-79	Inc. Tax—Part 1—Credit & deductions, etc. for consolidated returns (Axelrod/Blumkin).	LR—In LR for prep of notice	1
§ 1502. LR-45-76	Inc. Tax—Part 1—To provide rules for consolidated application of § 613A of the Code re limitations on percentage depletion in the case of oil & gas wells (TRA 1975, § 501) (Axelrod/Blumkin—TLC-Cohen/Brown).	LR—12/29/77 Notice ret'd. to LR for revision	2
§ 1502. LR-94-74	Inc. Tax—Part 1—To provide consolidated return rules relating to life insurance companies subject to tax under Subch. L. (Duffy/Blumkin—TLC-Sims/Brown/Cohen).	LR—In LR for prep of notice	1
§ 1502. LR-1386	Inc. Tax—Part 1—Consolidated return regs.—Revision of regs. under sec. 1502 re accumulated earnings tax (Whedbee/Blumkin—TLC-Cohen/Brown).	LR—7/9/68 Notice pub. 9/12/68 Hrg. held 8/25/71 Notice withdrawn 5/14/79 Rev. notice pub. 10/3/79 Hrg. to be held.	3
§ 1502. LR-113-77	Inc. Tax—Part 1—Consolidated return regulations—investment adjustments (Axelrod/Blumkin—TLC-Cohen/Brown).	LR—In LR for prep of notice	1
§ 1502. LR-29-76	Inc. Tax—Part 1—Reflect amendments of consolidated reutrn regs. to reflect Merchant Marine Act of 1970 concerning Merchant Marine & Fisheries Capital Construction Funds (Axelrod/Blumkin—TLC-Cohen).	LR—In LR for prep of notice	2
§ 1504(d). LR-189-77	Inc. Tax—Part 1—Includibility in an affiliated group of subsidiaries formed to comply with foreign laws (Axelrod/Blumkin—ITC-Langbein).	LR—1/17/79 Notice ret'd. to LR for revision	3

Part I.—*Regulations Under Development in the Legislation and Regulations Division*—Continued

1954 code section and file No.	Subject and draftsman and reviewer	Office in which pending and status	Priority
§§ 2001, 2010, 2012 (a), (e), 2052, 2035, 2502, 2505, 2521, 2011, 2013 (b), (e)(1), 2101, 2102, 2106(a)(3), 2014(b)(2), 2206, 2207, 6018, 2038(a), 2104, 2004, 2504. LR-212-76.	Est. & Gift Taxes—Parts 20 & 25—Unified rate schedule for estate and gift taxes and unified credit in lieu of exemptions (TRA 1976, § 2001) (Grundeman/Smith—TLC-O'Laughlin.	LR—In LR for prep of notice	2
§§ 2032A, 6166 (d), (e), (f), (h), 6324A (a), (c), 6601(j), 2013(f). LR-203-76.	Est. Tax—Part 20—Various estate tax elections and valuation of certain farm etc., real property (TRA 1976, §§ 2003 (a), (c), 2004(a), (b), (d)) (RA 1978, § 702(d)) (Hartley/Smith—TLC-Melton).	Treas.—7/13/78 Notice pub. [Part I] 7/19/78 Notice pub. [Part II] 12/21/78 Notice pub. [Part III] 4/3/79 Hrg. held 6/28/79 Draft of T.D. to TLC and T:I 8/21/79 New notice (Part II) to Treas..	1
§ 2036(a). LR-181-76	Est. and Gift Taxes—Parts 20 and 25—Inclusion of stock in estate where decedent retained voting rights (TRA 1976; RA 1978, § 702(i)) (Jacobson/Smith—TLC-O'Laughlin).	LR—In LR for prep of notice	3
§ 2040. LR-180-76	Est. Tax—Part 20—Fractional interest of spouse (TRA 1976, § 2002 (c), (d)(3)) (Small/Grundeman—TLC-O'Laughlin).	LR—In LR for prep of notice	2
§ 2040(d). LR-16-79	Est. Tax—Part 23—Temp. Regs.—Election to treat certain jointly held property as qualified joint interest (RA 1978, § 702 (k)) (Small/Grundeman—TLC-O'Laughlin).	LR—7/12/79 T.D. ret'd. to LR for rev.	1
§ 2055(e). LR-259-74	Est. Tax—Part 20—Disallowance of charitable deduction—Extension of time within which to amend governing instruments in order to qualify as a charitable remainder annuity trust, unitrust, or pooled income fund (P.L. 93-483, § 3) (Grundeman/Rock—TLC-O'Laughlin).	LR—12/19/75 Notice pub. 3/30/76 Hrg. held in LR for prep of T.D.	2
§§ 2056(c)(1), 2523(a). LR-211-76	Est. and Gift Taxes—Parts 20 and 25—Increase in limitations on marital deductions (TRA 1976, § 2002 (a), (b), (d)(1), (2)) (Small/Grundeman—TLC-O'Laughlin).	LR—In LR for prep of notice	3
§ 2057. LR-182-76	Est. Tax—Part 20—Deduction for bequests to certain minor children (TRA 1976, § 2007) (Alexander/Smith—TLC-O'Laughlin).	LR—In LR for prep of notice	2
§§ 2518, 2045, 2041(a)(2), 2055(a), 2056, 2504(b). LR-213-76.	Est. & Gift Taxes—Parts 20 & 25—Disclaimers (TRA 1976, § 2009(b)) (RA 1978, § 702(m)) (Kusma/Smith—TLC-Rabinowitz).	TLC—7/31/79 Rev. draft of notice to TLC & T:I 8/8/79 Comments from T:I.	2
§ 2601. LR-2-77	Inc. Tax—Tax on certain generation-skipping transfers—Part 26—Effective date (TRA 1976, § 2006(c)) (Grundeman/Smith—TLC-Gutman).	TLC & T:I—12/22/78 Notice pub. 4/10/79 Hrg. held 8/3/79 Draft of T.D. to TLC & T:I.	1
§§ 2601-2603. LR-178-76	Tax on certain generation-skipping transfers—Part 26—Imposition & amount of, and liability for, tax (TRA 1976, § 2006(a)) (Waltuch/Smith—TLC-O'Laughlin).	LR—In LR for prep notice	3
§§ 2611-2614. LR-205-76	Inc. Tax—Part 26—Tax on certain generation-skipping transfers—Definitions and special rules (TRA 1976, § 2006(a)) (Waltuch/Smith—TLC-O'Laughlin).	LR—8/16/79 Draft of notice ret'd. to LR for rev.	3
§§ 2621, 2622, 2013(g), 691(c), 303(d). LR-202-76.	Inc. Tax—Est. Tax—Tax on certain generation-skipping transfers—Parts 1, 20 & 26—Misc. provisions relating to generation-skipping transfers (TRA 1976, § 2006 (a), (b)) (Waltuch/Smith—TLC-O'Laughlin).	TLC & T:I—5/8/78 Draft of notice to TLC & T:I	3
§§ 2621(c)(1), 2611 LR-197-76	Proc. & Admin.—Part 404—Temp. Regs.-Generation-skipping transfer tax return requirements, etc. (TRA 1976, § 2006(a)), (Waltuch/Smith—TLC-O'Laughlin).	LR—5/8/78 Draft of T.D. to TLC & T:I 9/19/78 Comments from T:I 2/28/79 Comments from TLC.	1
§§ 3121(b)(20), 1402(c)(2)(F), 3401(a)(17), 6050A. LR-279-76.	Empl. Tax—Part 31—Proc. & Admin.—Part 301—Withholding of Federal taxes on certain individuals engaged in fishing (TRA 1976, § 1207(e)) (Schreiner/Coulter).	LR—In LR for prep of notice	2
§ 3121(k). LR-59-77	Empl. Tax-Part 31—Waiver of exemption from soc. sec. tax by tax exempt organizations (Marcinko/Bromell—TLC-Koppelman).	TLC & T:I—5/12/77 Notice pub. 4/12/79 Rev. notice pub. 8/23/79 T.D. fwd. for formal approval.	1
§ 3121(s), LR-36-78	Empl. Tax—Part 31—Employees of members of related groups of corps. (Soc. Sec. Amdmts. of 1977, § 314) (Murphy/Bromell—TLC-Shakow).	TLC & T:I—12/13/78 Notice pub. 4/5/79 Hrg. held 5/31/79 Draft of T.D. to TLC & T:I.	2
§ 3121(t) LR-35-78	Empl. Tax—Part 31—Soc. sec. tax on employers of individuals who receive income from tips (§ 315, Soc. Sec. Amdmts. of 1977) (Murphy/Bromell—TLC-Goodman).	LR—7/25/79 Notice ret'd to LR for revision	2
§ 3401(a)(18) LR-212-78	Empl. Tax—Part 31—Remuneration with respect to which a deduction may be allowable for certain expenses of living abroad (Foreign Earned Income Act of 1978, §§ 207(a), 209(b)) (Dean/Saverude—TLC-Roche).	LR—1/4/79 Notice pub. 8/28/79 Hrg. held	2
§ 3401 (a)-1, (b)LR-74-77	Empl. Tax—Part 31—To modify requirements with respect to sick pay (TRA 1976, § 505)(Marcinko/Coulter—TLC-Koppelman).	TLC & T:I—8/26/79 Notice fwd. for formal approval	2
§ 3402.LR-81-78	Empl. Tax—Part 31—Submission of withholding exemption certificates (Mantle/Saverude—TLC-Koppelman).	TLC & T:I—8/22/79 Notice FWD. for formal approval	2
§ 3402(a). LR-35-76	Empl. Tax—Part 31—Extension of temp. reduction of withholding of income tax at source (§ 5, P.L. 94-164;(a)(1), P.L. 94-331; § 2(a)(1), P.L. 94-396; § 3(a)(1), P.L. 94-414; § 401 (d)(1), (e), P.L. 94-455) (Thompson/Coulter—TLC-Koopelman).	TLC & T—6/5/79 Notice pub. 8/27/79 Draft of T.D. to TLC & T	2
§ 3402(q) LR-264-76	Empl. Tax—Part 31—Withholding on certain gambling winnings (TRA 1976. § 1207(d) (MacMaster/Coulter—TLC-Koppelman).	TLC & T:I— 8/31/79 Rev. draft of notice to TLC & T:I	2
§ 3506. LR-37-78	Empl. Tax—Part 31—Companion sitting placement services (§ 10, Act of Nov. 12, 1977, P.L. 95-171) (Cubeta/Bromell—TLC-Roche).	LR—5/30/79 Notice pub	2

Part I.—*Regulations Under Development in the Legislation and Regulations Division*—Continued

1954 code section and file No.	Subject and draftsman and reviewer	Office in which pending and status	Priority
§ 3507. LR-188-78	Empl. Tax—Part 31—Advance payments of earned income credit (RA 1978, § 105(b)) (Murphy/Saverude—TLC—Goodman).	LR—5/9/79 Notice pub	2
§§ 4041(k), 4081(c). LR-120-79	Exc. Tax—Part 48—Exemption from motor fuels exc. tax for certain alcohol fuels (Energy Tax Act 1978, § 221) (Waltuch/Smith-TLC-Copeland).	LR—6/19/79 Notice pub	1
§§ 4041, 4042, 4054, 4058. LR-2118.	Exc. Tax—Applicable to articles sold on or after 7/1/65 (P.L. 89-44) (Hartley/Saverude—TLC-Copeland).	LR—Notice ret'd. to LR for revision	3
§§ 4061-4063. LR-2119	Exc. Tax—Applicable to motor vehicles sold on or after 7/1/65 (P.L. 89-44) (Small/Saverude—TLC-Copeland).	LR—Notice ret'd. to LR for revision	3
§ 4064. LR-205-78	Exc. Tax—Part 48—Gas guzzler tax (Energy Tax Act 1978, § 201) Murphy/Woo—TLC-Copeland).	TLC—8/10/79 Final draft of notice to TLC & T:I 8/20/79 Approved by T:I	1
§§ 4071-4073. LR-2114	Exc. Tax—Applicable to tires, etc. sold on or after 7/1/65 (P.L. 89-44) (Tolleris/Saverude—TLC-Copeland).	LR—Notice ret'd. to LR for revision	3
§§ 4081-4084, 4091-4092, 4101, 4102. LR-2117.	Exc. Tax—Applicable to gasoline & lubricating oil sold on or after 7/1/65 (P.L. 89-44) (Hartley/Saverude—TLC-Copeland).	LR—Notice ret'd. to LR for revision	3
§§ 4218(a), 4121, 4221(a), 4293, 6416. LR-61-78.	Mfgrs. & Retlrs. Exc. Tax—Part 48—Excise tax on coal (Black Lung Benefits Rev. Act of 1978, § 2) (Waltuch/Smith—TLC-Copeland).	LR—8/27/79 Notice pub	2
§ 4942(e)(2). LR-289-76	Foundation Exc. Tax—Part 53—Blockage and similar factors in valuation of foundation assets (TRA 1976, § 1303) (Dickinson—TLC-Gutman).	LR—In LR for prep of notice	2
§§ 6001-6427, 4161, 4181. LR-2115	Exc. Tax—Part 52—Sporting goods & firearms & admin. provs. of special application to Mfgrs. & Rtlrs. Exc. Tax (Exc. Tax Reduction Act 1965 & other subsequent legislation through Rev. Act 1971) (Kusma/Saverude—TLC-Copeland).	TLC—5/2/75 Rev. draft of notice to TLC & T:I 7/15/76 Comments from T:I	3
§§ 6013 (g), (h), 6401(b), 879, 6073(a). LR-244-76.	Inc. Tax—Part I—Income tax treatment of nonresident alien individuals who are married to citizens or residents of the U.S. (TRA 1976, § 1012; RA 1978, 701(u) (15) & (16)) (Klein/Felton—ITC-Dolan).	Tech—7/14/78 Notice pub. 6/26/79 T.D. fwd. for formal approval	2
§§ 6039A, 6694. LR-195-76	Inc. Tax—Part 1—Proc. & Admin.—Part 301—Information regarding carryover property acquired from a decedent (TRA 1976, § 2005 (d)) (Waltuch/Smith—TLC-Sorensen).	LR—In LR for prep of notice	2
§ 6051. LR-72-79	Empl. Tax—Part 31—To permit employer to defer furnishing Forms W-2 on former employees until Jan. 31 of the year after the year employment terminated (Cubeta/Dickinson—TLC-Roche).	LR—7/2/79 Notice pub	1
§ 6103(p)(7). LR-9-79	Proc. & Admin.—Part 301—Procedures for administrative review of determination that a State or agency thereof has failed to safeguard Federal tax returns or return information (TRA 1976, § 1202(a)(1)) (Tolleris/Coulter).	Tech—8/31/79 Notice fwd. for formal approval	2
§ 6103 (a), (c), (j)(1), (k)(6), (l)(2) & (m). LR-140-77.	Proc. & Admin.—Part 301—Disclosure of return information by IRS officers & employees for investigative purposes (TRA 1976, § 1202(a)) (Dickinson—TLC-Krupsky).	LR—8/13/79 Notice ret'd. to LR for suggested revisions	3
§§ 6154, 6655. LR-140-78	Inc. Tax—Part 1—Payment of estimated tax by corporations (Schreiner/Mantle—TLC-Flynn).	TLC & T:C— 3/29/79 Draft of notice to TLC & T:C for comment	2
§§ 6166, 6166A. LR-210-76	Exc. Tax—Part 20—Proc. & Admin.—Part 301—Deferral and installment payment of estate tax (TRA 1976, § 2004(a) (RA 1978, § 512) (Charnas/Bromell—TLC-Flynn).	LR—In LR for prep of notice	2
§ 6302. LR-10-79	Empl. Tax—Part 31—To change the deposit requirement for withheld income & FICA taxes (Tolleris/Coulter—TLC-Koppelman).	TLC—2/14/79 Draft of notice to TLC & T:I 3/5/79 Comments from T:I	1
§§ 6324A, 2204(c). LR-209-76	Est. Tax—Proc. & Admin.—Parts 20 & 301—Special lien for estate tax deferred under sec. 6166 or 6166A (TRA 1976, § 2004(d)) (Murphy/Bromell—TLC-O'Laughlin).	LR—In LR for prep of notice	2
§ 6324(B). LR-201-76	Est. Tax—Proc. & Admin.—Parts 20 & 301—Special lien for additional estate tax attributable to farm, etc. valuation (TRA 1976, § 2003(b)) (Murphy/Bromell—TLC-O'Laughlin).	LR—In LR for prep of notice	2
§§ 6332, 7401. LR-1891	Proc. & Admin.—Part 301—Enforcement of liens & levies upon a taxpayer's property held by a foreign office of a financial institution engaged in business in the U.S. or a possession of the U.S. (Alexander/Smith—ITC-Kau).	LR—6/27/79 Notice ret'd. to LR for revision	3
§ 6411(d). LR-46-79	Inc. Tax—Part 5—Temp. Regs.—Application for tentative refund of tax under claim of right (RA 1978, § 504) (Mull/Whedbee-TLC-Levenson).	TLC—7/31/79 Draft of notice to TLC & Tech 8/24/79 Comments from T	3
§§ 6420, 6427. LR-15-79	Exc. Tax—Part 140—Temp. Regs.—Refunds to be made to aerial applicators in certain cases (P.L. 95-458, § 3) (Hartley/Smith—TLC-Copeland).	TLC & T:I—8/29/79 T.D. fwd. for formal approval	1
§§ 6601(j), 6161 (a), (b), 6163(b), 6503(d), 7403(a), 2011 (c)(2), 2204 (a), (b). LR-198-76.	Est. Tax—Proc. & Admin.—Parts 20 & 301—Misc. Procedural amendments relating to estate tax (TRA 1976, § 2004 (b), (c), (f); RA 1978, § 702(p)) (Coughlin/Bromell).	LR—In LR for prep of notice	3
§ 7216. LR-121-74	Inc. Tax—Part 1—To provide that the penalty under sec. 7216 (a) shall not apply in the case of certain conflicts of interest (/Saverude—TLC-Flynn).	LR—12/12/74 Notice pub	2
§ 7502. LR-1406	Proc. & Admin.—Part 301—Amdmt. of regs. relating to the timely mailing of deposits (P.L. 90-364, § 106) (Lanning/Fischer—TLC-Levinson).	TLC & T:I—8/30/79 Rev. final draft of notice to TLC & T:I	3

Part I.—*Regulations Under Development in the Legislation and Regulations Division*—Continued

1954 code section and file No.	Subject and draftsman and reviewer	Office in which pending and status	Priority
§§ 7517, 2031(c), 2616(c), 6075(b). LR-215-76.	Est. Tax—Gift Tax—Proc. & Admin.—Parts 20, 25, 301—Furnishing on request of statement explaining estate or gift valuation and filing of gift tax returns (TRA 1976, § 2008 (a), (b)) (Waltuch/Smith—TLC-O'Laughlin).	TLC & T:I—8/22/79 Notice fwd. for formal approval	3
§§ 7609, 7610. LR-164-76	Proc. & Admin.—Part 301—Administrative summons (TRA 1976, § 1205) (Rood/Fischer—TLC-Levinson).	TLC—7/12/79 Notice fwd. for formal approval 7/30/79 Approved by Tech	3
§ 7701-2. LR-232-78	Proc. & Admin.—Part 301—Classification of entities organized under Uniform Limited Partnership Act, Rev. Act 1976 (Francis/Bromell—TLC-Levinson/Koppelman).	T:I—8/27/79 Rev. draft of notice to T:I	2
LR-149-75	Inc. Tax—Part 3—Maritime Capital Construction Fund (P.L. 91-469, § 601, Merchant Marine Act, 1936) (Rood/Fischer—TLC-Krupsky).	LR—1/29/76 Notice pub. 7/7/76 Hrg. held In LR for prep of T.D	2
LR-285-74	Treatment of taxation of currency, gains and losses (Horowitz/Felton—ITC-Langbein).	LR—In LR for prep of notice	2
LR-71-78	Exc. Tax—Parts 16 & 17—(1939 Code) Vinson Act—Amdmt. of T.D. 4906 & T.D. 4909—Recovery of excessive profits on Government contracts (Hartley/Smith—TLC-Brown).	Commr.—8/16/79 Notice to Commr. for formal approval	2
LR-12-79	Proc. & Admin.—Part 301—Establishment of Offshore Oil Pollution Compensation Fund (P.L. 95-372, § 302 (Sept. 18, 1978)) (Kusma/Smith—TLC-Copeland/Shakow).	LR—7/20/79 Notice pub	2

Part II.—*Regulations Under Development by the Employee PLans and Exempt Organizations Division*

1954 code section and file No.	Subject and drafter and reviewer	Office in which pending and status	Priority
§ 46. EE-1-78	Inc. Tax—Part 1—Employee stock ownership plan requirements for obtaining up to additional ½% investment credit (TRA 1976, § 803(d) (Horowitz/Marget—TLC-Melton).	EE—8/17/79 Notice pub.	1
§§ 46, 401(a). EE-4-78	Inc. Tax—Part 1—Misc. provisions relating to employee stock ownership plans (TRA 1976, § 803(b) (2), (3), (c) & (d)) (Horowitz/Thrasher—TLC-Melton).	EE—1/19/79 Notice pub. 6/28/79 Hearing held	1
§ 105(h). EE-167-78	Inc. Tax—Part 1—Medical expense reimbursement plans (P.L. 95-600, § 366) (Cobb/Wickersham—TLC-Melton & Sorensen).	EE—In EE for prep. of notice	2
§§ 120, 501(c)(20). EE-5-78	Inc. Tax—Part 1—Prepaid legal expenses (TRA 1976, § 2134) (Johnson-McGovern—TLC-Krupsky).	EE—6/22/78 Draft of notice to TLC & EO 7/24/78 Comments rec'd from EO 7/26/79 Comments rec'd from TLC.	2
§ 120(c)(4). EE-34-78	Inc. Tax—Part 1—Notification to Secretary that a plan is applying for recognition as a qualified group legal services plan (TRA 1976, § 2134) (Johnson/McGovern—TLC-Krupsky).	EE—7/14/78 Notice pub. 10/13/78 Prelim. draft of prop. T.D. fwd for informal approval to TLC & EO 10/13/78 Comments fm EO 6/7/79 Comments fm TLC.	1
§ 125. EE-16-79	Inc. Tax—Part 1—Tax Treatment of Cafeteria Plans (Rev. Act of '78 § 134) (Beker/Thrasher—TLC-Sorensen).	EE—In EE for prep of notice	3
§§ 127, 3121(a)(18), 3401(a)(18), 3306(b)(13). EE-178-78.	Inc. Tax—Part 1—Educational Assistance Programs (Rev. Act of '78 § 164) (Kerby/McGovern—TLC-Roche).	EE—In EE for prep. of notice	2
§§ 219, 220, 408, 409, 4973, 4974. EE-7-78.	Inc. Tax—Part 1—Retirement Income Plan Excise Taxes—Part 54, Retirement accounts for certain married individuals and Individual Retirement Account Technical Changes (TRA 1976, §§ 1501, 1503, Rev. Act of '78, §§ 156, 157) (Gibbs/Wickersham—TLC-Melton).	EE—In EE for prep of notice	2
§§ 263, 404, etc. EE-56-78	Inc. Tax—Part 1—Capitalization of pension costs and other indirect costs attributable to self-constructed assets (*Comm. v. Idaho Power Co.* 418 U.S. 1 (1974)) (Horowitz/Marget—TLC-Krupsky).	TLC—5/10/79 Prelim. draft of notice to TLC, T:C & E 5/24/79 Comments rec'd fm T:C & E.	1
§§ 401(a), 501(a). EE-39-78	Inc. Tax—Part 1—Treatment of Puerto Rican income retirement plans (P.L. 93-406, § 1022(i)) (Sumter/Thrasher—ITC-Langbein).	ITC & E—8/31/79 rev. prelim. draft of notice to ITC & E	1
§ 401(a)(5). EE-8-78	Inc. Tax—Part 1—Comparability of plans for vesting (ERISA, § 1012(b)) (Hennessy/Wickersham—TLC-Melton.	EE—In EE for revision of prelim. draft of notice	3
§ 401(a)(18), (j). EE-29-78	Inc. Tax—Part 1—Defined benefit plans for H.R. 10 & Subch. S corps. (P.L. 93-406, § 2001(d)) (Hennessy/Wickersham—TLC-Sorensen).	TLC & E—5/26/78 Notice pub. 10/4/78 Hearing held 6/28/78 Prelim. draft of T.D. to TLC & E.	1
§ 401-4(c). EE-11-78	Inc. Tax—Part 1—To conform the "High 25 employee rule" to sec. 4022 of ERISA, "guaranteed benefits" (Schlinkert/Wickersham—TLC-Sorensen).	TLC—7/13/79 Prelim. draft of notice to TLC & E 8/16/79 Comments fm E	1
§§ 401(k), 402(a)(8). EE-169-78	Inc. Tax—Part 1—Certain cash or deferred arrangements (Rev. Act of '78, § 135) (Schlinkert/Wickersham—TLC-Melton & Sorensen).	EE—In EE for prep of notice	2
§§ 402(a)(2), 402(e), 403(a)(2)(A)(iii). EE-14-78.	Inc. Tax—Part 1—Treatment of certain lump sum distributions (P.L. 93-406, § 2005) (Johnson/Wickersham—TLC-Melton).	EE—4/30/75 Notice pub. 8/12/75 Hrg. held 11/23/77 Rev. draft of T.D. to TLC & E 6/8/79 Comments rec'd fm TLC & E.	2
§§ 402(a) (5), (6), (7), 401(a)(20), 403(a)(4), (a)(5), (b)(1), (b)(8), 404(a)(2), 805(d)(1)(c). EE-15-78.	Inc. Tax—Part 1, Tax-free rollovers of lump sum distributions and plan termination payments. (P.L. 94-267; P.L. 95-458, § 4; Rev. Act '78, §§ 156 (a), (b), 157 (f), (g), (h), (1)) (Johnson/Wickersham—TLC-Melton).	TLC & E—7/17/79 Rev'd prelim. draft of notice to TLC & E	2
§ 402(e)(4)(L). EE-16-78	Inc. Tax—Part 1—Lump sum distributions from qualified pension, etc. plans (TRA 1976, § 1512) (Johnson/Wickersham—TLC-Melton).	EE—5/31/79 Notice pub	3

Part II.—*Regulations Under Development by the Employee PLans and Exempt Organizations Division*—Continued

1954 code section and file No.	Subject and drafter and reviewer	Office in which pending and status	Priority
§ 403(b)(7). EE-17-78	Inc. Tax—Part 1—Taxability of beneficiary under annuity purchased by sec. 501 (c) organization or public school (P.L. 93-406, § 1022 (e); TRA 1976, § 1504) (Hartley/Thrasher—TLC-Melton.	TLC—2/10/78 Notice pub. 2/13/79 Prelim. draft of partial rev. notice to TLC & EO 5/16/79 Comments fm EP.	2
§§ 404(a)(1), (3)(A), (6), (7)(g), 413(b)(7), (c)(6). EE-33-78.	Inc. Tax—Part 1—Deduction limitation (P.L. 93-406, §§ 1014, 1013 (c)(1), (2), (3), 204(b), 4081(a)); TRA 1975 (P.L. 94-12) § 402 amending 1964 Code § 404(a)(6)) (Rogan/Marget—TLC-Sorensen.	TLC & E—5/19/78 Notice pub. 4/2/79 Prelim. draft of T.D. to TLC & E	2
§§ 408, 409, 219, 4973, 4974, 62. EE-18-78.	Inc. Tax—Part 1—Individual retirement accounts, annuities, & retirement bonds (P.L. 93-406, § 2002) (Gibbs/Wickersham—TLC-Sorensen).	EE, TLC—2/21/75 Notice pub. 11/19/75 Supplemental notice pub. 3/23/79 Partial rev. notice pub. 7/10/79 2nd prelim. draft of T.D. (not act. part.) to TLC & E 7/19/79 Hrg held on partial rev. notice 8/28/79 comments fm E.	2
§§ 408(j)(k)(l), 219(b)(7), 404(h). EE-168-78.	Inc. Tax—Part 1—Simplified employee pensions (Rev. Act of '78, § 152) (Gibbs/Wickersham—TLC-Melton).	EE—In EE for prep of notice	1
§ 410. EE-20-78	Inc. Tax—Part 1—Coverage & eligibility rules for minimum participation standards (ERISA, § 1011) (Cobb/Wickersham-TLC-Sorensen).	EE—4/20/79 Notice pub. In EE for prep. of T.D.	1
§ 411, 410. EE-4-79	Inc. Tax—Part 1—Elapsed time rules for minimum vesting and participation requirements. (ERISA, § 1012(a), 1011) (Maldonado/Wickersham-TLC-Melton).	TLC & E-12/28/76 Notice Pub. by Dept. of Labor 7/26/79 Prelim. draft of T.D. to TLC & E.	2
§ 411(d)(1). EE-164-78	Inc. Tax—Part 1—Coordination of vesting and non-discrimination requirements for qualified plans (ERISA § 1012(a)) (Maldonado/Wickersham-TLC-Melton).	EE—7/10/79 Prelim. draft of notice to TLC & E 8/16/79 Comments fm TLC & e	2
§ 412. EE-32-78	Inc. Tax—Part 1—Alternative amortization method of funding (P.L. 93-406, § 1013(d)) (Greenblatt/Marget-TLC-Sorensen).	Commr.—8/23/79 Notice to Commr. for signature	1
§ 412(b)(3). EE-101-78	Inc. Tax—Part 1—Credits to funding standard account (ERISA, § 1013(a) (Rogan/Marget-TLC-Sorensen).	EE—12/29/78 Notice pub. Hearing will be scheduled to coincide with Hearing on EE-150-78.	1
§§ 412, 413(b), (5), (c)(4). EE-99-78.	Inc. Tax—Part 1—Funding for qualified plans (ERISA, §§ 1013(a), (1014)) (Rogan/Marget-TLC-Sorensen).	EE—In EE for prep of notice	1
§ 412(c)(1). EE-100-78	Inc. Tax—Part 1—Determinations to be made under funding method (ERISA, § 1013(a)) (Rogan/Marget-TLC-Sorensen).	TLC & E—8/4/77 Notice pub. 5/14/79 Prelim. draft of T.D. to TLC &E	1
§ 412(c)(2). EE-102-78	Inc. Tax—Part 1—General rules for valuation of assets (ERISA, § 1013(a)) (Rogan/Marget—TLC-Sorensen).	TLC & E—8/25/78 Notice pub. 1/11/79 Hearing held 7/27/79 Prelim. draft of T.D. to TLC & E.	1
§ 412(c)(3). EE-150-78	Inc. Tax—Part 1—Reasonable actuarial methods (ERISA, § 1013(a), 3(31) (Rogan/Marget—TLC-Sorensen).	Treas.—4/10/79 Notice signed by Commr.	2
§ 412(i). EE-21-78	Inc. Tax—Part 1—Treatment of certain individual & group insurance contract plans under minimum funding standards (P.L. 93-406, § 1013(a)) (/ Wickersham—TLC-Sorensen).	E—2/6/75 Notice pub. 5/1/75 Draft of T.D. to TLC & E 5/4/79 Comments fm TLC	2
§ 413 (a), (b), (b)(2), (b)(3), (b)(8), (c), & (c)(2). EE-30-78.	Inc. Tax—Part 1—Discrimination & employees of labor unions, collectively bargained plans, exclusive benefit, & plans maintained by more than one employer (P.L. 93-406, § 1014) (Cobb/Wickersham—TLC-Melton).	Commr.—8/29/78 Notice pub. 1/18/79 Hrg. held 7/17/79 T.D. to Comm. for sig.	2
§ 414(a). EE-22-78	Inc. Tax—Part 1—Definitions and special rules; Service for predecessor (P.L. 93-406, § 1015) (Misher/Wickersham).	EE—In EE for prep of notice	2
§ 414(k)(2). EE-23-78	Inc. Tax—Part 1—Rules relating to certain plans (P.L. 93-406, § 1015) (Glass/Thrasher).	EE—In EE for prep of notice	2
§ 415. EE-24-78	Inc. Tax—Part 1—Limitation on contribution and benefits (P.L. 93-406, § 2004) (Misher/Wickersham—TLC-Melton).	TLC & E—8/21/79 Rev. draft of notice to TLC & E	1
§ 457. EE-176-78	Inc. Tax—Part 1—Deferred compensation plans of State and Local Governments (Rev. Act. '78, § 131) (Kamikawa/McGovern—TLC-Melton).	TLC & E—6/18/79 Prelim draft of notice to TLC & E	2
§ 501(c)(3). EE-42-78	Inc. Tax—Part 1—Exemption from tax of certain charitable, etc., orgs. (Sumter/Thrasher—TLC-Sims).	CC	3
§§ 501(c)(3), 170(c)(2)(B), 2055(a), 2522(a)). EE-53-79.	Inc. Tax—Part 1, Estate Tax—Part 20, Gift Tax—Part 25, Exemption of certain amateur athletic organizations from tax (Tax Reform Act of '76, § 1313) (Glass/Thrasher—TLC-Sims).	EE—5/10/79 Notice pub. under LR-172-76 10/9/79 Hrg to be held	3
§ 501(c)(7) & (g). EE-43-78	Inc. Tax—Part 1—Tax treatment of certain social clubs & prohibition of discrimination by certain social clubs (P.L. 94-568) (Sumter/Thrasher).	TLC & E—8/30/79 Prelim. draft of notice to TLC & E	2
§ 501(c)(9). EE-153-78	Inc. Tax—Part 1—Voluntary employees beneficiary associations (as amended by sec. 121(b)(5)(a) TRA 1969) (Greenblatt/Thrasher—TLC-Sims).	TLC—1/23/69 Notice pub. 4/1/69 Hrg. held 10/26/77 Draft of rev. notice to TLC & EO 11/77 Comments fm EO.	1
§ 501(c)(12). EE-145-78	Inc. Tax—Part 1—Taxation of Mutual or Cooperative Telephone Companies (P.L. 95-345, § 1) (Kamikawa/McGovern—TLC-Sims).	E—8/22/79 T.D. fwd for formal approval	3
§ 501(c)(13), (c)(2). EE-171-78	Inc. Tax—Part 1—Exempt cemetery corporations and exempt crematoria—Exempt title holding corporations (P.L. 91-616) (Beker/Thrasher—TLC-Sims).	EE—7/8/75 Notice pub. 11/29/78 Rev. notice pub. 3/29/79 Hrg. held 5/3/79 Prelim. draft of T.D. to TLC & E 7/13/79 Comments fm E 8/20/79 Comments fm TLC.	3
§ 501(c)(21), 4951, 4952. EE-170-78.	Inc. Tax—Part 1—Excise Tax—Part 53—Black Lung benefits trusts (§ 4 (a), (c), Black Lung Benefits Revenue Act of 1977) (Baker/Marget—TLC-Copeland).	Treas.—11/29/78 Notice pub. 7/19/79 T.D. signed by Commr	1
§ 501(e) EE-44-78	Inc. Tax—Part 1—Amdmt. of regs. to reflect the grant of tax exempt status to certain Hospital Service Orgs. (P.L. 9-364, § 109) (Beker/Thrasher—TLC-Sims).	TLC—8/31/78 Prelim. draft of notice to TLC & EPEO 10/6/78 Comments rec'd from EPEO.	3
§ 501(h), 504, 4911, 170(f). EE-154-78.	Inc. Tax—Part 1—Lobbying by public charities (TRA 1976, § 1307(a), (b) (Baker/McGovern—TLC-Sims).	E—6/21/79 Prelim. draft of notice to TLC & E 7/24/79 Comments fm TLC	1

Part II.—*Regulations Under Development by the Employee PLans and Exempt Organizations Division*—Continued

1954 code section and file No.	Subject and drafter and reviewer	Office in which pending and status	Priority
§ 509(a)(2). EE-45-78	Inc. Tax—Part 1—Definition of a private foundation (P.L. 94-81, § 3) (Sumter/Trasher—TLC-O'Laughlin).	EE-7/24/79 Notice pub	3
§§ 512, 514, 851, 4940 EE-146-78.	Inc. Tax—Part 1—Excise Tax—Part 53, Treatment of income from payments with respect to securities loans (P.L. 95-345, § 2) (Kerby/McGovern).	EE—In EE for prep of notice	3
§ 513(d). EE-155-78	Inc. Tax—Part 1—Activities of trade shows and state fairs (TRA 1976 § 1305) (Horowitz/Thrasher—TLC-Sims).	E— 7/26/79 2nd prelim. draft of notice to TLC & E 8/10/79 Comments fm TLC	1
§ 513(e). EE-46-78	Inc. Tax—Part 1—Hospital services not to constitute an unrelated trade or business (TRA 1976, § 1311) (Kerby/McGovern—TLC-Sims).	TLC— 3/27/79 Prelim. draft of notice to TLC & EO 4/9/79 Comments fm EO	2
§ 513(f), 527(c)(3)(d). EE-180-78	Inc. Tax—Part 1—Proceeds from bingo games (P.L. 95-502, § 301) (Kerby/McGovern—TLC-Sims).	EE— 8/28/79 Notice pub	3
§§ 1379, 62. EE-35-78	Inc. Tax—Part 1—Qualified pension, etc. plans of small business corps. (§ 531, TRA 1969) (Stein/McGovern—TLC-Sorensen).	TLC—5/6/72 Notice pub. 7/24/72 Conference held 4/25/79 Prelim. draft of T.D. to TLC & E, 6/13/79 Comments fm E.	3
§§ 2039(c), (e), 2517. EE-25-78	Est. & Gift Tax—Parts 20 & 25-Exclusion of certain retirement benefits from gross estate (TRA 1976, § 2009 (c), Rev, Act 1978, § 142) (Johnson/Wickersham-TLC-Sorensen).	EE—3/2/79 Notice pub. In EE for prep. of T.D	3
§ 4941. EE-163-78	Foundation Excise Tax—Part 53—Disposition of private property under transitions rules of TRA 1969, Extension of self-dealing transition rules for private foundations (TRA of 1976, § 1301, 1309) (Glass/Thrasher-TLC-O'Loughlin).	EE—8/31/79 Notice pub	3
§ 4942(g)(2). EE-156-78	Foundation Excise Tax—Part 53—Private foundation set-asides (TRA 1976 § 1302) (Kerby/McGovern—TLC-O'Laughlin).	TLC & E—7/10/79 Rev. draft of notice to TLC & E	3
§ 4942(j)(6). EE-2-79	Foundation Excise Tax—Part 53—Certain elderly care facilities (Rev. Act of '78 § 522) (Dubar/McGovern—TLC-O'Laughlin).	TLC & E—7/12/79 Prelim. draft of notice to TLC & E	3
§ 4943. EE-162-78	Foundation Excise Tax—Part 53, Taxes on excess business holdings of private foundations—Effect of reorganizations and corporate distributions (Hennessy/Wickersham-TLC-Levinson).	EE—5/22/79 Notice pub. 8/16/79 Partial rev. notice pub. 9/6/79 Hrg to be held	1
§§ 4971, 275(a)(6), 413(b)(6), (c)(5). EE-36-78.	Inc. Tax—Part 1—Exc. Tax—Part 54—Funding; Collectively bargained plans; excise tax & related conforming amdmts. (P.L. 93-406, §§ 1013(b), 1014, 1016(a)(1)) (Rogan/Marget—TLC-Melton & Sorensen).	TLC & E—6/18/79 Prelim. draft of notice to TLC & E	1
§§ 4972, 401(a)(10)(A)(ii), 401(c)(2), (d)(3), (d)(4), 1379(b). EE-37-78.	Inc. Tax—Part 1—Exc. Tax—Part 54—H.R. 10 plans, excess contributions and premature distributions (P.L. 93-406, §§ 1022(b), 2001 (b), (e), (f), (h)(1)) (Maldonado/Wickersham—TLC-Sorensen).	TLC & E—3/29/79 Notice pub. 8/16/79 Prelim. draft of T.D. to TLC & E	2
§§ 6059, 6692. EE-27-78	Proc. & Admin.—Part 301—Periodic report of actuaries; and failure to file actuarial report (P.L. 93-406, § 1033) (Johnson/McGovern—TLC-Sorensen).	TLC & E—12/6/78 Draft of notice to TLC & E	3
§ 6104. EE-160-78	Proc. & Admin.—Part 301—Procedures used for making returns filed by exempt organizations available for public inspection (Hennessy/Wickersham—TLC-Sims).	EE—In EE for prep of T.D	3
§ 6104(a). EE-28-78	Proc. & Admin.—Part 301—Inspection of certain information with respect to pensions, profit-sharing, & stock bonus plans (P.L. 93-406, § 1022(g)) (Johnson/McGovern—TLC-Sorensen).	E—8/22/77 Rev. draft of notice to TLC & E 8/31/77 Comments from E—3/31/79 Two issues awaiting resolution with E.	2
§ 6211. EE-159-78	Proc. & Admin.—Part 301—Deficiency procedures, etc. relating to excise taxes imposed by Chapters 42 and 43 (Schlinkert/Wickersham—TLC-O'Laughlin).	EO—7/18/79 Prelim. draft of notice to EO	3
§ 6693, etc. EE-19-78	Inc. Tax—Part 1—Reporting requirements, penalties & conforming amdmts. re individual retirement accounts (ERISA, §§ 2002 (f), (g) (exc. (g)(5)) (Maldonado/Wickersham—TLC-Melton).	EE—8/20/79 Notice pub	3

Part III—*Regulation Projects Under Which Existing Regulations Are To Be Reviewed Pursuant to Paragraph 12 of Treasury Directive 50-04.F*

1954 code section and file No.	Subject and draftsman and reviewer	Office in which pending and status	Priority
§§ 3, 4, 144. LR-249-76	Inc. Tax—Part 1—Tax tables for individuals (§§ 206, 301 (b), (c), Rev. Act 1971; § 501, TRA 1976) (Coughlin/Saverude—TLC).	LR—In LR for prep of notice	2
§§ 11, 21. LR-33-76	Inc. Tax—Part 1—Corporate tax rates & surtax exemptions (Rev. Adj. Act 1975, § 4) (TRA 1976, § 901 (a), (e)(2)) (Murphy/Saverude).	LR—In LR for prep of notice	2
§ 37. LR-250-76	Inc. Tax—Part 1—Credit for the elderly (TRA 1976, §§ 503, 1901(c)(1) (Francis/Bromell—TLC-Flynn).	Commr.—8/17/79 Notice to Commr. for formal approval	2
§§ 104 (a) & (b), 105(d). LR-159-76.	Inc. Tax—Part 1—Changes in exclusion for sick pay & certain military etc., disability pensions; Certain disability income (TRA 1976, § 505; TR&SA, § 301) (Parcell/Fischer—TLC-Flynn).	TLC & T:I—5/15/79 Draft of notice to TLC, T:I, & E—8/19/79 Comments from E	2
§ 303. LR-124-76	Inc. Tax—Part 1—Distributions in redemption of stock to pay death taxes (TRA 1976, § 2004(e)) (Kissel/Blumkin—TLC-Levinson).	TLC—3/3/77 Draft of notice to TLC & T:C 5/17/77 Approved by T:C	2
§§ 368(a)(2)(F), 721, 722, 723, 683. LR-135-76.	Inc. Tax—Part 1—Exchange funds (TRA 1976, § 2131) (Mull/Blumkin—TLC-Rabinowitz).	LR—8/17/79 Draft of notice ret'd. to LR for rev.	1
§§ 512(a)(3), 501(c) (7), (9). LR-1744.	Inc. Tax—Part 1—Social clubs—Unrelated business income (TRA 1969, § 121(b)(1)) (Jacobson/Fischer—TLC-Sims).	EO—5/13/71 Notice pub. 8/31/71 Hrg. held 6/20/79 T.D. fwd. for formal approval	2

Part III—*Regulation Projects Under Which Existing Regulations Are To Be Reviewed Pursuant to Paragraph 12 of Treasury Directive 50-04.F*—Continued

1954 code section and file No.	Subject and draftsman and reviewer	Office in which pending and status	Priority
§§ 584 (a)(1), (c)(1) (A) & (B), (c)(2), (e), 6032. LR-133-76.	Inc. Tax—Part 1—Tax treatment of common trust funds (P.L.'s 94-414, § 1; 94-455; TRA 1976, §§ 2138(a), 1402(b), 1901(b), 2131(d)) (Schreiner/Coulter—TLC-Sims).	TLC—6/25/79 Notice fwd. for formal approval 7/30/79 Approved by T:I Awaiting approval by TLC.	2
§§ 856-860, 172 (b), (d), 316(b), 381(c)(25), 443(e)(5), 4981, 6161(b), 6211-6213(a), 6214, 6344(a), 6422, 6503(f), 6512, 6515, 6601(c), 6697, 7422. LR-218-76.	Inc. Tax—Part 1—Real Estate Investment trusts (TRA 1976, §§ 1601-1608, 1901 (a), (b), 1906 (a), (f)) (P.L. 93-625, § 6) (Whedbee/Blumkin—TLC-Levinson).	TLC—7/7/78 Notice pub. 12/20/78 Hrg. held 5/14/79 Draft of T.D. to TLC & T:FP 6/25/79 Comments from T.	2
§§ 902, 78, 960, 535(b)(1), 545(b)(1), LR-229-76.	Inc. Tax—Part 1—Dividends from less developed country corps. to be grossed up for purposes of foreign tax credit (TRA 1976, § 1033) (Renfroe/Felton—ITC-Dolan).	ITC & Tech—12/29/78 Notice pub. 6/28/79 T.D. fwd. for formal approval	3
§ 904(b) (2) & (3). LR-228-76	Inc. Tax—Part 1—Limitation on, and treatment of, capital gains for purposes of foreign tax credit (TRA 1976, §§ 1031, 1034; RA 1978, §§ 403(c)(4), 701(u) (2) & (3)) (Feldman/Felton—ITC-Kau).	LR—In LR for prep of notice	2
§ 904(e). LR-11-77	Inc. Tax—Part 1—Transitional rules for carrybacks & carryovers of foreign tax credits as a result of repeal of per-country limitation by sec. 1031(a), TRA 1976 (Renfroe/Felton—ITC-Kau).	LR—In LR for prep of notice	2
§ 995. LR-246-76	Inc. Tax—Part 1—Amdmts. affecting DISC pertaining to military sales & incremental export gross receipts (TRA 1976, § 1101 (a), (g) (1) & (5)) (Feldman/Felton—ITC-Langbein).	ITC & T:C—7/27/79 Rev. draft of notice to ITC & T:C	2
§ 1234. LR-274-76	Inc. Tax—Part 1—Tax treatment of the grantor of options of stock, securities & commodities (TRA 1976, §§ 1236, 1402(b)(1)(U)) (Marcinko/Coulter—TLC-Rabinovitz).	Commr.—4/19/79 Notice pub. 8/23/79 T.D. to Commr. for formal approval	2
§ 1250. LR-131-76	Inc. Tax—Part 1—Recapture of depreciation on real property (TRA 1976, §§ 202, 1901(b), 1951(e), 2122(b), 2124(a)) (Marcinko/Rock).	LR—In LR for prep of notice	3
§ 1348. LR-156-76	Inc. Tax—Part 1—Maximum tax on personal service income (TRA 1976, § 302) (Lanning/Dickinson—TLC-O'Laughlin).	LR—5/10/77 Notice ret'd. to LR for revision	2
§§ 1491, 1057. LR-236-76	Inc. Tax—Part 1—Excise tax on transfers of property to foreign persons to avoid the Federal income tax (TRA 1976, § 1015) (Klein/Felton—ITC-Langbein).	ITC—9/9/77 Rev. draft of notice to ITC & T:C 7/25/78 Comments from T:C	1
§§ 4041, 4042, 4054, 4058. LR-2118.	Exc. Tax—Applicable to articles sold on or after 7/1/65 (P.L. 89-44) (Hartley/Saverude—TLC-Copeland).	LR—Notice ret'd. to LR for revision	3
§§ 4061-4063. LR-2119	Exc. Tax—Applicable to motor vehicles sold on or after 7/1/65 (P.L. 89-44) (Small/Saverude—TLC-Copeland).	LR—Notice ret'd. to LR for revision	3
§§ 4071-4073. LR-2114	Exc. Tax—Applicable to tires, etc. sold on or after 7/1/65 (P.L. 89-44) (Tolleris/Saverude—TLC-Copeland).	LR—Notice ret'd. to LR for revision	3
§§ 4081-4084, 4091-4092, 4101, 4102. LR-2117.	Exc. Tax—Applicable to gasoline & lubricating oil sold on or after 7/1/65 (P.L. 89-44) (Hartley/Saverude—TLC-Copeland).	LR—Notice ret'd. to LR for revision	3
§ 7502. LR-1406	Proc. & Admin.—Part 301—Amdmt. of regs. relating to the timely mailing of deposits (P.L. 90-364, § 106) (Lanning/Fischer—TLC-Levinson).	TLC & T:I—8/30/79 Rev. final draft of notice to TLC & T:I	3

Part IV.—*Regulations Projects Closed Since February 28, 1979*

1954 code section and file No.	Subject and drafter and reviewer	Disposition
§§ 41, 218. LR-2045	Inc. Tax—Part 1—Incentives for contributions to candidates for public office (RA 1971, §§ 701, 702; P.L. 93-625, §§ 11, 12) (Katcher/Rood—TLC-Cohen).	T.D. published in FR on 3/27/79.
§§ 44A, 214. LR-251-76	Inc. Tax—Part 1—Credit for child care expenses (TRA 1976, § 504) (Woo/Saverude—TLC-Schuldinger).	T.D. published in FR on 8/28/79.
§§ 44B, 51. LR-11-79	Inc. Tax—Part 5—Temp. Regs.—Election to claim the targeted jobs credit (RA 1978, § 321) (Charnas/Woo—TLC-Flynn).	T.D. published in FR on 4/2/79.
§ 46(f). LR-1992	Inc. Tax—Part 1—Investment credit; Public utility property (RA 1971, § 105) (Lanning/Blumkin—TLC-Drapkin).	T.D. published in FR on 3/23/79.
§ 48(k). LR-154-76	Inc. Tax—Part 1—Investment credit for movie & TV films (§ 804, TRA 1976) (Axelrod/Blumkin—TLC-Cohen).	T.D. published in FR on 4/5/79.
§ 79. LR-1-77	Inc. Tax—Part 1—Group term life insurance (Parcell/Rood—TLC-O'Laughlin)	T.D. published in FR on 5/17/69.
§ 103. LR-14-76	Inc. Tax—Part 1—Exclusion from income of interest on obligations issued to provide certain irrigation facilities (Rev. Adj. Act 1975, § 7) (Tolleris/Coulter—TLC/Drapkin).	Project closed without regulations on 3/20/79.
§ 103(d). LR-1671	Inc. Tax—Part 1—Arbitrage bonds (TRA 1969, § 601) (Marcinko/Coulter—TLC-Cohen)	T.D. published in FR on 6/7/79.
§ 121 (b), (c), (d). LR-17-79	Inc. Tax—Part 1—Exclusion of $100,000 gain from sale of personal residence (RA 1978, § 404) (Small/Smith—TLC-Flynn).	T.D. published in FR on 4/27/79.
§ 152. LR-224-76	Inc. Tax—Part 1—Support test for dependent children of divorced, etc. parents (TRA 1976, §§ 1901, 2139) (Alexander/Fischer—TLC-O'Laughlin).	T.D. published in FR on 8/20/79.
§ 167(k). LR-141-76	Inc. Tax—Part 1—Depreciation of expenditures to rehabilitate low-income rental housing (TRA 1976, § 203) (Whedbee/Blumkin—TLC-Cohen).	T.D. published in FR on 8/23/79.
§ 188. LR-2004	Inc. Tax—Part 1—Amortization of certain expenditures for on-the-job training and child care facilities (RA 1971, § 303 TR&SA 1977, § 402) (Coplan/Smith—TLC-Galm).	T.D. published in FR on 3/13/79.
§ 190. LR-257-76	Inc. Tax—Part 1—Deduction for eliminating certain barriers for the handicapped (TRA 1976, § 2122) (Counter/Bromell—TLC-Schuldinger).	T.D. published in FR on 7/24/79.
§ 217 (b) (3), (c) (1). LR-258-76	Inc. Tax—Part 1—Increases in dollar amounts and decrease in mileage test for deductions for moving expenses (TRA 1976, § 506 (a), (b)) (Coughlin/Coulter—TLC-Galm).	T.D. published in FR on 3/30/79.
§ 265. LR-152-76	Inc. Tax—Part 1—Disallowance of deductions relating to exempt-interest dividends of regulated investment companies (TRA 1976, §§ 2137(e), 1901(a)) (Kissel/Blumkin—TLC-Galm).	T.D. published in FR on 3/16/79.

Part IV.—*Regulations Projects Closed Since February 28, 1979*—Continued

1954 code section and file No.	Subject and drafter and reviewer	Disposition
§§ 351, 354, 356, 358, 374. LR-66-76	Inc. Tax—Part 1—Tax treatment of exchanges under the Final System Plan for Con Rail (P.L. 94-253) (Levine/Blumkin—TLC-Cohen).	T.D. published in FR on 5/3/79.
§§ 381(c)(17), 547. LR-225-78	Inc. Tax—Part 1—Deficiency dividends (Mull/Whedbee—TLC-Sims)	T.D. published in FR on 3/29/79.
§§ 401(a)(12), 414(l). EE-9-78	Inc. Tax—Part 1—Special rules with respect to mergers & consolidations (ERISA, §§ 1021(b), 1015 (in Part)) Misher/Marget—TLC-Sorensen.	T.D. published in FR on 8/17/79.
§§ 401(a)(17), (d)(5), (d)(8), 46(a)(3), 50A(a)(3), 72(m), 401(e), 404(a)(9), (a)(10), 901(a). EE-10-78.	Inc. Tax—Part 1—H.R. 10 plan limitations & premature distributions (P.L. 93-406, §§ 1022(b), 2001 (a), (b), (c)) (Maldonado/Wickersham—TLC-Melton).	T.D. published in FR on 8/9/79.
§ 401(d). EE-12-78	Inc. Tax—Part 1—Trusts benefiting owner-employee (P.L. 93-406, § 1022 (c), (f)) (Baker/McGovern—TLC-Sorensen).	T.D. published in FR on 4/20/79.
§ 404(c). EE-31-78	Inc. Tax—Part 1—Rules for certain negotiated plans (P.L. 93-406, § 2007) (Sumter/Thrasher).	Project closed without regulations on 3/12/79.
§ 414(g). EE-41-78	Inc. Tax—Part 1—Definitions and special rules relating to plan administrators (ERISA, § 1015) (Johnon/McGovern—TLC-Sorensen).	T.D. published in FR on 5/11/79.
§ 458. LR-214-78	Inc. Tax—Part 1—Election to exclude income with respect to magazines, paperbacks & records, ret'd. after close of taxable year (RA 1978, § 372) (Katcher/Fischer—TLC-Brown).	T.D. published in FR on 6/11/79.
§ 472. LR-147-75	Inc. Tax—Part 1—Conformity requirements for LIFO taxpayers; use of market value (Lanning/Fischer—TLC-Brown).	Project closed without regulations on 5/31/79.
§ 512(b)(5). EE-172-78	Inc. Tax—Part 1—Tax Treatment of certain option income of exempt organizations (P.L. 94-396, § 1) (Glass/Thrasher—TLC-Sims).	T.D. published in FR on 7/20/79.
§ 593-6A(b)(5)(vi). LR-207-78	Inc. Tax—Part 1—Computation of taxable income for purposes of percentage-of-taxable-income bad debt deduction for thrift institutions (Axelrod/Blumkin—TLC-Roche).	T.D. published in FR on 5/31/79.
§ 663. LR-1350	Inc. Tax—Part 1—To limit application of separate share rule in the case of certain successive interests (Grundeman/Smith—TLC-Gutman).	T.D. published in FR on 7/20/79..
§ 861(e). LR-2006	Inc. Tax—Part 1—Election to treat income from certain aircraft and vessels as income from sources within the U.S. (RA 1971, § 314) (Duffy/Felton-ITC-Dolan).	T.D. published in FR on 8/8/79.
§ 911, 913. LR-1-79	Inc. Tax—Part 5b—Temp. Regs.—Treatment of foreign earned income derived by U.S. citizens & residents. (Foreign Earned Income Act 1978, §§ 4, 202, 203) (Dolan/Felton—ILC-Holberton).	T.D. published in FR on 5/4/79.
§ 1033. LR-267-76	Inc. Tax—Part 1—Involuntary conversion of real property (TRA 1976, §§ 2140, 1901(a)(128)) (Cubeta/Saverude—TLC-Flynn).	T.D. published in FR on 5/30/79.
§ 1211(b). LR-269-76	Inc. Tax—Part 1—Increase in amount of ordinary income against which capital loss may be offset (TRA 1976, § 1401) (Cubeta/Coulter—TLC-Flynn).	T.D. published in FR on 3/7/79.
§ 1377(d). LR-278-76	Inc. Tax—Part 1—Distributions by subchapter S corporations (TRA 1976, §§ 902(b); 1901(b)(32)(iv)) (Woo/Saverude—TLC-Cohen).	T.D. published in FR on 8/23/79.
§ 1502. LR-2086	Inc. Tax—Part 1—Revision of regs. under sec. 1502 re personal holding companies (Whedbee/Blumkin—TLC-Cohen).	T.D. published in FR on 8/9/79.
§ 1502.596. LR-18-78	Inc. Tax—Part 1—Dividends received deduction for thrift institutions consolidated returns (Axelrod/Blumkin—TLC-Cohen).	T.D. published in FR on 7/13/79.
§ 2053-3(c)(3). LR-164-74	Est. Tax—Part 20—Deductibility of certain attorney's fees (Coplan/Smith—TLC-Gutman)..	T.D. published in FR on 4/20/79.
§ 3231(e). LR-16-77	Empl. Tax—Part 31—Exclusion of sick pay from compensation subject to railroad retirement taxes (P.L. 94-547) (Marcinko/Coulter—TLC-Goodman).	T.D. published in FR on 3/14/79.
§ 3402. LR-24-79	Empl. Tax—Part 31—Federal collection and administration of qualified State individual income taxes; Income tax collected at source (Mantle/Dickinson).	T.D. published in FR on 3/13/79.
§ 3507. LR-31-79	Empl. Tax—Part 38—Temp. Regs.—Advance payments of earned income credit (RA 1978, § 105(b)) (Murphy/Saverude—TLC-Goodman).	T.D. published in FR on 5/4/79.
§§ 4041, 4081. LR-105-79	Exc. Tax—Part 138—Temp. Regs.—Exemption from motor fuels excise tax for certain alcohol fuels (Energy Tax Act 1978, § 221) (Waltuch/Smith).	T.D. published in FR on 6/19/79.
§§ 4216, 4219, 4221-4227. LR-2113	Exc. Tax—As amended by Exc. Tax Reduction Act of 1965 & other legislation subsequent thereto—thru Rev. Act of 1971—Applicable to articles sold on or after 7/1/65 (Coplan/Saverude—TLC-Copeland).	Project closed without regulations on 3/29/79.
§ 4216(b). LR-14-78	Mfgrs. & Rtlrs. Exc. Tax—Constructive sale price as amended by Exc. Tax Tech. Changes Act of 1958 & other legislation (Small/Smith—TLC-Copeland).	T.D. published in FR on 4/23/79.
§ 4940. EE-177-78	Foundation Excise Tax—Part 53—Reduction of administration tax on private foundations (Rev. Act of 1978, § 520) (Stein/McGovern).	T.D. published in FR on 3/30/79.
§ 4942(f)(2). EE-47-78	Foundation Exc. Tax—Part 53—Treatment of imputed interest on contracts made in taxable years beginning before 1/1/70 (TRA 1976, § 1310) (Kerby/McGovern—TLC-Galm).	T.D. published in FR on 4/11/79.
§ 6012(a)(2). LR-24-76	Inc. Tax—Part 1—Requirement of filing certain documents in connection with income & estate tax returns (Waltuch/Smith—TLC-Gutman).	T.D. published in FR on 4/4/79.
§ 6049. LR-97-77	Inc. Tax—Part 1—/Time for filing information returns (Alexander/Fischer—TLC-Drapkin) ..	T.D. published in FR on 5/30/79.
§ 6060, 6095(e). LR-131-79	Inc. Tax—Part 1—Reporting duties and penalties imposed on income tax return preparers (Yecies/Saerude).	T.D. published in FR on 8/23/79.
§ 6091. LR-121-78	Inc. Tax—Part 1—Filing of wagering tax returns (Alexander/Fischer—TLC-Schuldinger)	T.D. published in FR on 7/11/79.
§ 6213(b). LR-146-76	Proc. & Admin.—Part 301—Assessments in case of mathematical or clerical error (TRA 1969, § 1206) (Alexander/Fischer).	Project closed without regulations on 7/31/79.
§§ 6334 (a) (8), (9), (d), 6331 (b), (c), 6332(c). LR-189-76.	Proc. & Admin.—Part 301—Minimum exemption from levy for wages, etc., & Continuing levy on salary and wages (TRA 1976, § 1209) (Kusma/Smith—TLC-Galm).	T.D. published in FR on 5/14/79.
§ 6696. LR-198-77	Inc. Tax—Part 1—Filing of claims for refund for penalties assessed against income tax return preparers (TRA 1976, § 1203) (Yecies/Saverude—TLC-Flynn).	T.D. published in FR on 5/14/79.
§ 7701(a) (19), (32). LR-1653	Proc. & Admin.—Part 301—Definition of domestic building & loan assoc. (TRA 1969, § 432 (Dean/Coulter—TLC-Roche).	T.D. published in FR on 5/16/79.
LR-18—79	Exc. Tax—Part 138—Temp. regs.—Limitation on eligibility for credits or refunds by manufacturers, producers, or importers for floor stock refunds and consumer purchases (Energy Tax Act 1978, § 231(b)(2) and (c)(2)(A)) (Waltuch-Smith—TLC-Copeland).	T.D. published in FR on 4/30/79.

Table of Abbreviations

Abbreviations:	Meaning
ACTS or TX	Office of Assistant Commissioner (Taxpayer Service and Returns Processing)
adj.	adjustment
admin.	administration
amdmt.	amendment
appvd.	approved
C or Comm'r. or Comm.	Office of Commissioner
CC	Office of Chief Counsel
CC:I	Office of Chief Counsel Interpretive Division
co.	company
corp.	corporation
E or EPEO	Office of Assistant Commissioner (Employee Plans and Exempt Organizations)
EE	Office of Chief Counsel, Employee Plans and Exempt Organizations Divisions
EO	Exempt Organizations Division
EP	Employee Plans Division
ERISA	Employee Retirement Income Security Act
est.	estate
exc.	excise
F.R.	FEDERAL REGISTER
fwd.	forwarded
govt.	government
hrg.	hearing
inc.	income
ITC	Office of International Tax Counsel (Treasury)
LR	Office of Chief Counsel, Legislation and Regulation Division.
mfgr.	manufacturer
misc.	miscellaneous
org.	organization
perm.	permanent
P.L. or Pub. L.	Public Law
P & R	Office of Assistant Commissioner (Planning and Research)
prelim.	preliminary
prep.	preparation
proc.	procedure
prop.	proposed
prov.	provision
pub.	published
RA	Revenue Act
rec'd	Received
reg.	regulation
repub.	republished
ret'd	returned
rtlr	retailer
rev.	revenue, revised, or review (depending on context)
sec. or §	section
soc. sec.	social security
subch.	subchapter
T or Tech	Office of Assistant Commissioner (Technical)
T:C	Corporation Tax Division
T:D	Treasury decision
temp.	temporary
T:I	Individual Tax Division
T:FP	Tax Forms and Publications Division
TLC	Office of Tax Legislative Counsel (Treasury)
T/P	taxpayer
TRA	Tax Reform Act
Treas.	Department of the Treasury
TR & SA	Tax Reduction & Simplification Act

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[FR Doc. 79-29603 Filed 9-28-79; 8:45 am]

BILLING CODE 4830-01-M

federal register

Monday
October 1, 1979

Part III

Improving Government Regulations

Schedule of Publication Dates for Agency Semiannual Agendas

IMPROVING GOVERNMENT REGULATIONS

SCHEDULE OF SEMIANNUAL AGENDAS OF REGULATIONS

Executive order 12044, Improving Government Regulations (43 FR 12661, March 24, 1978), requires agencies to publish a schedule in the Federal Register on the first Monday in October showing the times during the coming fiscal year when the agencies' semiannual agendas will be published.

The agencies have chosen the following dates to publish their agendas. The Office of the Federal Register compiled this schedule as a public service.

ACTION	Jan. 7, 1980; July 7, 1980.
Administrative Committee of the Federal Register	Mar. 10, 1980; Sept. 8, 1980.
Agency for International Development	January and July 1980.
Agriculture Department	Nov. 15, 1979; May 15, 1980.
American Battle Monument Commission	Nov. 5, 1979; May 5, 1980.
Commerce Department	May 15, 1980; Nov. 17, 1980.
Committee for Purchase from the Blind and Other Severely Handicapped	Dec. 3, 1979; June 2, 1980.
Community Services Administration	Nov. 1, 1979; May 1, 1980.
Council on Environmental Quality	Jan. 7, 1980; July 7, 1980.
Council on Wage and Price Stability	Oct. 31, 1979; Apr. 30, 1980.
Defense Department	Nov. 30, 1979; May 30, 1980.
Energy Department	Oct. 26, 1979; Apr. 25, 1980.
Environmental Protection Agency	December 1979; June 1980.
Equal Employment Opportunity Commission	Jan. 31, 1980; July 31, 1980.
Farm Credit Administration	Oct. 31, 1979; Mar. 31, 1980.
Federal Communications Commission	Oct. 29, 1979; Apr. 21, 1980.
Federal Mediation and Conciliation Service	Apr. 1, 1980; Oct. 1, 1980.
Federal Reserve System, Board of Governors	First day of business after Feb. 1 and Aug. 1, 1980.
General Services Administration	Nov. 30, 1979; May 30, 1980.
Health, Education, and Welfare Department	Dec. 14, 1979; June 13, 1980.
Housing and Urban Development Department	Feb. 1, 1980; Aug. 1, 1980.
Interior Department	Jan. 31, 1980; July 31, 1980.
Justice Department	Jan. 31, 1980; July 31, 1980.
Labor Department	First week in October 1979; first week in April 1980.
National Aeronautics and Space Administration	Oct. 1, 1979; Apr. 7, 1980.
National Credit Union Administration	Dec. 17, 1979; June 30, 1980.
National Foundation on the Arts and the Humanities	First Monday in October 1979; first Monday in April 1980.
National Science Foundation	Oct. 1, 1979; Apr. 1, 1980.
Office of Management and Budget	Dec. 3, 1979; June 2, 1980.
Office of Personnel Management	Dec. 4, 1979; June 3, 1980.
Pension Benefit Guaranty Corporation	Dec. 20, 1979; June 20, 1980.
Railroad Retirement Board	Jan. 31, 1980; July 31, 1980.
Small Business Administration	Jan. 31, 1980; July 31, 1980.
State Department	Oct. 30, 1979; Mar. 31, 1980.
Tennessee Valley Authority	Nov. 6, 1979; Apr. 2, 1980.
Transportation Department	Feb. 25, 1980; Aug. 25, 1980.
Treasury Department:	
Government Financial Operations Bureau	Mar. 31, 1980; Sept. 30, 1980.
Internal Revenue Service	Mar. 31, 1980; Sept. 30, 1980.
Public Debt Bureau	Apr. 15, 1980; Oct. 15, 1980.
All other offices and bureaus	Feb. 1, 1980; Aug. 1, 1980.
Veterans Administration	Dec. 18, 1979; June 18, 1980.
Water Resources Council	Jan. 18, 1980; July 18, 1980.

DEPARTMENT OF COMMERCE

Improving Government Regulations, Executive Order No. 12044; Established Dates for Publication of Semi-Annual Regulatory Agenda

The Department of Commerce proposes to change the dates for publication of its "Semi-Annual Agenda of Regulations" in the **Federal Register** to the same dates that the President's Regulatory Council will publish its "Calendar of Federal Regulations". The dates that have been established are May 15 and November 17, 1980.

Any comments on the proposed dates should be directed to the following individual:

Mr. Robert T. Miki,
Director, Office of Regulatory Economics and Policy,
Room 7614,
U.S. Department of Commerce,
Main Commerce Building,
Washington, D.C. 20230,
Telephone Number: (202) 377-2482.

Lucy Falcone,

Acting Assistant Secretary for Policy.

[FR Doc. 79-30315 Filed 9-28-79; 8:45 am]

BILLING CODE 3510-17-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

Improving Government Regulations; Semiannual Agenda of Regulations

AGENCY: Department of Health, Education, and Welfare.

ACTION: Schedule for the semiannual agendas of regulations (Improving Government Regulations).

SUMMARY: As required by the President's Executive Order 12044, Improving Government Regulations, the Department of Health, Education, and Welfare is notifying the public that it will publish its two semiannual agendas of regulations under development during fiscal year 1980 on December 14, 1979 and June 13, 1980. If for some reason the agendas will not be published on these dates, the Department will publish a Notice of Postponement on December 3, 1979 or June 2, 1980 indicating a new date for publication.

FOR FURTHER INFORMATION CONTACT: Glenn Kamber, Director, Regulations Management Unit, Department of Health, Education, and Welfare, 200 Independence Avenue, SW., Washington, D.C. 20201, (202) 245-3161.

Dated: September 19, 1979.

Carolyn Chin,

Executive Secretary to the Department.

[FR Doc. 79-30316 Filed 9-28-79; 8:45 am]

BILLING CODE 4110-12-M

federal register

Monday
October 1, 1979

Part IV

Environmental Protection Agency

Truck-Mounted Solid Waste Compactors: Noise Emission Standards

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 205

[FRL 1265-7]

Truck-Mounted Solid Waste Compactors: Noise Emission Standards

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency amends its regulations by establishing noise emission standards for newly-manufactured truck-mounted solid waste compactors (commonly referred to as refuse collection vehicles or garbage trucks).

The regulation also incorporates an enforcement program which includes production verification, selective enforcement audit, maintenance, compliance labeling and anti-tampering provisions. The Administrator has determined that the standards are feasible and represent those noise limits requisite to protect the public health and welfare.

This action is taken under authority of the Noise Control Act of 1972, 42 U.S.C. 4901 et seq. (the "Act"), as amended.

The regulation incorporates a number of clarifying changes to the regulation as proposed in response to testimony received at two public hearings and from written submittals during a 90 day public comment period. The major issues raised by these public comments and the subsequent regulation changes are summarized under "Supplementary Information" below and discussed in detail in EPA Document No. 550/9-79-257, entitled "Regulatory Analysis of the Noise Emission Regulations for Truck-Mounted Solid Waste Compactors."

EFFECTIVE DATES: Effective on October 1, 1980, such vehicles manufactured after this date shall not emit a noise level (A-weighted) in excess of 79 decibels (dB) when measured in the manner prescribed in the regulation; the not-to-exceed noise level is reduced to 76 decibels for vehicles manufactured after July 1, 1982.

ADDRESS: A copy of the regulatory analysis can be obtained from: Mr. Charles Mooney, U.S. Environmental Protection Agency, EPA Public Information Center (PM-215), Room 2194 D—Waterside Mall, Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Mr. Fred Mintz, Program Manager, Office of Noise Abatement, and Control (ANR-490), U.S. Environmental Protection Agency, Washington, D.C. 20460; or phone (703) 557-2710.

SUPPLEMENTARY INFORMATION:

1.0 Introduction

On August 26, 1977, notice was published in the **Federal Register** (42 FR 43226) that the Environmental Protection Agency (EPA) was proposing Noise Emission Standards for New Truck-Mounted Solid Waste Compactors distributed in commerce. The purpose of the present notice is to establish final noise emission standards for this product by adding a new Subpart F to amend Part 205 of Title 40 of the Code of Federal Regulations.

The legal basis and factual conclusions which support promulgation of this regulation were set forth in substantial detail in the Proposed Rule. In addition, the Agency solicited public participation and established a comment period extending from August 26, 1977 through November 26, 1977. During this time public issues related to the proposed regulation were addressed in public hearings held in New York, New York on October 18, 1977 and in Salt Lake City, Utah on October 20, 1977.

All public comments submitted with respect to the proposed regulation have been given careful review and consideration, and, as a result, a number of changes have been made to the regulation as proposed, mainly to clarify EPA's intent. These changes are identified in § 3.0 below.

The questions, comments, and issues raised in the public testimony and in written submittals to the docket are addressed in detail in the regulatory analysis EPA Document No. 550/9-79-257, entitled "Regulatory Analysis of the Noise Emission Regulations for Truck-Mounted Solid Waste Compactors."

The principal issues that emerged are discussed in § 4.0 below, together with the EPA's response.

All technical information in support of this rulemaking, as well as the written comments received during the comment period and transcripts of the public hearings, are available to the public at the EPA Headquarters Public Information Center, 401 M Street, S.W., Washington, D.C. 20460. Transcripts of the public hearing are also available for inspection at each of EPA's 10 regional offices.

2.0 Summary of the Regulation

The regulation establishes standards for noise emissions resulting from the operation of newly manufactured truck-mounted solid waste compactors. The standard specifies the logarithmic (energy) average of the noise levels measured at four locations around the vehicle at a distance of 7 meters (approximately 23 feet) from the vehicle surface, with the vehicle stationary and operating through its loading and compacting cycle at the maximum engine speed allowable for that operation. The quantity measured at each location is the maximum A-weighted sound level (in decibels) with the instrument set to "slow" meter response. The measurement procedure used to obtain the data upon which the standards are based is presented in § 205.204 of the regulation. A detailed technical discussion is contained in the Regulatory Analysis.

Effective on the dates listed, truck-mounted solid waste compactors must not produce noise levels in excess of those shown in Table 2-1, when operated and evaluated according to the methodology provided in § 205.204 of subpart F.

Table 2-1—Regulatory Noise Emission Standards

Effective date	Note-to-exceed noise level
October 1, 1980	79 decibels
July 1, 1982	76 decibels

The second step of this regulation is in effect six months after the effective date for the second step of the noise regulation for medium and heavy trucks (41 FR 15538, April 13, 1976) to permit pre-production testing by body manufacturers. The reduced noise level limit for new truck chassis in 1982 should permit attainment of the reduced limit applicable to refuse collection vehicles during the compaction cycle, with no additional application of noise control technology and consequently minimal or no additional cost.

To ensure lasting benefits from this regulation, the Agency requires that manufacturers design and build each product so that, when properly maintained and used, its noise level will not degrade (increase) above the applicable levels in Table 2-1 for a specified period of time or use, from the date of the product's sale to the ultimate purchaser. This period is called the Acoustical Assurance Period (AAP). In the case of truck-mounted solid waste compactors, the Acoustical Assurance Period is 2 years or 5000 operating hours, whichever occurs first.

Under § 205.208-4 of Subpart F, a manufacturer must establish the amount of the anticipated increase in the noise level of his products during the AAP. He must take into account this anticipated increase in noise level, termed the Noise Level Degradation Factor (NLDF), when making test measurements to show compliance with the applicable

standard, and must demonstrate that his product's noise level does not exceed a level defined by the applicable standard indicated in Table 2–1 less the NLDF value.

The Administrator has determined, based upon studies of the noise control technology and alternative technologies for compactors, that the standards are feasible and represent those noise limits requisite to protect the public health and welfare, taking into account the magnitude and conditions of use of noise reduction achievable through the application of the best available technology, and the cost of compliance as required by section 6(c)(1) of the Noise Control Act.

Under the authority of Section 15 of the Act, a subsection of this regulation specifies a Low Noise Emission Product (LNEP) level of 71 dB, effective October 1, 1979. That is, for a product to be qualified as LNEP, its noise level must not exceed 71 dB.

The regulation also incorporates an enforcement program which includes production verification, selective enforcement audit, maintenance, compliance labeling and anti-tampering provisions. To avoid placing an excessive testing burden on distributors who assemble a compactor vehicle by mounting a compactor body on a truck chassis, such distributors (who are "manufacturers" under the Noise Control Act and therefore are othewise subject to all provision of the regulation) are permitted to rely on the production verification tests of the compactor body manufacturer if the distributor faithfully follows assembly instructions provided by the compactor body manufacturer.

3.0 Summary of Changes to the Proposed Regulation

Section 205.200 Applicability

The definition of a "new compactor" was revised to apply only to vehicles comprised of a compactor body and truck chassis both manufactured after the effective date of the applicable compactor standard. The regulation does not apply to presently in-use garbage trucks, to new compactor bodies mounted on used (pre-regulatory) chassis or used (pre-regulatory) compactor bodies mounted on new chassis.

Section 205.201 Definitions

A definition was added for "Acoustical Assurance Period." A new definition, "Maximum Noise Level," was added to clarify EPA's intent relative to noise level readings.

The term "Noise Level Degradation Factor" replaces "Sound Level Degradation Factor" for consistency in terminology.

Several definitions were modified for purposes of improving clarity, and a number of unessential definitions were eliminated.

Section 205.202 Noise Emission Standards

Reflecting a change in test procedure, from use of "fast" response of the sound level meter to "slow" response, as explained below, under § 205.204, the noise level standard was designated as "Maximum Noise Level" (§ 205.202(a)(8)), rather than "Maximum Steady Sound Level", and the requirement for meeting a separate maximum impact noise level limit was deleted. In keeping with this change, the not-to-exceed noise levels were increased one decibel to 79 and 76 dB. It should be noted that the difference in reported noise level reflects the difference in test procedure only. It does not change the degree of noise control required. Similarly, the LNEP level was changed to 71 dB from 70.

Under *In-Use Standard*, the Acoustical Assurance Period, originally proposed as 3 years or 7500 operating hours, was changed to 2 years or 5000 hours based on public comment. This change was made to reflect the fact, as noted from various manufacturers and users, that refuse collection vehicles, particularly those that deliver their contents to a landfill for dumping, are subjected to more severe operating conditions than other trucks. Such conditions could cause greater dynamic loads and consequent damage to key noise control related components, than the non-refuse collection truck would experience. Further, information that the city of Memphis, Tennessee was given two-year warranties on newly purchased refuse collection vehicles suggested that a two-year AAP is reasonable. This was supported by at least one compactor manufacturer's marketing ad stating that components proving to be defective within the first two years of operation would be replaced. Consideration of this information received during the public comment period has led to the Agency's decision to shorten the AAP.

Section 205.203 Maintenance of Records: Submittal of Information

Subparagraph (a)(1)(v) was added to require a record of the distributor to whom a compactor body is delivered for assembly.

Subparagraph (a)(2)(ii) regarding maintenance of records was revised with the intent of limiting recordkeeping to those instances where the kind of repair, maintenance, or service might affect the results of a noise test.

A new subsection (d) was added, allowing distributors (subsequent manufacturers) to rely on the production verification testing of the body manufacturer to satisfy the requirements of subsections (a) and (b), if certain requirements are met.

A new subsection (f) was added, providing a sunset provision for reporting requirements, such that those requirements will no longer be effective after five years from the publication of the regulation unless the Administrator is, at that time, taking appropriate steps to repromulgate or modify those requirements.

Section 205.204 Test Procedures

Subparagraph (c)(5) was expanded to permit use of the vehicle instrument panel tachometer, and subparagraph (e)(4) was revised to clarify EPA's intent that the reflecting plane be free of material that might absorb sound.

Several subparagraphs of § 205.204(f) were revised to clarify test procedures, including the use of "slow" meter response in place of "fast" response and a change that allows the container-handling mechanism to be operated without the container during the noise measurement test.

These changes were made as a result of comments submitted, which pointed out difficulties with the test procedure as proposed. It became apparent that confusion existed in interpreting the "maximum steady sound level" and maximum impulse sound level using the "fast" response setting of the meter. These difficulties were obviated by using a single maximum reading with the "slow" setting of the meter. Further details are given in the discussion of issues, under Section 4.0 of this preamble.

Section 205.205 Production Verification

Section 205.205–1(d) was added. It provides that, for purposes of compliance with production verification requirements, distributors may rely upon body manufacturers' installation instructions and assurances that the vehicle will conform to the standard if properly assembled.

Section 205.205–2(a)(2) was rewritten to increase the time period for which a manufacturer may delay production verification (PV) while distributing products in commerce. As proposed, the regulation allowed up to a 45-day delay if weather prevented testing and a further delay for additional weather problems and problems beyond the manufacturer's control. The revision

makes weather and conditions beyond the manufacturer's control valid reasons for delays of up to 90 days.

Records of the conditions preventing testing must be maintained, and if testing cannot begin by the 45th day, the manufacturer must so notify the Administrator by the 50th day. If the Administrator so requests after such notification, the manufacturer must ship products to an EPA test facility for the required PV testing (§ 205.205–2(a)(3)).

In subparagraph 205.205–2(c)(1)(i), items (D) and (E) were deleted as parameters for grouping configurations of compactor vehicles into categories.

Section 205.205–3 was revised to reduce the number of parameters required to define a "configuration". The intent of this change was to minimize the amount of testing by the manufacturer without diminishing the Agency's ability to enforce the regulation effectively.

Section 205.205–4(b)(3) was revised so that information concerning some of the parameters eliminated from the actual category and configuration lists will remain available for enforcement purposes.

Section 205.205–4(b)(4)(ii) was modified to restrict the reporting requirement to those events which could affect the noise emissions of the product. Specifically, the normal early production quality control procedures of a manufacturer need not be reported unless they could affect the noise emission of the compactor.

Section 205.205–4(b)(6) was modified so that the authorized representative of the company certifies that all testing and data reported are accurate and in compliance with the applicable regulations to the best of the company's knowledge, rather than to his personal knowledge.

Section 205.205–4 (e) and (f) were added to define certain limited reporting requirements for distributors who mount compactor bodies on truck chassis.

Section 205.205–6 was revised specifically to include early production quality control as part of a manufacturer's prescribed manufacturing and inspection procedures. This is done in light of the fact that manufacturers typically employ increased quality control over early production products. EPA intends to monitor the selection of test compactors subject to such quality control so that the quality control program will not bias the resulting noise tests.

Section 205.205–9 was revised to clarify the intent of this provision, so that the production verification requirements for a particular configuration need not be satisfied prior to the start of the model year so long as they are satisfied prior to the start of distribution in commerce.

The first clause of § 205.205–11(b) was revised to clarify the Administrator's intent that compactors manufactured solely for use outside the United States be clearly labeled "For Export Only", but need not contain the other information specified in § 205.205–11(a)(4).

Section 205.206 Testing by the Administrator

Section 205.206(a)(3) was added to clarify that manufacturers are allowed to observe tests conducted by the Administrator under § 205.206.

Section 205.206(b)(1) requires that site disqualification be based on the test site requirements specified in § 205.204–1 (a) and (b) rather than on a general judgment of inappropriateness. Also, the manufacturers may now request, within 15 days of the Administrator's notice of intent to disqualify, a formal hearing on the possible disqualification of their site. Disqualification will take effect 15 days after receipt of the Administrator's notice or at the conclusion of a hearing if one has been requested and an adverse decision given (§ 205.206(b)(2)).

Section 205.206(c) was added detailing when the Administrator will pay the reasonable costs associated with shipment of compactors for testing.

Section 205.207 Selective Enforcement Auditing Requirements

This section was revised, incorporating a simplified sequential sampling plan, better suited to a low production-volume industry.

Section 205.208 In-Use Requirements

Section 205.208–1 (Warranty) has been reserved pending reproposal under the recent decision in *Chrysler Corporation* v. *EPA*.

Section 205.208–2(f) was added to define the limited responsibilities with respect to tampering lists of the distributor who assembles compactors.

Section 205.208–3(e) was added to define the limited responsibilities, with respect to maintenance instructions and log books, of manufacturers who only assemble compactors.

Section 205.208–4(f) was added to clarify the limited responsibilities relative to Noise Level Degradation Factor, of manufacturers who only assemble compactors.

Section 205.208–4(g) was added to specify the period of time for which records shall be maintained.

4.0 Discussion of Major Issues

The following is a summary of the principal issues raised in the public hearings and in the written submittals to the docket. See Appendix A of the Regulatory Analysis for detailed discussion.

4.1 Issue

Should the compactor body manufacturer be held responsible for the noise of the complete compactor vehicle?

Comments

Comments indicated strong opposition to holding the compactor body manufacturer responsible for the noise produced by the chassis-cab unit in addition to the noise produced by the compactor. Some commenters suggested that the compactor body manufacturer be held responsible only for the noise of the compactor body machinery. Under this approach, the noise level of the truck chassis would be assumed to conform to the level predicted by EPA for the engine speed used, and the noise level of the complete refuse collection vehicle would be calculated by logarithmic addition of the various component noise levels.

The Decision

EPA believes that the noise problem must be viewed in the context of the total compactor vehicle system, including the compactor body, hydraulic power systems, engine power take-off unit accessories, and chassis-cab unit.

Through its study of the noise control technology for garbage trucks, EPA has learned that the most effective way of reducing overall compaction cycle noise is to design the compactor vehicle system to operate at low engine speed during the waste-handling and compaction cycle.

Even if it were practical to measure the noise emissions of each component separately, we would have no assurance that this calculated noise level, based on summation of the component noise levels, would be correct. Unexpected interactions among the components, such as could be caused by resonant vibration of a panel at operating speeds, could lead to noise emissions of the total vehicle higher than the level calculated from the noise levels of the individual components.

The compactor body manufacturer has control over the total system design. He can design the system to operate effectively at low engine speed, and, by development testing, take into account the possible interaction of components. Therefore, EPA has decided that the

responsibility for meeting this noise requirement resides with the compactor body manufacturer.

4.2 Issue

Should distributors who mount compactor bodies on truck chassis be considered subsequent manufacturers and therefore held responsible for compliance?

Comments

A number of comments by distributors who mount compactor bodies on truck chassis indicated objection to being held responsible for compliance of the total vehicle. They maintained that they would be unable to assume the costs of testing, and suggested that responsibility for compliance should rest with the body manufacturer.

Decision

Recognizing that there are possible inequities when the distributor is considered to be the "manufacturer," EPA has carefully reviewed this issue. Under Section 3(6) of the Noise Control Act, a "manufacturer" is "any person engaged in the manufacturing or assembling of new products, or the importing of new products for resale, or who acts for, and is controlled by, any such person in connection with the distribution of such products." EPA believes that this definition encompasses a distributor who mounts a compactor body and attendant power take-off (PTO) equipment on a chassis and is the last person to have control of the completed vehicle before it enters the stream of commerce.

At the same time EPA recognizes the potential economic impact of placing total responsibility for compliance upon the distributor. EPA also is aware of the close relationship between the manufacturer and distributor and the implications it may have in relieving the distributor's burden. Distributors have stated that, in assembling a vehicle, they follow the manufacturer's detailed installation instructions. If an unusual configuration is encountered, the distributor generally consults with the body and/or chassis manufacturer. In view of this close relationship, § 205.205–1(d) has been revised to relieve distributors and any other manufacturers who only mount compactor bodies on chassis, of the requirement to perform production verification testing if 1) they rely in good faith upon the compactor body manufacturer's installation instructions, and 2) the instructions are accompanied by statements which assure that the total vehicle will conform to the standard if assembled in accordance with the given instructions.

It should be noted, however, that the Act requires every manufacturer to warrant to the ultimate purchaser that the product meets the applicable EPA standard. It was held in *Chrysler Corp v. EPA*, (D.C. Cir. No. 76–1569, decided April 9, 1979) that EPA does not have the authority to exempt any manufacturer from this requirement, regardless of its role in the manufacturing chain. The warranty section has been reserved pending reproposal due to the court decision.

If the distributor fails to follow the instructions given to him, then the responsibility for compliance with the requirements for production verification testing is shifted back to him.

4.3 Issue

Does the proposed measurement procedure for "Maximum Steady Sound Level" provide a noise level reading that is susceptible to subjective interpretation which might lead to inconsistent results?

Comments

Three compactor manufacturers expressed concern that different observers would read the meter differently. One commenter suggested using "equivalent sound level" (L_{eq}), which he maintained, would yield more consistent readings. Another commenter opposed the use of L_{eq} as being unworkable in certain cases.

Decision

EPA recognizes that the concept of "maximum steady sound level" is subject to misinterpretation. As a result, the measurement procedure has been modified, and the reading to be taken is "maximum noise level," which is now defined in § 205.201(a)(8) of the regulation.

To explain further, if the noise fluctuates irregularly by several decibels during the measurement, it may be difficult to determine the "maximum steady" level, either by observing the swings of a meter needle (or number on a digital display) or by viewing the trace on a graphic record. The intent was to record the "steady," or continuous, noise level associated with the noisiest segment characteristic of the compactor's operating cycle.

Through further testing and analysis of previously recorded data, it became evident that variation could be minimized by reading the maximum value of the noise level using the "slow" meter response setting, as the "slow" response averages out the rapid fluctuations and tends to reduce the response of the meter needle to impact noises.

EPA reviewed in detail the data for 33 vehicles on which both "slow" and "fast" sound levels had been obtained. It was observed that all vehicles which had been found to comply with the original regulatory limits of 78 dB "maximum steady sound level" and 83 dB impulse (impact) sounds also were found to exhibit a maximum noise level of 79 dB or less in "slow" meter setting. Furthermore, all vehicles that failed to comply with the "maximum steady" (fast) level of 78 dB failed to comply with maximum slow level of 79 dB. Two of the vehicles which had impulse levels slightly above the proposed limit of 83 dB exhibited "slow" readings of 76 dB, thus passing. In view of the uncertainty in reading maximum impulse noise, the outcome appeared reasonable. From the foregoing results, EPA concluded that the use of a single measure, namely, the maximum noise level of 79 dB using "slow" meter setting, provided the same degree of noise control and consequently the same health and welfare benefits, as that intended in the proposed procedure (which required conformance to two limits, a "maximum steady" level of 78 dB and an "impulse" noise level of 83 dB), and at the same time provided a simpler test with more consistent results.

Consideration was also given to alternative methods of reducing the uncertainty of the meter readings, such as use of an integrating/averaging sound level meter, known as an "L_{eq} meter." Although this method has potential merit, it is not acceptable at present because there is no national or international standard for such meters. The Agency believes that to ensure consistency and accuracy of the primary measurement which establishes conformity to a regulatory limit, the instrument used must be governed by an acceptable consensus standard.

4.4 Issue

Does EPA have the legal authority to require an Acoustical Assurance Period (AAP) and the use of the Noise Level Degradation Factor (NLDF)?

Comment

Several commenters argued that the Noise Control Act does not give EPA authority to promulgate an Acoustical Assurance Period (AAP) or Noise Level Degradation Factor (NLDF).

Decision

The Agency believes that it does have such authority under the Noise Control Act. Section 6(c) of the Act requires EPA to promulgate a regulation, including a

noise emission standard, that is requisite to protect the public health and welfare (taking various factors into account). Nowhere does the Act restrict the standards to the time of sale. The projected health and welfare benefits from the compactor regulation would be negated if the noise attenuating elements of compactors were to degrade shortly after the product's distribution in commerce. If this can be prevented by planning and design on the part of the manufacturer, such effort is an integral part of conforming to the standards and should be required by EPA to implement § 6.

The AAP does not represent a requirement that manufacturers build products with noise-attenuating elements that last for the product's useful life, as was suggested in several comments. The AAP for compactors is a considerably shorter period of time than the useful life of this product.

In effect, the AAP sets the standard at a period two years or 5000 operating hours in the future, and requires the manufacturer to take whatever steps are necessary to assure that his product, if well maintained and properly used, will still meet the standard at that time. It projects forward a period of time for which a manufacturer can reasonably be expected to predict the noise performance of his product if properly used and maintained. It does not require him to make his noise control durable beyond good manufacturing practice. He can also hedge against degradation by building in a margin below the standard which in his judgment will assure that at the end of the AAP his product will meet the standard.

The comment also was made that it is not appropriate to place an AAP requirement upon a garbage truck, when no such requirement has been placed on the truck chassis itself. EPA intends to issue a proposed regulation which, when finalized, will impose an AAP requirement on the truck chassis manufacturer. However, even in the absence of an AAP for truck chassis, data obtained by the EPA show essentially no degradation in the noise control features of truck chassis, when properly maintained, for over 100,000 miles, which is considerably greater mileage than the typical garbage truck will accumulate over the AAP of two years.

4.5 Issue

Is the noise data base adequate?

Comment

It has been asserted that the data base is not large enough to be representative, that too many quieted compactors have been included, and that the compactors have not all been tested under identical conditions.

Decision

EPA made measurements of what are believed to be representative vehicles. The noise data base contains examples of front, rear, and side loaders that can meet the proposed regulation, and includes both gasoline and diesel-fueled trucks. EPA undertook measurements of additional garbage trucks after receipt of these comments. The data obtained substantiate the original conclusions concerning product noise levels and are presented in the Regulatory Analysis.

EPA recognizes that data were collected under varying conditions. However, the measurements were made by trained acoustical personnel with high precision instruments. Through extrapolation and conversion factors, measurements taken under variable conditions were corrected to allow for comparison. In setting forth the regulation, test conditions are prescribed precisely because there is no assurance that the persons conducting the test have the experience and skills necessary to convert the data to correct for different testing conditions.

4.6 Issue

Is the regulatory level too stringent or not stringent enough?

Comment

Several commenters indicated concern that the noise levels selected for the standard were too high (not sufficiently stringent). This was based on the belief that at least one local ordinance (New York City) appeared to be more stringent than the proposed standard. One commenter objected that the proposed standard was too stringent.

Decision

The regulatory levels are directly related to the previously promulgated noise standards for medium and heavy trucks, and are attainable by applying currently available technology; consequently, we believe that they are not overly stringent from a cost or technology perspective.

Quieting of the refuse truck fleet by eventual replacement with new units conforming to the standard should result in substantial reduction of noise impact. Further reduction in regulatory levels would yield only marginal gains at substantially increased costs, largely because of other noises associated with trash collection, but not susceptible to Federal control. Therefore, EPA believes that the regulatory levels should not be made more stringent. Communities desiring quieter garbage collection activities have the option of enacting complementary controls, such as curfews on collection, or, where the compactor vehicles are purchased by the community, specifying more stringent noise levels.

4.7 Issue

Should "newly manufactured product" include compactor bodies mounted on used or pre-regulation truck chassis or vice versa?

Comment

Two commenters argued that the regulation needed clarification regarding its applicability to newly manufactured compactor bodies which are mounted on used chasis, or on new chassis that are one or two years old and do not meet the Medium and Heavy Truck noise Standard for 1978. Another commenter urged that the regulation include refurbished truck-mounted solid waste compactors.

Decision

EPA agrees that clarification was needed, and the "applicability" paragraph of the regulation (§ 205.200) has been revised accordingly. The law intends that Federal regulatory action under section 6 be directed at "newly" manufactured products, as defined by the Act. EPA believes that, as the noise level of the garbage truck is determined by the noise from both the truck chassis components and compactor components, the regulation should apply only to a vehicle that is totally new, that is, having both a compactor body and chassis-cab manufactured after the effective date of this regulation. We are aware of the industry's occasional practice of placing new compactors on used truck chassis, and vice versa. We do not intend that this practice be changed.

4.8 Issue

Should there be a different standard for different types of compactors?

Comment

Two comments were submitted suggesting that it did not seem appropriate to group all types of compactors under one standard in view of different in-use applications.

Decision

Although each type of refuse collection vehicle may be intended primarily for a specific type of application, all three major types of compactors are used in areas where

their noise has an adverse impact on public health and welfare.

The standard is set at a level intended to protect the public health and welfare, taking into consideration the available technology and the cost of compliance. Our data and analysis show that the noisiest refuse collection vehicles—the front loaders—can be designed and built to meet the standard. EPA's analysis also has shown that the benefits of the standard in reducing environmental noise impact are limited by the noise (including vehicle noise) other than that due to compaction which occurs during the collection cycle. In the present situation, reducing the standard below the level now specified in the regulation would provide little additional benefit. (It should be noted, however, that if the noise standards for medium and heavy trucks are made more stringent, the collection cycle noise would be reduced, and it might be appropriate to reduce the requirement for the noise level during compaction below the present standard.)

Therefore, we believe that a single standard is appropriate for all types of refuse collection vehicles.

4.9 Issue

Should the noise of refuse containers be regulated?

Comment

Comments were received from several sources concerning the noise caused in handling containers during trash collection operations. Four persons commented that some regulation of the noise due to containers was important to the overall effectiveness of the regulation. On the other hand, three compactor body manufacturers, a trade association, and a chassis manufacturer objected to including containers which are mechanically hoisted, on the basis that body manufacturers had no control over containers used and the wide variety of container designs and materials made testing impractical. Furthermore, the potentially higher noise levels emitted when containers are used were not given full consideration in the EPA noise tests and hence were absent from the data base supporting the proposed standards.

Decision

This regulation does not apply to containers. In some cases, container noise contributes to refuse collection noise. However, its presence does not diminish the benefits of controlling the noise of the vehicle and the compaction process. EPA believes that container noise problems can best be alleviated by local regulations rather than a national standard, since container noise arises primarily from the handling by collection personnel. Encouraging such practices as the use of plastic trash containers may result in significant noise reduction.

The comments that follow are intended to provide background information for the guidance of local officials in planning possible action to abate container noise.

Two general classes of containers are used. One is a relatively small capacity container such as a garbage can, used by individual households. The other is substantially larger in capacity, frequently used by multiple-family residential buildings and commercial and industrial firms.

The first type, traditionally of galvanized steel construction, usually is dumped by hand into the hopper of the refuse collection vehicle. In recent years use of plastic cans and bags has increased.

The large commercial refuse container, which ranges in capacity up to eight cubic yards, must be manipulated by container-handling machinery built into the compactor vehicle. This equipment engages the container, lifts, rotates and dumps it, then returns it to the ground.

Impact noises occur due to contact of the container with the handling mechanism, truck hopper surfaces, and the ground. For the large containers with lids, banging of the metal lid against the hopper surfaces and the container body is one of the most prevalent causes of noise in container handling.

Although plastic is practical for individual household containers, large commercial containers must be made of durable material; fiber-reinforced plastics may be practical for such units. However, the application of suitable mechanical damping materials or the use of damped sandwich panels, especially for lids, can substantially reduce the noise from container lids impacting on container bodies, or against vehicle hopper surfaces. Reductions of 15 dB or greater are achievable by suitable application of damping materials to steel panels.

EPA strongly recommends that compactor manufacturers apply elastomeric materials, such as rubber or polyurethane pads, to those portions of the hopper where impacts with refuse containers and container lids are apt to occur, and that municipalities require the use of such materials in their communities where noise from this source continues to be a problem.

4.10 Issue

Was the economic impact estimated correctly and do the benefits of the regulation justify the costs?

Comment

Thirteen comments were received opposing the regulation on the basis that the cost of regulation was believed to be too high or because the regulation was not believed to be cost-effective. Five expressed doubt that the economic impact had been estimated properly, because certain costs where omitted, including:

- Cost of quieting containers;
- Cost related to the presumed requirements for distributors to conduct noise tests;
- Costs due to presumed decreased productivity of quieted refuse collection vehicle;
- Costs of not regulating compactors (these are presumed costs such as medical bills that would be accrued if there were no regulation).

Decision

The Agency believes that its economic analysis, presented in detail in the Regulatory Analysis (and summarized in Section 5.0 of this preamble) provides a valid estimate of the regulation's potential economic impact which we believe to be reasonable in light of the benefits to public health and welfare that the regulation is expected to achieve.

With respect to the specific cost elements, which some commenters asserted were omitted from the Agency's analysis, the following is provided.

This regulation does not specifically require the quieting of containers.

As regards the costs that would result from the presumed need for distributors to conduct production verification testing there will be no such costs incurred. The regulation as published specifically relieves distributors of this responsibility when the distributor satisfies certain limited requirements.

The cost item related to decreased productivity of equipment appears to be based on the presumption that slowing down the truck engine to reduce compactor noise will cause an increase in compaction cycling time. Technology information obtained by EPA shows that manufacturers can compensate for reduced engine speed by providing increased capacity hydraulic pumps. Consequently, noise control can be achieved without increasing compaction cycling time.

With regard to the costs of not regulating compactors, the Agency has

given careful thought and analysis to the question of estimating the dollar cost of noise impact on the public health and welfare. The Agency view is that noise pollution costs the American taxpayer many millions of dollars in hidden costs associated with decreased productivity, higher medical costs, and property value depreciation. One of the effects of a standard-setting noise regulation is, by reducing the noise pollution, to reduce the hidden costs and simultaneously to impose visible costs on those responsible for the pollution. EPA's statutory mandate is to protect the public health and welfare, and so long as costs are not unreasonable, they are not an overriding concern. We expect the costs to be passed through to the utlimate consumer of refuse collection services, at a level not exceeding 50 cents per household annually. This level of cost does not appear unreasonable.

4.11 Issue

Is a curfew on refuse collection an acceptable alternative to a noise emission standard for refuse collection vehicles?

Comment

Testimony from the City of Chicago contended that their starting-time limitation (curfew) or refuse collection operations was effective, and, being cost-free, was a preferable alternative to a national noise emission standard for RCV's.

Decision

Although curfew transfers some of the noise impact from nighttime hours to daytime hours, thus reducing sleep disturbance, for example, it is not a substitute for a noise emission standard in reducing total noise exposure. In any event, curfew is a practice that can be implemented only at the local level.

In addition, although represented as being cost-free, curfew can be costly by impairing the operating efficiency of trash collection activity. For example, a refuse collectors' trade association in Chicago estimates increased costs of operation due to inefficiencies caused by the curfew at $50.00 per refuse collection vehicle per day. For the estimated 2000 RCV's in Chicago this represents a cost of $100,000 per day or about $30 million annually. Even allowing for some exaggeration of the cost factors, this clearly indicates that a curfew is not cost-free.

In addition, it is likely that in heavily concentrated metropolitan areas (where much of the noise impact of refuse collection occurs) it is not feasible to invoke curfew because of traffic problems. New York is the prime example.

4.12 Issue

Will the number of category and configuration parameters necessitate excessive testing?

Comment

Five comments were received concerning the category and configuration parameters. Comments suggested that the proposed parameters would require extensive testing to comply with the Production Verification (PV) requirement.

Decision

It was not the intent of EPA to require extensive testing, and the list of parameters for determining categories and configurations under § 205.205–3 has been revised to reflect this. These changes should greatly reduce the amount of testing needed to comply with the regulation without diminishing the enforcement ability of EPA. The costs of PV testing are thus significantly reduced.

4.13 Issue

Can the 45-day delay for production verification testing be extended?

Comment

Comments were received that the 45-day delay for production verification testing was insufficient for some areas of the country due to weather conditions. In addition, one commenter believed that the extended periods of inclement weather, especially during the winter months, would result in work layoffs because of the amount of production verification testing required.

Decision

Two changes have been made in the regulation to alleviate these potential problems. The revised category and configuration lists should ease the concern for work lay-offs due to extensive testing. § 205.205–2 has been revised to allow for a 90-day delay in production verification due to weather or other conditions beyond the control of the manufacturer, providing the manufacturer complies with certain conditions. Testing must begin on the first available day. The manufacturer must document the conditions preventing testing. If testing has not been performed at the end of 45 days, the manufacturer has 5 days to notify the Administrator and, if the Administrator so requests, the manufacturer must ship the test products to the EPA facility for testing.

As proposed, the regulation allowed up to a 45-day delay if weather prevented testing and a further delay for weather or other reasons beyond the manufacturer's control. The revision makes conditions beyond the manufacturer's control a valid reason for delay during the entire 90-day period.

4.14 Issue

Is a manufacturer required to report all possible configurations?

Comments

One group suggested that § 205.205–4 required the manfacturer to report all possible configurations which could be produced and stated that this was unreasonably burdensome.

Decision

Reporting all possible configurations is not required; rather § 205.205–4 requires that the manufacturer maintain a list of all configurations that are actually produced. Product sales literature may be sufficient. In cases where it is not, the sales literature must be supplemented.

4.15 Issue

Are the statistical methods of Selective Enforcement Audit (SEA) valid for this industry?

Comment

One group stated that EPA should conduct a new study to validate the statistical methods of Selective Enforcement Audit (SEA) and their applicability to the compactor industry. They maintain that the SEA procedure is totally inappropriate for this industry.

Decision

As a result of comments to the proposed regulation and internal Agency consideration, § 205.207 has been revised. The Agency has developed a single (one at a time) sequential sampling plan to fit better the enforcement needs in auditing a low production volume industry. The new sampling plan has been incorporated in the revised § 205.207.

The single sequential sampling has the same statistical capability to determine noncompliance as plan B of the fixed batch sampling plan containing in the proposed compactor regulation. The acceptable quality level (AQL) remains at 10% in the new plan.

While the fixed batch sampling plan originally proposed would be valid when applied to the compactor industry, the new plan should provide determinations of compliance or noncompliance with less testing.

4.16 Issue

Should the compliance label include the not-to-exceed level?

Comment

The compactor trade association suggested that the compliance labeling should not include the not-to-exceed level because of the confusion it would cause to State and local governments if they endeavor to enforce that level with inadequate test environment controls and understanding of the standard.

Decision

The compliance label does not require that the regulatory noise level limit be shown. However, the applicable effective date must appear.

4.17 Issue

Do the tampering provisions affect the ability of the compactor manufacturer to make necessary alterations in the truck chassis?

One manufacturer was concerned that it would be necessary to alter the chassis to achieve noise control and that this would constitute tampering under the medium and heavy truck regulation.

Decision

Only those modifications which would result in an increase in noise emissions to a level above the standard are considered tampering. The truck chassis manufacturer develops, and the Administrator approves, tampering lists. If a subsequent owner or manufacturer modifies any item which is on the list, that modification would create a rebuttable presumption of tampering.

If a subsequent owner or manufacturer makes a modification to an item on the tampering list, the modification is presumed to be tampering until rebutted by test results. The modified chassis is to be tested in accordance with the Medium and Heavy Truck Regulation.

If a subsequent owner or manufacturer modifies an item not on the tampering list, in such a way as to cause the noise level of the truck to rise to a level above the standard, that modification also is tampering. The modification is not *presumed* to be tampering because no change was made to an item on the tampering list. Modifications to items not on the tampering list must be proved to be tampering by a showing of non-compliance in the Federal truck noise test.

4.18 Issue

Do the investigative and other provisions of the regulations violate statutory or constitutional authority?

Comment

The opinion was expressed by one group that the search provisions are violative of statutory and constitutional authority.

Decision

Since the EPA Production Verification system leaves the manufacturer in control of many aspects of the compliance program, it is essential that EPA Enforcement Officers have access to manufacturers' plants and records in order to determine whether the requirements of the regulation are being met and whether vehicles being distributed in commerce conform to the standard. Thus, EPA has promulgated inspection and monitoring regulations (40 CFR § 205.4) to allow duly designated EPA Enforcement Officers access to a manufacturer's facility.

The EPA inspection and monitoring regulation is narrowly structured. The EPA Enforcement Officer is limited to inspecting only facilities where: (1) products to be distributed in commerce are manufactured, assembled or stored; (2) Noise tests are performed; (3) Test products are present; or (4) records, reports, or documentary information required to be maintained or provided to the Administrator are located.

Examination of the limited inspection authority in the EPA regulation, its reasonableness, and the reasons for the requirements, make clear that the regulation is fully authorized by section 13(a) of the Noise Control Act. Section 13(a) specifically authorizes EPA to require such tests as are necessary to assure compliance with the promulgated standard and to *have access* to the results of such tests and other records that the manufacturers are required to maintain under § 205.203 of the regulation.

The recent U.S. Supreme Court decision in the case of *Marshall* v. *Barlow's Inc.*, U.S. 46 USLW 4483, has prompted EPA to promulgate changes to § 205.4 of Subpart A, General Provisions, of 40 CFR Part 205, Noise Emission Standards for Surface Transportation Equipment. Published in the Federal Register on June 28, 1978, these changes incorporate the spirit of the *Barlow's* decision and provide that EPA Enforcement Officers may not inspect a manufacturer's property unless (1) the manufacturer consents or (2) the officers have obtained a warrant. For the text of the revised § 205.4, interested parties are referred to 43 FR 27988.

4.19 Issue

Does the EPA have the authority to recall products and issue cease-to-distribute orders?

Comment

A trade association and a chassis manufacturer submitted comments objecting to the authority claimed by the EPA to recall products and issue cease-to-distribute orders, on the basis that these provisions appear to exceed the authority granted in the Noise Control Act.

Decision

The Administrator is given the authority to issue remedial orders under section 11(d) of the Noise Control Act. These orders supplement the criminal and civil penalties of section 11(a) and will be issued only after notice and opportunity for a hearing.

Recall and cease-to-distribute orders are examples of orders the Administrator could find appropriate in certain circumstances. Different circumstances may warrant remedial orders other than those described in the regulation. The Administrator is given the authority to fashion remedial orders in such situations to protect the public health and welfare.

4.20 Issue

Is there a simplified test procedure that a local community may use in monitoring for enforcement purposes?

Comment

Two commenters were concerned that local communities would be unable to enforce the regulation due to the proposed test procedure.

Decision

EPA recognizes that the prescribed test procedure may be too complex for regular use by local communities for monitoring or enforcement purposes. Nevertheless, EPA deems this procedure as necessary to characterize accurately the noise emissions of the compactor. For purposes of local enforcement monitoring EPA suggests that a sound level reading (with the meter in "slow" setting) be taken during the compaction cycle with a microphone 7 meters from the truck surface on the side farthest from nearby reflecting surfaces. Preferably, the microphone is to be in line with the junction area between the cab and the compactor body.

If, under these conditions the maximum noise level observed does not exceed the standard, it may be inferred that the vehicle meets the Federal new product standard. If the noise level exceeds the standard, this does not

necessarily mean that the vehicle is in violation of the standard. At this point, the vehicle should be taken to some suitable location such as an empty shopping center parking lot, and measurements made in conformity with the procedure described in the regulation. The result of this measurement should establish whether or not the vehicle is in compliance with the standard. Thus, local enforcement may utilize a single point measurement for screening purposes only; if the screening test indicates doubt as to compliance, then the complete test procedure should be run at a suitable location. If it is impractical to unload the compactor before testing, the test may be run with contents in the body. In such a situation, any sudden noises due to crushing of objects such as bottles may be ignored.

5.0 Estimated Effects of the Regulation

5.1 Health and Welfare

The EPA estimates that approximately 19.7 million persons currently are exposed to residential neighborhood noise levels above a day-night sound level (L_{dn}) of 55 dB due substantially to operation of truck-mounted solid waste compactors. It is estimated that compliance with the proposed standards will result in a reduction in the number of persons so exposed to about 6 million persons by 1991, representing about a 70 percent decrease. It should be noted that these 6 million persons also receive benefits in the form of reduced noise levels.

The reduction in extensiveness and severity of impact can be evaluated in terms of effects due to individual noise events, such as sleep and activity interference, as well as effects due to generalized adverse response (annoyance) which can be assessed by reductions in day-night sound levels (L_{dn}). Detailed information on these impacts is provided in the Regulatory Analysis. From fractional impact analysis of general annoyance, EPA estimates that the "level-weighted population" (a measure that takes into account partial impact on people at different levels of noise exposure) will decrease from about 2,100,000 in the base year, 1976, to about 540,000 in 1991, a reduction in impact of about 74 percent. Part of the estimated reduction in impact is due to the effect of recently promulgated noise standards for medium and heavy trucks; in 1991, the reduced truck noise alone will account for an estimated reduction of 630,000 in "level-weighted population" impacted by refuse collection noise. The balance of the estimated reduction, 940,000 in level-weighted population, is due entirely to the compactor noise regulation.

Recognition of the intrusive nature of the noise impact of refuse collection vehicles led the Agency to a single-event noise exposure analysis for assessing the health and welfare benefits of the noise control of these vehicles. The benefits of the compactor noise regulation in terms of reduction of single-event impacts, relate to potential effects on sleep awakening, sleep disturbance, and speech interference. This analysis confirms that the reduction in noise impact is more than 70 percent. Thus, in conjunction with the benefits brought about by the medium and heavy truck noise regulation, the TMSWC noise regulations will provide health and welfare benefits of major proportions.

5.2 Cost and Economic Effects

The cost impact of quieting compactors to meet the regulatory standard may be expressed in terms of increased list price. The Agency's studies indicate that average list price increases for the refuse collection vehicle will range from 6.4 to 12.8 percent, depending on vehicle type and size, resulting in an overall average list price increase of about 10.3 percent for all regulated vehicles. These estimates are based on the premise that the products are designed and built to comply with the standard during the Acoustical Assurance Period. There are indications that a few small firms in the industry, by virtue of their small market share and related financial and operation factors, would incur higher manufacturing costs resulting in slightly higher list price increases. The price elasticity of demand for this equipment is estimated to be −0.2 which could possibly result in a decrease in demand of about 2 percent.

Price increases should leave manufacturers' total revenues essentially unchanged. Some pre-buying is expected to occur prior to the effective date(s) of the regulation. However, the Agency believes this activity will be limited by the available excess production capacity of about 4,000 units, almost entirely rear loaders.

In terms of societal resources, annualized cost for national compliance with the standard is estimated at $21.5 million, taking into account fuel savings estimated at about $100 annually per vehicle. Costs are expected to pass through to the end user of waste collection services and ultimately to the consumer. Because capital costs for vehicles represent a small portion of the total costs of solid waste collection, the consequent cost increase for service is expected to be small, an estimated 0.5 percent or less (e.g., 50 cents or less annually per household).

Other aspects of potential economic impact due to promulgation of this regulation are detailed below.

1. Impacts on manufacturers and employment. Employment is not expected to change significantly. Persons who might be affected by reduction of production amount to less than two percent of the employed population of about 2900 persons within the industry and produce less than three percent of the total units estimated. An offsetting increase in employment is expected to occur due to testing and compliance activity and to procurement of noise control components and materials resulting from the regulation.

2. Impacts on exports and imports. As the noise control treatment generally represents add-on materials or substitute components, or both, machines for export generally can be produced without noise control treatment, if desired. Units produced solely for export need not comply with U.S. noise standards; consequently, impact on exports should be minimal. All imported compactors will be subject to the regulation. Consequently, domestic and foreign manufacturers will be affected equally and no adverse competitive impact will result. Therefore, the regulation should have no appreciable impact on the U.S. balance of trade.

3. Impact on energy use and costs. The changes in compactor operating conditions associated with the noise control treatment are expected to result in fuel savings due to the slower speed of the engine. The estimated annual savings are about 2 million gallons of gasoline and 1.2 million gallons of diesel fuel for a fully converted fleet of refuse collection vehicles. This should be reflected in a net savings in operating costs, taking into account possible increases in maintenance costs.

5.3 Summary

The Agency has concluded that at this time the regulatory levels and schedule selected represent optimal noise reduction standards for truck-mounted solid waste compactors. Implementation of the regulations is expected to result in a substantial reduction in the number of people impacted by compactor noise.

Technology to achieve the selected levels has been demonstrated.

The effective dates for the noise level limits are coordinated with those for the truck noise standards. The Agency believes that the time schedule for application of the noise standards,

corresponding with reduced noise limits for trucks, should allow the manufacturers the lead time requisite to incorporate the necessary design and component changes without disruption to production or the market.

The cost of compliance and possible economic effects have been considered and are believed to be reasonable.

6.0 Enforcement

The EPA enforcement strategy assigns to the manufacturers a major share of the responsibility for pre-sale testing to determine the compliance of truck-mounted solid waste compactors with this regulation and its noise emission standards. This approach leaves the manufacturer in control of many aspects of the compliance program and imposes a minimal burden on the industry. The effectiveness of this strategy is contingent on EPA monitoring the tests conducted and actions taken by the manufacturers in compliance with this regulation.

The enforcement strategy in this regulation consists of three parts: (1) Production Verification; (2) Selective Enforcement Auditing; and (3) In-Use Compliance. For a more detailed description and explanation, please see Section 8, Enforcement, of the regulatory analysis as well as the rule text.

7.0 Future Intent

The Agency is pursuing a strategy through which major contributors to overall residential neighborhood noise will be identified and subsequently controlled. This coordinated approach is necessary because a number of different noise sources may be operating in residential neighborhoods at the same time, and the quieting of only one such source may not in itself be sufficient to reduce the environmental noise to a level the Agency believes is requisite to protect the public health and welfare.

As indicated in the first EPA Report on Identification of Major Sources of Noise (39 FR 22297–99, June 21, 1974), the principal candidates for potential future regulatory efforts are known.

The Agency has underway or plans further regulatory action on other noise sources. These include wheel and crawler tractors, buses, motorcycles, pavement breakers and rock drills, and lawnmowers. The levels designated for the time-phased standards in this rulemaking, while believed to be optimal at present, may be lowered in the future, to be consistent with the overall objective to quiet all major noise sources in order to reduce noise in residential areas.

The Agency believes that the standards are necessary to protect the public health and welfare and are achievable through use of best available technology, taking into account the cost of compliance. However, as technological advances occur, lower levels may be achievable. The Agency will consider all new information and data which become available or are presented to it, and may subsequently revise this regulation published herein.

8.0 Reporting and Recordkeeping Requirements

The reporting and recordkeeping requirements of this regulation are detailed in § 205.203.

Under the EPA's new "sunset" policy for reporting requirements in regulations, the reporting requirements in this regulation will automatically expire five years after implementation unless the Administrator extends them. This provision is prescribed in § 205.203(f).

9.0 Evaluation Plan

We intend to review the effectiveness and need for continuation of the provisions contained in this action no more than five years after the effective date of the second step standard of this regulation. In particular, we will solicit comments from affected parties with regard to actual costs incurred and other burdens associated with compliance and will also review noise data to evaluate the effectiveness of the regulation after it has gone into effect.

10.0 Supporting Documentation

I have determined that promulgation of this regulation constitutes a significant action. Accordingly, the Agency has prepared the regulatory analysis required by Executive Order 12044. This analysis is entitled "Regulatory Analysis of the Noise Emission Regulation for Truck-Mounted Solid Waste Compactors", EPA 550/9–79–257. The Agency has also prepared an Environmental and Economic Impact Statement, EPA 550/9–79–258, which presents the effect of the regulation. These documents may be obtained from Mr. Charles Mooney, U.S. Environmental Protection Agency, EPA Public Information Center, (PM–215), Room 2194 D—Waterside Mall, Washington, D.C. 20460.

Dated: September 14, 1979.

Douglas M. Costle,

Administrator.

In consideration of the foregoing, 40 CFR Part 205 is amended by adding Subpart F as follows:

PART 205—TRANSPORTATION EQUIPMENT NOISE EMISSION CONTROLS

Subpart F—Truck-Mounted Solid Waste Compactors.

Sec.
205.200 Applicability.
205.201 Definitions.
205.202 Noise Emission Standards.
205.203 Maintenance of records: submittal of information.
205.204 Test procedures.
205.205 Production verification.
205.205–1 General requirements.
205.205–2 Production verification: compliance with standards.
205.205–3 Configuration identification.
205.205–4 Production verification report: required data.
205.205–5 Test sample selection.
205.205–6 Test preparation.
205.205–7 Testing.
205.205–8 Addition of, changes to, and deviation from a compactor configuration during the year.
205.205–9 Production verification based on data from previous years.
205.205–10 Cessation of distribution.
205.205–11 Labeling-compliance.
205.206 Testing by the Administrator.
205.207 Selective enforcement auditing requirements.
205.207–1 Test request.
205.207–2 Test sample selection.
205.207–3 Test sample preparation.
205.207–4 Testing procedures.
205.207–5 Reporting of the test results.
205.207–6 Passing or failing under SEA.
205.207–7 Continued testing.
205.207–8 Prohibition of distribution in commerce; manufacturer's remedy.
205.208 In-use requirements.
205.208–1 [Reserved].
205.208–2 Tampering.
205.208–3 Instructions for maintenance, use and repair.
205.208–4 Noise Level Degradation Factor (NLDF) and retention of durability data.
205.209 Recall of non-complying compactors.

Appendix I—Sample Tables.

Authority: Sec. 6 of the Noise Control Act (42 U.S.C. 4905) (except where otherwise specified).

Subpart F—Truck-Mounted Solid Waste Compactors.

§ 205.200 Applicability.

(a) This regulation sets noise emission standards for new truck-mounted solid waste compactors. Except as otherwise provided for herein, the provisions of this subpart apply to the manufacturer of any truck-mounted solid waste compactor (hereinafter compactor) which meets the definition of the term "new product" in the Noise Control Act (the "Act") and, where appropriate, to the compactor itself. For purposes of this regulation, a new compactor is one which comprises an engine-powered

truck cab and chassis or trailer manufactured after the effective date of the standard, equipped with a compactor body (with associated machinery) manufactured after the effective date of the standard.

(b) The provisions of the subpart do not apply to:

(1) Non-compacting vehicles that pick up solid waste containers

(2) Non-compacting collection vehicles

(3) Stationary trash compactors

(4) Solid waste containers.

§ 205.201 Definitions.

(a) As used in this subpart, all terms not defined herein shall have the meaning given them in the Act or in other subparts of this part.

(1) "Acceptable Quality Level" (AQL) means the maximum allowable average percentage of compactors that fail sampling inspection.

(2) "Acoustical Assurance Period" (AAP) means a specified initial period of time or use during which a product must continue in compliance with the Federal standard provided it is properly used and maintained according to the manufacturer's recommendations.

(3) "Category" means a group of compactor configurations which are identical in all material aspects with respect to the parameters listed in § 205.205–2.

(4) "Compactor" means a truck-mounted solid waste compactor, which comprises an engine powered truck cab and chassis or trailer, equipped with a compactor body and associated machinery for receiving, compacting, transporting and unloading solid waste.

(5) "Configuration" means the basic classification unit of a manufacturer's product line and is comprised of all compactor designs, models or series which are identical in all material aspects with respect to the parameters listed in § 205.205–3.

(6) "Exhaust system" means the system comprised of a combination of components that provide for the enclosed flow of exhaust gas from the engine exhaust port(s) to the atmosphere.

(7) "Low noise emission product" (LNEP) means a product which emits noise in amounts significantly below the levels specified in the noise emission standards under the applicable regulation.

(8) "Maximum noise level" means the maximum reading in decibels (dB) obtained with a sound level meter, with the meter set for A-weighting and "slow" meter setting, using the test and measurement procedure set forth in § 205.204.

(9) "Model year" means the manufacturer's annual production period which includes January 1 of such calendar year; or, if the manufacturer has no annual production period, the term "model year" means the calendar year.

(10) "Noise Level Degradation Factor" (NLDF) means the increase in A-weighted sound level which the product configuration is projected to undergo during the Acoustical Assurance Period when the product is properly maintained and used.

(11) "Noise control system" means all parts, components or systems the primary purpose of which is to control or cause the reduction of noise emitted from a compactor.

(12) "Noise emission test" means a test conducted pursuant to the measurement methodogy specified in this subpart.

(13) "Production verification compactor" means any compactor selected for testing, tested or verified pursuant to the production verification requirements of this subpart.

(14) "Shift" means the regular production work period for one group of workers.

(15) "Tampering" means those acts prohibited by Section 10(a)(2) of the Act, as follows:

"(A) The removal or rendering inoperative by any person, other than for purposes of maintenance, repair, or replacement, of any device or element of design incorporated into any product in compliance with regulations under section 6, prior to its sale or delivery to the ultimate purchaser or while it is in use or,

(B) the use of a product after such device or element of design has been removed or rendered inoperative by any person."

(16) "Test compactor" means a compactor in a test sample or a production verification compactor.

(17) "Warranty" means the warranty required by Section 6(d)(1) of the Act, as follows:

"(d)(1) On and after the effective date of any regulation prescribed under subsection (a) or (b) of this section, the manufacturer of each new product to which such regulation applies shall warrant to the ultimate purchaser and each subsequent purchaser that such product is designed, built, and equipped so as to conform at the time of sale with such regulation."

§ 205.202 Noise Emission Standards.

(a) *Time-of-Sale Standard.* Truck-mounted solid waste compactors which are manufactured after the dates listed below shall be designed, built, and equipped so that at the time of sale they will not produce noise emissions in excess of the limits specified as follows, when measured in accordance with the procedures prescribed in § 205.204.

Effective date	Maximum noise level[1] limit
October 1, 1980	79 decibels
July 1, 1982	76 decibels

[1] See § 205.201(a)(8).

(b) *In-Use Standard.* Following the effective date of the applicable standard, truck-mounted solid waste compactors must continue to meet the standard for an Acoustical Assurance Period of 2 years or 5000 operating hours after sale to the ultimate purchaser, provided that the product is properly maintained and used in accordance with the manufacturer's recommendations and there has been no tampering with noise control components. At the time of product verification (PV) testing prescribed in § 205.205 and selective enforcement auditing (SEA) testing prescribed in § 205.207, new truck-mounted solid waste compactors must comply with the standards set forth in paragraph (a) of this section minus the noise level degradation factor (NLDF) developed in accordance with § 205.208–4.

(c) *Low Noise Emission Product.* For the purpose of Low Noise Emission Product (LNEP) Certification under 40 CFR Part 203, truck-mounted solid waste compactors subject to this subpart F which are procured after October 1, 1979, must not produce a maximum noise level in excess of 71 decibels as determined using the procedures precribed in § 205.204. LNEP products must meet all requirements contained in paragraph (b) of this section.

(Sec. 10, 15 of the Noise Control Act (42 U.S.C. 4909, 4914)).

§ 205.203 Maintenance of records: submittal of information.

(a) Except as otherwise provided for in the regulation, the manufacturer of any new compactor subject to any of the standards or procedures prescribed in this subpart shall establish, maintain and retain the following adequately organized and indexed records:

(1) General records: (i) Identification and description by category and configuration parameters of all compactors in the manufacturer's product line for which testing is required under this subpart, and the identification and description of all devices incorporated into the compactor for the purpose of noise control and attenuation;

(ii) A description of any procedures other than those contained in this regulation used to perform noise tests on any test compactor;

(iii) A record of the calibration of the acoustical instrumentation as required by § 205.204;

(iv) A record of the date of manufacture of each compactor subject to this subpart, keyed to the serial number or other coded identification appearing on the label affixed to each compactor pursuant to § 205.205–11; and,

(v) For those compactor bodies delivered to a distributor for assembly, a record of the name and address of the distributor to whom such compactor body was delivered, keyed to the serial number or other coded identification of that compactor body.

(2) Individual records for test compactors:

(i) A complete record of all noise emission tests performed for PV and SEA (except tests performed by EPA directly), including all individual worksheets and/or other documentation relating to each test, or exact copies thereof; and,

(ii) A record and description of all repairs, maintenance and other servicing which were performed before successful testing of the compactor pursuant to these regulations and which could affect the noise emission of the product, giving the date and time of the maintenance or service, the reason for it, the name of the person authorizing it, and the names of supervisory personnel responsible for the conduct of the maintenance or service.

(3) A properly filed production verification report following the format prescribed by the Administrator in § 205.205–4 fulfills the requirements of paragraphs (a)(1) (i), (ii), and (iii), and (a)(2) (i) and (ii) of this section.

(b) The manufacturer shall keep for a period of three (3) years from the production verification date, all records required under this part. Records may be retained as hard copy or alternatively reduced to microfilm, punch cards, etc., depending on the record retention procedures of the manufacturer. However, when an alternative method is used, all information contained in the hard copy must be contained in the copy made by the alternate method.

(c) The manufacturer shall, pursuant to a request made by the Administrator, submit to the Administrator the following information with regard to new compactor production:

(1) Number of compactors, by category or configuration, scheduled for production for the time period designated in the request; and,

(2) Number of compactors, by category or configuration, produced during the time period designated in the request.

(d) A manufacturer who only assembles a compactor as defined in § 205.201(a)(11) in accordance with the assembly instructions supplied by the compactor body manufacturer shall maintain the following records:

(1) A statement from the compactor body manufacturer that the completed compactor complies with the applicable standard when such compactor body is mounted on a specific truck chassis using specific operating components (e.g., hydraulic pump) according to detailed assembly instructions supplied by the compactor body manufacturer; and,

(2) The following information on each compactor vehicle assembled by the manufacturer:

(i) Cab and chassis serial number;

(ii) Compactor body serial number, type and date of manufacture;

(iii) Manufacturer and serial number of the components of the compactor power system including the PTO or auxiliary engine, and hydraulic pump; and,

(iv) A description of any variations from the body manufacturer's detailed assembly procedures that occur during assembly of the compactor vehicle, and the name of the person authorizing any variation.

(e) Any manufacturer under paragraph (d) of this section shall keep the required records for a minimum of three (3) years from the date that the compactor is assembled.

(f) The reporting requirements of this regulation will no longer be effective after five (5) years from the date of publication; however, the requirements will remain in effect if the Administrator is taking appropriate steps to repromulgate or modify the reporting requirements at this time.

(Section 13 of the Noise Control Act (42 U.S.C. 4912))

§ 205.204 Test procedures.

Conformity of compactors with the standards specified in § 205.202 must be determined according to the test procedures specified in this section.

(a) *General.* This section prescribes the conditions under which noise emission standard compliance testing must be conducted and the measurement procedures that must be used to determine the maximum noise level of truck-mounted solid waste compactors.

(b) *Test site description.* The test site shall consist of an open area above a hard reflecting plane. The reflecting plane shall consist of a surface of sealed Portland cement or bituminous concrete flat to within ±0.05 meters, and shall extend 1.0 meter beyond each microphone location. The microphone shall be located at least 15 meters from any reflecting surface, such as a building, signboard, hillside, etc. The test site may be graded to permit drainage, provided the elevation difference does not exceed one-half (½) of the microphone elevation tolerance of 0.15 meter.

(c) *Measurement equipment.* The measurement equipment to be used during noise standard compliance testing shall consist of the following or its equivalent.

(1) A sound level meter and microphone system conforming to the requirements of American National Standards Institute (ANSI) S1.4–1971, "American National Specification for Sound Level Meters".

(2) As an alternative to making direct measurements using a sound level meter, a microphone or sound level meter may be used with a magnetic tape recorder and/or a graphic level recorder or indicating meter, providing the system meets the requirements of SAE Recommended Practice J184, Qualifying a Sound Data Acquisition System.

(3) A windscreen, to be used with the microphone during all measurements of compactor noise. The windscreen must not affect sound level readings in excess of 0.5 decibel.

(4) A sound level calibrator accurate to within ±0.5 dB, which shall be used for checking the entire acoustical instrumentation system including the microphone and cable, before and after each test series. A laboratory calibration of the instrumentation shall be performed at least annually using methodology of sufficient precision and accuracy to determine compliance with ANSI S1.4–1971. This calibration shall consist, at a minimum, of an overall frequency response calibration and attenuator (gain control) calibration plus a measurement of dynamic range and instrument noise floor.

(5) An anemometer or other device accurate to within ±10 percent of full scale which shall be used to measure wind velocity.

(6) An indicator accurate to within ±5 percent of full scale, to measure speed in RPM of the engine used as a prime mover for the compactor operation. If the vehicle is equipped with an engine tachometer on the instrument panel, that tachometer may be used.

(7) A barometer accurate to within ±5 percent of full scale, for measuring atmospheric pressure.

(8) A stopwatch having an accuracy of better than 1 percent of the time interval reading, to measure time intervals.

(9) A thermometer accurate to within ±1 degree Celsius, to measure ambient temperature.

(d) *Microphone locations.* The microphone shall be located 1.2±0.15

meters (4±½ feet) above the reflecting plane and 7±0.3 meters (23±1 feet) from the mid-point of the surface of the compactor. The microphone shall be oriented such that the surface of the diaphragm is perpendicular to the axis from the midpoint of the surface of the compactor to the microphone, unless the instructions for use of the sound level meter prescribe some other orientation. In the latter case, the microphone shall be oriented as prescribed in the sound level meter instructions. Measurements shall be made at four microphone positions corresponding to the front, rear, and sides of the vehicle. (See Figure 1 for layout of microphones at test site.)

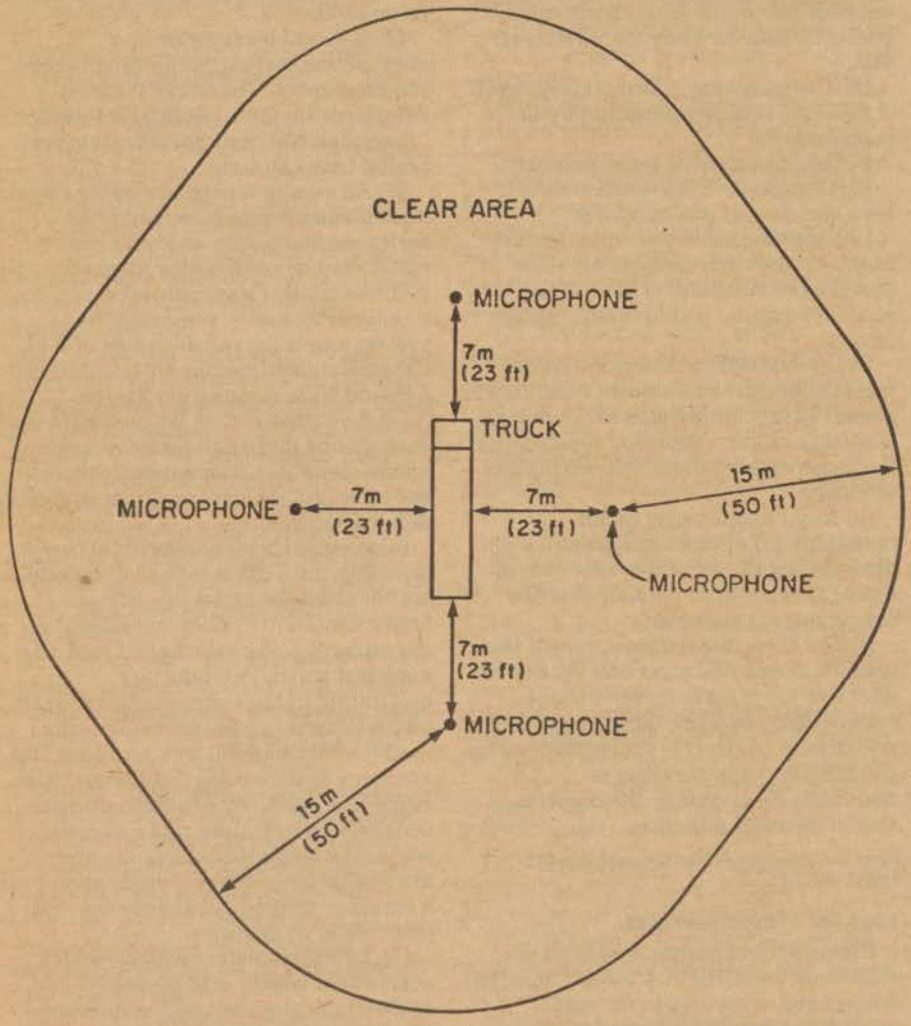


Figure 1
Noise Measurement Site

(e) *Test conditions.* Noise standard compliance testing must be carried out only when:

(1) There is no rain or other precipitation.

(2) The wind speed is less than 19 km/hr. (approximately 12 miles/hr.).

(3) There is no observer or obstruction located within 2 meters (approximately 6½ feet) in any direction of any microphone location, nor between the compactor and microphone(s).

(4) The reflecting plane, described in paragraph (b) of this section, is free of snow or other porous or absorptive covering and any extraneous materials such as gravel.

(5) The test site background noise level at each microphone location is at least 10 decibels below the noise levels produced by the test compactor.

(f) *Test procedure.* (1) The compactor must be operated with the vehicle stationary.

(2) The compactor engine must be started and allowed to reach its recommended operating temperature and conditions. If the ambient temperature is below 16° C (about 60° F), the container handling and compaction equipment shall be operated through enough cycles to ensure that hydraulic oil and components have reached a stable temperature and operating condition.

(3) The compactor must be operated empty.

(4) The compaction equipment and container handling mechanism (where appropriate) must be operated in accordance with their normal operating procedures except that no container shall be used. The vehicle engine must be operated at a speed in rpm corresponding to the maximum allowable speed of the hydraulic pump (or other power device, as appropriate) which powers the compactor mechanism. If the compactor includes an engine speed control or governor which is operational during the container handling and compaction cycle, the test must be run at governed speed, provided that the governor cannot be overridden by an operator during normal in-use operation.

(5) The sound level meter must be set for "slow" response and on the "A" weighting network.

(6) The container handling and compaction equipment must be operated through two complete cycles for each noise measurement taken. If the test results (4-position energy-average) differ by more than 2 dB, further tests must be run until the two results agree within 2 dB and the average of the two will be reported.

(7) Noise level measurements must be taken at each of the four microphone positions around the compactor, and the following data will be reported, using a data sheet similar to that shown in Table I of Appendix I:

(i) Maximum noise level [1] during a complete cycle of container handling and compaction at each microphone position;

[1] See § 205.201(a)(8).

(ii) The four-position energy average noise level, computed according to the equation:

$$\bar{L} = 10 \log \sum_{i=1}^{4} [\ \text{ant}(L_i/10)] - 6 \text{ dB}$$

where:

L=Energy average noise level, in decibels;
L_i is the A-weighted noise level corresponding to the i^{th} microphone location;
and ant(x) means antilogarithm(x), which equals 10^x;

(iii) The time from the beginning to the end of each operational cycle.

(8) The entire acoustical instrumentation system including the microphone and cable must be field-checked before and after each test series.

(g) The Administrator may approve applications from manufacturers for the use of test procedures which differ from those contained in the subpart so long as the alternate procedures have been demonstrated to correlate with the prescribed procedure. Acceptable alternate testing procedures must identify all those test units which would not comply with the noise emission limit prescribed in § 205.202 when tested in accordance with the procedures contained in § 205.204(a). Tests conducted by manufacturers under approved alternate procedures may be accepted by the Administrator for all purposes, including, but not limited to, production verification testing and selective enforcement audit testing.

§ 205.205 Production verification.

§ 205.205–1 General requirements.

(a) Each manufacturer of new compactors manufactured for distribution in commerce in the United States which are subject to the standards prescribed in this subpart and not exempted in accordance with § 205.5:

(1) Shall verify each compactor configuration in accordance with the production verification procedures described in this subpart;

(2) Shall submit a production verification report for each compactor configuration, as required by § 205.205–4 of this subpart;

(3) Shall label each compactor in accordance with the requirements of § 205.205-11 of this subpart; and

(4) Shall ensure that each compactor conforms to the applicable noise emission standards established in § 205.202 of this regulation.

(b) The manufacturer of a new product shall comply with the requirements of paragraph (a) of this section from the time the product first fits the definition of truck-mounted solid waste compactor in this regulation.

(c) A subsequent manufacturer of a truck-mounted solid waste compactor need not fulfill the requirements of paragraph (a)(1), (2) or (3) of this section if the compactor, when received by the manufacturer, fits the definition of a new truck-mounted solid waste compactor in the regulation, and the prior manufacturer had already complied with these requirements.

(d) Manufacturers who only assemble compactors need not fulfill the requirements of paragraph (a)(1) or (2) of this section if they follow the detailed assembly instructions of the compactor body manufacturer, and do not use any parts not authorized by the compactor body manufacturer. Any such manufacturer who uses unauthorized parts or who deviates from the body manufacturer's assembly instructions is responsible for fulfilling the requirements of paragraph (a)(1) and (2) of this section.

(Secs. 6, 10 and 13 of the Noise Control Act (42 U.S.C. 4905, 4909, 4912))

§ 205.205–2 Production verification: compliance with standards.

(a)(1) Prior to distribution in commerce of a compactor of a specific configuration, the first manufacturer of the compactor shall verify the configuration in accordance with this subpart.

(2) Notwithstanding paragraph (a)(1) of this section, the manufacturer may distribute in commerce products of that configuration for up to 90 days if weather or other conditions beyond the control of the manufacturer make production verification impossible, if the following conditions are met:

(i) The manufacturer shall perform the tests required under paragraphs (b) or (c) of this section on such configuration as soon as conditions permit;

(ii) The manufacturer shall maintain records of the conditions which make production verification impossible; and,

(iii) If, on the 45th day following distribution in commerce of products of that configuration, the manufacturer has not performed the tests required by paragraphs (b) or (c) of this section, the manufacturer shall within 5 days notify the Administrator in writing that such products have been distributed in commerce and shall provide to the Administrator documentation of the conditions which have made production verification impossible.

(3) At any time following receipt of notice under paragraph (a)(2)(iii) of this section with respect to a configuration, the Administrator may require that the manufacturer ship test products to an EPA test facility in order for the Administrator to perform the tests required for production verification.

(b) The production verification requirements with regard to each compactor configuration consist of:

(1) Testing in accordance with § 205.204 of a compactor selected in accordance with § 205.205–5;

(2) Compliance of the test compactor with a noise level such that the arithmetic sum of the Noise Level Degradation Factor (NLDF, determined in accordance with § 205.208–4 of this Subpart) and that noise level does not exceed the applicable standards, when tested in accordance with § 205.204; and,

(3) Submission of a production verification report pursuant to § 205.205–4.

(c)(1) In lieu of testing products of every configuration as described in paragraph (b) of this section, the manufacturer may elect to verify the configuration based on representative testing, the requirements of which consist of:

(i) Grouping configurations into a category where each category will be determined by a separate combination of at least the following parameters (a manufacturer may use more parameters):

(A) Truck Engine Type
(*1*) Gasoline;
(*2*) Diesel; or,
(*3*) Other.
(B) Compactor Type
(*1*) Front Loader;
(*2*) Side Loader; or,
(*3*) Rear Loader.
(C) Compactor Power System
(*1*) Direct Drive;
(*2*) Auxiliary Engine; or,
(*3*) Power Take Off.

(ii) (A) Identifying the configuration within each category which emits the highest noise level (in dB) at the end of the defined Acoustical Assurance Period, based on best technical judgment, emission test data, or both;

(B) If two or more configurations emit the same noise level described in paragraph (c)(1)(ii)(A) of this section, then identifying the configuration that emits the highest noise level when distributed into commerce;

(iii) Testing in accordance with § 205.204 of a compactor, selected in accordance with § 205.205–5, of the configuration identified pursuant to paragraph (c)(1)(ii) of this section as having the highest noise level (estimated or actual) within the category;

(iv) Demonstrating compliance by showing that the arithmetic sum of the NLDF and the measured noise level does not exceed the applicable standard;

(v) Submission of a production verification report pursuant to § 205.205–4.

(2) If there has been compliance with the requirements of paragraph (c)(1) of this section, all those configurations within a category are considered to be represented by the tested compactor, and are therefore considered to be production verified.

(3) If there has been compliance with all other requirements of paragraph (c)(1) of this section, except that the manufacturer tests a configuration which does not have the highest noise level in a category (as identified in (c)(1)(ii)), all those configurations in the category which have noise levels no greater than that of the tested compactor are considered to be production verified. However, a manufacturer must production verify according to the requirements of (b)(1) or (c)(1) of this section any configurations in the category which have a higher noise level than that of the compactor configuration tested.

(d) A manufacturer may elect to production-verify all or part of his product line using representative testing pursuant to paragraph (c) of this section.

(e) The manufacturer has the following alternatives with respect to any compactor determined not to be in compliance with applicable standards:

(1) Deletion of that configuration from the production verification report. Configurations so deleted may be included in a later report under § 205.205–4. However, in the case of representative testing, a new test compactor from another configuration must be selected and production verified according to the requirements of paragraph (c) of this section, in order to production-verify the category represented by the compactor that does not comply; or

(2) Modification of the test compactor and demonstration by testing that it meets applicable standards. All modifications and test results must be reported in the production verification report. The manufacturer shall modify all production compactors of the same configuration in the same manner as the test compactor before distribution into commerce.

(f) Upon request by the Director of the Noise Enforcement Division, the manufacturer shall notify said Director of any production verification testing scheduled by the manufacturer pursuant to this section, so that EPA Enforcement Officers may be present to observe and monitor the testing or conduct the testing in lieu of the manufacturer.

(Secs. 6 and 13 of the Noise Control Act, (42 U.S.C. 4905, 4912))

§ 205.205–3 Configuration identification.

(a) A separate product configuration shall be determined by each combination of the following parameters:

(1) Category parameters listed in § 205.205–2; and

(2) Power take-off:

(i) Transmission mounted;

(ii) Flywheel mounted; or,

(iii) Crankshaft mounted; and,

(3) Truck Exhaust System:

(i) Horizontal; or,

(ii) Vertical.

(Secs. 6 and 13 of the Noise Control Act (42 U.S.C. 4905, 4912))

§ 205.205–4 Production verification report: required data.

(a) Prior to distribution in commerce of any product to which these regulations apply, the manufacturer shall submit a production verification report to the Director, Noise Enforcement Division (EN–387), U.S. Environmental Protection Agency, Washington, D.C. 20460, unless production verification is waived in accordance with § 205.205–2(a)(2). A manufacturer may submit separate production verification reports for different parts of his product line.

(b) The report must be signed by an authorized representative of the manufacturer and must include the following:

(1) The name, location and description of the manufacturer's noise emission test facilities used to conduct testing pursuant to this subpart, except that if a test facility has been described in a previous submission under this subpart it need not be described again, but must be identified as such;

(2) A description of normal predelivery maintenance procedure;

(3) A description of all compactor configurations, as determined in accordance with § 205.205–3, to be distributed in commerce by the manufacturer, including for each configuration, the Noise Level Degradation Factor (see § 205–208–4) and a list of the following:

(i) Identification or definition of any device or element of design (including its location and method of operation) incorporated into the compactors for the purpose of noise control and attenuation;

(ii) Hydraulic Power System:

(A) Pump manufacturer; and,

(B) Manufacturer's model designation;

(iii) Compactor Capacity; and,

(iv) Any device that affects noise emission from the compactor and does not operate during the normal operating modes of the compactor.

The manufacturer may satisfy the compactor configuration description requirements of this paragraph (b)(3) by submitting as part of the production verification report a copy of his technical sales literature that describes his product line including options, provided that this literature is supplemented with any additional information necessary to fulfill the requirements of this section. If a manufacturer elects to production-verify pursuant to § 205.205–2(c), the configuration within each category which is estimated to have the highest A-weighted noise level at the end of its Acoustical Assurance Period must be identified. The manufacturer may estimate the average sound level based on his best technical judgment or data. The criteria used to estimate each noise level must be stated with the estimates;

(4) The following information for each noise emission test conducted:

(i) The completed data sheet reporting the data required by § 205.204 for all official tests conducted in accordance with § 205.205–7, including for each invalid test the reason for invalidation;

(ii) A complete description of any preparation, maintenance or testing which could affect the noise emissions of the product, and which was performed on the test compactor and which will not be performed on all other production compactors; and,

(iii) The reason for replacement where a replacement compactor was necessary, and test results, if any, for replaced compactors;

(5) A complete description of the sound data acquisition system if other than those specified in § 205.204;

(6) The following statement and endorsement:

This report is submitted pursuant to section 6 and section 13 of the Noise Control Act of 1972. To the best of (company name) ———— knowledge, all testing for which data are reported here was conducted in strict conformance with applicable regulations under 40 CFR 205.1 et seq., all the data reported here are a true and accurate representation of such testing, and all other information reported here is true and accurate. I am aware of the penalties associated with violations of the Noise Control Act of 1972 and the regulations thereunder.
(Authorized representative) ————

(c) Where a manufacturer elects to submit separate production verification reports for portions of his product line as provided for in paragraph (a) of this section, information provided in previous reports need not be resubmitted. Information necessary to

update or make current previously submitted information must be submitted.

(d) Any change with respect to information reported under this subpart must be reported as soon as the information becomes available.

(e) Manufacturers who only assemble compactors shall, upon request by the Administrator, submit the following data to the Director, Noise Enforcement Division (EN–387), U.S. Environmental Protection Agency, Washington, D.C. 20460:

(1) The number of compactors assembled by the manufacturer during the time period specified in the request; and,

(2) A copy of the records that the manufacturer is required to maintain under § 205.203(c) of this subpart.

(f) Manufacturers who only assemble compactors need not fulfill the requirements of paragraph (a) of this section unless they are required to fulfill the requirements of § 205.205–1 (a) (1) and (2) of this subpart. (Sec. 13 of the Noise Control Act (42 U.S.C. 4912)).

§ 205.205–5 Test sample selection.

Test compactors of a configuration for which production verfication testing is required by § 205.205–2 must be assembled using the manufacturer's normal production processes and intended for sale in commerce.

(Secs. 6 and 13 of the Noise Control Act (42 U.S.C. 4905, 4912))

§ 205.205–6 Test preparation.

(a) Before the official test, the test compactor selected in accordance with § 205.205–5 must not be prepared, tested, modified, adjusted, or maintained in any manner unless such adjustments, preparation, modification or tests are part of the manufacturer's prescribed manufacturing and inspection procedures, and are documented in the manufacturer's internal compactor assembly and inspection procedures, or unless such adjustments or tests are required or permitted under this subpart or are approved in advance by the Administrator. For purposes of this section and § 205.205–5, prescribed manufacturing and inspection procedures include quality control testing and assembly procedures normally performed by the manufacturer on like products during early production, if the resulting testing is not biased by this procedure. In the case of imported products, the manufacturer may perform adjustments, preparations, modifications or tests normally performed at the port of entry by the manufacturer, to prepare the compactor for delivery to a dealer or customer.

(b) Equipment or fixtures necessary to conduct the test may be installed on the compactor, if such equipment or fixtures have no effect on the noise emissions of the compactor, as determined by the measurement methodology.

(c) In the event of a compactor malfunction (e.g., failure to start) the manufacturer may perform the maintenance that is necessary to enable the compactor to operate in a normal manner. This maintenance must be documented and reported in the final report prepared and submitted in accordance with this subpart.

(d) No quality control, quality assurance testing, assembly or selection procedures may be used on the test compactor or any portion thereof, including parts and subassemblies, that will not normally be used during the production and assembly of all other compactors of the category which will be distributed in commerce, unless such procedures are required or permitted under this subpart, or are approved in advance by the Administrator.

(Secs. 6 and 13 of the Noise Control Act (42 U.S.C. 4905, 4912))

205.205–7 Testing

(a) The manufacturer shall conduct one valid test in accordance with the test procedures specified in § 205.204 for each compactor selected for verification testing.

(b) The manufacturer shall not perform maintenance of the test compactors, except as provided for by § 205.205–6.

(c) If a compactor is unable to complete the noise test, the manufacturer may replace the compactor. Any replacement compactor must be a production compactor of the same configuration as the replaced compactor and will be subject to all the provisions of these regulations. Any replacement must be reported in the production verification report along with the reason for the replacement.

(d) If a compactor fails to comply with the standards of this subpart when tested in accordance with the procedures specified in paragraph (a) of this section, the manufacturer may proceed in accordance with § 205.205–2(e) of this subpart.

(Secs. 6 and 13 of the Noise Control Act (42 U.S.C. 4905, 4912))

§ 205.205–8 Addition of, changes to, and deviation from a compactor configuration during the year.

(a) Any change to a configuration with respect to any of the parameters stated in § 205.205–3 constitutes the addition of a new and separate configuration or category to the manufacturer's product line.

(b) (1) When a manufacturer introduces a new category or configuration to his product line, he shall proceed in accordance with § 205.205–2.

(b) If the configuration to be added can be grouped within a verified category, and the new configuration is estimated to have a lower A-weighted noise level than a previously verified configuration within the same category, and if the manufacturer submits a report pursuant to § 205.205–4 with respect to the new configuration, the configuration is to be considered verified.

(Secs. 6 and 13 of the Noise Control Act, (42 U.S.C. 4905, 4912))

§ 205.205–9 Production verification based on data from previous years.

(a) Production verification of each configuration will be required when production of that configuration commences each year, except that in certain instances, the Administrator, upon request by the manufacturer, may permit the use of production verification data for specific configurations from previous production verification reports. Considerations relevant to his decision may include, but are not limited to:

(1) The level of the standard in effect for the year in question;

(2) Performance based on production verification data for previous years;

(3) Performance based on data obtained from selective enforcement testing during previous years; and

(4) The number and type of changes in the design of noise control features incorporated in the new models that affect the noise emission level.

(Secs. 6 and 13 of the Noise Control Act (42 U.S.C. 4905, 4912))

§ 205.205–10 Cessation of distribution.

(a) If a category or configuration is found not to conform to this subpart because it has not been verified properly pursuant to § 205.205–2, the Administrator may issue an order to the manufacturer to cease to distribute in commerce compactors of that category or configuration. This order will not be issued if the manufacturer has made a good faith attempt to properly production verify the category or configuration, and can prove good faith.

(b) Any such order shall be issued after notice and opportunity for a hearing held in accordance with Title 5 of the U.S. Code, section 554.

(Sec. 11 of the Noise Control Act (42 U.S.C. 4910))

§ 205.205–11 Labeling—compliance.

(a)(1) The manufacturer of any compactor subject to the standards prescribed in § 205.202 shall, at the time of manufacture, affix a permanent, legible label, of the type and in the manner described in paragraphs (a) (2), (3) and (4) of this section, to all such compactors to be distributed in commerce.

(2) A plastic or metal label shall be welded, riveted, or otherwise permanently attached in a readily visible position, on the forward driver's side of the compactor unit body.

(3) The compactor manufacturer, who has verified the compactor pursuant to § 205.205–2, shall affix the label in such a manner that it cannot be removed without destroying or defacing the label. He shall not affix the label to any piece of equipment that is easily detached from the compactor.

(4) Labels must contain the following information lettered in the English language in block letters and numerals, which shall be of a color that contrasts with the background of the label:

(i) The label heading "Product Noise Emission Control Information;"

(ii) Full corporate name and trademark of manufacturer;

(iii) Identification number;

(iv) Date of manufacture, which may consist of a serial number or code in those instances where records specified in § 205.203(a)(1)(iv) are maintained; and,

(v) The statement:

This compactor when new, is warranted not to exceed the noise level of the applicable standard effective on (month/year) when measured in accordance with the Federal test procedure of 40 CFR 205.204 prescribed by U.S. EPA. Tampering with any product noise control device or element of design (see owner's manual), or use of this product after such tampering, is prohibited by Federal Law.

(b) Compactors manufactured solely for use outside the United States and not conforming to the noise emission standards for this regulation need not be labeled as prescribed in paragraph (a) of this section, but must be clearly labeled "For Export Only."

(Sec. 13 of the Noise Control Act. (42 U.S.C. 4912))

§ 205.206 Testing by the Administrator.

(a)(1) The Administrator may require that any products to be tested pursuant to the Act be submitted to him, at such place and time as he may reasonably designate, and in such quantity and for such time as he may reasonably require, for the purpose of conducting tests in accordance with test procedures described in § 205.204, to allow the Administrator to determine whether such products or a manufacturer's test facility conform to applicable regulations. The manner in which the Administrator conducts such tests, the EPA test facility itself, and the test procedures the Administrator employs will be based upon good engineering practice and will meet or exceed the requirements of § 205.204 of the regulation.

(2) If the Administrator specifies that he will conduct such testing at the manufacturer's facility, the manufacturer shall make available instrumentation and equipment of the type required for test operations by this regulation. The Administrator may conduct such tests with Agency equipment, having specifications equal to or exceeding the performance specifications of the instrumentation and equipment required in this regulation.

(3) The manufacturer may observe tests conducted by the Administrator pursuant to this section on products produced by the manufacturer and may copy the data accumulated from such tests. The manufacturer may inspect any of the products before and after testing by the Administrator.

(b)(1) If, based on tests conducted by the Administrator, or other relevant information, the Administrator determines that the test facility does not meet the requirements of § 205.204–1(a) and (b), he will notify the manufacturer in writing of his determination and the reasons therefor.

(2) The manufacturer may at any time within 15 days after receipt of a notice issued under paragraph (b)(1) of this section request a hearing conducted in accordance with 5 U.S.C. 554 on the issue of whether his test facility met the requirements. Such notice will not take effect until 15 days after receipt by the manufacturer, or if a hearing is requested under this paragraph, until adjudication by the hearing examiner.

(3) After any notification issued under paragraph (b)(1) of this section has taken effect, no data thereafter derived from that test facility will be acceptable for purposes of this Part.

(4) The manufacturer may request in writing that the Administrator reconsider his determination in paragraph (b)(1) of this section based on data or information which indicates that changes have been made to the test facility, and that those changes have resolved the reasons for disqualification.

(5) The Administrator will notify the manufacturer of his determination and an explanation of the reasons underlying it with regard to the requalification of the test facility within 10 working days after receipt of the manufacturer's request for reconsideration pursuant to paragraph (b)(4) of this section.

(c)(1) The Administrator will assume all reasonable costs associated with shipment of products to the place designated pursuant to paragraph (a) of this section, except with respect to:

(i) Any production verification testing performed at a place other than the manufacturer's facility as provided for in § 205.205–2(a)(3), or as a result of the manufacturer's not owning or having access to a test facility;

(ii) Testing of a reasonable number of compactors, for purposes of selective enforcement auditing under § 205.207, or if the manufacturer has failed to establish that there is a correlation between its test facility and the EPA test facility or the Administrator has reason to believe, and provides the manufacturer with a statement of reasons, that the products to be tested would fail to meet the standard prescribed in this subpart if tested at the EPA test facility, but would meet the standard if tested at the manufacturer's test facility;

(iii) Any testing performed during a period when a notice issued under paragraph (b) of this section, is in effect;

(iv) Any testing performed at a place other than the manufacturer's facility as a result of the manufacturer's failure to permit the Administrator to conduct or monitor testing as required by this Part; and

(v) Testing of up to 50 percent of the manufacturer's production verification test products to be tested during a year, if the Administrator determines it is necessary to test these vehicles at the EPA test site to assure that a manufacturer has acted or is acting in compliance with the Act.

(Secs. 6, 11 and 13 of the Noise Control Act (42 U.S.C. 4905, 4910, 4912))

§ 205.207 Selective enforcement auditing requirements.

§ 205.207–1 Test request.

(a) The Administrator will request all testing under § 205.207 by means of a test request addressed to the manufacturer.

(b) The test request will be signed by the Assistant Administrator for Enforcement or his designee. The test request will be delivered by an EPA Enforcement Officer to the plant manager or other responsible official as designated by the manufacturer.

(c) The test request will specify the compactor category, configuration or subgroup selected for testing, the manufacturer's plant or storage facility from which the compactors shall be

selected, and the time at which a compactor shall be selected. The test request will also provide for situations in which the selected configuration, category or subgroup is unavailable for testing. The test request may include an alternative category, configuration or subgroup selected for testing in the event that compactors of the first specified category, configuration or subgroup are not available for testing because the units are not being manufactured at the specified plant, are not being manufactured during the specified time, or are not being stored at the specified plant or storage facility.

(d) Any manufacturer shall, upon receipt of the test request;

(1) (If the manufacturer projects a yearly production of less than 50 compactors of the specified category, configuration or subgroup to be tested) notify the Administrator within five (5) days of receipt of the request. The Administrator will then provide a test request specifying a testing plan to determine compliance or noncompliance in the SEA which imposes no greater risk of failure (5%) at the acceptable quality level (10%) than the plan in Appendix I;

(2) (If the manufacturer produces 50 or more of the specified category, configuration or subgroup per year) select and test a sample of compactors from the category, configuration or subgroup specified in the test request in accordance with these regulations and the conditions specified in the test request.

(e)(1) Any testing conducted by the manufacturer under a test request shall be initiated within the time period specified in the test request; except that initiation may be delayed for increments of 24 hours or one business day where ambient test site weather conditions, or other conditions beyond the control of the manufacturer, in any 24-hour period do not permit testing. The manufacturer must insure that the conditions for this period are recorded.

(2) The manufacturer shall complete noise emission testing on a minimum of five compactors per day unless otherwise provided for by the Administrator or unless ambient test site conditions permit only the testing of a lesser number. In the event a lesser number are tested, the ambient test site weather conditions for that period must be recorded.

(3) The manufacturer shall be allowed 24 hours to ship compactors from a sample from the assembly plant to the testing facility if the facility is not located at the plant or in close proximity to the plant: Except, that the Administrator may approve more time based upon a request by the manufacturer accompanied by a satisfactory justification.

(f) The Administrator may issue an order to the manufacturer to cease to distribute in commerce compactors of a specified category, configuration or subgroup being manufactured at a particular facility if:

(1) The manufacturer refuses to comply with the provisions of a test request issued by the Administrator under this section; or

(2) The manufacturer refuses to comply with any of the requirements of this section.

(g) A cease-to-distribute order shall not be issued under paragraph (f) of this section if the refusal is caused by conditions and circumstances outside the control of the manufacturer which render it impossible to comply with the provisions of a test request or any other requirements of this section. These conditions and circumstances shall include, but are not limited to, any uncontrollable factors which result in the temporary unavailability of equipment and personnel needed to conduct the required tests, such as equipment breakdown or failure, or illness of personnel, but shall not include failure of the manufacturer to adequately plan for and provide the equipment and personnel needed to conduct the tests. The manufacturer will bear the burden of establishing the presence of the conditions and circumstances required by this paragraph.

(h) Any order to cease to distribute shall be issued only after a notice and opportunity for a hearing held in accordance with 5 U.S.C. § 554.

(Secs. 11, 13 of the Noise Control Act (42 U.S.C. 4910, 4912))

§ 205.207–2 Test sample selection.

(a) Compactors comprising the sample which are required to be tested under a test request in accordance with this subpart will be selected consecutively as they are produced. The provisions of §§ 205.205–7(b) and (c) shall also pertain to this section.

(b) The Acceptable Quality Level is 10 percent. The appropriate sampling plans associated with the designated AQL are contained in Tables II–V of Appendix I.

(c) The compactors of the category, configuration or subgroup selected for testing shall have been assembled by the manufacturer for distribution in commerce using the manufacturer's normal production process in accordance with § 205.205–5(a).

(d) Unless otherwise indicated in the test request, the manufacturer will initiate testing with the compactor next scheduled for production after receipt of the test request, of the category, configuration or subgroup specified in the test request.

(e) The manufacturer will keep on hand all products in the test sample until the sample is accepted or rejected in accordance with § 205.207–6; except that compactors actually tested and found to be in conformance with this regulation need not be kept.

(Sec. 13 of the Noise Control Act (42 U.S.C. 4912))

§ 205.207–3 Test sample preparation.

Prior to the official test, the test compactor selected under § 205.207–2 will be prepared under § 205.205–6.

(Sec. 13 of the Noise Control Act (42 U.S.C. 4912))

§ 205.207–4 Testing procedures.

(a) The manufacturer shall conduct one valid test in accordance with the test procedures specified in § 205.204 of this subpart for each compactor selected for testing under this subpart.

(b) No maintenance will be performed on test compactors except as provided for by § 205.207–3. In the event a compactor is unable to complete the emission test, the manufacturer may replace the compactor. Any replacement product shall be a production compactor of the same configuration or subgroup as the replaced compactor, selected in the same manner as the replaced compactor, and shall be subject to all the provisions of these regulations.

(Sec. 13 of the Noise Control Act (42 U.S.C. 4912))

§ 205.207–5 Reporting of the test results.

(a) Within 5 days after completion of testing of a sample, the manufacturer shall submit to the Administrator a final report which will include the information required by the test request in the format stipulated in the test request in addition to the following:

(1) The name, location, and description of the manufacturer's noise emission test facilities which meet the specifications of § 205.204 and were utilized to conduct testing reported under this section, except that a test facility that has been described in a previous submission under this subpart need not again be described, but must be identified as that facility;

(2) The following information for each noise emission test conducted:

(i) The completed data sheet required by § 205.204 for all noise emission tests including, for each invalid test, the reason for invalidation;

(ii) A complete description of any modification, repair, preparation, maintenance, or testing which could

affect the noise emissions of the product and which was performed on the test compactor but will not be performed on all other production compactors; and,

(iii) The test results for any replaced compactor and the reason for replacement of the compactor;

(3) A complete description of the sound data acquisition system if other than those specified in § 205.204;

(4) The following statement and endorsement:

This report is submitted pursuant to section 6 and section 13 of the Noise Control Act of 1972. To the best of (company name) ———— knowledge, all testing for which data is reported here was conducted in strict conformance with applicable regulations under 40 CFR 205.200 *et seq.*, all the data reported here are a true and accurate representation of such testing, and all other information reported here is true and accurate. I am aware of the penalties associated with violations of the Noise Control Act of 1972 and the regulations thereunder.

———————————

(Authorized representative)

(b) Information required to be submitted to the Administrator under this section shall be forwarded to the following address:

Director, Noise Enforcement Division, (EN–387) U.S. Environmental Protection Agency, Washington, D.C. 20460.

(Sec. 13 of the Noise Control Act (42 U.S.C. 4912))

§ 205.207–6 Passing or failing under SEA.

(a) A failing compactor is one whose measured noise level is in excess of the noise level equal to the applicable noise emission standard set forth in § 205.202 minus the noise level degradation factor as determined in § 205.208–4 for the category or configuration being tested.

(b) The sample will pass or fail based upon the number of failing compactors in the sample. A sufficient number of compactors will be tested until the cumulative number of failing compactors is greater than or equal to the rejection number, or less than or equal to the acceptance number appropriate for the cumulative number of compactors tested. The acceptance and rejection numbers listed in Appendix I will be used in determining whether a pass or failure of the SEA has occurred.

(c) Pass or failure of an SEA takes place when a decision that a compactor is a passing or failing unit is made on the last compactor required to make a decision under paragraph (b) of this section.

(d) If the sample passes, the manufacturer will not be required to perform any additional testing on subsequent products under the initiating test request.

(e) The Administrator may terminate testing earlier than required in paragraph (b) of this section based on a request by the manufacturer, accompanied by voluntary cessation of distribution in commerce of compactors from the category, configuration or subgroup in question, manufactured at the plant which produced the products under test, provided, that before reinitiating distribution in commerce of products from that plant of that product category, configuration or subgroup, the manufacturer must take the action described in § 205.207–9(a)(1) and (a)(2).

§ 205.207–7 Continued testing.

(a) If an SEA failure occurs according to paragraph (b) of § 205.207–6, the Administrator may require that any or all products of that category, configuration or subgroup produced at that plant be tested before distribution in commerce.

(b) The Administrator will notify the manufacturer in writing of his intent to require continued testing of compactors under paragraph (a) of this section.

(c) The manufacturer may request a hearing on the issues of whether the selective enforcement audit was conducted properly; whether the criteria for sample rejection in § 205.207–6 have been met; and, the appropriateness or scope of a continued testing order. In the event that a hearing is requested, the hearing shall begin no later than 15 days after the date on which the Administrator received the hearing request. Neither the request for a hearing nor the fact that a hearing is in progress shall affect the responsibility of the manufacturer to commence and continue testing required by the Administrator pursuant to paragraph (a) of this section.

(d) Any tested compactor which demonstrates conformance with the applicable standard may be distributed into commerce.

(e) Any knowing distribution into commerce of a compactor which does not comply with the applicable standard is a prohibited act.

(Sec. 13 of the Noise Control Act (42 U.S.C. 4912))

§ 205.207–8 Prohibition of distribution in commerce; manufacturer's remedy.

(a) The Administrator will permit the cessation of continued testing under § 205.207–7 once the manufacture has taken the following actions:

(1) Submits a written report to the Administrator which identifies the reason for the non-compliance of the compactors, describes the problem and describes the proposed quality control or quality assurance remedies to be taken by the manufacturer to correct the problem or follows the requirements for an engineering change pursuant to § 205.205–8; and

(2) Demonstrates that the specified compactor category, configuration or subgroup has passed a retest conducted in accordance with § 205.207, and the conditions specified in the initial test request.

(3) The manufacturer may begin testing under paragraph (a)(2) of this section upon submitting the report, and may cease continued testing upon making the demonstration required by paragraph (a)(2) of this section, provided that the Administrator may require resumption of continued testing if he determines that the manufacturer has not satisfied the requirements of paragraphs (a)(1) and (2) of this section.

(b) Any compactor failing the prescribed noise emission tests conducted under this subpart may not be distributed into commerce until necessary adjustments or repairs have been made and the compactor passes a retest.

(Secs. 10, 11, 13 of the Noise Control Act (42 U.S.C. 4909, 4910, 4912))

§ 205.208 In-use requirements.

§ 205.208–1 [Reserved]

§ 205.208–2 Tampering.

(a) For each model year and for each configuration of compactor covered by this part, the manufacturer shall submit to the Administrator a list of those acts which, in the manufacturer's estimation, might be done to the compactor in use on more than an occasional basis, and result in an increase in noise emission levels above the standards prescribed in § 205.202. The manufacturer shall state his estimate, wherever possible, of the amount of this increase in noise level.

(b) The above information shall be submitted to the Administrator within adequate time prior to the introduction into commerce of each configuration to allow for the development and printing of tampering lists, as provided in paragraphs (c) and (d) of this section.

(c) On the basis of the above information, the Administrator will develop a list of acts which, in his judgment, constitute the removal or rendering totally or partially inoperative, other than for purposes of maintenance, repair, or replacement, of noise control devices or features of the compactor. This list will be provided to the manufacturer by the Administrator within 30 days of the date on which the information required in paragraph (a) of

this section is submitted by the manufacturer. The list must be included in the statement to the ultimate purchaser as required by paragraph (d)(2) of this section. If the list is not provided by the Administrator within 30 days of the date on which the information required in paragraph (a) of this section is submitted, the manufacturer shall include only the statement in paragraph (d)(1) of this section until such time as the list has been provided and the owner's manual is reprinted for other purposes.

(d) The manufacturer shall include in the owner's manual the following information:

(1) The statement:

Tampering With Noise Control System Prohibited

Federal law prohibits the following acts or the causing thereof: (1) The removal or rendering inoperative by any person other than for purposes of maintenance, repair, or replacement, of any device or element of design incorporated into any new compactor for the purpose of noise control prior to its sale or delivery to the ultimate purchaser or while it is in use, or (2) The use of the compactor after such device or element of design has been removed or rendered inoperative by any person.

(2) The statement:

Among those acts presumed to constitute tampering are the acts listed below.

Immediately following this statement, the manufacturer shall include the list developed by the Administrator under paragraph (c) of this section.

(e) Any act included in the list prepared pursuant to paragraph (c) of this section is presumed to constitute tampering; however, in any case in which a prohibited act has been committed and it can be shown that such act resulted in no increase in the noise level of the unit, or that the unit still meets the noise emission standard of § 205.202, the act will not constitute tampering.

(f) Manufacturers who only assemble compactors need not fulfill the requirements of paragraphs (a), (b), (c), and (d) of this section. Such manufacturers shall provide ultimate purchasers of their compactors with the tampering list that the Administrator has forwarded to the compactor body manufacturer under paragraph (c) of this section for that particular compactor body and truck chassis combination. When such manufacturers of compactors are required to comply with § 204.205–4(a)(1) and (2) of this subpart, they shall fulfill the requirements of paragraph (a), (b), (c), and (d) of this section.

(g) The provisions of this section are not intended to preclude any State or local jurisdiction from adopting and enforcing its own prohibitions against the removal or rendering inoperative of noise control systems on compactors subject to this part.

(h) All information required by this section to be furnished to the Administrator must be sent to the following address:

Director, Noise Enforcement Division (EN–387), U.S. Environmental Protection Agency, Washington, D.C. 20460.

(Secs. 10, 13 of the Noise Control Act (42 U.S.C. 4909, 4912))

§ 205.208–3 Instructions for maintenance, use and repair

(a)(1) The manufacturer shall provide to the ultimate purchaser of each compactor covered by this subpart written instructions for the proper maintenance, use and repair of the compactor in order to provide reasonable assurance of the elimination or minimization of noise emission degradation throughout the life of the compactor.

(2) The purpose of the instructions is to inform purchasers and mechanics of those acts necessary to reasonably assure that degradation of noise emission level is eliminated or minimized during the life of the compactor. Manufacturers shall prepare the instructions with this purpose in mind. The instructions shall be clear and, to the extent practicable, written in nontechnical language.

(3) The instructions shall not be used to secure an unfair competitive advantage. They shall not restrict replacement equipment to original manufacturer equipment, or service to dealer service, unless such manufacturer makes public the performance specifications on such equipment.

(b) For the purpose of encouraging proper maintenance, the manufacturer shall provide a record or log book containing a schedule for the performance of all required noise emission control maintenance. Space shall be provided in this record book so that the purchaser can note what maintenance was done, by whom, where, and when.

(c) Not later than the date of submission of the production verification report required by § 205.205–4, the manufacturer shall submit to the Administrator two (2) copies of the maintenance instructions (including the record book) required by paragraphs (a) and (b) of this section.

(d) The Administrator will require modifications to the instructions if they are not sufficient to fulfill the requirements of paragraph (a) of this section.

(e) Manufacturers who only assemble compactors are not required to fulfill the requirements of paragraphs (a), (b), and (c) of this section. Such manufacturers shall provide the maintenance instructions and log book developed by the compactor body manufacturer for that particular compactor body and chassis combination. When such manufacturers are required to comply with § 204.205–4(a)(1) and (2) of this subpart, they shall fulfill the requirements of paragraphs (a), (b), and (c) of this section.

(f) Information required to be submitted to the Administrator pursuant to this section shall be sent to the following address:

Director, Noise Enforcement Division (EN–387), U.S. Environmental Protection Agency, Washington, D. C. 20460.

(Secs. 6 and 13 of the Noise Control Act (42 U.S.C. 4905, 4912))

§ 205.208–4 Noise Level Degradation Factor (NLDF) and retention of durability data.

(a) Each manufacturer responsible for compliance with the standards specified in § 205.202 shall develop a Noise Level Degradation Factor (NLDF) for each of his compactor configurations, using the records compiled under paragraph (b) of this section.

(b)(1) The manufacturer shall establish and maintain records that demonstrate the increase in noise level which will occur for each product configuration during the specified Acoustical Assurance Period.

(2) The records may include, but need not be limited to, the following:

(i) Durability data and actual noise testing on critical noise producing or attenuating components;

(ii) Noise level deterioration curves on the entire product; and

(iii) Data from products in actual use.

(c) The NLDF is to be used in all Production Verification testing and Selective Enforcement Audit testing to determine compliance.

(d) If the manufacturer determines that the product's noise level will not increase during the Acoustical Assurance Period when properly used and maintained, the NLDF is zero.

(e) If the manufacturer determines that a product's noise level does not increase, but rather decreases with use, yielding a negative NLDF, he shall use zero as the NLDF in all testing under these regulations, but shall determine and record the actual NLDF.

(f) Manufacturers who only assemble compactors are not required to fulfill the requirements of this section. Such

manufacturers, when they are required to fulfill the requirement of § 204.205–4(a) (1) and (2), shall use the NLDF as determined by the compactor body manufacturer for that particular compactor body.

(g) All records required under this section shall be maintained for three years.

(Secs. 6 and 13 of the Noise Control Act (42 U.S.C. 4905, 4912))

§ 205.209 Recall of non-complying compactors.

(a) Pursuant to Section 11(d)(1) of the Act, the Administrator may issue an order to the manufacturer to recall and repair or modify any compactor distributed into commerce which is not in compliance with this subpart.

(b) A recall order issued under this section shall be based upon a determination by the Administrator that compactors of a specified category or configuration have been distributed in commerce. This determination may be based on:

(1) A technical analysis of the noise emission characteristics of the category or configuration in question; or

(2) Any other relevant information, including test data.

(c) For the purposes of this section, noise emissions may be measured by the test prescribed in § 205.204 for testing prior to distribution in commerce, or any other test which has been demonstrated to correlate with the prescribed test procedure in accordance with § 205.204(g).

(d) Any order to recall shall be issued only after notification and an opportunity for a hearing.

(e) All costs, including labor and parts, associated with the recall and repair or modification of non-complying compactors under this section must be borne by the manufacturer.

(f) This section does not limit the discretion of the Administrator to take any other actions which are authorized by the Act.

(Sec. 11 of the Noise Control Act (42 U.S.C. 4910))

BILLING CODE 6560-01-M

TABLE I

NOISE EMISSION TEST DATA SHEET
FOR TRUCK-MOUNTED SOLID WASTE COMPACTORS

Test No._____

I. Machine Characteristics

Body Manufacturer:_____ Model No._____ Serial No._____
Truck Manufacturer:_____ Model No._____ Serial No._____
Rate H.P._____ at:_____ RPM; Maximum Engine Speed During Compaction_____RPM

II. Test Conditions

Manufacturer's Test Site Identification and Location:_____
Measurement Surface Composition:_____
Ambient Sound Levels (a) Beginning of Test;_____dBA
(b) End of Test;_____dBA

III. Instrumentation

Microphone Manufacturer:_____ Model No._____ Serial No._____
Sound Level Meter Manufacturer_____ Model No._____ Serial No._____
Acoustical Calibrator Manufacturer_____ Model No._____ Serial No._____
Other:_____ Model No._____ Serial No._____

IV. Noise Level Data

Noise Levels (dBA)

Machine Reference Surface				Calculated Average Level	NLDF	Calculated Resultant Noise Level
Front	L.H. Side	Rear	R.H. Side			

V. Atmospheric Data

Temperature _____ ^{o}C _____ (^{o}F)
Wind Speed _____ km/hr.
Barometric pressure _____ mm Hg

VI. Test Personnel and Witnesses

Tested by:_____ Date:_____
Reported by:_____ Date:_____
Checked by:_____ Date:_____

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Table II.—*Population 50–99*

Stage	Acceptance No.	Rejection No.
1	.....	.....
		.....
2	.....	.....
		.....
3	.....	3
4	.....	3
5	.....	3
6	.....	3
7	0	3
8	0	4
9	0	4
10	0	4
11	1	4
12	1	4
13	1	5
14	1	5
15	2	5
16	2	5
17	2	5
18	2	5
19	2	5
20	4	5

Table III.—*Population 100–199*

Stage	Acceptance No.	Rejection No.
1	.....	.....
		.....
2	.....	.....
		.....
3	.....	3
4	.....	3
5	.....	3
6	.....	3
7	0	4
8	0	4
9	0	4
10	0	4
11	1	4
12	1	5
13	1	5
14	1	5
15	1	5
16	2	5
17	2	5
18	2	5
19	2	5
20	4	5

Table IV.—*Population 200–399*

Stage	Acceptance No.	Rejection No.
1	.....	.....
		.....
2	.....	.....
		.....
3	.....	3
4	.....	3
5	.....	3
6	.....	3
7	0	4
8	0	4
9	0	4
10	0	4
11	0	5
12	1	5
13	1	5
14	1	5
15	1	5
16	2	5
17	2	5
18	2	5
19	2	5
20	4	5

Table V.—*Population 400 and Greater*

Stage	Acceptance No.	Rejection No.
1	.....	.....
		.....
2	.....	.....
		.....
3	.....	3
4	.....	3
5	.....	3
6	.....	4
7	0	4
8	0	4
9	0	4
10	0	4
11	0	5
12	1	5
13	1	5
14	1	5
15	1	5
16	2	5
17	2	5
18	2	5
19	2	5
20	4	5

[FR Doc. 79-29597 Filed 9-28-79; 8:45 am]
BILLING CODE 6560-01-M

federal register

Monday
October 1, 1979

Part V

Community Services Administration

Republication of Rules, Regulations, and Guidelines

COMMUNITY SERVICES ADMINISTRATION

45 CFR Parts 1010, 1012, 1050, 1060, 1061, 1062, 1063, 1064, 1067, 1068, 1069, 1070, 1075, 1076

Republication of CSA Instructions as Regulations in the Code of Federal Regulations

AGENCY: Community Services Administration.

ACTION: Republication of CSA Instructions as regulations in the Code of Federal Regulations.

SUMMARY: In order to make readily available to grantees and the public, the rules, regulations and guidelines published by the Community Services Administration (CSA) the agency is codifying thirty-four rules. These rules were published and effective prior to 1972 as Office of Economic Opportunity (OEO) Instructions but never published in the **Federal Register.** By publishing these thirty-four rules CSA will have codified all of its current regulations with the exception of one.

EFFECTIVE DATE: October 1, 1979, unless otherwise noted on the regulatory text.

FOR FURTHER INFORMATION CONTACT: Rita C. Kane, Community Services Administration, 1200 19th Street NW., Washington, D.C. 20506, Phone (202) 254–5047.

SUPPLEMENTARY INFORMATION: Prior to 1972 the Community Services Administration (CSA), formerly the Office of Economic Opportunity, was not required by statute to codify and publish its regulations. Between 1964 and 1968 CSA issued its regulations in booklets known as Community Action Guides Volumes I and II and through Community Action Memos. Beginning in 1968 all directives were issued in the form of OEO/CSA Instructions.

In 1972 Section 623 (redesignated Section 622, November 2, 1978) of the Economic Opportunity Act of 1964 required that all new rules, regulations, guidelines, instructions and application forms be published in the **Federal Register.** Since 1972 CSA has utilized a duplicate issuance system for all rules: publication of its rules in the **Federal Register** and distribution of these same rules as CSA Instructions to its grantees. CSA now is moving towards use of the **Federal Register** as the sole source of publication of its rules. Upon publication of the 1979 issue of the Code of Federal Regulations, Title 45, in the Spring of 1980, CSA will discontinue printing CSA Instructions and will require grantees to purchase copies of the CFR (Title 45 only).

The Instructions codified herein are not changed in substance. They are revised to update references to the Economic Opportunity Act of 1964 as amended, names of organizations, to reflect forms currently approved by the Office of Management and Budget and required by CSA, to replace sex-specific language with sex-neutral terms, and to include the term "sex" in the non-discrimination provisions of § 1061.4 and § 1068.41 as requested by the Department of Justice.

Lists of addresses, resources and maps contained as appendices of Instructions and now outdated are deleted.

Instructions not codified in this document are: 6170–1—"Guidelines for Planning and Programming for the Elderly Poor", which will be issued as a Guidance by CSA.

6168–1b—"Youth Development Program Policies" (deleted from Part 1061 of Chapter X) which will be issued as a Guidance by CSA.

6710–1—"Applying for a CAP Grant". This Instruction is being extensively revised and will be published as a proposed rule in the near future.

6802–01—"Contribution to Non-Federal Share of a Community Action Program by Local Housing Authorities". This rule is deleted since the general provision of policy is stated in Subpart 1050.53 Paragraph (5).

6802–02—"College Work Study Program." The policy statement in this rule is incorporated into Subpart 1050.57, paragraph (d).

Changes in the Part headings of Chapter X of the CFR are: Part 1062 is revised as: Community Action Agencies; Eligibility and Establishment.

Parts added are: 1063—Community Action Agencies; Mission and Functions; and 1064 Limited Purpose Agencies; Eligibility, Organization and Functions.

Parts deleted from Chapter X are: 1012, as this Part is obsolete; Part 1078 as this Part is superseded by Subpart 1067.4 (CSA Instruction 7850–1a) but inadvertently not deleted from CFR.

The Part heading to Parts 1010, 1026, 1050, 1060, 1061, 1067, 1068, 1069, and 1070 are revised by designating each subpart with a number and an OEO/CSA Instruction number.

The subparts deleted from Chapter X are: In Part 1060 Subpart 1060.5—Successor Authority to the Office of Economic Opportunity (CSA Instruction 6000–3) is deleted. This Subpart, published as a CSA Notice, expired January 15, 1976 and was inadvertently not removed from the CFR.

In Part 1061 the following are deleted as CSA no longer funds these programs.

Subpart—Consultation with the Bar on Legal Services Program (CSA Instruction 6140–1);

Subpart—Eligibility Standards of Comprehensive Health Services (CSA Instruction 6128–1);

Subpart—CSA Policy Re Grants Funded Under Title X of the Public Works and Economic Development Act of 1965 (CSA Instruction 6102–1).

In addition the following subparts in Part 1061 are deleted as these programs expired:

Subpart—Funding Requirements for Emergency Energy Assistance (CSA Instruction 6134–6) expired December 31, 1978;

Subpart—Policies and Allocation for Fiscal Year 1978 Fundings (CSA Notice 6143–6) expired September 30, 1978;

Subpart—Citizen Participation Grant Program Fiscal Year 1978 (CSA Instruction 6005–2) expired December 31, 1978.

In Part 1067, Subpart—Control Over Cash in the Hands of Grantees (CSA Notice 6710–5) is obsolete.

In Part 1068, Subpart—Non-Federal Share Contribution; Eligibility for Waivers of Increase (CSA Instruction 6802–5a) and Subpart—Non-Federal Share Contribution; Eligibility for Waiver of Increase for Fiscal Year 1978 Grants (CSA Instruction 6802–5a, CH1) are deleted since CSA is no longer making grants with FY '78 funds.

These revisions do not affect the content of any current or future regulations.

CSA Instructions 7570–1, 7570–2, 7570–3, 7570–4, and 6710–4 have been combined and codified into one subpart. This subpart updates CSA's project notification and review process to note the long-standing requirement to use the S.F. 424 and the O.M.B. Circular Clearinghouse procedure required by A–95 which replaced CSA's own checkpoint procedure. This new subpart is issued by CSA as Instruction 7570–1a.

An index of CSA's current rules can be found in Part 1067.50—"Index and Applicability of CSA Regulations (Instructions)" (CSA Instruction 6000–2d).

William W. Allison,

Deputy Director

45 CFR Chapter X is amended as follows:

1. The Part headings in Chapter X are revised as follows:

PART 1061—CHARACTER AND SCOPE OF SPECIFIC PROGRAMS

PART 1062—COMMUNITY ACTION AGENCIES; ELIGIBILITY AND ESTABLISHMENT

2. The Parts deleted in Chapter X are:

PART 1012—GENERAL ADMINISTRATIVE AND MANAGEMENT COMMITTEES [DELETED]

PART 1078—EVALUATION [DELETED]

PART 1010—CIVIL RIGHTS REGULATIONS

3. The subpart heading in 45 CFR Part 1010 is revised as follows:

Subpart 1010.1—Nondiscrimination in Federally-assisted Programs in the Community Services Administration—Effectuation of Title VI of the Civil Rights Act of 1964. (CSA Instruction 6004-01a and 6004-01a CHI)

PART 1026—CONTRACTS AND ADMINISTRATION

4. The subpart heading in 45 CFR Part 1026 is revised as follows:

Subpart 1026.1—Reporting and Review Procedures for Preventing Conflicts of Interest in Contracts and Grants

PART 1050—UNIFORM FEDERAL STANDARDS

5. The subpart heading in 45 CFR Part 1050 is revised as follows:

Subpart I—Monitoring and Reporting Performance. (CSA Instruction 6800-9)

6. Section 1050.57 is amended by adding paragraph (d) as follows:

[6] 1050.57 CSA Implementing policies and procedures.

* * * * *

(d) Financial assistance of Title II of the Ecomomic Opportunity Act of 1964, as amended, may be used to provide the required 10% matching share of the wages of students employed under the College Work Study Program (CWSP) who work in Community Action Programs.

* * * * *

PART 1060—GENERAL CHARACTERISTICS OF CSA-FUNDED PROGRAMS

7. The subpart headings of 45 CFR Part 1060 are revised as follows:

Subpart 1060.1—Participation of the Poor in the Planning, Conduct, and Evaluation of Community Action Programs (CSA Instruction 6005-1)

Subpart 1060.2—CSA Income Poverty Guidelines (CSA Instruction 6004-1K)

Subpart 1060.3—Limitation on Benefits to those Voluntarily Poor (CSA Instruction 6004-2)

Subpart 1060.4—Resolving Complaints of Discrimination in Employment, Program Participation and Benefits Against CSA Grantees (CSA Instruction 6004-4)

8. The following subpart in 45 CFR Part 1060 is deleted:

Subpart 1060.5—Successor Authority to the Community Services Administration (CSA Notice 6000-3) which includes §§ 1060.5-1—1060.5-3. [Deleted]

9. The subpart headings of 45 CFR Part 1061 are revised as follows:

Subpart 1061.12—Use of EFM Funds for Food Stamp Activities (CSA Instruction 6132-1)

Subpart 1061.20—Summer Youth Recreation Program (CSA Instruction 6168-2b)

Subpart 1061.30—Emergency Energy Conservation Program (CSA Instruction 6143-1a)

Subpart 1061.31—Emergency Energy Conservation Program (CSA Instruction 6143-2)

Subpart 1061.50—Community Food and Nutrition Programs (CSA Instruction 6132-2a)

Subpart 1061.52—Emergency Energy Conservation; Fiscal Year 1979 Crisis Intervention (CSA Instruction 6143-7)

PART 1061—CHARACTER AND SCOPE OF SPECIFIC PROGRAMS

10. The following subpart in 45 CFR Part 1061 are deleted:

Subpart—Youth Development Program Policies (CSA Instruction 6168-1a) which includes §§ 1061.1-1—1061.1-12 [Deleted]

Subpart—Consultation With the Bar on Legal Services Programs (CSA Instruction 6140-1) which includes §§ 1061.2-1—1061.2-5 [Deleted]

Subpart—Eligibility Standards of Comprehensive Health Services (CSA Instruction 6128-1) which includes §§ 1061.3-1—1061.3-3 [Deleted]

Subpart—CSA Policy Regrants Funded Under Title X of the Public Works and Economic Development Act of 1965 (CSA Instruction 6102-1) which includes §§ 1061.40-1—1061.40-9 [Deleted]

Subpart—Funding Requirements for Emergency Energy Assistance Program (CSA Instruction 6143-7) which includes §§ 1061.51-1—1061.51-15 [Deleted]

Subpart—Policies and Allocation for Fiscal Year 1978 Fundings (CSA Notice 6143-6) which includes §§ 1061.52-1—1061.52-9 [Deleted]

Subpart—Citizen Participation Grant Program Fiscal Year 1978 (CSA Instruction 6005-2) which includes §§ 1061.60-1—1061.60-11 [Deleted]

11. 45 CFR Part 1061 is amended by adding the following subpart:

Subpart 1061.4—New Statement of CSA Policy on Family Planning (CSA Instruction 6130-01 and 6130-1)

Sec.

1061.4-1 Applicability.
1061.4-2 Effective date.
1061.4-3 Purpose.
1061.4-4 Role of family planning in community action.
1061.4-5 Policy on family planning applications.
1061.4-6 Requirements.
1061.4-7 Required assurance.
1061.4-8 Revised grant condition.
1061.4-9 Effect on previously approved grants.

Appendix A to Subpart 1061.4—New Statement of CSA Policy on Family Planning. Exhibits I, II, III.

Authority: Sec. 602, 78 Stat. 530, 42 U.S.C. 2942.

Subpart 1061.4—New Statement of CSA Policy on Family Planning (CSA Instruction 6130-01 and 6130-1)

§ 1061.4-1 Applicability.

This subpart applies to all grantees financially assisted under Titles II, IV and VII of the Economic Opportunity Act of 1964, as amended, if such

assistance is administered by the Community Services Administration.

§ 1061.4–2 Effective date.

February 3, 1967 (CSA Instruction 6130–01); May 18, 1971 (CSA Instruction 6130–1)

§ 1061.4–3 Purpose.

A 1966 amendment to the Economic Opportunity Act establishes new standards and requirements with regard to family planning services financed by CSA under Title II. It contains a new statement of policy on applications for CSA funds to provide family planning services and a revised set of "Special Conditions Applicable to the Use of CSA Grant Funds for Family Planning Activities".

§ 1061.4–4 Role of family planning in community action.

(a) Family planning information and assistance has been found by many communities to be a highly effective element in their community action programs. Through family planning projects conducted by CAA(s) and delegate agencies, low-income families have been provided with opportunities to gain information and assistance of direct interest and use to them.

(b) A general statement on family planning as an important element of community action can be found in an CSA Program Pamphlet entitled "Family Planning" copies of which can be obtained from any CSA Regional Office or by writing to Community Action Program, CSA, Washington, D.C. 20506. The pamphlet describes different ways in which family planning activities can be conducted in conjunction with community action programs.

§ 1061.4–5 Policy on family planning applications.

Family planning services, including contraceptive devices and drugs, may be made available to those individuals who meet eligibility criteria as set by the applicant agency, subject only to the limitations set forth in § 1061.4–6. Certain other limitations on costs to be paid for with Federal grants funds or local matching contributions remain in effect and are spelled out in the revised special conditions applicable to all CSA-assisted family planning activities. (Appendix A, Exhibit III, of this subpart). These include prohibitions on the use of project funds for promotion of those activities through mass media and a limitation of $20 per patient per year on the expenditure of project funds for contraceptive devices or drugs.

§ 1061.4–6 Requirements.

(a) The requirements set forth below must be met by any applicant for CSA assistance to family planning services financed under Section 222(a).

(b) Criteria for Eligibility of a low-income individual for any family planning service shall be established by the applicant agency. If the program is operated by a delegate agency, rather than directly by the applicant, the delegate agency must also indicate its concurrence with the criteria. Any low-income person who meets these criteria shall be considered eligible for such assistance.

(c) Eligibility criteria established in accordance with the paragraph (b) of this section shall in all cases comply with the following limitations:

(1) *Income criteria.* All persons receiving CSA assisted family planning services must meet the test of need by reason of circumstances of poverty. Where a family planning program serves an area or neighborhood in which poverty is concentrated, all residents of the "target area" will normally be considered to meet this test. In other cases, the current CSA Income Poverty Guidelines will apply (See Subpart 1060.2 of this chapter).

(2) *Other eligibility criteria.* Local agencies operating family planning programs may not discriminate against any potential beneficiary on the grounds of race, sex, color, national origin, or religion. They may, however, establish other criteria for eligibility for information, medical assistance, and supplies. Applicants must provide, at the time of application, information on the eligibility criteria they will use. Appendix A, Exhibit I to this subpart is a sample format for use in providing this information.

§1061.4–7 Required assurance.

(a) Any applicant for funds to conduct a family planning project, or a project that includes family planning services, must provide assurance to CSA that it will establish and follow procedures designed to insure that:

(1) No individual will be provided with any information, medical supervision, or supplies which such individual states to be inconsistent with his or her moral, philosophical, or religious beliefs;

(2) No individual will be provided with any medical supervision or supplies unless such individual has voluntarily requested such medical supervision or supplies; and

(3) The use of family planning services financed by a CSA grant shall not be a prerequisite to the receipt of services from or participation in any other program financed under the Economic Opportunity Act.

(b) To provide these assurances the local agency requesting funds for such a project shall submit to CSA, at the time of application, a "Statement of Assurance on Family Planning Activities" signed by the grantee and any delegate agency that will actually carry out the project. (See Appendix A to this subpart, Exhibit II for a copy of the Assurance Form.)

§1061.4–8 Revised grant condition.

As a result of the amendment to Section 222(a), CSA has revised the "Special Conditions Applicable to the Use of CSA Grant Funds for Family Planning Activities." The new special conditions are included as Exhibit III of Appendix A to this subpart. They supersede all earlier special conditions on family planning activities and will apply to all projects to be approved in the future.

§1061.4–9 Effect on previously approved grants.

(a) The policies established in this subpart, in response to the amendment to Section 222(a), also apply to previously approved grants for family planning programs, or family planning elements of health programs.

(b) *Action to be taken.* Each grantee now operating a family planning component, or a component involving family planning information or services, must submit the following material to the appropriate CSA Regional Office no later than February 28, 1967. Failure to submit the required material by that date may result in suspension or termination of any CSA-assisted family planning activities.

(1) A statement describing the criteria to be used in determining eligibility of low-income individuals for family planning services. The statement must be signed by the chair of the governing body, or other appropriate official, of both the grantee and any delegate agency actually conducting the project involving family planning. A sample format for such a statement is included as Appendix A, Exhibit I to this subpart.

(2) A "Statement of Assurance" (See Appendix A, Exhibit II to this subpart) signed by the chair of the governing body, or other appropriate official, of both the grantee and any delegate agency actually conducting the project involving family planning.

(c) *Revised grant conditions apply.* The latest version of the "Special Conditions" now applies to such projects. (See Appendix A, Exhibit III to this subpart.)

Appendix A to Subpart 1061.4—New Statement on CSA Policy on Family Planning, Exhibit I

Exhibit I—Sample Format for Information on Eligibility Criteria for Family Planning Services

(To be executed by both the applicant or grantee and any delegate agency)

1. Income Eligibility Criteria

a. *Programs serving area or neighborhoods where poverty is concentrated.*

Will any income criteria be used other than residence in such area?

If so, specify.

b. *Programs serving other areas.* Will any income criteria other than the CSA "poverty line index" be used?

If so, specify.

2. Other Eligibility Criteria

Will any other eligibility criteria be used?

If so, specify.

3. Signature of Appropriate Officials

The undersigned hereby declare that this is a true and complete statement of eligibility criteria to be used in the following family planning program or other program involving family planning activities.

a. *Identification of Component and Name of Applicant (or Grantee)*

b. *Signature of Chair of Grantee (or Applicant) Governing Body*

Name of Applicant (or Grantee) Agency:

Name of Official:

Title:

Signature:

Date:

c. *Signature of Chair of Delegate Agency Governing Body*

This must be completed only if a delegate agency will conduct the family planning activities; if more than one delegate agency will participate, all must be listed.

Name of Delegate Agency:

Name of Official:

Title:

Signature:

Date:

Appendix A to Subpart 1061.4—New Statement on CSA Policy in Family Planning, Exhibit II

Exhibit II—Sample Format for Assurance of Compliance With Section 244(4) of the Economic Opportunity Act in Family Planning Projects

(To be executed by both the applicant or grantee and any delegate agency)

_____ (hereinafter called the Applicant).

(Name of Applicant or Delegate Agency)

AGREES THAT it will establish and follow the procedures listed below in order to comply with the requirements of Section 224(4) of the Economic Opportunity Act of 1964, as amended.

1. The Applicant will insure that a copy of the statement set out below is posted conspicuously in a place where prospective clients will have an opportunity to see and read it. The statement will be printed in large type and will also be printed in languages other than English if a considerable number of prospective clients are fluent in only those languages.

Prior to the initial provision of any course of instruction, medical supervision, or supplies relating to family planning to any individual, a program staff member will bring the printed statement to the individual's attention and, if the individual is unable to understand its meaning, will accurately convey the substance of the statement to such individual.

"Statement on Family Planning Activities Assisted by the Community Services Administration".

"A. Anyone who takes part in this family planning program must do so of his/her own free will.

"B. You may not receive any medical assistance or supplies for family planning purposes unless you ask for them of your own free will.

"C. If you object to any particular form or method of family planning for any reason at all, including religious reasons, please say so. If you say so, you will not get information, assistance, or supplies that relate to that form or method of family planning.

"D. No one is allowed to force you in any way to participate in a family planning program. No one can tell you 'Unless you take part in the family planning program, you won't be allowed to receive welfare, or get job training, or put your child in the Head Start class.'

"E. If you have any questions about what this statement means please ask the officials or doctors who are operating the program. They will be pleased to explain.

"F. If you believe that any of the rules given above have been violated, please tell the officials or doctors who are operating the program at once. Or you may write or call the Community Services Administration, Washington, D.C. 20506 or the nearest CSA Regional Office."

2. THE APPLICANT further agrees to comply with the "Special Conditions Applicable to the Use of CSA Grant Funds for Family Planning Activities (November, 1966").

3. THIS ASSURANCE is given in consideration of and for the purpose of obtaining either directly or indirectly any and all Federal grants, loans, contracts, property, or discounts, or other Federal financial assistance extended after the date hereof to the Applicant by the Community Services Administration, including installment payments after such date on account of applications for Federal financial assistance which were approved before such date. The Applicant recognizes and agrees that such Federal financial assistance will be extended in reliance on the representations and agreements made in this assurance, and that the United States shall have the right to seek administrative or other remedies in the event of non-compliance with this assurance. This assurance is binding on the Applicant, its successors, transferees, and assignee, and the person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Applicant.

Date _____.

(Name of Applicant or Delegate Agency)

By _____

(President, Chair of Board or comparable authorized official)

_____

(Mailing Address)

Appendix A to Subpart 1061.4—New Statement on CSA Policy on Family Planning, Exhibit III.

Exhibit III—Special Conditions Applicable to the Use of CSA Grant Funds for Family Planning Activities (Nov. 1966)

1. Participation in the family planning component of this program must be entirely voluntary. No coercion or compulsion shall be employed to induce persons to use the family planning services funded by this CSA grant. No individual shall be provided with any medical supervision or supplies unless he or she has voluntarily requested such medical supervision or supplies.

2. Subject to the limitations set forth in these conditions, the project must provide and make known to each participant the availability of advice and assistance on a variety of family planning methods and techniques sufficient to insure that any person may obtain benefits from the program which are consistent with his or her personal beliefs and needs. No individual shall be provided with any information, medical supervision, or supplies which such individual states to be inconsistent with his or her moral, philosophical, or religious beliefs.

3. Use of the family planning services cannot be a prerequisite to receipt of services from or participation in any other program or activity whether or not funded by this grant.

4. The program must be under medical supervision sufficient to ensure that all practices conform to accepted medical standards.

5. Materials used in connection with this project shall not contain propaganda promoting a particular philosophy, technique or method of family planning, nor shall the administrators of this project declare any such preference in their relations with the participant in the program.

6. Project funds shall not be used to announce or promote through mass media the availability of the family planning program funded by this grant action.

7. No project funds shall be expended for any surgical procedures intended to cause abortions.

8. No project funds shall be spent for contraceptives, contraceptive devices, or drugs in an amount greater than twenty dollars ($20) per patient per year.

9. Project funds shall be exclusively for providing assistance to low-income persons, or to residents of the area served by the community action program. If the project is being carried out in connection with similar programs for other income groups, records shall be maintained which are adequate to demonstrate that this requirement has been satisfied.

10. The project must not be in conflict with state and local law.

PART 1063—COMMUNITY ACTION AGENCIES; MISSION AND FUNCTIONS

12. Part 1063—Community Action Agencies; Mission and Functions is added to Chapter X as follows:

Subpart 1063.129—CAA Relationships to Pilot Programs (CSA Instruction 6335–1)

Sec.
1063.129–1 Applicability.
1063.129–2 Effective date.
1063.129–3 Definition.
1063.129–4 Policy.
1063.129–5 Responsibility for review of affected pilot programs.
1063.129–6 Official action by review.
1063.129–7 Effect of review.

Subpart 1063.130—The Mission of the Community Action Agency (CSA Instruction 6320–1)

1063.130–1 Applicability.
1063.130–2 Effective date.
1063.130–3 Basic purpose.
1063.130–4 Resources.
1063.130–5 Developing a strategy.
1063.130–6 Programs as a bridge to the community.
1063.130–7 Local needs and national priorities.
1063.130–8 Articulating the needs of the poor.

Subpart 1063.131—Means of Carrying Out a Community Action Program (CSA Instruction 6001–01)

1063.131–1 Applicability.
1063.131–2 Effective date.
1063.131–3 Means of carrying out a community action program.

Subpart 1063.132—Characteristics of the Eligible Activities (CSA Instruction 6001–03)

1063.132–1 Applicability.
1063.132–2 Effective date.
1063.132–3 Characteristics of eligible activities.

Subpart 1063.133—Eligible Activities (CSA Instruction 6001–1)

1063.133–1 Applicability.
1063.133–2 Effective date.
1063.133–3 Policy.
1063.133–4 Background.

Authority: Sec. 602, 78 Stat. 530; 42 U.S.C. 2942.

Subpart 1063.129—CAA Relationships to Pilot Programs (CSA Instruction 6335–1)

§ 1063.129–1 Applicability.

This subpart applies to all grantees financially assisted under Sections 221 and 232 of the Economic Opportunity Act of 1964, as amended, if such assistance is administered by the Community Services Administration.

§ 1063.129–2 Effective date.

September 11, 1968 (CSA Instruction 6335–1).

§ 1063.129–3 Definition.

"Pilot project" means an experimental working model or a program that delivers benefits to the pilot project participants, and, if successful, might be funded under Title II of the Economic Opportunity Act or other appropriate authority, as an ongoing program or activity to assist the poor. In contrast to pure or applied research, the primary result of a pilot project will not be to acquire information about behavior or conditions, but to test or demonstrate the assumptions of a proposed program or method of providing benefits in actual operation before committing resources to that type of program or activity on a large scale.

§ 1063.129–4 Policy.

Community Action Agencies and local public officials, as set forth in this subpart, will have the opportunity to review, pursuant to section 232(d), new pilot projects proposed to be carried out within their jurisdiction. This applies to all pilot projects funded either by grant or contract after December 23, 1967. Expenditures for administrative cost of pilot projects, such as merely maintaining a headquarters office, are not subject to the requirement of section 232(d), nor are pilot projects to be administrered by a CAA within the CAA's own geographic area. Such expenditures or projects are not covered by this subpart.

§ 1063.129–5 Responsibility for review of affected pilot projects.

(a) Where there is a Community Action Agency (CAA), currently recognized by CSA, the CAA shall have the opportunity to review those elements of the pilot project that are to be conducted within the CAA's geographic area.

(b) *Where there is no CAA.* Any municipality, whether a city, town, village, or other similar political jurisdiction, which has a population of 25,000 or more, (according to the latest available census data) shall have the opportunity to review all elements of the pilot project that are to be conducted within its borders.

(1) For all areas for which there is no such municipality, the largest political jurisdiction below the state government level (whether county, township, or metropolitan government) that exercises general governmental powers over the area served by the pilot project, regardless of population, shall have the opportunity to review the project.

(c) *Multiple review.* Where a pilot project is to be conducted in more than one of the types of areas described in paragraphs (a) and (b) of this section the appropriate CAA(s) and local government(s) described in those paragraphs shall have the opportunity to review for their respective areas.

§ 1063.129–6 Official action by reviewer.

(a) *Community action agency.* Normally the community action agency's governing body must exercise the reviewing power. However, if the governing body lawfully delegates this power to a committee or individual(s), a decision by such a delegate will be taken as that of the agency if such a delegation is made known to CSA prior to or concurrent with the receipt of the delegate's decision.

(b) *Municipality or county.* Action of a political subdivision reviewing a pilot project must be taken by the governing officials, that is, normally by those top elected or duly appointed officials who collectively possess the power to adopt and carry out local laws or ordinances for that subdivision. However, if the chief legal officer of the subdivision certifies in writing that the mayor (or other chief executive) or a specific group of officials currently possess the power to review the proposed project on behalf of the subdivision and commit the subdivision to a position on operation of the project, then that official or group of officials shall exercise the right to review.

(c) *Review period.* The reviewing CAA or public officials may indicate approval or disapproval of the project any time within 30 days of its receipt. The papers describing the project will be transmitted to the reviewer(s) by certified mail.

(d) *Action taken.* Should the reviewing body disapprove of the project, a written statement clearly specifying disapproval must be sent promptly to CSA; failure to notify CSA within 30 days of receipt will be taken as assent to the project. A copy of any disapproval statement should also be sent to the State Economic Opportunity Office. The recipient must approve or disapprove of the project in its entirety, insofar as it applies to its geographic area; any conditional or partial approval or disapproval of the proposed project will be treated as an assent. If the project is disapproved, it would be helpful if reasons for the disapproval were given to assist the Director of CSA in his/her reconsideration of the proposed project.

§ 1063.129–7 Effect of review.

(a) *Reconsideration by CSA Director.* Following a disapproval of a project by a CAA or local public official, the Director of CSA will reconsider it. If, on reconsideration, he/she finds the project to be "fully consistent with the

provisions and in furtherance of the purpose of" Title II of the Economic Opportunity Act (Community Action Program), he/she may authorize the grantee to commence the project. If the Director favorably reconsiders a project disapproved by a CAA or community, it will be informed of his/her reasons for doing so.

(b) *Commencement date.* The project may not commence in any jurisdiction until:

(1) The CAA or community has assented or has allowed 30 day review period to lapse.

(2) The Governor has assented or has allowed the period to lapse during which he/she may disapprove the project. If the project is disapproved, but favorably reconsidered by the CSA Director, it may commence on or after the date of such reconsideration. In either case, the exact date will be specified by CSA in the grant or contract, and CSA will inform the pilot project grantee of that date.

Subpart 1063.130—The Mission of the Community Action Agency (CSA Instruction 6320–1)

§ 1063.130–1 Applicability.

This Subpart applies to Community Action Agencies assisted under Section 221 of the Economic Opportunity Act of 1964, as amended, if such assistance is administered by the Community Services Administration.

§ 1063.130–2 Effective date.

November 16, 1970 (CSA Instruction 6320–1).

§ 1063.130–3 Basic purpose.

(a) Title II of the Economic Opportunity Act provides for the establishment and funding of community action agencies and programs. The basic purpose of Title II, as stated in Section 201(a) of the Act, is "to stimulate a better focusing of all available local, State, private, and Federal resources upon the goal of enabling low-income families and low-income individuals of all ages, in rural and urban areas, to attain the skills, knowledge, and motivations and secure the opportunities needed for them to become self-sufficient."

(b) The key phrase in this statement is "to stimulate a better focusing of all available * * * resources." The Act thus gives the CAA a primarily catalytic mission: To make the entire community more responsive to the needs and interests of the poor by mobilizing resources and bringing about greater institutional sensitivity. A CAA(s) effectiveness, therefore, is measured not only by the services which it directly provides but, more importantly, by the improvements and changes it achieves in the community's attitudes and practices toward the poor and in the allocation and focusing of public and private resources for antipoverty purposes.

§ 1063.130–4 Resources.

(a) To carry out this mission effectively the CAA must work with three significant groups in the community: The poor, the public sector, and the private sector.

(1) *The Poor.* The Act provides that all CAA plans and programs must be developed and implemented "with the maximum feasible participation of the residents of the areas and members of the groups served." Such participation is essential not only to enable the poor to become self-sufficient, but also to insure that the community changes and improvements which the CAA promotes are, in fact, responsive and relevent to the low-income citizens to whom they are addressed. It is therefore central to the CAA's mission to strengthen the self-help capability of the poor and to provide them the opportunity and support to participate effectively, through both the CAA and their own neighborhood and target area organizations, in CAA and non-CAA programs which affect their interests.

(2) *The public sector.* Regardless of whether a CAA is a public or private non-profit agency, its effectiveness depends heavily on its ability to work closely with, and enlist the support of, State and local public officials and agencies. No community can ever be fully responsive to the needs of the poor without the active participation and cooperation of its duly elected or appointed officials. In this regard it is also essential that the CAA develop a close working partnership with the State Economic Opportunity Office.

(3) *The private sector.* The poor and the public official cannot succeed alone without the vast, and largely untapped, resources of the non-poor private sector. The CAA must therefore enlist the support and participation of business and labor, religious and civil rights groups, private social service agencies and health and welfare councils, civic and service organizations, foundations and universities, and the individual private citizen.

§ 1063.130–5 Developing a strategy.

(a) To carry out this mission, the CAA must develop both a long-range strategy and specific, short-range plans for using potential resources, including CSA grant funds and other public (Federal, State and local) and private resources of all kinds, including facilities, services, and personnel as well as funds. These strategies and plans should be developed as part of the CAA's regular grant application process. Any changes in CAA strategies or plans made in response to this subpart shall be made only in accordance with regular application procedures in CSA Instruction 6710–1, "Applying for a CAP Grant."

(b) In developing its strategy and plans, the CAA shall take into account the area of greatest community need, the availability of resources, and its own strengths and limitations. It should establish realistic, attainable objectives, consistent with the basic mission established in this subpart, and expressed in concrete terms which permit the measurement of results. Given the size of the poverty problem and its own limited resources, the CAA should concentrate its efforts on one or two major objectives where it can have the greatest impact.

(c) The CAA must coordinate its plans with those of other agencies and institutions responsible for poverty-related programs. To the extent feasible, it should assist such agencies and institutions in developing their own plans and carrying out their own missions. However, the complexity of poverty problems and the wide range of poverty-related programs make it ordinarily impossible for the CAA to become the master planner and coordinator of all social programs in the community. The degree to which the CAA can influence planning and coordination will depend, by and large, on its ability to work with the three groups mentiond in § 1063.130–4.

§ 1063.130–6 Programs as a bridge to the community.

(a) The operation of programs meeting high-priority needs is an effective vehicle through which the CAA can stimulate increased community responsiveness to the needs of the poor. Programs produce immediate, tangible benefits to the poor in terms understandable to the poor and non-poor alike. By operating programs and delivering services, either directly or through delegate agencies, the CAA establishes a base from which it can inform the community of the needs and aspirations of the poor, gain practical experience in dealing with poverty problems, and strengthen its stature as a community resource.

(b) While the operation of programs is the CAA's principal activity, it is not the CAA's primary objective. CAA programs must serve the larger purpose

of mobilizing resources and bringing about greater institutional sensitivity. This critical link between service delivery and improved community response distinguishes the CAA from other agencies. Using its programs as a base, the CAA can become the focal point for increased community concern and greater community commitment. Community organization and resource mobilization activities of the CAA will normally be an integral part of its program operations, even though these activities might be funded under separate program accounts.

§ 1063.130-7 Local needs and national priorities.

(a) The Congress has identified certain priorities for the expenditure of Federal funds appropriate under the Economic Opportunity Act. In some instances it has designated "national emphasis programs," often specifically earmarking funds for these purposes. While developing a local strategy to meet local needs is at the heart of successful community action, the CAA must take into account the existence of these national emphasis programs in planning for the use of CSA funds.

(b) In addition to the national emphasis programs, the following program areas are particularly well-suited to the CAA mission of stimulating increased community responsiveness to the needs of the poor: manpower and employment, day care, health, housing, education, and career development. A CAA may find, however, that unique local conditions warrant the identification of other program areas as priorities for its particular community. Moreover, there are significant activities other than specific programs which are essential to the operation of the CAA and its mission. Among these, for example, are CAA planning, central CAA administration, training and technical assistance, and neighborhood service systems

(c) The CAA has the responsibility to select and propose for funding those programs which, in its judgment, will produce the maximum impact on its community. Where unearmarked funds are used, the CAA may develop and propose its own program models or adopt or modify models which CSA may develop. Where funds earmarked for national emphasis programs are used, the CAA must follow the program models established by CSA.

§ 1063.130-8 Articulating the needs of the poor.

(a) The CAA's mission involves a balance between strengthening communication and cooperation on the one hand and coming to grips with serious problems and deeply felt differences on the other. The CAA must address critical issues and deal with unpleasant realities, but in performing its role as an advocate of the poor the CAA must carefully choose the issues on which it takes stands and the tactics which it employs so as to maximize the chances of success.

(b) The CAA's overall image in the community should be that of a positive voice for the poor. In all its activities, the CAA should strive constantly to reduce the isolation of the poor and to improve communications between the poor and the community at large. Its ultimate objective should not be to speak for the poor but to enable the poor to speak for themselves.

Subpart 1063.131—Means of carrying out a Community Action Program (CSA Instruction 6001-01)

§ 1063.131-1 Applicability.

This subpart applies to all grantees financially assisted under Titles II, IV, and VII, of the Economic Opportunity Act of 1964, as amended, if such assistance is administered by the Community Services Administration.

§ 1063.131-2 Effective date.

May 10, 1971 (CSA Instruction 6001-01).

§ 1063.131-3 Means of carrying out a community action program.

(a) Among the means that may be used to develop, conduct, and administer a community action program are:

(1) Direct performance of activities by staff of the community action agency.

(2) Delegation of portions or all of a component project to another public or private non-profit agency by means of a contract or agreement. If any activity is to be delegated to a church or church-related organization, CSA requires that delegation to such an organization rather than to a public or non-sectarian agency be justified by evidence that use of the church-related organization will meet a need which cannot be satisfied economically or efficiently by available alternatives. In addition, the activity itself must be wholly non-sectarian in content and purpose. To ensure that this is so, CSA requires that certain special conditions be included in any contract between a community action agency and a church or church-related organization. Compliance with these conditions is the responsibility of both the community action agency and the delegate agency. See Subpart 1067.9 of this chapter for these special conditions.

(3) Retaining the services of qualified consultants or other organizations, whether non-profit or profit-making, to conduct specialized activities or to provide advice under contract. In general, consultants or other organizations should only be used when it is not feasible to operate a program by using the staff of the community action agency or other local public or non-profit agencies. See Subpart 1068.41 of this chapter for a copy of the standard CSA contract form which may be used in retaining the services of consultants and other organizations.

(b) When one of the standard CSA contract forms is used, the contract need not be submitted to CSA for review prior to execution. However, a copy of the executed contract shall be submitted to CSA for information purposes immediately after execution.

(c) In the following circumstances, however, all proposed contracts shall be submitted to CSA for review and approval prior to execution:

(1) Any contract, whether using the standard form or not, that involves the delegation of activities to or the purchase of services from a church or church-related organization.

(2) Any contract for which the standard CSA contract form is not used. Applicants are urged to request permission to modify parts of the standard form, it necessary, rather than to submit entirely new documents.

(3) Any contract involving a delegation of a component project not contemplated in the approved application.

Subpart 1063.132—Characteristics of Eligible Activities (CSA Instruction 6001-03)

§ 1063.132-1 Applicability.

This subpart applies to all grantees financially assisted under Sections 221 and 222(a) of the Economic Opportunity Act of 1964, as amended, if such assistance is administered by the Community Services Administration.

§ 1063.132-2 Effective date.

May 10, 1971 (CSA Instruction 6001-03).

§ 1063.132-3 Characteristics of eligible activities.

(a) A wide variety of activities can be included in a community action program. Each community action program shall, however, display all of the characteristics listed in this subpart.

(b) *Benefit to the poor.* A community action program must focus on the needs of low-income families and individuals. Where the nature of the activity requires administration by areas or groups,

services and assistance shall be made available only in areas and for groups which have a high incidence of poverty. Means tests are not required to screen out individuals or families above specific income levels. However, the applicant will be required to provide adequate evidence that any proposed activity will indeed be concentrated on the needs of the poor. Where the applicant agency selects a "target" area or population group that does not include the poorest residents of the community, adequate reasons for such selection must be provided. In determining the incidence and location of poverty in the community, the number and proportion of low income families, particulary those with children, shall be given significant weight. Among other factors that shall be considered are the following:

(1) The extent of persistent unemployment and underemployment.

(2) The number and proportion of persons receiving cash or other assistance on a needs basis from public agencies or private organizations.

(3) The number of migrant or transient low-income families.

(4) School dropout rates.

(5) Military service rejection rates.

(6) Other evidence of low educational attainment.

(7) The incidence of disease, disability, and infant mortality.

(8) Housing conditions.

(9) Adequacy of community facilities and services.

(10) The incidence of crime and juvenile deliquency.

(c) The applicant may identify additional factors which indicate evidence of poverty, particularly as they relate to specific needs to be served by proposed programs.

(d) *Progress toward eliminating poverty.* The program must give promise of progress toward eliminating poverty in the community, or toward eliminating one of the underlying causes of poverty. A community action program may do this through developing employment opportunities, improving human performance, motivation, and productivity, or bettering the conditions under which people live, learn and work. The aim of community action is not merely improvement in the standards of life of the poor but the provision of opportunities to enable poor people to move into the mainstream of American life.

(e) *Utilization of other programs.* A community action program must provide for the re-direction, extension, expansion, or improved utilization of existing programs and activities. It should also make maximum use of resources available under other Federal programs, including other titles of the Economic Opportunity Act as well as of previously unused community resources, public or private. Generally, assistance under sections 221 and 222(a) will not be made available where it is feasible to utilize another Federal aid program. Nor will aid be made available where there is evidence that existing, available community resources are not being fully utilized to meet the need in question.

(f) *Sufficient scope and size.* A community action program must provide for an adequate range of activities, and for the necessary linkages among such activities, to ensure a reasonable prospect of success. Where the full scope of services and activities cannot be provided immediately, plans should be made for their inclusion at the earliest practicable opportunity.

(g) Programs shall be of sufficient size to deal efficiently and expeditiously with the problems toward which they are directed. This need not prevent concentration on a particular "target" neighborhood or area where problems are especially severe; it does mean that programs that are too small and too limited in scope will not be assisted.

Subpart 1063.133—Eligible Activities (CSA Instruction 6001-1)

§ 1063.133-1 Applicability.

This subpart applies to all grantees financially assisted under Section 221 of the Economic Opportunity Act of 1964, as amended, if such assistance is administered by the Community Services Administration.

§ 1063.133-2 Effective date.

June 5, 1972 (CSA Instruction 6001-1).

§ 1063.133-3 Policy.

It is CSA policy to encourage CAA(s) to apply for and accept grants for programs which may not be aimed solely at low-income people but may be aimed at particular groups, for example: children, the aged, the handicapped, and other similar programs which have a potential for reaching a substantial portion of low-income persons in the target area. CAA(s) will administer such programs in accordance with the guidelines and conditions specified by the granting agency. CAA(s) are reminded, however, that the elimination of poverty remains as the central goal of community action programs under section 221. CAA(s) are also cautioned not to utilize section 221 funds or divert staff to support such other grants in any way that would violate the terms and conditions of their CSA grants.

§ 1063.133-4 Background.

(a) Section 1063.132 describes the kinds of activities which can be included in a community action program funded under section 221 of the Economic Opportunity Act. It specifically states that "A community action program must focus on the needs of low-income families and individuals * * *. Where the applicant agency selects a target area or population group that does not include the poorest residents of the community, adequate reasons for such selection must be provided." These characteristics remain an essential part of programs funded under section 221 of the Economic Opportunity Act.

(b) Section 1063.132 also notes that a community action program "* * * should also make maximum use of resources available under other Federal programs, including other titles of the Economic Opportunity Act, as well as of previously unused community resources, public or private." In mobilizing other resources, however, CSA is aware that some Federal and state programs which could impact on the needs of the poor are required by law to serve specified groups without reference to the income level of the beneficiaries.

PART 1064—LIMITED PURPOSE AGENCIES; ELIGIBILITY, ORGANIZATION AND FUNCTIONS

13. Part 1064—Limited Purpose Agencies; Eligibility, Organization and Functions is added to Chapter X as follows:

Subpart 1064. 1—Appeal To CSA By An Organization That Would Like To Serve As A Delegate Agency. (CSA Instruction 6441-1)

Sec.

1064.1-1 Applicability.
1064.1-2 Effective date.
1064.1-3 Legislation.
1064.1-4 Policy.
1064.1-5 Requirement that CAA notify prospective delegate agency.
1064.1-6 Appeal procedure for rejected applicant.
1064.1-7 Criteria for resolving appeal.

Authority: Sec. 602, 78 Stat. 530; 42 U.S.C. 2942.

Subpart 1064.1—Appeal To CSA By An Organization That Would Like To Serve As A Delegate Agency (CSA Instruction 6441-1)

§ 1064.1-1 Applicability.

This subpart applies to all programs which are financially assisted under Title II of the Economic Opportunity Act of 1964, as amended, if such assistance is administered by the Community Services Administration.

§ 1064.1-2 Effective date.

March 14, 1972 [CSA Instruction 6441-1 § 1064.1-3 Legislation.

Section 604(1) of the Economic Opportunity Act of 1964, as amended, provides in part:

"The Director shall prescribe procedures to assure that * * * (1) special notice of and an opportunity for a timely and expeditious appeal to the Director is provided for an agency or organization which would like to serve as a delegate agency under Title II and whose application to the community action agency has been wholly or substantially rejected or has not been acted upon within a period of time deemed reasonable by the Director."

§ 1064.1-4 Policy.

This subpart implements section 604(1) by providing procedures to ensure a timely and expeditious appeal for organizations which submit initial or renewal applications to a Community Action Agency (CAA) to serve as delegate agencies and by establishing standards for resolving appeals in a manner which preserves for a CAA the primary responsibility for the planning, administration and evaluation of community action programs in the community which it serves.

§ 1064.1-5 Requirement that CAA notify prospective delegate agency.

When an organization informs the CAA that it desires to apply for, or renew delegate agency status, the CAA shall promptly inform such organization of the approximate date by which an application must be submitted in order to be considered for the next funding period. Such applications should be submitted no later than 180 days before the end of the CAA's funding period in order to be considered during the CAA's planning cycle for the coming funding period. In addition, the CAA shall promptly inform each agency which submits an application to become or to continue to be a delegate agency of the provisions of this subpart and the date it expects to receive funding guidance. Applications which are submitted after the planning cycle begins will normally not be considered. (Further instructions and procedures are set forth in CSA Instruction 6710-1).

§ 1064.1-6 Appeal procedure for rejected applicant.

(a) If a CAA either rejects, wholly or substantially, such an application or fails to act upon the application by the time it receives funding guidance from CSA, the agency submitting the application may appeal the rejection or failure to act to the CSA official responsible for approving the grant awarding financial assistance to the CAA. Ordinarily, this official will be the CSA Regional Director for the appropriate Region. If the CAA rejects the application in response to an exercise by CSA of authority under the grant, the agency may also appeal the decision through these procedures.

(b) The agency making such an appeal shall submit to the responsible CSA official a copy of all material it submitted to the CAA in its application as well as a statement setting forth how the application would:

(1) Involve activities which can be closely coordinated with community action programs.

(2) Involve significant new combinations of resources or new or innovative approaches to the problems of the poor. Or;

(3) Be structured in a manner which will, within the limits of the activities contemplated, most fully and effectively promote the purposes of the Act.

(c) In addition, if it is seeking to replace an existing delegate agency or to operate a program currently operated by the CAA, the rejected applicant should explain why it believes it could operate the program more effectively than the CAA or existing delegate agency. If it is seeking to operate a new program not currently operated either by the CAA or an existing delegate agency, the applicant should explain why its proposed program would be superior to those currently operated by or through the CAA. The statement submitted by the rejected applicant shall also contain a description of its efforts to combine the proposed activities with those of the CAA and the CAA's response to such efforts. The rejected applicant shall send a copy of the statement to the CAA at the same time the statement is submitted to the responsible CSA official.

(d) The CAA may, within 10 days of receiving a copy of the appeal, submit to the responsible CSA official material in reply to the appeal. The CAA shall also send a copy of such material to the applicant making the appeal.

§ 1064.1-7 Criteria for resolving appeal.

(a) The responsible CSA official shall, whenever possible, decide the appeal before the CAA submits its formal funding request. To maintain the principle of local initiative in community action programs, the responsible CSA official will sustain the action of the CAA unless he/she finds that:

(1) The CAA did not give fair and adequate consideration to the rejected applicant's application,

(2) Or the decision of the CAA will have a decidedly adverse effect on the quality of the overall community action program in the local community or would preclude achievement of the objectives of a Special Emphasis program as described in Section 222(a) of the Act.

(b) If the responsible CSA official concludes that the CAA did not provide fair and adequate consideration of the application, he/she shall return it to the CAA with the requirement that it reconsider the application and inform the responsible CSA official in writing of the steps taken to reconsider the application and of the decision reached.

(c) If the applicant has received a fair and adequate consideration, the responsible CSA official may nonetheless review the case to ascertain whether criterion in paragraph (a)(2) of this section has been met. In reviewing the case, the CSA official shall bear in mind the amount of funds available to both the CAA and/or the prospective applicant. Options open to the reviewing official include, but are not limited to:

(1) Sustaining the rejection of the applicant;

(2) Direct funding of the rejected applicant in those instances where CSA is so authorized by the Act (ordinarily limited to Special Emphasis program described in Section 222(a) of the Act);

(3) Requiring that the CAA reconsider the rejected application; and

(4) Taking such other steps as may be deemed appropriate under the circumstances, including not providing funds to the CAA to administer the program which the rejected applicant wanted to carry out.

(d) The responsible CSA official shall promptly inform the applicant and the CAA in writing of his/her decision.

PART 1067—FUNDING OF CSA GRANTEES

14. The subpart headings in 45 CFR Part 1067 are revised as follows:

Subpart 1067.2—Denial of Application for Refunding (CSA Instruction 6730-1a)

Subpart 1067.5—General Conditions Governing Certain (CSA Grants Funded (CSA Instruction 7050-1))

Subpart 1067.6—Federal Register; Access to Daily Publication (CSA Instruction 7000-1)

Subpart 1067.7—Due Process Rights for Applicants Denied Benefits Under CSA Funded Programs (CSA Instruction 6004-5)

Subpart 1067.10—CSA Procedures for the Federal Project Notification and Review System (PNRS) (CSA Instructions 6710-3a and 6710-3a CH 2)

Subpart 1067.30—Preparation of CSA Form 314 Statement of CSA Grant (CSA Instruction 6710-CH10)

Subpart 1067.40—Applying for a Grant Under Title II, Sections 221, 222(a) and 231 of the EOA (CSA Instruction 6710-1 CH 11)

Subpart 1067.41—Program Account Structure (CSA Instruction 6100-1b and 6100-1b CH 1)

Subpart 1067.50—Index and Applicability of CSA Regulations (CSA Instruction 6000-2c)

Subpart 1067.60—Final Approval of CSA Grant Contract Actions

Subpart 1067.61—Criteria for Determining the Delegation of Grant and Contract Making Authority to Regional Director

15. The following subpart in 45 CFR Part 1067 is deleted:

Subpart 1067.3—Control Over Cash in the Hands of Grantees (CSA Notice 6710-5) Which Includes §§ 1067.3-1 to 1067.3-3 [Deleted]

16. 45 CFR Part 1067 is amended by adding the following subparts:

Subpart 1067.9—Special Conditions When a Community Action Component Is Delegated to a Church or Church Related Organization (CSA Instruction 6441-01)

Sec.

1067.9-1 Applicability.
1067.9-2 Effective date.
1067.9-3 Purpose.
1067.9-4 Policy.
1067.9-5 Conditions applicable to the use of grant funds in church-related schools or school systems.
1067.9-6 Conditions applicable to the use of grant funds for activities to be conducted by a church or church-related organization.

Authority: Sec. 602, 78 Stat. 530; 42 U.S.C. 2942.

Subpart 1067.9—Special Conditions When a Community Action Component is Delegated to a Church or Church Related Organization (CSA Instruction 6441-01)

§ 1067.9-1 Applicability.

This subpart applies to all grantees financially assisted under Titles II, IV and VII of the Economic Opportunity Act of 1964, as amended, if such assistance is administered by the Community Services Administration.

§ 1067.9-2 Effective date.

May 10, 1971 (CSA Instruction 6441-01).

§ 1067.9-3 Purpose.

To ensure that any component of a community action program which is conducted by a church-related institution is entirely non-sectarian in content and purpose the following special conditions will be applied to any grant under which such an arrangement is intended. The first set of conditions will apply to components involving church-related schools or school systems; the second will apply in the case of all other activities.

§ 1067.9-4 Policy.

These conditions must be incorporated in any contract between a community action agency and a church or church-related organization. In addition, all such contracts must be submitted to CSA for review and approval prior to execution.

§ 1067.9-5 Conditions applicable to the use of grant funds in church-related schools or school systems.

(a) The grantee shall ensure, and shall provide in any contract or other arrangement with the church-related school, schools or school system, that:

(1) None of the grant funds shall be used for the teaching of religion, religious proselytization, or religious worship.

(2) There shall be no religious instruction, proselytization or worship in connection with any program supported in whole or in part by this grant and conducted outside of normal school hours (such as after school programs, summer-school programs) or conducted for persons who are not participating in the regular curriculum (such as pre-school, adult-education, or a program for dropouts).

(3) In any of the programs described in paragraph (a)(2) of this section admission shall not be based directly or indirectly on religious affiliation or on attendance at a church-related school or other church-related institution. Affirmative steps shall be taken to make known the general availability of such programs in the areas served.

(4) Participation in programs supported in whole or in part by this grant shall not be used as a means of inducing participation in sectarian or religious activities or of recruitment for sectarian or religious institutions.

(5) The text books and other materials used in programs supported in whole or in part by this grant shall be devoid of sectarian or religious content.

(6) Facilities renovated or rented for programs financed in whole or in part by this grant shall be devoid of sectarian or religious symbols, decoration, or other sectarian identification. Other facilities used primarily for such programs shall, to the maximum feasible extent, be devoid of sectarian or religious symbols, decoration, or other sectarian identification.

(7) Grant funds shall not be used in any manner to release funds regularly expended by the school, schools, or school system. For example, grant funds shall not be used to pay in any part costs which would otherwise be incurred by the school, schools or school system in their regular operation.

(b) The grantee will, before executing a contract with any church-related school, schools, or school system, submit the proposed contract to CSA for approval.

§ 1067.9-6 Conditions applicable to the use of grant funds for activities to be conducted by a church or church-related organization.

(a) The grantee shall ensure, and shall provide by contract with any church or church-related institution or organization which is to be delegated the performance of all or part of any component of the approved community action program that:

(1) None of the grant funds shall be used for the teaching of religion, for religious proselytization, or religious worship.

(2) There shall be no religious instruction, proselytization or worship in connection with any program supported in whole or in part by this grant.

(3) Admission to any of the programs supported by this grant shall not be based directly or indirectly on religious affiliation or on attendance at a church, church-related school or other church-related institution or organization. Affirmative steps shall be taken to make known the general availability of such programs in the area served.

(4) Participation in programs supported in whole or in part by this grant shall not be used as a means of inducing participation in sectarian or

religious activities or of recruitment for sectarian or religious institutions.

(5) All materials, such as reading materials, used in programs supported in whole or in part by this grant shall be devoid of sectarian or religious content.

(6) Facilities renovated or rented for programs financed in whole or in part by this grant shall be devoid of sectarian or religious symbols, decoration, or other sectarian identification. Other facilities used primarily for such programs shall, to the maximum feasible extent, be devoid of sectarian or religious symbols, decoration, or other sectarian identification.

(7) Grant funds shall not be used in any manner to release funds regularly expended by the church or church-related institution or organization. For example, grant funds shall not be used to pay in any part costs which would otherwise be incurred by the church or church-related institution or organization in its regular operation.

(b) The grantee will, before executing a contract with any church or church-related institution or organization, submit the proposed contract to CSA for approval.

Subpart 1067.42—Establishing and Maintaining Program Accounts (CSA Instruction 6806.01)

Sec.
1067.42-1 Applicability.
1067.42-2 Effective date.
1067.42-3 Establishing and maintaining program accounts.

Authority: Sec. 602, 78 Stat. 530; 42 U.S.C. 2942.

Subpart 1067.42—Establishing and Maintaining Program Accounts (CSA Instruction 6806-01)

§ 1067.42-1 Applicability.

This subpart applies to all grantees financially assisted under Titles II, IV and VII of the Economic Opportunity Act of 1964, as amended, if such assistance is administered by Community Services Administration.

§ 1067.42-2 Effective date.

May 10, 1971 (CSA Instruction 6806-01)

§ 1067.42-3 Establishing and maintaining program accounts.

(a) Each grantee shall maintain separate accounting records for each grant. The grantee shall establish a separate bank account for community action program funds, but need not establish a separate bank account for each grant, provided all transactions are clearly identified by grant in the accounting records.

(b) The accounting records shall include all receipts that occur during the grant period, including Federal grants, non-Federal contributions in cash and in-kind, interest earned, and any income from fees charged to program beneficiaries. The financial records shall also include all expenditures from program funds; however, it is not necessary, and in many cases it may not be feasible, to distribute expenditures between Federal and non-Federal contributions.

(c) CSA recognizes that the accounting system utilized in grantee organizations will vary from a pure cash receipt and expenditure system to a very extensive accrual system. CSA will not dictate the type and format of the system to be used, since the interest of the Federal Government is satisfied if a system is established which is adequate to account for program funds, which provides accurate and current information relating to program progress, and which may be audited without undo difficulty.

(d) Such a system must meet the following criteria:

(1) The accounting records shall provide the information needed to identify adequately the receipt and expenditure of all program funds separately for each grant. Expenditures shall be recorded by the component project and budget cost categories shown in the approved budget (CSA Form 325).

(2) Each entry in the accounting records shall refer to the documentation which supports the entry and the documentation shall be filed in such a way that it can be readily located.

(3) The accounting records shall provide accurate and current financial reporting information.

(4) The accounting system shall possess an adequate means of internal control to safeguard the assets, check the accuracy and reliability of accounting data, promote operational efficiency, and encourage adherence to prescribed management policies.

(e) It is permissible for the grantee to maintain the record of non-Federal contributions in its regular accounts, provided a complete series of reference memoranda or a summary list of non-Federal contributions is incorporated into the accounts quarterly.

Subpart 1067.43—Accounting for Delegated or Contracted Activities (CSA Instruction 6806-04)

Sec.
1067.43-1 Applicability.
1067.43-2 Effective date.
1067.43-3 Accounting for delegated or contracted activities.

Authority: Sec. 602, 78 Stat. 530; 42 U.S.C. 2942.

Subpart 1067.43—Accounting for Delegated or Contracted Activities (CSA Instruction 6806-04)

§ 1067.43-1 Applicability.

This subpart applies to all grantees financially assisted under Titles II, IV, VII, of the Economic Opportunity Act of 1964, as amended, if such assistance is administered by the Community Services Administration.

§ 1067.43-2 Effective date.

May 10, 1971 (CSA Instruction 6806-04).

§ 1067.43-3 Accounting for delegated or contracted activities.

(a) In every case where the conduct of all or part of the component is delegated to another agency by the grantee, the grantee is held responsible for performance of the program, including proper accounting for expenditure of funds. The intention to make such a delegation must be set forth in the approved application for the grant or be subsequently approved by CSA, prior to the actual delegation.

(b) The grantee organization shall require that fiscal records be kept by the delegate agencies with which it contracts in accordance with the following guidelines:

(1) If the delegate agency is a public body, the grantee shall stipulate that program funds be disbursed through the chief financial officer of the public body, make certain that these financial instructions are known to the chief financial officer, and ensure that an appropriate reporting system is established so that the grantee can meet its obligation to CSA. Inclusion of the program expenditures of the delegate agency in the regular audit program of any public body which becomes a delegate agency should also be assured.

(2) Where the delegate agency is a private organization, the grantee may pursue one of the following courses in order to assure proper fiscal accountability:

(i) Require appropriate certification that the accounting system of the delegate agency is adequate to meet the requirements of the contract.

(ii) Finance, as part of the contract, adequate accounting assistance commensurate with the size and complexity of the contract. *OR*

(iii) Provide on the grantee's staff, on a full, part-time, or consultant basis as required, qualified persons to consult with the delegate agencies, keep essential accounts, perform such audits as are deemed necessary, and

consolidate and prepare appropriate reports to CSA. Grantees dealing with small private organizations as delegate agencies may find it more economical and desirable to use this approach than to attempt to require the delegate agency to hire professional help and establish its own accounting system.

(3) In the case of a contract or agreement with an individual, the service to be performed is the accountable item. No financial records are required on the part of the person performing the service unless it is performed on a cost reimbursable basis, in which case the grantee shall require appropriate vouchers to be submitted.

Subpart 1067.51—Independent Funding of "Versatile CAP" Programs. Section 221(b). (CSA Instruction 6140-01).

Sec.

1067.51-1 Applicability.
1067.51-2 Effective date.
1067.51-3 Legislative requirement.
1067.51-4 Instructions.

Authority: Sec. 602, 78 Stat. 530; 42 U.S.C. 2942.

Subpart 1067.51—Independent Funding of "Versatile CAP" Programs. Section 221(b). (CSA Instruction 6140-01).

§ 1067.51-1 Applicability.

This subpart applies to all grantees financially assisted under Section 221 of the Economic Opportunity Act of 1964, as amended, if such assistance is administered by the Community Services Administration.

§ 1067.51-2 Effective date.

January 15, 1968 (CSA Instruction 6140-01).

§ 1067.51-3 Legislative requirement.

Section 221(b) of the Economic Opportunity Act of 1964, as amended, provides: "If the Director determines that a limited purpose project or program involving actitivies otherwise eligible under this section is needed to serve needs of low-income families and individuals in a community and no community action agency has been designated for that community pursuant to section 210, or where a community action agency gives its approval for such a program to be funded directly through a public or private non-profit agency or organization, the Director may extend financial assistance for that project or program to a public or private non-profit agency which the Director finds is capable of carrying out the project in an efficient and effective manner consistent with the purpose of this title."

§ 1067.51-4 Instructions.

(a) Every single-purpose or limited-purpose grant for a "Versatile CAP" program conducted in a community which is served by a community action agency must henceforth have the approval of that agency before it can be refunded for future program periods.

(b) The same is true for every application for a new grant to conduct a "Versatile CAP" program in such a community. In all such cases, prior to application to CSA for assistance (or as a supplement to any application previously filed and now pending), the applicant must submit written evidence that its application has been approved by the governing board of the local community action agency.

(c) This subpart does not apply to the following types of programs:

(1) Special emphasis:

(i) Head Start.

(ii) Head Start Follow Through.

(iii) Legal Services.

(iv) Comprehensive Health Services.

(v) Upward Bound.

(vi) Energency Food and Medical Services.

(vii) Family Planning.

(viii) Programs for the Elderly.

(2) Manpower and work training programs including Opportunity Industrialization Centers (OICs).

(3) Training and technical assistance.

(4) Research and pilot or demonstration projects.[1]

(5) Migrant and seasonal worker programs under Title IV.

(d) The relationships of the foregoing programs to the community action agencies will not change in general, but will be spelled out more precisely on a program by program basis in separate guidelines.

Subpart 1067.80—Applying for a Research, Demonstration and Pilot Project Grant under Title II, Sections, 232 and 222(a) of the Economic Opportunity Act of 1964 as amended (CSA Instructions 7570-1, 7570-2, 7570-3, 7570-4, 6710-4)

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Authority: Sec. 602, 78 Stat. 530; 42 U.S.C. 2942.

Subpart 1067.80—Applying for a Research, Demonstration and Pilot Project Grant Under Title II, Sections 232 and 222(a) of the Economic Opportunity Act of 1964 as amended (CSA Instructions 7570-1, 7570-2, 7570-3, 7570-4, 6710-4)

§ 1067.80-1 Applicability.

This subpart applies to all applications for research, demonstration and pilot projects funded under Title II, Sections 232 and 222(a) of the Economic Opportunity Act of 1964, as amended, if such assistance is administered by the Community Services Administration.

§ 1067.80-2 Effective date.

November 19, 1971 (CSA Instruction 7570-3)

August 4, 1971 (CSA Instruction 6710-4)

January 7, 1972 (CSA Instruction 7570-1)

November 19, 1971 (CSA Instruction 7570-2)

November 19, 1971 (CSA Instruction 7570-4)

§ 1067.80-3 Policy.

(a) The Community Services Administration continues to support research, demonstration and pilot projects to develop and test techniques and approaches to overcome the problems of poverty and to provide decision-makers with the information they need to develop programs that aid the poor to become self-sufficient. Research and demonstration projects are supported primarily to advance the state of knowledge about poverty problems and potential solutions so as to have maximum impact on poverty nationwide. Pilot projects are experimental working models of a program that delivers benefits to the pilot project participants, and, if

[1] Pilot and demonstration projects are subject to a related requirement under Section 232 which provides that no such projects: "* * * shall be commenced in any city, county, or other major political subdivision unless a plan setting forth such proposed pilot or demonstration project has been submitted to the appropriate community action agency, or, if there is no such agency, to the local governing officials of the political subdivision, and such plan has not been disapproved by the community action agency or governing body, as the case may be, within thirty days of such submission, or, if so disapproved, has been reconsidered by the Director and found by the Director to be fully consistent with the provision and in futherance of the purposes of this title."

successful, might be funded under Title II or other appropriate authority, as an ongoing program or activity to assist the poor.

(b) To a large extent, CSA's research, demonstration or pilot project grants are a result of CSA's initiative. CSA solicits applications for grants aimed at solving particular problems in CSA's priority program areas. Unsolicited applications are accepted for support of projects which offer the hope of producing significant new knowledge about problems of poverty and/or their solution.

§ 1067.80–4 Overview of application process.

(a) This section provides a summary of application procedures.

(1) Initial inquiry. (This procedure is for unsolicited proposals only).

(2) Submission of preliminary project proposal and eligibility documents to administering office.

(3) CSA reviews preliminary project proposal and determines eligibility of applicant.

(4) CSA notifies applicant of interest in project.

(5) CSA conducts field pre-review (optional).

(6) Applicant initiates clearinghouse review where appropriate.

(7) Applicant submits formal application to administering office.

(8) CSA reviews formal application and makes decision to fund or reject.

(9) If accepted, administering office prepares official grant package and submits to CSA funding official.

(10) Congressional release is prepared to announce the grant.

(11) Grant package submitted to Governor and to CAA or local governing official if there is no CAA.

(12) Governor and CAA respond or 30 days waiting period elapses.

(b) *The CSA project manager.* During the application process, applicants will be told which staff member in the CSA program office will serve as the CSA project manager responsible for review of their project proposal or grant application, and also for monitoring of the grant after the award of funds. This project manager will be the source of contact on matters pertaining to the grant.

(c) *Funding periods.* A new grant application should describe program activities for the entire period during which CSA funds will be needed.

(d) *On-site assessment.* To facilitate the review of a preliminary project proposal, or formal grant application, the CSA project manager may find it necessary to conduct an on-site assessment of the applicant's planning, coordination, and staff capabilities. When appropriate, representatives of the CSA Regional Office, State Economic Opportunity Office (SEOO), and the local community action agency (CAA), will be invited to participate in order to ensure necessary coordination. For continuation grants, on-site visits should be made 60 days prior to the end of the grantees program year.

(e) *Submission of Planned Grants to Governors and CAA's.* All research, demonstration or pilot grant will be submitted to the State Governor pursuant to the disapproval authority set forth in Section 242 of the Economic Opportunity Act, unless the applicant is an institution of higher education which was in existence prior to August 20, 1964. Section 232(d) of the Act gives the appropriate CAA or local government the right of disapproval before a pilot or demonstration project (including an institution of higher education which was in existence prior to August 20, 1964) funded under Section 232 of the EOA may be commenced in any city, county, or other major political subdivision. The CAA right of disapproval does not apply to research grants. Both the Governor and the CAA (or the governing body) are given 30 days from the date of submission of the planned grant in which to disapprove the grant. CSA has the right to make a grant notwithstanding a disapproval if, upon reconsideration, the grant is found to be fully consistent with the provisions and in furtherance of the purposes of Title II of the EOA. Funds will not be released until either the 30-day review period has expired without the Governor or CAA taking action, appropriate approvals have been received, or disapprovals have been overridden by CSA.

(f) *Checkpoint coordination procedures.* New research, demonstration or pilot grants must be coordinated with the appropriate SEOO(s), CAA(s) and local or state agencies and officials concerned with anti-poverty activities. In the case of grants administered by the Office of Planning, Policy and Evaluation, this coordination will be performed entirely by the CSA program office. In the case of grants administered by the Office of Community Action, the applicant must follow checkpoint procedures prior to submission of a formal grant application. Checkpoint coordination is required for initial fundings only where there is a significant change in the program. The checkpoint procedure is not a requirement for prior concurrence in or approval of a grant application by all potentially concerned officials, agencies or institutions. However, it provides for prior consultation with these agencies and affords them an opportunity to express their concerns and thereby simplify the grant clearance process discussed in paragraph (a) of § 1067.80–4. In no event will financial assistance be provided to a public or private nonprofit agency other than a community action agency in an area in which a community action agency exists without prior notification of such financial assistance to the board of such a community action agency and to any State Economic Opportunity Office in the State in which financial assistance is provided. A copy of SF 424, along with a copy of the proposal should be forwarded to the appropriate CAA, SEOO and local or state officials for this purpose.

(g) *A–95 Clearinghouse Review.* A–95 clearinghouse review is not required for research, demonstration and pilot projects funded under Section 232. However, it is required for grants funded under Section 222(a). Refer to subpart 1067.10 (CSA Instruction 6710–3a) of this chapter for A–95 checkpoint procedures.

(h) *Non-Federal Share.* There is no general requirement that Federal funds provided under a Section 232 research or demonstration grant be matched with funds from non-Federal sources. However, CSA may require a non-federal contribution for certain groups of research and demonstration grants. Non-federal share is required for grants funded under Section 222(a). Applicants should refer to Part 1050, Subpart F (CSA Instruction 6800–6) and Subpart 1068.20 (CSA Instruction 6802–3a) of this chapter.

§ 1067.80–5 Application procedures.

(a) *Initial inquiry.* Applicants [1] for unsolicited grants should make an initial inquiry to CSA prior to submitting a written application. Such inquiry is essential to determine the appropriate program authority under which applications should be made, the availability of funds, funding timetable and deadlines, special requirements for particular programs, specific instructions, and procedures for determining eligibility and for submitting a preliminary proposal or formal application. All inquiries should be directed to the:

Community Services Administration, 1200 19th Street, NW., Washington, D.C. 20506.

[1] Applicants for unsolicited grants are: individuals, political parties, and for-profit organizations, partnerships and corporations are ineligible for grant assistance under these sections of the EOA.

(b) *Preliminary Project Proposal.* A preliminary proposal should provide a succinct summary of the key features of the project including, at a minimum a discussion of the: (1) Problem, (2) objectives, (3) project design, (4) project staffing, (5) participation of other agencies (coordination), (6) project budget, (7) basic information of the applicant agency. The preliminary proposal is basically an abbreviated version of a formal proposal. Any questions concerning the preliminary proposal should be directed to the appropriate CSA project manager.

(c) *Grant application documents and procedures.* Before preparing a formal application, applicants should consult with the CSA project manager assigned to their proposal concerning the length of the funding period that should be covered by the application and the level of support. However, applicants should be aware that CSA project managers are not authorized to commit CSA to approval of a Grant.

(1) *Required documents for formal applications.* The following documents are required when submitting a formal application:

(i) *SF 424, Federal Assistance.* This form is a multi-purpose form. It is required as a coversheet for preliminary and formal applications and is used for clearinghouse review in accordance with OMB Circular A–95, grants-in-aid notification to States. This form is also used for checkpoint coordination with appropriate local agencies and officials, SEOO(s), and CAA(s) as described in paragraph (f), § 1067.80–3. Refer to Subpart 1067.10 (CSA Instruction 6710–3a) of this chapter when completing this form.

(ii) *CSA Form 301, Summary of Grant Application.* This form is self-explanatory.

(iii) *CSA Form 325, Budget Summary.* See § 1067.80–6 of this subpart.

(iv) *CSA Form 325a, Budget Support Sheet, Parts I and II.* See § 1067.80–6 on preparation of a budget.

(v) *CSA Form 393, Certificate of Applicant's Attorney.* This form is required for new grant applications. However, in instances where any attorney has previously certified the eligibility of the applicant to conduct CSA programs of a similar nature, CSA may waive the requirement for this form. CSA will notify the applicant if a new Attorney's certification is required for grant amendments or continuations. When necessary to prevent undue delays, this form may be filed separately. However, it should be filed not later than three weeks after submission of other grant application documents.

(vi) *CSA Form 380, Accounting System Certificate.* This form is self-explanatory. The certification may be furnished by an independent certified public accountant, an independent State licensed public accountant, or, in the case of a public agency, the appropriate public financial officer who accepts responsibility for providing required financial services to the grantee. This form is usually only required for the initial funding. However, there may be instances when CSA will require a new certification from an going grantee. See Subpart 1068.42 (CSA Instruction 6801–1, CH1 and Subpart 1068.43 (CSA Instruction 6801–1–CH2) of this Chapter for details.

(vii) *Bonding Statement.* If the grantee is a nongovernmental organization, CSA may require adequate bond coverage where the absence of coverage of any grant-supported activities jeopardizes the Federal Government's interest. See Part 1050, Subpart C—Bonding and Insurances (CSA Instruction 6800–3) of this Chapter, regarding bonding requirements.

(viii) *Narrative Project Description.* The applicant should submit a clear, concise description of the project. Paragraph (d) in this section outlines the requirements for a narrative project description.

(ix) *Articles of Incorporation.* For initial funding only.

(x) *By-Laws of Governing Body.* For initial funding only.

(xi) *Biographical Data on Principle Personnel.* Submit a brief biographical summary for the principle personnel directly responsible for the conduct of the project when such personnel have been identified. This information is required for initial funding only if there has been a change.

(xii) *List of Property Inventory.* This is required for continuation grants only. Refer to Part 1071 (CSA Instruction 7001–01a) of this chapter for procedures on how to prepare a property inventory list and other policy governing property.

(d) *Preparation of a narrative project description.* Narrative project descriptions for both initial and continuation grants must cover the entire period of project operations with CSA funds and should follow the outline in this paragraph. When a previously approved program for a continuation grant will not be substantially changed, applicants are encouraged to submit concise narratives, and to avoid repetition of material presented in applications for prior funding period. However, if the application represents a substantial departure from the prior program, as when an effort is moving from a planning phase to a pilot project phase, the narrative portion of the application should contain a thorough discussion of the issues involved.

(1) *Problem.* State the problem to which the project is directed. The problem should describe the unmet need; attempts to meet the need, if any, and a statement of existing barriers to solving the problem. Indicate how progress toward solving the poverty problem would generally be advanced through research and demonstration efforts.

(2) *Objectives During Funding Period.* State the specific objectives of the project through the end of the current funding period. Desribe the approaches and techniques to be employed to overcome the problem. State how the project will advance the state of knowledge concerning the problem, what knowledge about programmatic solutions will be gained and how such knowledge will be utilized for example, through replication. For research projects, state what questions will be studied or what hypotheses will be tested. The discussion should contain an indication of why these objectives are believed to be attainable.

(3) *Project Design.* Describe the design and nature of the project. The design should, at a minimum, contain a testable hypothesis. Include the number of participants and beneficiaries, the duration of the project and a schedule of activities to be performed. Describe the agency, institution or organization that will conduct the project; research techniques and dissemination or utilization or results. For initial grants, include any relevant statistical data, maps, charts or graphs. Provide any other information which would provide additional clarification or justification for the project.

(4) *Progress to Date.* For continuation grants, provide a brief and factual discussion of the progress made during the current funding period, up to the date of submission of the application. This progress statement should compare accomplishments with goals that had been set and should treat any significant problems. To the extent possible, the discussion should include data that may bear on the conclusions to be drawn from the project, and should provide information on numbers of people assisted and the kind of assistance given.

(5) *Target Dates.* Indicate in chronological order the dates by which the major events in support of the objectives are expected to take place. CSA Form 419 may be used for this purpose.

(6) *Personnel.* Describe the number and kind of staff required and the

qualifications of all professional staff in the proposed project. Also indicate the availability of personnel for all professional positions.

(i) Submit brief biographical summaries for principal personnel who will be directly involved in carrying out the project, where such personnel have been identified. Summaries should be provided for the Project Director, Deputy Project Director (if any), and other key personnel responsible for the conduct of the project. This is required for initial grants only unless changes occur.

(7) *Participation of Other Agencies (Coordination).* Describe and document the endorsement, cooperation, and participation of all other organizations and groups, including State and local agencies, where applicable.

(8) *Facilities.* When facilities are not already available for the project, state what facilities will be required including the availability thereof. If a facility has been identified, describe any renovations that will be required.

(9) *Delegation of Program and Other Contracts.* Indicate whether or not any portion of the proposed project will be delegated or sub-contracted. If so, identify the delegate agency or sub-contractor and the nature and extent of the activities to be delegated or sub-contracted. Outline the relationship between the delegate agency or sub-contractor and the applicant's organization and management structure.

(10) *Submission of the Continuation Application.* Grantees should submit the continuation application at least 120 days before the end of the current funding period, unless otherwise instructed in writing by the project manager for the grant.

(e) Where it is anticipated that the project will need to continue beyond the period for which CSA financing is requested (for example, after its research or demonstration objectives have been met), indicate plans for insuring such continuation. Identify the sources of support which will supplant CSA funding.

§ 1067.80–6 Preparing a budget.

(a) The following provides an overview on preparation of a budget.

(1) CSA Budget Form 325, Budget Summary Sheet, summarizes the total requested budget for a project by cost category as itemized on CSA Form 325(a) Budget Support Sheet, Parts I and II. This summary should be entered in Column E of Form 325. The amount requested for the new funding period should represent the total amount estimated to be necessary to operate for the entire funding period. This amount should not be reduced by any estimated unexpended balance from prior funding period. For continuation grant application, fill in Columns C and E of Form 325. Column C calls for the approved budget for the most recent period for which the program was funded. The amounts in Column C should be based on; Column F of the most recent CSA Form 325 as adjusted by any grantee changes not requiring CSA approval; any subsequent budget amendments approved by CSA; and any budget changes made by the grantee within the budget flexibility allowed by § 1067.80–8. If significant changes in funding levels are proposed as against the prior year, these should be explained. Any requests for additional investment capital should also be justified. Itemize all non-CSA sources of financial support for the project (or upon which the project depends).

(2) Itemize on CSA Form 325a, Parts I and II, expenses under each cost category. Part I is for personnel salaries and volunteers. The remaining cost categories are itemized on Part II. If space allows, more than one cost category may be shown on the same page. The following is a list of the cost categories. A detailed explanation is contained in Appendix A of this subpart.

(i) Salaries and Wages	1.1
(ii) Fringe Benefits	1.2
(iii) Consultants and Professional Services	1.3
(iv) Travel	2.1
(v) Space Costs and Rentals	2.2
(vi) Consumable Supplies	2.3
(vii) Lease and Purchase of Equipment	2.4
(viii) Investment Capital	2.5
(ix) Other Direct Costs	2.6
(x) Indirect Costs	3.0

(3) If the prior funding included investment capital funds in the "Other Direct Costs" category, such as capital for a business investment or a revolving fund, remove those funds from the "Other Direct Costs" category, and show them separately on the "Investment Capital" line in Column C. In estimating the unexpended Federal funds in item 3D, Form 325, do not include unexpended funds from the "Investment Capital" category.

(4) The Budget Support Sheets and Budget Summary should include space for an applicant to show the proposed non-Federal share. In cases in which non-Federal share is not required, the total block of the "non-Federal Share" columns on the Budget Support Sheet and Budget Summary should be complete with zero entries. The Budget sheets should reflect the expenses paid from non-Federal sources itemized by cost category. Applicants should refer to Part 1050—Subpart F—Cost Sharing and Matching (CSA Instruction 6800–6) of this Chapter.

(5) If the applicant intends to delegate to another organization the responsibility for conducting part of the project, the anticipated expenditures of that organization should be included on the Budget Support Sheets. Within each of the budget categories, the costs of the grantee and of any delegate agency should be shown separately.

§ 1067.80–7 Administration of grants, contracts or other agreements with educational instructions.

(a) This section implements policies and procedures requires by OMB Circular A–101 for establishing greater consistency among Federal agencies in the administration of grants, contracts or other agreements with educational institutions in the United States. This applies to all grants, contracts, or other agreements for research projects with U.S. educational institutions under Title II of the Economic Opportunity Act of 1964, as amended, if administered by CSA. It does not apply to agreements with educational institutions for the operation of Government owned laboratories.

(b) *Types of Research Projects.* Most CSA research projects are Type II and will be treated as such unless the educational institution specifically requests a Type I classification and the CSA Program Office agrees.

(1) *Type I.* Research projects for which only the principal objectives of the research are stated, not the work methods or the checkpoints. The educational institution will bear the primary responsibility for the conduct of this research project.

(2) *Type II.* Research projects for which CSA exercises close control over the direction, specifications, methods or schedules of the research.

(c) Standard policies and practices are as follows:

(1) *Policy on Review and Direction of the Research Effort.* The following provisions are applicable to Type I research projects although they should be followed for Type II projects also. For Type II projects, CSA will clearly specify in the research agreement any acceptable deviations in the review or direction requirements as stated in paragraphs (c)(1) (i), (ii) and (iii) of this section. Section 1067.80–8 outlines procedures for grantee budget or program changes permissible without prior CSA approval.

(i) The principal investigator may change the methods and procedures employed in performing the research without making a special report of this

to CSA or obtaining prior CSA approval. However, such changes shall be reported to CSA in periodic or final technical reports. However, if the methodology or experiment is a specific goal of the project as stated in the narrative statement of the project, the stated objectives of the research project shall not be changed without prior approval by CSA.

(ii) The phenomenon or phenomena under study, that is, the broad category of research, shall not be changed without prior approval by CSA.

(iii) The degree of CSA review or direction exercised may vary from project to project under these approval requirements, depending upon the amount of detail used in stating the objectives of the research effort.

(2) *Policy on Vesting Title to Equipment.* Provisions on vesting title to equipment presented in paragraphs (c)(2) (i), (ii), and (iii) of this section must be followed for both Type I and Type II projects, unless the deviation procedures in paragraph (d) of this section are applied. CSA determines when title to equipment should be vested in the educational institution according to the following policies:

(i) Title to equipment purchased or fabricated under any type of research agreement shall be vested in the institution, without further obligation to CSA except as provided for under paragraph (c)(2)(ii) of this section unless it is determined that such vesting is not in the furtherance of CSA's goals. Such title shall be vested in the institution upon acquisition of the equipment or as soon as feasible thereafter.

(ii) CSA reserves the right to require the educational institution to transfer title to items of equipement to the government or to a third party named by CSA. This right may be exercised at any time, but no later that 12 months after CSA has received the final audit report from the educational institution after completion or termination of the particular project. Such right to require transfer of title does not apply to any items of equipment with an acquistion cost of less than $1,000, unless specified in a special condition of the grant.

(iii) CSA's research agreement with the educational institution shall:

(A) Clearly indicate where title to equipment is to be vested, and

(B) Clearly specify which items are to be Government property, if any.

(d) *Procedures for Deviations.* Requests for deviations from the standardized provisions of this subpart may be directed to the Headquarters program office responsible for the individual grant. CSA must approve any deviations prior to award or extension of the grant.

§ 1067.80–8 Amendment procedures.

(a) *Changes Requiring Amendment Request and Prior CSA Approval.* These procedures do not apply to applications for complete funding periods or to extensions of more than four months requiring additional funds. Such applications are covered under § 1067.80–5. If grantees are in doubt as to which procedure to use, they should consult the CSA project manager for their grant. Applications for amendments must be submitted to CSA and approved prior to making any of the following changes in a grant:

(1) Basic changes in the objectives, strategy, implementation plan or activities of the project as approved by CSA except as permitted for educational institutions (see §§ 1067.80–5 and 1067.80–7 of this subpart).

(2) Significant changes in the number or type of participants or beneficiaries.

(3) Changes in the areas served under the grant.

(4) Changes in delegate agencies, if any.

(5) Changes in or waiver of grant conditions.

(6) Changes in the duration of the approved funding period or in length of time the project will operate.

(7) Budget or program changes which would increase the CSA supported program costs during the current funding period or any subsequent funding period. These include changes which:

(i) Require increased, that is supplemental, funding during the current funding period, or

(ii) Increase program costs during the current funding period but do not require increased funding due to the availability of larger than anticipated unexpended balances from previous funding periods, or

(iii) Do not increase costs in the current funding period but result in increased costs in subsequent funding periods beyond increases contemplated in the grant application as approved.

(8) Other changes in the approved budget beyond those in paragraph (a) of § 1067.80–8 which grantees are authorized to make without CSA permission.

(b) *Changes Allowable Without CSA Approval.* Unless specifically prohibited by special grant award conditions or specifically disallowed by CSA in the grant approval process, grantees may make other changes without obtaining prior CSA approval subject to the following limitations:

(1) *Changes in salary and positions.* A grantee may change salaries or the number of personnel positions, or create new positions provided that such changes:

(i) Do not exceed wage comparability standards;

(ii) Are in accordance with CSA and grantee personnel policies;

(iii) Do not result in program changes for which CSA approval is required, as outlined in paragraph (a) § 1067.80–8, and

(iv) CSA has not previously notified the grantee in writing that a particular personnel position may not be established.

(2) *Changes between budget categories.* Provided that total program costs are not changed, grantees may increase or decrease individual budget categories except as follows:

(i) Grantees may not increase expenditures for Travel, Budget Category 2.1, by more than 25 percent of the approved budget level for that category.

(ii) Grantees may not change the approved level for Investment Capital, Budget Category 2.5.

(iii) Grantees may not increase the approved level of Indirect Costs, Budget Category 3.0.

(3) *Equipment Purchases.* Grantees may make changes in purchases of equipment except as follows:

(i) Grantees may not make purchases of equipment under Budget Category 2.4 in excess of $500 unit cost (or $1,000 in the case of permanent research equipment for educational institutions) without prior CSA approval.

(ii) Grantees may not increase purchases of permanent research equipment by more than 25 percent of the itemized budget within Budget Category 2.4, Lease and Purchase of Equipment.

(c) *Summary of Procedures.* In most cases, if CSA approves the proposed amendment, the grantee may act on the basis of that approval. In some cases, however, further steps may be required. If so, the grantee will be notified of these by CSA at the time of approval. Some of the more common cases are:

(1) If the amendment involves the award of additional funds, and if the grantee is not an institution of higher education which was in existence on August 30, 1964, the amendment will be subject to the Governor's right of disapproval in the same manner as a new grant.

(2) If the amendment expands the area served by the grantee it may be subject to the right of disapproval of the Community Action Agency or local government in the proposed new area. If the proposed new area includes additional states, the amendment will be

subject to the right of disapproval of the appropriate Governors.

(3) If the amendment involves a substantial change in the approved program, it will be subject to one or both of the above rights of disapproval.

(d) *Required Forms.* The forms needed to apply for an amendment are as follows:

(1) *CSA Form 325b, Request for Amendment to Grant.* This form is self-explanatory.

(2) *CSA Form 325, Budget Summary.* Required only if the requested amendment involves changes in the approved budget beyond those permitted in paragraph (b) of this section. Grantees should omit item 3D with respect to unexpended Federal funds, unless they are requesting additional Federal funds, an increase in total costs to be covered by unexpended funds, or an extension of the funding period. Column C calls for the approved budget for the most recent period for which the program was funded. The amounts in Column C should be based on Column F of the most recent CSA Form 325, as adjusted by any grantee changes not requiring CSA approval. In either case the approved Budget amounts should reflect any subsequent budget amendments approved by CSA and any budget changes made by the grantee within budget flexibility allowed. As indicated in paragraph (b) of this section, grantees are permitted to make some departures from the approved budget without requesting prior CSA approval. If CSA approval is required for any proposed change in the approved amount for any budget category, the requested change should include any changes already made by the grantee without prior CSA approval as authorized under paragraph (b) of this section. That is, the requested change should be the actual total amount the grantee will need, and not simply the additional amount beyond its budget flexibility for which prior CSA approval is requested.

Grantees should omit Section 11 of Form 325 unless the requested amendments will change the estimate of the future of the program.

(3) *CSA Form 325a, Budget Support Sheet.* Optional. If the requested amendment involves changes in the approved budget which require detailed backup information, this form (or a comparable local form) should be used to provide the detail for the budget categories involved. Otherwise, budget changes can be explained on the Form 325b, Request for Amendment to Grant.

§ 1067.80–9 Post grant requirements.

(a) *CSA Approval and Grantee Acceptance.* Upon CSA approval of a grant application, CSA will send a grant package to the grantee and, as appropriate, to the Governor's office and the local CAA. The grant package will contain the following documents:

(1) Statement of CSA Grant (CSA Form 314).

(2) General conditions (Subpart 1067.5 of this chapter).

(3) Budget Summary (CSA Form 325).

(4) Special Conditions (CSA Form 29).

(5) Explanation of Budget and Work Program Changes (Where applicable) (CSA 325a).

(i) *CSA Form 314, Statement of CSA Grant.* This is the basic action document signed by CSA, indicating the approval of the grant. Prior to release of funds by CSA, the grantee must sign and return the CSA Form 314, indicating its acceptance of the grant action with all attached conditions.

(ii) General grant conditions with which grantees receiving research or demonstration funds under the Economic Opportunity Act must comply are listed in Subpart 1067.5 General Conditions (CSA Instruction 7050–1) of this Chapter.

(iii) *CSA Form 29, Special Conditions.* This form is used as an attachment to the CSA Form 314, to indicate those special conditions, if any, which apply to the grant in addition to the General Conditions governing grants under the Economic Opportunity Act of 1964, as amended.

(iv) *CSA Form 325c, Explanation of Budget and Work Program Changes.* This form is used as an attachment to the CSA Form 314 to indicate any changes made by CSA to the budget or program requested by the applicant. If the CSA Form 325c indicates that a specific cost or function is reduced or eliminated, the grantee may not use the budget flexibility granted by § 1067.80–8 to expend funds for that purpose, without prior written approval by CSA.

(v) *CSA Form 325, Budget Summary.* Column F, completed by CSA, reflects the total approved funding level for the budget period by cost category. The approved funding for each cost category provides back up for the total approved CSA grant funds. Grantees may only incur expenditures against the grant according to the approved amounts on the CSA Form 325, and the budget flexibility guidelines contained in § 1067.80–8 of this subpart.

(b) *Accounting System Certification.* See § 1067.80–5.

(c) *Bonding.* See § 1067.80–5.

(d) *Evidence of Compliance with Special Conditions.* The Special Conditions often require the grantee to submit documents evidencing compliance by a prescribed date. Such documents are to be returned either with the signed CSA Form 314 or by a later date prescribed by CSA. CSA may delay release of funds until receipt of satisfactory evidence of compliance with Special Conditions.

(e) *Authorized Signature Cards.* For Payment Vouchers on Letter of Credit (Standard Form 1194). This form is required prior to release of funds for grants exceeding $120,000. After CSA signature of an approved grant three (3) copies of the Standard Form 1194 and accompanying instructions will be forwarded to the grantee for completion. These cards must be signed by those officials (at least two) whom the grantee has authorized to withdraw funds from the Federal Reserve System for deposit in the commercial bank. Two of these cards must be returned to CSA both bearing original signatures. The third card is to be retained for the grantee's files. New signature cards will be required whenever:

(1) There is a need to change the name of persons authorized to sign payment vouchers.

(2) There is a need to change the grantee name, address or commercial bank and,

(3) A new Letter of Credit is to be issued.

(f) The post-grant funding documents required should be mailed to:

Financial Management Division, Community Services Administration, 1200 19th Street, NW., Washington, D.C. 20506.

(g) *Other Financial Requirements.* In addition to the accounting system certification the grantee is required by Section 243 of the Economic Opportunity Act to provide for:

(1) A preliminary audit survey is required within three months after the effective date of the grant.

(2) Annual audits are required to cover first funding period of a grant and each year thereafter, in accordance with Subpart 1068.42 (CSA Instruction 6801–1, ChI) and Subpart 1068.43 (CSA Instruction 6801–1, CH2) of this chapter.

(h) *Financial Reports.* The grantee must submit the quarterly financial reports required in Part 1050 Subpart-H Financial Reporting Requirements, (CSA Instruction 6800–8) of this chapter.

(i) *Property Management.* See § 1067.80–5 and Part 1071 of this Chapter.

(j) *Monitoring and Reporting Program Performance.* Grantees shall monitor their performance and submit performance reports (CSA Form 440) in accordance with Part 1050 Subpart 1—

Monitoring and Reporting Program Performance (CSA Instruction 6800–9) of this chapter. The project manager will notify the grantee on frequency of submission. Additional supplemental data may be requested by CSA.

(k) *Delegation of Programs.* CSA Form 280, Agreement for Delegation of Activities, shall be used in all cases in which the grantee delegates the performance of all or part of the functions of a project for which funding is approved. Such agreement may be entered into only if—

(1) The intention to make such a delegation to the particular agency has been set forth in the funding request to CSA or has otherwise been approved by CSA and

(2) The contract contains all of the provisions found in CSA Form 280. CSA Form 280 includes the minimum CSA requirements with respect to the degree of supervision, control, and evaluation to be maintained by the grantee over CSA funds. Additional conditions may be added which restrict the power of the delegate agency, but any contract which gives greater power to the delegate agency must be approved by CSA prior to signature. The grantee will, in any event, be held responsible for the successful execution of the program, and must exercise the degree of supervision and control commensurate with that responsibility and applicable CSA policies and instructions. The grantee shall attach to any delegation contract a copy of all Grant Conditions appended to its grant from CSA.

(e) *Governing Body.* If the grantee of a pilot or demonstration project has a board but the board's structure is not in conformance with Subpart 1062.200—Boards and Committees (CSA Instruction 6400–01a), a policy advisory council should be formed in accordance with CSA requirements in Subpart 1062.200 (CSA 6400–01a) of this chapter to oversee the activities of the project. Any other exception will be subject to CSA approval.

§ 1067.80–10 Where to apply.

Send two copies of applications to:

Office of Community Action, Community Services Administration, 1200 19th Street NW., Washington, D.C. 20506.

§ 1067.80–11 Supply of forms.

When CSA solicits a formal grant application or tentatively approves an unsolicited preliminary proposal, the CSA project manager will supply the applicant with a set of application forms, and all other CSA regulations required to submit a grant application. Applicational copies of these forms and instructions may be ordered from:

Publication and Distribution Center, 49 L Street SE., Washington, D.C. 20003.

Appendix A to Subpart 1067.80 Applying for a Research, Demonstration and Pilot Project Grant Under Title II, Sections 232, and 222(a) of the Equal Opportunity Act of 1964 as amended

Explanation of Budget Categories

The explanation of budget categories refers to Forms 325 and Forms 325a as described in this subpart.

Budget Categories

1. *Category 1.1, Salaries and Wages.*

(a) *Paid Personnel.* This category does not include stipends paid to program beneficiaries which are not compensation for work performed.

(b) The Economic Opportunity Act provides that no compensation may be paid at rates which are less than the Federal minimum wage. Subject to that exception, the general rule contained in the Act is that compensation may not exceed the average rate paid for substantially comparable services in the area where the program is carried out.

Regulations implementing this requirement and other rules concering personnel compensation will be found in Subpart 1069.20 (CSA Instruction 6900–01) of this Chapter. Before budgeting for personnel costs, applicants should refer to Subpart 1069.9 (CSA Instruction 6903–1a) and Subpart 1069.20 (CSA Instruction 6900–01) of this chapter.

(c) On the Budget Support Sheet, part-time employees should be shown separately. Do not list two employees each working half a year as one employee working a full year. The number of man-months shown for a part-time position should in all cases be based on full-time employment. For example, a half-time employee working for an entire year is considered to work six man-months.

(d) *Volunteers.* If volunteer workers are going to participate in the program their time may be valued for the purpose of calculating non-Federal share. Valuation methods are prescribed by Subpart F—Cost Sharing and Matching (CSA Instruction 6800–6) in Part 1050 of this Chapter. A person should be treated as a volunteer only if he/she receives no compensation from anyone for his/her work in the program. When an employer other than the grantee furnishes the services of an employee, he/she should be listed under Column E of CSA Form 325a and the employees services valued at his/her regular rate of pay, provided these services are in the same skill for which the employee is normally paid.

2. *Category 1.2, Fringe Benefits.*

(a) This category includes not only such items as health insurance, life insurance, and retirement contributions, but also workmen's compensation, unemployment taxes, and social security taxes. If fringe benefits are shown as a percentage of total compensation, the applicant should identify each benefit and its share of the overall percentage figure, for example, employers contribution for social security at the current rate.

3. *Category 1.3, Consultants and Professional Services.*

(a) This categoy includes legal fees, accountants' fees, and consultants' fees and the like.

(b) See Subpart 1068.42 (CSA Instruction 6801–1, CH1) and Subpart 1068.43 (CSA Instruction 6801, CH2) of this chapter for CSA requirements with respect to audits. The auditing costs should be included in this budget category.

(c) Legal and accounting services should be budgeted on an "as performed" basis and will be eligible program costs only when supported by evidence of services performed.

(d) If the budget includes consultants' fees, the Budget Support Sheets should indicate the specific types of consultant services for which a need is anticipated. In addition, specific justification must be provided for any consultant fees in excess of $100 per day.

4. *Category 2.1, Travel.*

See Subpart 1069.3 (CSA Instruction 6910–1b) and Subpart 1069.4 (CSA Instruction 6910–2d) of this chapter for regulations governing travel, and allowable per diem rates.

5. *Category 2.2, Space, Cost, and Rentals.*

This category includes, in addition to rent payments, the costs of any minor renovations which may be necessary to make space suitable for the purposes of the program. Only in extraordinary cases will CSA support the construction or purchase of facilities. The description should include the square footage of any space to be rented.

6. *Category 2.3, Consumable Supplies.*

(a) This category includes office machines, furniture and fixtures, and other equipment.

(b) Where equipment is available on a lease basis, it should be acquired on that basis unless purchase is clearly more economical over the projected life of the research or demonstration program.

(c) Proposed purchases of equipment with a unit cost of more than $500 (or $1,000 in the cost of permanent research equipment for educational instructions) will be specifically approved by CSA. Such purchases should be specifically justified.

(d) Equipment purchases as part of economic development ventures (as opposed to equipment needed for project administration) should be budgeted under Budget Category 2.5. Proposed purchases of such equipment with unit costs above $500 need not be separately justified.

7. *Category 2.5, Investment Capital.*

(a) This category includes funds for new investments in economic development projects, as well as additions to revolving funds in projects whose programs include making of loans.

(b) Applicants should show on the Budget Support Sheets, (Form 325a) and carry to the Budget Summary, (Form 325) only the new investment capital funds which are being requested in the application. Do not include any funds which were previously granted, even though they will be spent in the coming budget period. Note that this treatment differs from the treatment for all other budget categories.

(c) Full justification for each item in the "investment capital" category should be included in the narrative portion of the application.

8. *Category 2.6, Other Direct Costs.*

(a) This category includes such items as transportation of things, repairs, utilities, telephone.

(b) The category also includes stipends which may be paid to program beneficiaries to support them during their participation in a program.

(c) See Subpart 1068.30 (CSA instruction 6803–6) of this chapter for circumstances under which CSA funds may be used to pay membership dues in professional organizations.

9. *Category 3.0, Indirect Costs.*

The indirect costs of a project are those costs incurred by an organization for the joint benefit of the approved CSA program activity and other objectives, but not readily identifiable with the CSA program itself, was in the operation and maintenance of buildings or in the payment of utilities costs or adminstrative salaries.

10. *Delegation Arrangement.*

If the applicant intends to delegate to another organization the responsibility for conducting part of the project, the anticipated expenditures of that organization should be included on the Budget Support Sheets. Within each of the budget categories, the costs of the grantee and of any delegate agency should be shown separately.

Appendix B to Subpart 1067.80.—*Applying for a Research, Demonstration and Pilot Project Grant Under Title II, Section 232, and 222(a) of the Equal Opportunity Act of 1964, as Amended*

[Applicability of Required Forms and Documents]

	424	Narrative	419	301	393	394	325	325a	325b	When delegating programs: 280	When delegating programs: 11
Type of action:											
Preliminary proposal	X	[1]X	OPT			OPT	[2]X	[2]X			
Formal application	X	X	OPT	X	X	OPT	X	X		X	X
Continuation application	X	X	OPT	X	X	OPT	X	X		X	X
Amendment							[3]X		X		

[1] Brief summary of program.
[2] Or substitute form.
[3] Not required for work program changes only.

PART 1068—GRANTEE FINANCIAL MANAGEMENT

17. The subpart headings in 45 CFR Part 1068 are revised as follows:

Subpart 1068.3—Limitation on CAA Administrative Costs (CSA Instruction 6807–1)

Subpart 1068.4—Allowability of Cost Incurred to Borrow Funds (CSA Instruction 6803–2)

Subpart 1068.5—Allowance and Reimbursement for Members of Policy-Making Bodies (CSA Instruction 6803–1b)

Subpart 1068.6—Grantee Compliance with IRS Requirement for Withheld Federal Incomes and Social Security Taxes (CSA Instruction 6810–1)

Subpart 1068.8—Use of Federal Funds for Union Activities (CSA Instruction 6803–5)

Subpart 1068.20—Non-Federal Share Requirement for Title II Sections 221, 222(a) and 231 Programs (CSA Instruction 6802–3a)

Subpart 1068.30—Membership Dues and Related Expenses Paid to Professional Organizations (CSA Instruction 6803–6)

18. The following subparts in Part 1068 are deleted:

Subpart—Non-Federal Share Contribution; Eligibility for Waiver of Increase (CSA Instruction 6802–5a) which includes §§ 1068.21–1 to 1068.21–3 [Deleted]

Subpart—Non-Federal Share Contribution; Eligibility for Waiver of Increase for Fiscal Year 1978 Grants (CSA Instruction 6802–5a CHI) which is § 1068.22–6) [Deleted]

19. 45 CFR Part 1068 is amended by adding the following subparts:

Subpart 1068.40—Funding of Third Party Contractors (CSA Instruction 7000–01)

Sec.
1068.40–1 Applicability.
1068.40–2 Effective date.
1068.40–3 Funding of third-party contractors.

Authority: Sec. 602, 78 Stat. 530, 42 U.S.C. 2942

Subpart 1068.40—Funding of Third Party Contractors (CSA Instruction 7000–01)

§ 1068.40–1 Applicability.

This subpart applies to all grantees financially assisted under Titles II and IV of the Economic Opportunity Act of 1964, as amended, if such assistance is administered by the Community Services Administration.

§ 1068.40–2 Effective date.

May 10, 1971 (CSA Instruction 7000–01).

§ 1068.40–3 Funding of third-party contractors.

(a) Grantees should work closely with delegate agencies in determining their periodic need for funds. As a general guideline, those delegate agencies with contracts for more than $200,000 should be funded monthly. Grantees may advance funds to delegate agencies, as an alternative to reimbursing them for expenditures incurred, and may advance funds for a succeeding operation period prior to receipt of expenditure documentation from the preceding period. Generally, funds may not be advanced for more than two successive operating periods without receipt of adequate reports from a delegate agency. Appropriate adjustments should be made if delegate agencies appear to be maintaining cash on hand which is surplus to their operating requirements. Periodic reviews should be made to assure that this policy is adhered to by delegate agencies.

(b) If a delegate agency, such as a school system, is expected to purchase materials on competitive bid, payment may be made to the delegate agency shortly before the actual award of the contract for the materials, if local law or regulations require that this be done.

Subpart 1068.41—Standard Form for Professional or Technical Services to a Community Action Program (CSA Instruction 7410–01)

Sec.
1068.41–1 Applicability.
1068.41–2 Effective date.
1068.41–3 Policy.
Appendix A to Subpart 1068.41—Standard Form for Professional or Technical Services to a Community Action Program.

Authority: Sec. 602, 78 Stat. 530; 42 U.S.C. 2942

Subpart 1068.41—Standard Form for Professional or Technical Services to a Community Action Program (CSA Instruction 7410-01)

§ 1068.41-1 Applicability.

This subpart applies to all grantees financially assisted under Titles II, IV, and VII of the Economic Opportunity Act of 1964, as amended, if such assistance is administered by the Community Services Administration.

§ 1068.41-2 Effective date.

May 10, 1971 (CSA Instruction 7410-01).

§ 1068.41-3 Policy.

(a) This contract form shall be used in all cases in which the grantee or a delegate agency is contracting for professional or technical services. This includes such activities as the retention of consultants, arrangements for the provision of computer programming services, and the hiring of an agency to conduct program evaluation.

(b) This contract form expresses the minimum CSA requirements with respect to the degree of supervision and control to be maintained by the grantee or delegate agency. Additional material may be added which restricts the power of the contractor, but any contract which gives greater power to the contractor must be approved by CSA prior to signature. The organization which is the grantee of CSA funds will, in any event, be held primarily responsible for the successful execution of the program, and must exercise a degree of supervision and control which is commensurate with that responsibility.

Appendix A to Subpart 1068.41—Standard Form for Professional or Technical Services to a Community Action Program

Contract Form

Part I (of 2 parts)

This agreement, entered into as of this ——— day of ————, 19——, by and between (name of CAP grantee or delegate agency) ————, of the City/County of ———, State of ————, hereinafter referred to as the "Agency", and ———— (name of contracting party) ————, of the City/County of ————, State of ————, hereinafter referred to as the "Contractor".

Witnesseth That: The Agency and the Contractor do mutually agree as follows:

1. The Contractor shall, in a satisfactory and proper manner as determined by the Agency, perform the following: (The character and extent of the professional services to be performed by the Contractor must be specified with clarity and with sufficient detail to preclude questions as to the scope of the services covered by the Contract. The Contract should state the extent and character of any surveys, tests, explorations, studies, investigations, experiments, canvasses, and analyses to be made and, where appropriate, the method to be employed in the collection of the data and the sources of information to be used. It should identify and specify any estimates, tabulations, reports, recommendations or other documents to be submitted. It should clearly indicate whether and to what extent the services include the review, inspection, coordination, or supervision of work performed by others, and whether consultations, conferences, and other services are included and the nature thereof.)

The Agency shall furnish the following services, data and information to the Contractor: (Specify any services or data to be furnished, and when and in what manner it will be provided.)

2. The Contractor shall commence performance of this Contract on the ——— day of ————, 19——, and shall complete performance to the satisfaction of the Agency no later than the ——— day of ————, 19——. (The completion date shown shall be no later than the date of expiration of the grant.)

3. The Contractor shall maintain such records and accounts, including property, personnel, financial records, as are deemed necessary by the Agency or the Director of CSA to assure a proper accounting for all project funds, both Federal and non-Federal share. These records will be made available for audit purposes to the Agency, the CSA or the Comptroller General of the United States or any authorized representative, and will be retained for three years after the expiration of this Contract unless permission to destroy them is granted by both the Agency and the Director of CSA.

4. Compensation. (The Contract should clearly state the consideration to be paid for the professional services. Any contract for a compensation of an individual consultant at more than $100 per diem must be approved by CSA before execution. If the compensation is to be upon a lump sum basis, the amount thereof should be set forth and it should be clearly stated that such amount constitutes complete compensation for all the services to be rendered. If special reimbursement for travel or other expenses is to be made, the Contract should specify the limits and conditions for such reimbursement. It should, for example, fix a maximum amount that will be reimbursed for travel and for administrative expenses; it should provide for the maintenance of proper records of cost which shall be open to inspection by the Agency; it should prescribe a maximum allowance per mile of travel by automobile and a maximum for subsistence expenses; it should clearly identify the types of expenses that are reimbursable; and it should require authorization from the Agency for travel which is to be reimbursed. In setting limits on travel expenses, note the "Travel Expenses" of Part II of this form.)

5. Method of Payment. (The Contract should clearly indicate when and in what amounts the compensation is to be paid. The Contract should provide that a certain portion of the compensation, specifying such portion, will be retained by the Agency until the services have been satisfactorily completed as determined by the Agency. However, such retention is not essential when the services to be rendered are of an advisory or consultative type, payable on a per diem basis, and the Contractor is not required to submit detailed written reports, studies, plans, or other documents.)

6. It is expressly understood and agreed that in no event will the total amount to be paid by the Agency to the Contractor under this Agreement exceed $——— for full and complete satisfactory performance. (The amount here should not exceed the amount for this service which was included in the grantee's budget as approved by CSA.)

7. This Agreement is subject to and incorporates the attached Part II, "Terms and Conditions Governing Contracts Between Community Action Program Agency and Contractor for Professional or Technical Services to a Community Action Program."

8. The Contractor agrees to assist the Agency in complying with all of the "Conditions Governing Grants under Titles II, IV, and VII of the Economic Opportunity Act of 1964" as amended.

9. In witness whereof, the Agency and the Contractor have executed this Agreement as of the date first above written.

Contractor————————————
By: ————————————
Position:————————————
Attest: ————————————
Agency ————————————
By: ————————————
Position:————————————

Part II (of 2 parts)

Terms and conditions Governing Contracts for Professional or Technical Services to a Community Action Program. In addition to any conditions specified in Part I, this Contract is subject to all of the conditions listed below. Waiver of any of these conditions must be upon the express written approval of an authorized representative of the Community Services Administration, and such waiver shall be made a part of this Contract.

1. *Termination of Contract.* If, through any cause, the Contractor shall fail to fulfill in timely and proper manner his/her obligation under this Contract, or if the Contractor shall violate any of the convenants, agreements, or stipulations of this Contract, or if the grant from CSA under which this Contract is made is terminated by CSA, or, if the Agency herein is the delegate agency of a CSA grantee, and the contract by which such delegation is made is terminated, the Agency shall thereupon have the right to terminate this Contract by giving written notice to the Contractor of such termination and specifying the effective date thereof. If the Contractor is unable or unwilling to comply with such additional conditions as may be lawfully imposed by CSA on the grant or contract under which the agency is performing the program to which these professional services are being rendered, the Contractor shall have the right to terminate the Contract by giving written notice to the agency, signifying the effective date thereof. In the event of termination all property and finished or unfinished documents, data, studies, and reports purchased or prepared by the

Contractor under this Contract shall, at the option of the Agency, become its property and the Contractor shall be entitled to compensation for any unreimbursed expenses necessarily incurred in satisfactory performance of the Contract.
Notwithstanding the above, the Contractor shall not be relieved of liability to the Agency for damages sustained by the Agency by virtue of any breach of the Contract by the Contractor, and the Agency may withhold any reimbursement to the Contractor for the purpose of set-off until such time as the exact amount of damages due the Agency from the Contractor is agreed upon or otherwise determined.

2. *Changes.* The Agency may, from time to time, request changes in the scope of the services of the Contractor to be performed hereunder. Such changes, including any increase or decrease in the amount of the Contractor's compensation, which are mutually agreed upon by and between the Agency and the Contractor, must be incorporated in written amendments to this Contract.

3. *Travel Expenses.* If the Contractor is to be reimbursed for travel expenses, and (1) if the Contractor is a public agency, expenses charged for travel shall not exceed those allowable under the customary practice in the government of which the agency is a part; or (2) if the Contractor is a private agency, expenses charged for travel shall not exceed those which would be allowed under the rules of the United States Government governing official travel by its employees.

4. *Publication and Publicity.* The Contractor may publish results of its function and participation in the approved community action program without prior review by the Agency: *Provided,* That such publication acknowledge that the program is supported by funds granted by CSA pursuant to the provisions of the Economic Opportunity Act of 1964, as amended, and that five copies of each such publication are furnished to CSA plus such copies to the Agency as the Agency may reasonably require.

5. *Copyrights.* If the Contract results in a book or other copyrightable material, the author is free to copyright the work, but the Community Services Administration reserves a royalty-free, nonexclusive and irrevocable license to reproduce, publish, or otherwise use, and to authorize others to use, all copyrighted material and all material which can be copyrighted resulting from the Contract.

6. *Patents.* Any discovery or invention arising out of or developed in the course of work aided by this Contract shall be promptly and fully reported to the Agency and to the Director of CSA for determination as to whether patent protection on such invention or discovery shall be sought and how the rights in the invention or discovery, including rights under any patent issued thereon, shall be disposed of and administered, in order to protect the public interest.

7. *Labor Standards.* All laborers and mechanics employed by contractors or subcontractors in the construction, alteration or repair, including painting and decorating of projects, buildings and works which are federally assisted under this Contract shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act as amended (40 U.S.C. 276–a—276a–5).

8. *Covenant Against Contingent Fees.* The Contractor warrants that no person or selling agency or other organization has been employed or retained to solicit or secure this Contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee. For breach or violation of this warrant, the Agency shall have the right to annul this Contract without liability or, in its discretion, to deduct from the compensation, or otherwise recover, the full amount of such commission, percentage, brokerage or contingent fee.

9. *Discrimination in Employment Prohibited.* The Contractor will not discriminate against any employee employed in the performance of this contract, or against any applicant for employment in the performance of this contract because of race, sex, creed, color, or national origin. The Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, sex, creed, color, or national origin. This requirement shall apply to, but not be limited to, the following:
Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. In the event that the Contractor signs any contract which would be covered by Executive Order 10925 (March 6, 1961) or Executive Order 11114 (June 22, 1963), the Contractor shall include the equal-employment opportunity clause specified in Section 301 of Executive Order 10925, as amended.

10. *Discrimination Prohibited.* No person in the United States shall, on the ground of race, sex, creed, color or national origin, be excluded from participation in, be denied the proceeds of, or be subject to discrimination in the performance of this Contract. The Contractor will comply with the regulations promulgated by the Director of CSA with the approval of the President, pursuant to the Civil Rights Act of 1964 (45 CFR Part 1010.)

11. *Political Activity Prohibited.* None of the funds, materials, property or services contributed by the Agency or the Contractor under this Contract shall be used in the performance of this Contract for any partisan political activity, or to further the election or defeat of any candidate for public office.

12. *Religious Activity Prohibited.* There shall be no religious worship, instruction or proselytization as part of or in connection with the performance of this Contract.

13. *Compliance with Local Laws.* The Contractor shall comply with all applicable laws, ordinances, and codes of the State and local governments.

14. *Reports and Inspections.* The Contractor shall make financial, program progress, and other reports as requested by the Agency or the Director of CSA and will arrange for on-site inspections by Agency or CSA representatives at the request of either.

Subpart 1068.42—Grantee Fiscal Responsibility and Auditing (CSA Instruction 6801–1 and 6801–1 Ch 1)

Sec.
1068.42–1 Applicability.
1068.42–2 Effective date.
1068.42–3 Definitions.
1068.42–4 Policy.
1068.42–5 Accounting system certification.
1068.42–6 Auditor selection and responsibilities.
1068.42–7 Required preliminary audit survey.
1068.42–8 Required annual audits.
1068.42–9 Federal, State and local audits.
1068.42–10 Maintenance of records.
Appendix A to Subpart 1068.42—Grantee Fiscal Responsibility and Auditing.
Appendix B to Subpart 1068.42—Grantee Fiscal Responsibility and Auditing.
Appendix C to Subpart 1068.42—Grantee Fiscal Responsibility and Auditing.

Authority: Sec. 602, 78 Stat. 530; 42 U.S.C. 2942.

Subpart 1068.42—Grantee Fiscal Responsibility and Auditing (CSA Instruction 6801–1 and 6801–1 Ch 1)

§ 1068.42–1 Applicability.

This subpart applies to all grantees financially assisted under Titles II, IV, and VII of the Economic Opportunity Act of 1964, as amended, if such assistance is administered by the Community Services Administration. This subpart is not applicable to contractors under CSA procurement contracts.

§1068.42–2 Effective date.

August 5, 1970 (CSA Instruction 6801–1). May 11, 1971 (CSA Instruction 6801–1, Change 1).

§ 1068.42–3 Definitions.

"Delegate agency" means an agency to which a grantee delegates the performance of an entire program account of a grant or a substantial part of a single program account. As used in this subpart the term also refers to "subcontractors" who contract with the grantee to perform any major portion of a CSA funded program.

"Grant-grantee" as used in this subpart, also refers to contracts of assistance and contractors under such contracts respectively.

"Responsible CSA official" means the CSA official in the Headquarters Office, or the Regional Office of CSA, who has authority to award and administer the CSA grant in question.

§ 1068.42–4 Policy.

(a) Before funds will be released to a grantee receiving an initial Community Services Administration (CSA) grant, the grantee, must submit a statement to CSA certifying that its accounting

system and that of its delegated agencies meet the standards set forth in Section 243(a) of the EOA. See Appendix A of this subpart. Within three (3) months after the effective date of an initial grant, a grantee must have its accounting system surveyed and evaluated by an auditor. On the basis of the auditor's findings and conclusions, the CSA Director or the Director's designee will determine whether the accounting system meets CSA standards and, if not, whether to suspend the grant.

(b) An audit of each grant must be made annually. On the basis of resultant findings and conclusions, the Director or the Director's designee will determine whether any of the costs or expenditures incurred shall be disallowed as charges against grant funds. In the event of disallowance, the Director may seek recovery of sums by appropriate means. The Director may also impose additional requirements to assure that the conditions that gave rise to the disallowance have been corrected and will not recur.

(c) Grantees must require of delegate agencies substantially the same audit responsibilities that CSA requires of grantees. However, grantees remain responsible to CSA for the proper expenditure of and accounting for all grant funds, whether or not delegated to other agencies.

§ 1068.42-5 Accounting system certification.

(a) *General.* The accounting system certification states that the grantee and its delegate agencies (or subcontractors for performance of any major portion of the assisted program) have established an adequate accounting system with appropriate internal controls to safeguard assets, check the accuracy and reliability of their accounting data, promote operating efficiency and encourage compliance with prescribed management policies and any additional fiscal responsibilities and accounting requirements established by CSA.

(1) The certification may be furnished by an independent certified public accountant, an independent State-licensed public accountant, or, in the case of a public agency, the appropriate public financial officer who accepts responsibility for providing required financial services to the grantee. The statements in Appendices B and C of this subpart will satisfy CSA's requirements for an accounting system certification.

(b) *New grantees.* A grantee applying for its initial CSA grant shall submit this certification to the granting office as part of the funding request. If an applicant is unable to obtain the certification, it should forward a statement of explanation to the granting office. The granting office may process the application without the statement where it can reasonably be expected that the statement will be furnished at or before the commencement of the grant period (that is when a new organization's accounting system is still in the process of development at the time of application). In no event, however, will any CSA funds be released to the grantee until the proper statement has been submitted.

(c) *On-going grantees.* Although accounting system certifications are usually required only for the initial CSA grant to the grantee, there may be instances when CSA will require a new certification from an on-going grantee. For example, when there has been a significant increase in the amount of funds provided by CSA. An on-going grantee will be notified by CSA if a new certification must be submitted.

(d) *Delegate agencies.* A grantee may not release or commit any grant funds to a new delegate agency unless it has received from that agency an accounting system certification appropriately modeled after those shown in Appendices B and C of this subpart. If an existing delegate agency is to receive a substantial increase in funds from the grantee, a new certification must also be submitted to the grantee. These certifications are to be obtained by the grantee from its delegate agencies for retention among the grantee's records and need not be transmitted to CSA unless CSA requests them. CSA may disallow as a charge against the grant any funds released in violation of the requirement stated in this paragraph.

§ 1068.42-6 Auditor selection and responsibilities.

(a) *Selection of auditor.* If the grantee is a private agency, the services of an independent certified public accountant, or independent licensed public accountant, certified or licensed by a regulatory authority of a State or other political subdivision of the United States, shall be secured. If the grantee is a local government or public agency, or if its accounting records are maintained by a local government or public agency, the auditing official or official governmental auditing agency which customarily conducts the agency's audits may be substituted for an independent auditor provided that the provisions of paragraph (d) of § 1068.42.9 are complied with.

(1) A grantee receiving an initial CSA grant shall, within thirty (30) days of the receipt of the CSA Form 314, Statement of CAP Grant, supply the responsible CSA official and the Regional Auditor with the name of the auditor or auditing organization which it has selected. CSA will notify the grantee if its selection is not acceptable. If no notice is received from CSA within fifteen (15) calendar days of the nomination, the grantee may engage the auditor. The Regional Auditor will provide the auditor with copies of the Audit Guide.

(2) The auditor approved to conduct the preliminary audit survey may also conduct the annual audit. Once an auditor has been selected and approved, it is not necessary to renominate the auditor in subsequent years as long as he/she complies with the provisions of the Audit Guide and CSA directives. However, when a grantee changes its auditor or when CSA notifies the grantee that its present auditor is unacceptable, renomination must take place and approval must again be obtained from CSA.

(3) When Federal audits are performed in accordance with the Audit Guide, they may be acceptable in lieu of an audit by a certified or licensed public accountant. See paragraph (c) § 1068.42-9. The responsible CSA official will determine whether the scheduled completion date of such an audit will satisfy CSA's time requirement.

(4) The grantee shall furnish the auditor with copies of the approved grant proposal, official grant documents, and all applicable CSA directives, including this subpart.

(b) *Auditor's responsibilities.* The auditor selected by the grantee is responsible for conducting a preliminary audit survey and/or annual audit in accordance with provisions of the Audit Guide. The audit survey will be directed toward an evaluation of the adequacy of the grantee's accounting system and internal controls. The survey should determine whether sufficient internal controls have been established to safeguard assets, check the accuracy and reliability of accounting data, promote operating efficiency and encourage compliance with prescribed management policies and any additional fiscal responsibilities and accounting requirements established by CSA.

(1) The annual audit will be for the purpose of determining whether the grantee and its delegate agencies have adequately discharged their financial responsibilities and to evaluate compliance with grant conditions and with CSA directives.

(2) It is therefore essential that the independent auditors be familiar with CSA grant conditions as well as with other Federal requirements, official memoranda and publications of CSA

and, particularly, the contents of this subpart. These materials will be furnished by the grantee.

(3) Independent auditors should clearly understand their responsibilities in this area. They must be aware that they are responsible for pointing out, in their report, any matters of audit importance both to the grantee and to CSA. The report should include an evaluation of the accounting system and internal controls and make recommendations for improvements.

(4) The auditor should submit five (5) copies of all reports to the Regional Auditor concurrent with his/her submission to the grantee.

§ 1068.42-7 Required preliminary audit survey.

(a) *Grantee.* Immediately after receipt of CSA Form 314, Statement of CAP Grant, for an initial CSA grant, the grantee shall arrange for an independent auditor to conduct, with three (3) months after the effective date of the grant, a preliminary audit survey to evaluate the adequacy of the grantee's accounting system and internal controls and ability to meet the standards set forth in Section 243(a) of the EOA as detailed in the Audit Guide.

(1) The auditor should submit, within three (3) months after the effective date of the grant, five (5) copies of the survey report to the Regional Auditor concurrent with his/her submission to the grantee.

(2) A preliminary audit survey may also be required when a grantee's refunding grant action includes a significant increase in its funding level. When these situations occur, the grantee will be notified by CSA that a survey is required.

(3) If a survey report itself is unacceptable to CSA (that is, the report does not conform to the requirement in the Audit Guide), the grantee will receive notice of this fact from CSA. In such instances, the cost of the survey may be disallowed as a charge against grant funds.

(4) If the preliminary audit survey conducted by the grantee's auditor does not cover the accounting systems of all delegate agencies, the grantee must comply with paragraph (b) of this section.

(d) *Delegate agencies.* Whenever a grantee is required to secure an accounting system certification from a delegate agency, it shall also require that within three (3) months of the effective date of the delegate agency agreement, a preliminary audit survey of the delegate agency's accounting system be conducted by an independent auditor. This requirement shall be included in the delegate agency agreement. The grantee is responsible for determining, on the basis of the survey report, whether the delegate agency's accounting system and internal controls meet the standards of Section 243(a) of the EOA. The grantee shall consult with the responsible CSA official to determine the appropriate action to be taken in those cases where the accounting system of a delegate agency is not adequate. However, the responsibility for ensuring that delegate agencies establish and maintain adequate accounting systems rests with the grantee. CSA may disallow any charges to grant funds resulting from expenditures by a delegate agency after the grantee has received notice of the inadequacy of the delegate agency's accounting system, or after the grantee has failed to require the timely submission by the delegate agency of a preliminary accounting system survey.

(c) *Response to Preliminary Audit Survey Findings.* On the basis of findings and conclusions resulting from the survey, the Director, or the Director's designee, will determine whether the grantee's accounting system and internal controls have been shown to meet the standards of section 243(a) of the EOA and, if not, whether to suspend the grant. The grantee will be advised in writing what further action is needed to satisfy CSA's requirements. If major deficiencies are disclosed, the Director, or the Director's designee, may suspend the grant or advise the grantee in writing that corrective action must be taken within thirty (30) calendar days.

(1) In the event of suspension, the grantee will be given a specified amount of time, which will not exceed six (6) months, within which to establish the necessary systems and controls. In the event of failure to do so within the time allowed, the grant will be terminated pursuant to CSA's published regulations.

§ 1068.42-8 Required annual audit.

(a) *Grantee.* Each grantee shall arrange for an annual audit to ensure that the financial statements present fairly the financial position of the grantee, that the grantee is complying with applicable CSA directives and with general and special grant conditions, and that appropriate financial and administrative procedures and controls have been installed and are operating effectively. In the case of community action agencies and other grantees on a program year basis, the audit shall cover the grantee's prior program year in total unless CSA has approved in writing a different audit period. In the case of grantees not on a program year basis, the audit shall cover the first full year of the grant period (or the entire grant period if less than a year) and audits conducted thereafter shall cover each succeeding year, and the final fraction of a year, if any, of the grant period. Five (5) copies of the report shall be submitted by the auditor to the Regional Auditor concurrent with his submission to the grantee within six (6) months after the end of the program year or grant period audited. CSA grant funds may not be used for more than one audit annually, except where CSA requests in writing additional audits.

(1) If an audit report itself is unacceptable to CSA (that is, the report does not conform to the requirements in the Audit Guide), the grantee will receive notice as to what further action, if any, is necessary to meet CSA's requirements. In such instances, the cost of the audit may be disallowed as a charge against grant funds.

(b) *Delegate agencies.* The grantee is responsible for either including delegate agencies' administration of grant programs within its own annual audit or of ensuring that separate independent audits are conducted for delegate agencies. Whether or not the delegation of a portion of the grant program has been approved by CSA, the grantee remains responsible for proper accounting for expenditures of grant funds. The Audit Guide contains detailed directions on the inclusion of delegate agency information in the grantee's audit report.

(c) *Response to annual audit findings.* Grantee shall respond in writing to observations and recommendations in annual audit reports when requested to do so by CSA. Unless an extension of time is expressly granted, the response shall be submitted to the responsible CSA official in five (5) copies, within thirty (30) calendar days from the date CSA notifies the grantee of findings and recommendations.

(1) In the response, the grantee may take exception to particular findings and recommendations. The rationale for such exceptions should be clearly set out in the response. The response should point out corrections already made and state what action is proposed and the estimated completion date of such action. Although the grantee need not send the granting office all documentation supporting corrections unless requested to do so, documentation of actions taken is very important and must be available for review during later audits.

(2) CSA will consider the grantee's response and any additional requested information in determining whether specific expenditures of project funds or contributions to the non-Federal share

would be disallowed. If any are disallowed, the responsible CSA official will send the grantee written notice of the determination to disallow expenditures. Unless the grantee appeals the determination within thirty (30) calendar days after the date of the notice, the determination will become final.

(d) *Grantee appeals of audit disallowances.* An appeal shall be in writing and shall contain a clear statement of the issue or issues which the grantee wishes to have considered in the appeal. The grantee may include with the appeal statements any supporting facts or arguments which the grantee feels should be considered. Appeals from determinations made by Headquarters officials should be addressed to the Deputy Director, Community Services Administration, Washington, D.C. 20506.

(1) Appeals from determinations made concerning regionally funded grants will be addressed to the Regional Director or the Regional Director's designee. Copies of all responses previously submitted by the grantee to the responsible CSA official and other pertinent information must accompany the appeal.

(2) The official reviewing the appeal, or the official's designee, shall consider the appeal, together with any comments submitted by cognizant offices of CSA (a copy of which shall be simultaneously sent to the grantee). In his/her discretion, the reviewing official may offer the grantee an informal hearing at which relevant CSA officials may also be heard. The decision on the appeal shall be final.

(e) *Satisfaction of final audit disallowances.* Unless the grantee receives written notice from CSA granting an extension, all final disallowances shall be satisfied within ninety (90) days of the date on which the disallowance becomes final. Grantees shall satisfy final disallowance through cash payments to CSA unless they have received written notice allowing an alternative means of satisfaction. In some instances, grantees under Title II of the EOA may be permitted to satisfy disallowances through increases in the required non-Federal share in subsequent grants or contracts.

(1) Failure by the grantee to satisfy a final disallowance or take corrective action to remedy deficiencies in its accounting system and internal controls determined by CSA after audit may result in suspension, termination, or other remedial action. The United States reserves the right to bring suit or take other appropriate legal action to recover the amounts in question.

§ 1068.42-9 Federal, State and local audits.

(a) *General.* Audits and examinations of grantee's operations may be conducted by CSA auditors, auditors from the staffs of other Federal agencies, State and local auditors, and the U.S. General Accounting Office. Grantees and delegate agencies must cooperate fully with General Accounting Office (GAO) and CSA auditors when they conduct audits and examinations of grant programs.

(b) *Audits and surveys by CSA.* CSA audits and surveys are designed to provide CSA management with information as to the effectiveness of administrative procedures and controls and to assist the grantee in improving program operations. As such, CSA audits usually supplement, but do not substitute for or duplicate, the work of the grantee's independent auditor.

(c) *Audits and surveys by other Federal agencies.* Grantees that have grants from or contracts with other Federal agencies such as the Department of Defense or Department of Health, Education, and Welfare may be subject to surveys and audits by those agencies. In these instances, the CSA Audit Division, if informed in advance, will try to arrange with the cognizant audit agency to have them audit CSA programs concurrently with their audits of the grantees' other programs. Where such audits meet the requirement of this subpart and are performed in accordance with the Audit Guide, CSA will approve them as acceptable in lieu of an audit by the grantee's auditor.

(d) *Audits and surveys by state and local auditors.* Public grantees may be audited by State and local auditors. Audits performed by these auditors will be acceptable to CSA provided that the auditor has been approved by CSA pursuant to § 1068.42-6: Provided, That the auditor maintains the same standards, utilizes similar auditing procedures and qualified personnel, and renders a similar opinion and report as provided for in the Audit Guide. If for any reason the public agency is unable to apply auditing standards equal to those set out in the Audit Guide, an audit by an independent certified public accountant or an independent licensed public accountant will be required.

§ 1068.42-10 Maintenance of records.

Grantees and delegate agencies must maintain appropriate records and accounts to assure a proper accounting for all project funds, both Federal and non-Federal. All financial records, including books of original entry, source documents supporting accounting transactions, the general ledger, subsidiary ledgers, personnel and payroll records, cancelled checks, and other related documents must be retained for the time period and in the manner prescribed by CSA's policy retention and custodial requirements for records.

Appendix A to Subpart 1068.42—Grantee Fiscal Responsibility and Auditing

Section 243 of the Economic Opportunity Act (EOA) of 1964, as amended, states that:

Section 243. "(a) No funds shall be released to any agency receiving financial assistance under this title until it has submitted to the Director a statement certifying that the assisted agency and its delegate agencies (or subcontractors for performance of any major portion of the assisted program) have established an accounting system with internal controls adequate to safeguard their assets, check the accuracy and reliability of the accounting data, promote operating efficiency and encourage compliance with prescribed management policies and such additional fiscal responsibility and accounting requirements as the Director may establish. The statement may be furnished by a certified public accountant, a duly licensed public accountant or, in the case of a public agency, the appropriate public financial officer who accepts responsibility for providing required financial services to that agency."

Section 243 "(b) Within three months after the effective date of a grant to or contract of assistance with an organization or agency, the Director shall make or cause to be made a preliminary audit survey to review and evaluate the adequacy of the accounting system and internal controls established thereunder to meet the standards set forth in the statement referred to in subsection (a). Promptly after the completion of the survey, the Director shall determine on the basis of findings and conclusions resulting from the survey whether the accounting system and internal controls meet those standards and, if not, whether to suspend the grant or contract. In the event of suspension, the assisted agency shall be given not more than six months within which to establish the necessary systems and controls, and, in the event of failure to do so within such time period, the assistance shall be terminated by the Director."

Section 243 "(c) At least once annually the Director shall make or cause to be made an audit of each grant or contract of assistance under this title. Promptly after the completion of such audit, the Director shall determine on the basis of resulting findings and conclusions whether any of the costs of expenditures incurred shall be disallowed. In the event of disallowance, the Director may seek recovery of the sums involved by appropriate means, including court action or a commensurate increase in the required non-Federal share of the cost of any grant or contract with the same agency or organization which is then in effect or which is entered into within twelve months after the date of disallowance."

Section 243 "(d) The Director shall establish such other requirements and take such actions as the Director may deem necessary and appropriate to carry out the provisions of this section and to insure fiscal responsibility and accountability, and the effective and efficient handling of funds in connection with programs assisted under this title. These requirements and actions shall include (1) necessary action to assure that the rate of expenditure of any agency receiving financial assistance does not exceed the rate contemplated under its approved program; and (2) appropriate requirements to promote the continuity and coordination of all projects or components of programs receiving financial assistance under this title, including provision for the periodic reprogramming and supplementation of assistance previously provided."

Appendix B to Subpart 1068.42—Grantee Fiscal Responsibility And Auditing.

Statement to be submitted by the appropriate public financial officer when the applicant is a public agency or when the accounting system of a private-nonprofit agency will be maintained by public agency.

(Address of Regional or Program office of the Community Services Administration, as appropriate.)

Dear Sirs:

I am the chief financial officer of (*name of public body*) and, in this capacity, I will be responsible for providing financial services adequate to insure the establishment and maintenance of an accounting system for the (*name of applicant*), which is a public (*or non-profit*) agency charged with carrying out a CSA program in (*name of community*). The accounting system will have internal controls adequate to safeguard the assets of such agency(ies), check the accuracy and reliability of accounting data, promote operating efficiency, and encourage compliance with prescribed management policies of the agency(ies).

Signature of financial officer

Name of financial officer

Title

Name of public body

Appendix C to Subpart 1068.42—Grantee Fiscal Responsibility And Auditing.

Statement to be submitted when applicant is a private-nonprofit agency (or a public agency) whose accounting system will not be maintained by a public agency.

Address of Regional or program office of the Community Services Administration, as appropriate)

Dear Sirs:

I am a certified or duly licensed public accountant and have been engaged to examine and report on the financial accounts of the (*name of applicant*), which is a private-nonprofit organization (*or public agency*) carrying out a CSA program in (*name of community*). I have reviewed the accounting system that this agency has established and, in my opinion, it includes internal controls adequate to safeguard the assets of the agency, check the accuracy and reliability of accounting data, promote operating efficiency, and encourage compliance with prescribed management policies of the agency.

Signature of accountant

Name of accountant

Name of firm

Subpart 1068.43—Grantee Fiscal Responsibility and Auditing (CSA Instruction 6801-1 Change 2)

Sec.

1068.43-1 Applicability.
1068.43-2 Effective date.
1068.43-3 Purpose.
1068.43-4 Definition.
1068.43-5 Policy.
1068.43-6 Grantees with a predermined fiscal year.
1068.43-7 Change to CSA guidance.

Authority: Sec. 602, 78 Stat. 530, 42 U.S.C. 2942.

Subpart 1068-43—Grantee Fiscal Responsibility and Auditing (CSA Instruction 6801-1 Change 2)

§ 1068.43-1 Applicability.

This subpart applies to all grantees financially assisted under Titles II, IV, and VII of the Economic Opportunity Act of 1964, as amended, if such assistance is administered by the Community Services Administration.

§ 1068.43-2 Effective date.

August 31, 1971 (CSA Instruction 6801-1, Change 2).

§1068.43-3 Purpose.

CSA Instruction 6801-1, now Subpart 1068.42 of this chapter, provides that grantees must have one annual audit which must cover all CSA-funded programs. This subpart clarifies the period of time to be covered by the annual audit in those cases where grantees have received funds from more than one funding office within CSA and the authorized period for expending the funds is not consistent with the grantee's program year.

§1068.43-4 Definition.

"A Program Year" means a grantee's 12-month accounting period. For community action agencies this is the funding period for the principal grant that provides funds for most of the grantee's administrative costs. For other agencies funded by CSA this is their usual 12-month accounting period which may or may not correspond with the funding period of their grant(s) from CSA. It should be noted that CSA no longer identifies grantee program years by an alphabetic designator, that is; Program Year A, Program Year B, but is instead awarding funds and identifies grantee expenditures by use of an individual grantee number.

§1068.43-5 Policy.

(a) The period of audit coverage will be the grantee's 12-month program year. In cases where CSA program offices award funds for periods that do not coincide with the grantee's program year, the audit will also cover the portion of these funds that were expended during the grantee's program year. Subsequent annual audits will cover the balance of these funds.

(b) An example of the funding actions to be included in the scope of a grantee's annual audit is:

(1) Grantee A had a program year that ended on December 31, 1972, and has funds from three CSA offices, as follows:

(i) Grant #50100, action 01, funded by the Regional Office for the program year January 1, 1972 to December 31, 1972.

(ii) Grant #50100, action 02, funded by the Regional Office for the period from March 1, 1972 to June 30, 1972.

(iii) Grant #50100, action 01, funded by the Office of Program Development for the grant period May 1, 1972 to October 31, 1973.

(2) Grant #50100 funded by the Regional Office for the grantee's program year is the principal grant under which the grantee operates. The program year of this grant determines the period of audit coverage for the annual audit. The grantee contracts with its Certified Public Accountants (CPA's) to perform an annual audit and provide one report covering the following funding actions:

(i) Grant #50100, action 01 (Regional) would be reported for the program year January 1, 1972 to December 31, 1972.

(ii) Grant #50100, action 01 (Regional) would cover transactions during the period March 1, 1972 to December 12, 1972.

(iii) Grant #50100, action 01 (Headquarters) would cover transactions during May 1, 1972 to December 31, 1972.

(3) The following year's annual audit would provide coverage as follows:

(i) Grant #50100, action 01 (Regional) would be reported for the program year January 1, 1973 to December 31, 1973.

(ii) Grant #50100, action 02 (Regional) would cover transactions during the period January 1, 1973 to June 30, 1973. If this program were refunded, the report would also cover transactions during the period July 1, 1973 to December 31, 1973.

(iii) Grant #50100, action 01 (Headquarters) would cover transactions during the period January 1, 1973 to October 31, 1973. If this program is extended or refunded, the period of audit coverage would cover the period through December 31, 1973.

(c) CSA programs that were not included in the scope of the grantee's last audit of its principal grant before January 1, 1972 because of different funding periods should be audited at the end of the funding period even though this occurs after January 1, 1972 but on a one time basis only. Thereafter, these programs should be included in the first complete audit after January 1, 1972, based on the grantee's program year.

§ 1068.43-6 Grantees with predetermined fiscal year.

(a) Exceptions to the above criteria for determining the period of coverage of the annual audit will be made for those grantees who, prior to receiving funds from CSA, had a fiscal year or 12-month operating period which does not correspond to the program year or funding period under which CSA grants have been awarded and which elect to use such predetermined fiscal year for this purpose.

(b) Since it is CSA's intention to reduce problems associated with the scheduling of annual audits covering programs with varying refunding or termination dates, grantees who wish to exercise this exception should write or contact the CSA Regional Auditor servicing the geographic area in which they are located.

(c) The Regional Auditor will coordinate the grantee's request to change the annual audit report to the organization's fiscal year with the CSA program offices funding the grantee.

(d) Grantees may change the period of audit coverage only after they have received the written approval of the CSA Regional Auditor. The Regional Auditor will also indicate to the grantee what audit coverage is to be provided during the conversion process.

§ 1068.43-7 Changes to CSA guidance.

Amendments to CSA Manual 2410-1 (the Audit Guide) will be forthcoming to reflect the changes to financial statements to be included in annual audit reports as a result of this subpart.

PART 1069—GRANTEE PERSONNEL MANAGEMENT

20. The subpart headings in 45 CFR Part 1069 are revised as follows:

Subpart 1069.1—Employee Participation in Direct Action (CSA Instruction 6907-3)

Subpart 1069.2—Limitation with Respect to Unlawful Demonstrations, Rioting and Civil Disturbances (CSA Instruction 6907-2)

Subpart 1069.3—Travel Regulations for CSA Grantees and Delegate Agencies (CSA Instruction 6910-1b)

Subpart 1069.4—Per Diem Rates for CSA Grantee and Delegate Agencies (CSA Instruction 6910-2d)

Subpart 1069.6—Policy Guidelines on Lobbying Activities (CSA Instruction 6907-01)

Subpart 1069.8—Restrictions on Political Activity (CSA Instruction 6907-1a)

Subpart 1069.9—Policy and Procedures on $18,000 Per Year Salary Limitation (CSA Instruction 6903-1a)

Subpart 1069.7—Training Requirements for Special Impact Program Grantees (CSA Instruction 7648-1)

21. 45 CFR Part 1069 is amended by adding the following subparts:

Subpart 1069.20—Personnel Policies and Procedures Under Title II, Sections 221, 222(a), 230 and Titles IV and VII (CSA Instructions 6900-01 and 6903-3)

Sec.

1069.20-1 Applicability.
1069.20-2 Effective date.
1069.20-3 Purpose.
1069.20-4 Nature of the revisions.
1069.20-5 Standards governing the selection of personnel for employment in CSA assisted programs.
1069.20-6 Policies governing compensation.
1069.20-7 Employee benefits.
1069.20-8 Waiver of policies governing compensation and employee benefits.
1069.20-9 Conditions governing employment.
1069.20-10 Required documents and records.
1069.20-11 Submission of biography of principal personnel of grantees.
1069.20-12 Submission of biography for existing employees.

Authority: Sec. 602, 78 Stat 530; 42 U.S.C. 2942

Subpart 1069. 20—Personnel Policies and Procedures Under Title II. Sections 221, 222(a), 230 and Titles IV and VII (CSA Instructions 6900-01 and 6903-3)

§ 1069.20-1 Applicability.

This subpart applies to all grantees financially assisted under Title II. Sections 221, 222(a) 230 and Titles IV and VII of the Economic Opportunity Act of 1964, as amended, if such assistance is administered by the Community Services Administration.

§ 1069.20-2 Effective date.

August 26, 1966 (CSA Instruction 6900-01). February 8, 1972 (CSA Instruction 6903-3).

§ 1069.20-3 Purpose.

(a) This subpart provides basic instructions to be followed with respect to personnel employed by grantee and delegate agencies in programs assisted by CSA under Title II, Sections 221 and 222(a) and 230 and Titles IV and VII of the Economic Opportunity Act.

(b) This subpart applies only to persons employed by grantee and delegate agencies as staff to develop and carry out community action programs. It does not apply to enrollees, trainees, or other beneficiaries of manpower development and training or similar programs.

§ 1069.20-4 Nature of the revisions.

(a) The revisions contained in this subpart are based in part on comments received by CSA from grantee and delegate agencies and from other interested persons. In particular, revisions have been made in the sections of the personnel policies and procedures dealing with standards for selection of personnel, persons ineligible for employment, and salary increases. A major thrust of these revisions is to remove requirements that might be interpreted as discouraging employment of the residents of the areas and members of the groups served by a community action program by grantee and delegate agencies. Other revisions provide greater opportunity for grantee and delegate agencies to request approval to substitute local civil service or other merit system requirements for policies and procedures set forth in this subpart.

(b) The general organization of this subpart has been revised to clarify which personnel policies and procedures apply to each grantee and delegate agency, and the form of the required personnel plan has been modified. The provision calling for submission to CSA of biographies of

grantee staff directors and their deputies has been amended to include other grantee personnel.

§ 1069.20–5 Standards governing the selection of personnel for employment in CSA assisted programs.

(a) Every consideration should be given to providing employment opportunities to poor persons who have been denied the benefit of formal education and who are willing to learn to perform new functions. Each grantee and delegate agency shall make certain that its recruiting procedures afford adequate opportunity for the hiring and advancement of people to be served by the community action program. The attainment of a high level of education may be important to performance in certain positions. However, formal educational qualifications, unless required by State or local law, shall not be made a requirement for employment or advancement in either professional or non-professional capacities if a candidate has the ability to perform the duties of the position.

(b) Each grantee and delegate agency is expected to employ only persons who can perform their duties with competence and integrity. In the case of professional, fiscal, and managerial personnel, recent conviction of a serious crime shall be considered strong evidence of lack of fitness for the job. Before a grantee or delegate agency employs in any such capacity, a person who has been convicted of a serious crime, its governing body shall conduct an investigation in accordance with fair standards and procedures and, if it finds that the prior conviction does not disqualify the person for the proposed position, shall promptly provide a written statement of its reasons to the appropriate CSA Regional Office.

(c) In the case of other positions, including clerical and non-professional jobs, criminal records by themselves shall not constitute a basis for disqualification for employment, but local agencies shall require full disclosure of any such record by an applicant, and shall exercise prudent judgment in relation to the positions to be filled. The local agency must be prepared, where appropriate, to offer (or to ensure that other qualified agencies offer) supporting services to help in the rehabilitation of an employee having a prior conviction record.

(d) Membership in the Communist Party or in any other organization whose objectives include the overthrow of the Government of the United States by force and violence is inconsistent with employment in a community action program.

§ 1069.20–6 Policies governing compensation.

(a) *Salaries and wages.* Employees shall be paid at a rate no lower than the Federal minimum wage, except, in Puerto Rico and in those territories and possessions of the United States that have been exempted from this requirement. Subject to this minimum, the salary for each position supported by CSA funds or provided as contribution to the non-Federal share shall accord with prevailing local practice for comparable positions in local public and/or private non-profit agencies.

(b) *Periodic salary increases.* A grantee or delegate agency may provide for periodic (step) increases that accord with prevailing practice in comparable local public and/or private non-profit agencies.

(c) *For new employees.* Any starting salary over $5000 which involves an increase of more than 20 percent or $2500, whichever is smaller, over an individual's previous salary must be approved by the CSA Regional Office. Sympathetic consideration will be given to requests for such approval that are based on discriminatory wage and other employment practices affecting an employee's work history.

(d) *Promotions or job change.* A promotion of an employee or a change in his/her title or position which involves a salary increase of more than 20 percent or $2500, whichever is smaller, within a single twelve-month period must be approved by the CSA Regional Office, unless the employee's new annual salary, after the promotion or change, is $5000 or less.

§ 1069.20–7 Employee benefits.

(a) *Vacations.* Vacation policies shall be established in accord with prevailing practice in comparable public and/or private non-profit agencies. Employees shall not be allowed to take vacation time earned as a result of previous employment with an organization other than the grantee or delegate agency.

(b) *Sick leave.* Sick leave shall be established in accord with prevailing practice in comparable local public and/or private non-profit agencies.

(c) *Overtime.* Grantee and delegate agency personnel except Executive Directors and other employees receiving an annual salary of $10,000 or more may be paid for overtime work, if such payment is consistent with:

(1) Wage comparability standards set forth in Subpart 1069.22 of this chapter.

(2) And other applicable Federal, State and local laws.

(d) *Compensatory time.* Grantee and delegate agency personnel, including Executive Directors and other employees receiving an annual salary of $10,000 or more, may be granted leave in the form of compensatory time equal to the amount of overtime work performed. However, no person may carry a balance of more than 80 hours of unused compensatory time, no person may be granted compensatory time and be paid for the same hours of overtime work, and at no time may a cash payment be made for unused compensatory time.

(e) *Approvals.* Authorizations for compensatory time and payments for overtime work must be approved by the specifically designated grantee and delegate agency officials and must be appropriately recorded.

(f) *Employee benefit plans.* A grantee or delegate agency may participate in existing benefit plans or establish new plans which accord with prevailing practice in comparable local and/or private nonprofit agencies.

(g) *Interview expenses.* A grantee (but not a delegate agency) may pay travel and per diem expenses to a candidate for the position of Staff Director or Deputy Staff Director. Such payments must accord with the policies set forth in Subparts 1069.3 and 1069.4 of this chapter.

(h) *Moving cost.* A grantee (but not a delegate agency) may apply to the CSA Regional Office for permission to pay the actual costs of moving household goods, up to a maximum of $1000, for a person who is hired to be Staff Director or Deputy Staff Director and who resides outside the community.

§ 1069.20–8 Waiver of policies governing compensation and employee benefits.

(a) A grantee or delegate agency that applies the full provisions of a local civil service or other merit system to CSA supported employees may request from the CSA Regional Office a waiver of the requirements in §§ 1069.20–6 and 1069.20–7 and permission to apply the local civil service or merit system policies.

(b) A college or university that will apply its customary personnel policies and procedures to all personnel employed in connection with a CSA grant may request from the CSA Regional Office a waiver of the requirements.

(c) Each request for waiver shall indicate the comparable local policies and procedures that will be followed in lieu of CSA requirements.

§ 1069.20–9 Conditions governing employment.

(a) *Discrimination prohibited.* No grantee or delegate agency shall discriminate in its hiring and personnel

procedures against any applicant for employment or any employee because of race, creed, color, national origin, sex or age. A related prohibition against discrimination in employment is also stated as a general condition of all grants under Titles II, IV, and VII of the Economic Opportunity Act.

(b) *Prohibition against partisan political activity.* Employment in a community action program may not be offered as a consideration or reward for the support or defeat of any political party or candidate for public office, nor may any person, as an employee, engage in partisan political activity.

(c) *Prohibition against acceptance of gifts and gratuities.* Employees of grantee and delegate agencies are prohibited from accepting gifts, money, and gratuities from persons receiving benefits or services under the community action program or performing services under contract or otherwise in a position to benefit from an employee action.

(d) *Rules governing conflict of interest and nepotism.* The following rules shall be observed with respect to persons whose employment is supported by CSA funds or by contribution to the non-Federal share:

(1) No person shall hold a job while he/she or a member of his/her immediate family serves on a board or committee of a grantee or delegate agency if that board or committee has authority to order personnel actions affecting his/her job.

(2) No person shall hold a job over which a member of his/her immediate family exercises supervisory authority.

(3) No person shall hold a job while either he/she or a member of his/her immediate family serves on a board or committee which, either by rule or by practice, regularly nominates, recommends, or screens candidates for the agency or program by which he/she is employed. For purposes of this section a member of an immediate family shall include any of the following persons:

Husband	Wife
Father	Father-in-law
Mother	Mother-in-law
Brother	Brother-in-law
Sister	Sister-in-law
Son	Son-in-law
Daughter	Daughter-in-law

(e) Grantee and delegate agencies not in compliance with these rules on August 26, 1966 may apply to the appropriate CSA Regional Office for a temporary waiver of the rule and permission to phase compliance over a period of time. Such a request shall include a plan for accomplishing the required compliance and a deadline for its completion.

(f) *Employee grievances.* Employee grievances shall be given prompt and fair consideration. Grantee and delegate agencies shall make provision for review of personnel actions by the governing body or a committee appointed by the governing body in any case in which there is a claim of unfair treatment or of dismissal without cause.

§ 1069.20–10 Required documents and records.

(a) *Publication of personnel policies.* To provide for the consistent and equitable treatment of employees supported by CSA funds or by contributions to the non-Federal share and to insure that all such employees fully understand the terms and conditions of their employment, each grantee and delegate agency shall make available to its staff and to applicants for employment the following items of information. A copy of the information shall also be submitted to the appropriate CSA Regional Office.

(b) A listing of each position or group of positions within the agency included as part of the total program cost (that is, supported by CSA funds or provided as contribution to the non-Federal share). In those cases where the responsibilities of a particular position are not clear from its title a general description shall be included. The listing shall also describe any special skills which may be required for a position (for example, a certain minimum typing speed or familiarity with another language).

(c) A salary schedule listing the salary or salary range for each position or group of positions.

(d) Agency rules governing vacations, sick leave, periodic increases, and other conditions of employment.

(e) A description of any benefit plans which cover employees supported by CSA funds or by contributions to the non-Federal share, with details on agency and employee contributions to those plans.

(f) Agency rules governing promotion, separation, resolution of grievances, and regulation of employee conduct. This requirement applies to all grantee and delegate agencies including those for whom § 1069.20–6 and § 1069.20–7 has been waived.

(g) *Timetable.* New grantee and delegate agencies shall publish this information and submit a copy to the CSA Regional Office no later than November 31, 1966. Existing grantees shall publish this information and submit a copy to the CSA Regional Office no later than November 31, 1966. The agency is responsible for keeping the information current. It shall publish revisions and additions whenever necessary and furnish a copy of such changes to the CSA Regional Office. Where a grantee or a delegate agency has already submitted the information required in this Section to the CSA Regional Office in connection with the requirement for a personnel plan, it need not be resubmitted. The agency must, however, comply with the publication requirements of this section.

(h) *Maintenance of personnel records.* Grantee and delegate agencies shall keep the following records for all employees supported by CSA funds or by contributions to the non-Federal share:

(1) *Personnel action.* Appropriate records on all personnel actions including hiring, and discharge, promotion, and discipline.

(2) *Salaries.* Records on the salary received by each full-time employee in the position held immediately prior to employment with the grantee or delegate agency.

(3) *Time and attendance.* Appropriate attendance records for all full-time and part-time employees.

§ 1069.20–11 Submission of biography of principal personnel of grantees.

(a) Each grantee shall submit to CSA biographical information for any individual selected or promoted to fill any of the following positions: Staff Director; Deputy Staff Director; Principal Fiscal Officer; and Principal Personnel Officer.

(b) The following biographical information shall be included:

(1) Name, title, address, place and date of birth and citizenship.

(2) *Professional experience.* Briefly describe the principal positions held, with title, name of employee, and salaries received.

(3) *Education experience.* List all post-secondary educational institutions attended, and all degrees and honors received.

(4) *Affiliations.* List all organizations (except religious organizations) of which the person has been a member during the previous 10 years, including a statement of any offices held in such organizations.

(5) State whether or not the person has ever been charged by any law enforcement authority with the commission of a crime and, if so, the nature of the charge and its disposition.

(c) *Timetable.* The biographical information shall be submitted to CSA within 7 days after appointment of a candidate to fill any of the positions described in paragraph (a) of this section. Where the person is already employed by the grantee at the time of application to CSA for financial

assistance, the biographical information shall be submitted with the application.

§ 1069.20–12 Submission of biography for existing employees.

(a) Biographical information, as described in § 1069.20–11 shall be submitted to the appropriate CSA Regional Office by each grantee for all personnel currently employed in the position designated in § 1069.20–11.

(b) *Timetable.* Biographical information for existing employees shall be submitted to CSA within 45 days of August 26, 1969. Where such information has previously been submitted to the Regional Office, it need not be resubmitted.

Subpart 1069.21—Personnel Policies and Procedures Under Title II, Section 231 (CSA Instruction 6900–03)

Sec.

1069.21–1 Applicability.
1069.21–2 Effective date.
1069.21–3 Purpose.
1069.21–4 Standards governing the selection of personnel for employment in CSA assisted programs.
1069.21–5 Policies governing compensation.
1069.21–6 Employee benefits.
1069.21–7 Waiver of policies governing employment and employee benefits.
1069.21–8 Conditions governing employment.
1069.21–9 Required documents and records.
1069.21–10 Submission of biographical information on principal personnel.
1069.21–11 Submission of biography for existing employees.

Authority: Sec. 602, 78 Stat. 530, 42 U.S.C. 2942

Subpart 1069.21—Personnel Policies and Procedures Under Title II, Section 231 (CSA Instruction 6900–03)

§ 1069.21–1 Applicability.

This subpart applies to all grantees financially assisted under Section 231 of the Economic Opportunity Act of 1964, as amended, if such assistance is administered by the Community Services Administration.

§ 1069.21–2 Effective date.

October 31, 1966 (CSA Instruction 6900–03)

§ 1069.21–3 Purpose.

(a) This subpart provides basic instructions to be followed with respect to personnel employed by grantee agencies in programs assisted by CSA Section 231 of Title II of the Economic Opportunity Act.

(b) This subpart applies only to persons employed by grantee agencies as staff to develop and carry out technical assistance programs. It does not apply to enrollees, trainees, or other beneficiaries of technical assistance programs.

§ 1069.21–4 Standards governing the selection of personnel for employment in CSA assisted programs.

(a) Each grantee is expected to employ only persons who can perform their duties with competence and integrity. In the case of professional, fiscal, and managerial personnel, recent conviction of a serious crime shall be considered strong evidence of lack of fitness of the job. Before a grantee employs in any such capacity, a person who has been convicted of a serious crime, its governing body shall conduct an investigation in accordance with fair standards and procedures and, if it finds that the prior conviction does not disqualify the person for the proposed position, shall promptly provide a written statement of its reasons to the appropriate CSA Regional Office.

(b) Where the term "Governing body" is used in this subpart it shall be understood to refer to the body or executive having supervisory and policy-making authority with regard to the State Economic Opportunity Office.

(b) In the case of other positions, including clerical and non-professional jobs, criminal records by themselves shall not constitute a basis for disqualification for employment, but agencies shall require full disclosure of any such record by an applicant, and shall exercise prudent judgment in relation to the positions to be filled. The agency must be prepared, where appropriate, to offer (or to ensure that other qualified agencies offer) supporting services to help in the rehabilitation of an employee having a prior conviction record.

(c) Membership in the Communist Party or in any other organization whose objectives include the overthrow of the Government of the United States by force and violence is inconsistent with employment in an CSA-assisted program.

§ 1069.21–5 Policies governing compensation.

(a) *Salaries and wages.* Employees shall be paid at a rate no lower than the Federal minimum wage. Subject to this minimum, the salary for each position supported by CSA funds or provided as contribution to the non-Federal share shall accord with prevailing practice for comparable positions in the State government.

(b) *Salary increase.* A grantee may provide for periodic (step) increases that accord with prevailing practice in the State government.

(1) *For new employees.* Any starting salary over $5000 which involves an increase of more than 20 percent or $2500, whichever is smaller, over an individual's previous salary must be approved by the CSA Regional Office. Sympathetic consideration will be given to requests for such approval that are based on discriminatory wage and other employment practices affecting an employee's work history.

(2) *Promotions or job change.* A promotion of an employee or a change in his title or position which involves a salary increase of more than 20 percent or $2500, whichever is smaller, within a single twelve-month period must be approved by the CSA Regional Office, unless the employee's new annual salary, after the promotion or change, is $5000 or less.

§ 1069.21–6 Employee benefits.

(a) *Vacations.* Vacation policies shall be established in accord with prevailing practice in the State government. Employees shall not be allowed to take vacation time earned as a result of previous employment with an organization other than the State.

(b) *Sick leave.* Sick leave shall be established in accord with prevailing practice in the State government.

(c) *Overtime.* Employees receiving an annual salary of $7,000 or more shall not be paid for overtime work, but may be granted compensatory time off at the option of the grantee. All other employees may be compensated for overtime work in excess of eight hours per day in accord with prevailing practice in the State government. All overtime and compensatory time must be approved by appropriate officials of the grantee and recorded in the accounting records.

(d) *Employee benefit plans.* A grantee agency may participate in existing benefit plans or establish new plans which accord with prevailing practice in the State government.

(e) *Interview expenses.* A grantee may pay travel and per diem expenses to a candidate for the position of staff director or deputy staff director. Such payments must accord with the policies set forth in subparts 1069.3 (CSA Instruction 6910–1b) and 1069.4 (CSA Instruction 6910–2d) of this chapter.

(f) *Moving costs.* A grantee may apply to the CSA Regional Office for permission to pay the actual costs of moving household goods, up to a maximum of $1000, for a person who is hired to be the staff director or deputy staff director and who resides outside the community were he/she is to work.

§ 1069.21–7 Waiver of policies governing employment and employee benefits.

(a) A grantee agency that applies the full provisions of a State civil service or other merit system to CSA supported employees may request from the CSA Regional Office a waiver of the requirements in §§ 1069.21–5 and 1069.21–6.

(b) A college or university that will apply its customary personnel policies and procedures to all personnel employed in connection with an CSA grant may request from the CSA Regional Office a waiver of the requirement in §§ 1069.21–5 and 1069.21–6.

(c) Each request for waiver shall indicate the comparable State policies and procedures that will be followed in lieu of CSA requirements.

§ 1069.21–8 Conditions governing employment.

(a) *Discrimination prohibited.* No grantee shall discriminate in its hiring and personnel procedures against any applicant for employment or any employee because of race, creed, color, national origin, sex, or age. A related prohibition against discrimination in employment is also stated as a general condition of all grants under Section 231 of the Economic Opportunity Act.

(b) *Prohibition against partisan political activity.* Employment in a state technical assistance program may not be offered as a consideration or reward for the support or defeat of any political party or candidate for public office, nor may any person, as an employee engage in partisan political activity.

(c) *Prohibition against acceptance of gifts and gratuities.* Employees of grantee agencies are prohibited from accepting gifts, money, and gratuities from persons receiving benefits or services under the program or performing services under contract or otherwise in a position to benefit from an employee action.

(d) *Rules governing conflict of interest and nepotism.* The following rule shall be observed with respect to persons whose employment is supported by CSA funds or by contribution to the non-Federal share: No person shall hold a job over which a member of his/her immediate family exercises supervisory authority. For purposes of this section, a member of an immediate family shall include any of the following persons:

Husband	Wife
Father	Father-in-law
Mother	Mother-in-law
Brother	Brother-in-law
Sister	Sister-in-law
Son	Son-in-law
Daughter	Daughter-in-law

(e) Grantees agencies not in compliance with these rules on the effective date of this subpart may apply to the appropriate CSA Regional Office for a temporary waiver of the rule and permission to phase compliance over a period of time. Such a request shall include a plan for accomplishing the required compliance and a deadline for its completion.

(f) *Employee grievance.* Employee grievances shall be given prompt and fair consideration. Grantee agencies shall make provision for review of personnel actions by appropriate officials of the agency in any case in which there is a claim of unfair treatment or of dismissal without cause. Agencies may apply procedures for handling employee grievances prescribed under the State civil service or other merit system.

§ 1069.21–9 Required documents and records.

(a) *Publication of personnel policies.* To provide for the consistent and equitable treatment of employees supported by CSA funds or by contributions to the non-Federal share and to insure that all such employees fully understand the terms and conditions of their employment, each grantee agency shall make available to its staff and to applicants for employment the following items of information. A copy of the information shall also be submitted to the appropriate CSA Regional Office.

(b) A listing of each position or group of positions within the agency included as part of the total program cost (that is, supported by CSA funds or provided as contribution to the non-Federal share). In those cases where the responsibilities of a particular position are not clear from its title a general description shall be included. The listing shall also describe any special skills which may be required for a position (for example, a certain minimum typing speed or familiarity with another language).

(1) A salary schedule listing the salary or salary range for each position or group of positions.

(2) Agency rules governing vacations, sick leave, periodic increase, and other conditions of employment.

(3) A description of any benefit plans which cover employees supported by CSA funds or by contributions to the non-Federal share, with details on agency and employees contributions to those plans.

(4) Agency rules governing promotion, separation, resolution of grievances, and regulation of employee conduct.

(c) The requirement in paragraphs (a) and (b) of this section applies to all grantee and delegate agencies including those for whom §§ 1069.21–5 and 1069.21–6 has been waived.

(d) *Timetable.* New grantee agencies shall publish this information and submit a copy to the CSA Regional Office within 120 days of the date of initial grant approval. Existing grantees shall publish this information and submit a copy to the CSA Regional Office no later than December 31, 1966. The agency is responsible for keeping the information current. It shall publish revisions and additions whenever necessary, furnishing a copy of such changes to the CSA Regional Office.

(e) *Maintenance of personnel records.* Grantee agencies shall keep the following records for all employees supported by CSA funds or by contributions to the non-Federal share:

(1) *Personnel actions.* Appropriate records on all personnel actions including hiring, discharge, promotion, and discipline.

(2) *Salaries.* Records on the salary received by each full-time employee in the position held immediately prior to employment with the grantee agency.

(3) *Time and attendance.* Appropriate attendance records for all full-time and part-time employees.

§ 1069.21–10 Submission of biographical information on principal personnel.

(a) *Submission of biography of principal personnel of grantees.* Each grantee shall submit to CSA biographical information for any individual selected or promoted to fill any of the following positions: Staff Director and Deputy Staff Director.

(b) The following biographical information shall be included:

(1) Name, title, address, place and date of birth, and citizenship.

(2) *Professional experience:* briefly describe the principal positions held, with title, name of employer, and salaries received.

(3) *Educational experience:* list all post-secondary educational institutions attended, and all degrees and honors received.

(4) *Affiliations:* list all organizations (except religious organizations) of which the person has been a member during the previous 10 years, including a statement of any office held in such organizations.

(5) State whether or not the person has ever been charged by any law inforcement authority with the commission of a crime and, if so, the nature of the charge and its disposition.

(c) *Timetable.* The biographical information shall be submitted to CSA within 7 days after appointment of a candidate to fill any of the positions

described above. Where the person is already employed by the grantee at the time of application to CSA for financial assistance, the biographical information shall be submitted with the application.

§ 1069.21-11 Submission of biography for existing employees.

(a) Biographical information, as described in paragraph (b) of § 1069.21-10 shall be submitted to the appropriate CSA Regional Office by each grantee for all personnel currently employed in the position designated in paragraph (a) of § 1069.21-10.

(b) Timetable. Biographical information for existing employees shall be submitted to CSA within 30 days of October 31, 1966. Where such information has previously been submitted to the Regional Office, it need not be resubmitted.

Subpart 1069.22—Personnel Policies and Procedures Applicable Under Sections 221, 222(a), 230, 232 and Titles IV and VII (CSA Instruction 6900-02).

Sec.

1069.22-1 Applicability.
1069.22-2 Effective date.
1069.22-3 Wage comparability.
1069.22-4 Coverage for CSA supported positions.
1069.22-5 Responsibilities.
1069.22-6 Established civil service/merit systems.
1069.22-7 Comparability determination procedures.
1069.22-8 Comparability implementation procedures.
1069.22-9 Increase in compensation for new employees.

Authority: Sec. 602, 78 Stat. 530; 42 U.S.C. 2942.

Subpart 1069.22—Personnel Policies and Procedures Applicable Under Sections 221, 222(a), 230, 232 and Titles IV and VII (CSA Instruction 6900-02).

§ 1069.22-1 Applicability.

This subpart applies to all grantees financially assisted under Sections 221, 222(a), 230, 232, Titles IV and VII of the Economic Opportunity Act of 1964, as amended, if such assistance is administered by the Community Services Administration.

§ 1069.22-2 Effective date.

March 28, 1967 (CSA Instruction 6900-02).

§ 1069.22-3 Wage comparability.

(a) *Legislation.* Section 610-(a) of the Economic Opportunity Act of 1964, as amended, provides that: The Director shall take such action as may be necessary to assure that persons employed in carrying out programs financed under Title II (except a person compensated as provided in section 602) shall not receive compensation at a rate which is (1) in excess of the average rate of compensation paid in the area where the program is carried out to a substantial number of the persons providing substantially comparable services, or in excess of the average rate of compensation paid to a substantial number of the persons providing substantially comparable services in the area of the person's immediately preceding employment, whichever is higher or (2) less than the minimum wage rate prescribed in section 6(a)(1) of the Fair Labor Standards Act of 1938.

(b) *General purpose.* The chief purpose of this provision is to assure that grantee salaries and wages are in all cases, equitably established and comparable to the local community wage structure and economic circumstances.

(c) *Minimum wage requirement.* All CSA grantees and delegate agencies are required to pay employees at least the minimum wage regardless of local wage conditions. Puerto Rico and U.S. Territories are excepted from this requirement because of significantly lower wage and economic conditions.

(d) *Comparability exceptions.* In some instances an employee may be paid a salary which is higher than the local comparable wage. Certain employees may be paid at the average rate of compensation for persons providing substantially comparable services in the area of the employee's immediately preceding employment. This applies to employees who have been previously employed in higher wage area than that of the grantee. The purpose of this provision is to make it possible for grantees in low wage areas to employ competent employees from higher wage areas. Grantees should exercise caution in using this standard as a basis for establishing salary comparability. If the employee involved leaves the employ of the grantee or delegate agency, the salary for that position or class of positions will have to be determined anew. Also, excessive use of this basis for determining comparability can result in serious inequities in the overall salary structure.

§ 1069.22-4 Coverage for CSA supported positions.

(a) Section 610(a) of the Economic Opportunity Act applies to all employees whose salaries are supported by CSA funds or whose salaries are counted as contribution to the non-Federal share under Title II. That portion of an individual's salary which is not paid from grant funds or contributed as local share is not governed by the standard for wage comparability. Part-time employees are also covered by the comparability requirement.

(b) *Exceptions.* Experts and consultants who are independent contractors or who work for independent firms and who perform services on an intermittent or occasional basis are not covered by the comparability requirement.

§ 1069.22-5 Responsibilities.

(a) *Grantees.* Determine wage and salary comparability in accordance with the requirements of this subpart.

(1) Prepare and sign comparability certifications for inclusion in applications for funding or refunding.

(2) Maintain documentation of methods used to determine wage and salary comparability.

(3) Assure that delegate agencies establish wage comparability systems and standards according to the guidelines in this subpart.

(b) *State economic opportunity offices.* Provide general assistance to grantees on wage comparability determinations as requested. Assist grantees in obtaining State data relevant to determining salary and wage comparability.

(c) *CSA regional offices.* Provide assistance as needed to grantees in carrying out the provision of this subpart.

§ 1069.22-6 Established civil service/merit systems.

(a) Some grantees or delegate agencies are part of long-established public or private agencies which apply a civil service or other merit system to CSA supported employees. In these instances, all positions covered under such civil service or merit systems will be deemed comparable and no extensive organizational reviews, position analyses, or comparability determinations will be necessary: *Provided,* That these employees are filling positions or types of positions in existence before the agency or institution received an CSA grant and that the salary scale has not been changed as a result of the CSA grant.

(b) *Example:* The Board of Education of Community "A" is a delegate agency for a remedial reading and tutorial program conducted in community school centers. The Board pays its remedial reading instructors in the public schools $5,500 per year. That rate will be accepted for remedial reading instructors in its community action program.

§ 1069.22-7 Comparability determination procedures.

(a) The following are suggested means for undertaking wage comparability determinations. Methods for establishing wage comparability will vary among grantee and delegate agencies although every grantee and delegate agency should already be utilizing a rational system for determining appropriate salaries and wages.

(b) *Organizational review.* Review organization plan and job descriptions to insure currency and direct relationship to mission and functions. Position descriptions should accurately portray the nature of jobs and the various positions should be clearly related to each other in a rational pattern. In other words, a review of the total personnel structure is a necessary first step in conducting wage surveys or position analyses. Larger agencies may already be utilizing a well-established job classification system.

(c) *"Bench-Mark" job identifications.* Identify "bench mark" job at several levels in the organization for which local comparability can be determined and in relationship to which compensation for other jobs may be set. Obviously, the salary of the Director will generally be a bench mark position in setting salary scales for lower level positions. Grantees are cautioned, however, not to use the Director's position or any other position as a bench mark if the incumbent's salary is not related to local wages, but rather to the area of his immediately preceding employment. At the low end, employees to be compensated at the minimum wage rate will also be bench mark positions.

(d) *Local source data.* In most communities, several local sources are available for consultation in determining comparability.

(1) *Published wage surveys.* A list of suggested sources of information on wage rates, including wage survey reports published by the Bureau of Labor Statistics (BLS). The BLS survey reports will be particularly valuable in establishing wages for office, maintenance and custodial jobs and should be a prime source for information on these jobs in the 85 major metropolitan areas for which such material is available. The Bureau of Labor Statistics has agreed to furnish wage survey reports to CSA Regional Offices and State Economic Opportunity Offices (SEOO) on a continuing basis. Grantees should contact the appropriate SEOO for assistance in obtaining information on wage survey reports prepared by the Bureau of Labor Statistics and other organizations. When published sources of salary data are used, the grantee should remember that the precise salary figure may not be an exact guide to the salary which should be paid, since adjustment may be needed because of the experience and expertise of the particular employee. A salary survey generally presents an average rate or range for a number of employees occupying a position; thus the entry rate for that position should generally be set lower, and the rate for an employee with long experience and considerable expertise may be higher.

(e) *Local state employment offices.* Local offices of the State Employment Service may have unpublished information on local wage scales.

(f) *Local government.* Local city or county governments will have data on local public pay scales and may know of local wage surveys not obtainable elsewhere. In most instances, local public pay scales should be used as the standard for rates for teachers.

(g) *Other local agencies.* Other local agencies may employ persons in substantially comparable jobs. The grantee may wish to make an informal check with a few agencies which employ persons in positions comparable to those of the grantee. The grantee or delegate agency should not use these sources, however, with respect to jobs on which information from the sources noted in this section is available or with respect to job categories in which persons are employed by many agencies.

(h) *State government data.* If local data for some positions is not available from any of these sources or if the only comparable jobs are in the State government, the grantee should look to Statewide sources. Some State Employment offices will have wages analysts, and State governments (through their personnel departments) will usually be able to provide the salary schedules for State employees. Grantees are advised to ask their State Economic Opportunity Office for help in obtaining Statewide information.

(i) *National data.* If the grantee can discover neither local nor State data on a certain position or group of positions after exhausting these sources, or if persons are required with such unusual skills that the labor area for the skill is nationwide, the grantee may then check national data to verify that the salary planned for that position is reasonable. However, any rate based on national comparability should be adjusted to relate to a bench mark position for which local comparability has been established and this may require an adjustment in accordance with the local cost of living.

(j) *Fringe benefit consideration.* Adjustments may be indicated if employees in comparable positions are paid fringe benefits which significantly exceed the benefits payable to grantee employees, of if the reverse is true. CSA recognizes, however, that information about fringe benefits paid to employees in comparable jobs may not be readily available and in such cases will not require that a detailed comparison be made. If the information is obtainable it should be considered when establishing comparability.

§ 1069.22-8 Comparability implementation procedures.

(a) *Effective date.* Grantee should start taking steps to achieve compliance with this subpart as soon as it is received. After April 30, 1967, all applications for funding or refunding must include, in addition to the specific information required on the director's salary, a wage comparability certification.

(b) *Comparability certifications.* Grantees are to briefly certify that:

(1) The grantee followed the procedures outlined in this subpart to review its salary structure and establish comparability for all its positions.

(2) Documentation of the methods by which the grantee established comparability is available in the grantees files for review by audit and inspection personnel and personnel of the General Accounting Office.

(c) *Submission requirements.* A comparability certification must be submitted with every application involving new funds for salaries and wages. This certification should be attached to CAP Form 23 for each component. Grantees whose program year ends at such a time that the grantee will not be applying for refunding before June 30, 1967, must review its salary schedule and submit a comparability certification on or before July 1, 1967, stating that comparability was verified for each component.

(d) *Salary adjustments.* Any grantee which discovers a position for which the salary being paid is higher then the comparable rate must either pay the excess out of funds not obtained from the grant and not contributed as local share, or reduce the rate of salary paid at the time of next refunding or by August 1967, whichever is sooner.

(e) *Grantee documentation.* Grantee files should contain the following documentation:

(1) The procedure used to review the organization plan and position descriptions.

(2) An explanation of how "bench mark" positions were identified.

(3) An explanation of any procedures used to obtain State, local, or National data on non-bench mark positions and the way in which such positions are related to the bench mark positions.

(4) Copies of any certification or back-up information, that is, a statement by a local survey facility that certain positions are comparable to positions in the area.

§ 1069.22-9 Increases in compensation for new employees.

(a) *Legislation.* Section 610(b) provides: "(b) No person whose compensation exceeds $8,000 per annum and is paid pursuant to any grant, contract, or agreement authorized under part A of title II (except a person compensated as provided in section 602) shall be employed at a rate of compensation which exceeds by more than 20 percent the salary which such person was receiving in the immediately preceding employment of such person, but the Director may grant exceptions for specific cases. In determining salary in preceding employment for one regularly employed for a period of less than 12 months per year, the salary shall be adjusted to an annual basis."

(b) *Policy.* The language of this provision is very similar to that in Subpart 1069.20 of this chapter. Although the statute specifies CSA approval with respect to employees compensated at $8,000 or more, CSA is continuing to require CSA approval for employees compensated at $5,000 or more, as stated in subpart 1069.20 of this chapter. Specifically, CSA Regional Office approval is required when a starting salary is $5,000 or more and it involves an increase of more than 20 percent or $2,500, whichever is smaller, over an individual's immediately preceding salary. Approval will be granted only if there is substantial evidence that the increase would not make the employee's compensation exceed the appropriate wage determined in accordance with the comparability standard.

(c) *Procedure.* In order to facilitate enforcement of this provision, the record required, by subpart 1069.20 of this Chapter of the salary received by each full-time employee in the position he/she held immediately prior to employment with the grantee or delegate agency should henceforth include a notation to show how and by whom the information was verified, and the amount of the employee's salary when first hired by the grantee or delegate agency. Such a record must be kept for all full-time employees hired after March 31, 1967, and supported by CSA funds or by contributions to the non-federal share. The record should be available for audit and inspection and should accompany the employee's application or personnel folder.

Subpart 1069.24—Employment of Persons with Criminal Records (CSA Instruction 6901-1)

Sec.

1069.24-1 Applicability.
1069.24-2 Effective date.
1069.24-3 Definitions.
1069.24-4 Person to whom this rule applies.
1069.24-5 Policy.
1069.24-6 Criminal records.
1069.24-7 Pending charges.
1069.24-8 Criminal conviction of employees.

Authority: Sec. 602, 78 Stat. 530, 42 U.S.C. 2942

Subpart 1069.24—Employment of Persons With Criminal Records (CSA Instruction 6901-1)

§ 1069.24-1 Applicability.

This subpart applies to all grantees financially assisted under Titles II, IV and VII of the Economic Opportunity Act of 1964, as amended, if such assistance is administered by the Community Services Administration.

§ 1069.24-2 Effective date.

January 4, 1971 (CSA Instruction 6901-1)

§ 1069.24-3 Definitions.

"Principal representative board" means in the case of a community action agency, is that body which is designed to meet the composition requirements of Section 211(b) of the Economic Opportunity Act. In the case of all other agencies, the principal representative board is the agency's "governing body" or "advisory board or committee" which meets the requirements, in subpart 1060.1, "Participation of the Poor in the Planning, Conduct, and Evaluation of Community Action Programs" (CSA Instruction 6005-1) of this chapter.

"Recent conviction" means a conviction resulting in a term of imprisonment which ended within one year of the date on which application for employment is made, or a parole or probation period which began within one year of that date.

"Sensitive position" means any position, whether professional or nonprofessional, which requires an especially high degree of trust and integrity. The following positions shall be designated as sensitive: The Executive Director of a Community Action Agency, the Deputy Director, the Project Director, or Deputy Project Director of any delegated program; any position involving payroll, budget, accounting, bookkeeping, time and attendance, verification of personnel references, or authorization or verification of personnel actions; any other position which the agency so designates because of the sensitive nature of the incumbent's dealing with the general public.

"Serious Crime" means any crime or crimes for which the court has imposed a term of imprisonment or consecutive terms of imprisonment, with a maximum duration exceeding one year, and there has been some period of actual confinement under the sentence.

§ 1069.24-4 Person to whom this rule applies.

(a) This policy applies only to persons applying for employment, or employed as full-time paid staff.

(b) For purposes of this subpart, volunteers, enrollees, or trainees in manpower development and training, or similar programs shall not be considered employees, unless they are engaged in on-the-job training for a position as an employee of a grantee or delegate agency.

(c) This policy does not apply to any project which has as one of its primary objectives the employment of persons with criminal records.

§ 1069.24-5 Policy.

(a) The provisions for the hiring of persons with criminal records are an important part of the number of personnel policies and procedures established by the Community Services Administration for assisted agencies to follow in the administration of their programs. These policies, which are being issued separately from other personnel policies, found in subpart 1069.20 of this chapter, are necessary to provide uniformity in administrative practices, to establish a minimum acceptable level of personnel performance, and to eliminate arbitrary decisions on personnel questions. However, national policy for the employment in grantee and delegate agencies of persons with criminal records must allow considerable local agency discretion. Each case of application for employment by a former offender is different, and there are circumstances in every community and in every agency for which it would be impossible to provide. It is also recognized that blanket national policies for such situations could lead to abuses in both strict and loose interpretation of guidelines.

(b) The Community Services Administration policy places major responsibility with regard to the employment of persons with criminal records upon the principal

representative board of a grantee or delegate agency.

(c) The grantee or delegate agency's principal representative board has the primary duty and responsibility for assuring that its programs are administered in accordance with standards of good management. A major part of a board's responsibility in this area is to assure that its agency's employees perform their duties with competence and integrity.

(d) On the other hand, principal representative boards, as policy-making bodies for agencies funded under the Economic Opportunity Act, also have a responsibility to expand employment opportunities for the poor and to work to eliminate arbitrary bars to employment of the disadvantaged. In line with this dual set of responsibilities, the principal representative board has a serious obligation to carefully weigh, on an individual basis, the criminal records of all employees and applicants for employment. Out of deference to an individual's right to privacy, the principal representative board may delegate the initial review of an employee's or an applicant's criminal records to a committee of the board. However, final decisions regarding employment of persons with criminal records shall be made by the principal representative board.

(e) Prudent judgment should be exercised by the board in considering the criminal records of employees or applicants for employment in relation to the position held or filled. However, the exercise of prudent judgment should be coupled with an assessment of an employee's or an applicant's potential for rehabilitation. In recognition of the fact that employment opportunities are essential to the rehabilitative process, every opportunity should be provided to employ persons with criminal records after the principal representative board or its designee has conducted a review of the applicant's case, and to offer (or to insure that other agencies offer) supportive services to help in the rehabilitation of such employees.

§ 1069.24–6 Criminal records.

(a) *Disclosure requirement.* Every grantee and delegate agency shall require that all employees and applicants for employment fully disclose any criminal convictions. Applicants for employment shall not, however, be required to disclose records of any arrest which did not result in conviction, unless such an arrest has resulted in formal criminal charges which are still pending at the time of application. An applicant or employee must disclose to the agency any conviction resulting from such pending charges as described in this paragraph.

(b) *Review of fitness.* In all cases of application for employment by a person with a criminal record, the principal representative board, or its designee, shall decide the fitness of each applicant on his/her merits. The board, or its designee, should take into account in its review:

(1) The nature and seriousness of the offense.

(2) The circumstances under which it occurred.

(3) How long ago it occurred.

(4) Whether the offense was an isolated or repeated violation.

(5) The age of the person when he/she committed the offense.

(6) Social conditions which may have contributed to the offense.

(7) Any evidence of rehabilitation.

(8) The kind of position for which the applicant is applying.

(c) *Sensitive position.* In the case of an applicant for employment in a sensitive position who has had a recent conviction of a serious crime, the principal representative board shall take into account the considerations outlined in paragraph (b) of this section. In addition, the principal representative board or its designee should obtain, where possible, recommendations and background information from the warden of the appropriate correctional institution, if the applicant has recently served a term in prison; or from the appropriate probation or parole officer if the applicant has been on probation or parole. If the principal representative board finds that recent conviction of a serious crime does not disqualify an applicant for a sensitive position, the board shall provide that a written statement recounting the rationale for the decision shall be entered in the individual's personnel records. A copy of this statement shall be submitted to the appropriate CSA Regional Office.

§ 1069.24–7 Pending charges.

(a) *Applicants for employment.* The grantee or delegate agency shall carefully consider any criminal charges which are pending at the time an individual applies for employment, or which are brought during the period in which his/her application is being considered. Although, in the eyes of the law, an individual is considered innocent until proven guilty, the hiring of a person with criminal charges pending against him/her involves considerable risks which the agency is under no obligation to take. Should the eventual conviction of the applicant result in a prison sentence, the program would be disrupted. Moreover, the hiring of a person with pending criminal charges might have serious effects on a program's success, both from the point of view of impact on program operations or participants and from the perspective of the performance of the individual in question.

(b) *Employees.* If an employee of a grantee or delegate agency is arrested or charged with committing a crime, the agency should consider the gravity of the pending criminal charge in relation to the employee's position. It should be kept in mind that a criminal charge in itself does not indicate guilt. Also, a person charged with a crime often requires the support of employers or persons who can give witness to his/her character, job performance, and previous work history. A grantee or delegate agency should take very seriously its obligations to provide supportive action to an employee who is charged with committing a crime.

(c) After assessments of the impact of such charges on program operations and on an individual's ability to perform his/her duties, it may be necessary for the agency to take some action prior to a decision in the case in order to protect the program as well as other employees. Such action may include either reassignment of the employee to other duties, or where reassignment is not possible, suspension.

(d) Subject to the direction of the agency's board, and consistent with its own personnel policies, such suspension may be with full pay for a period up to twelve months, but not to exceed 50 percent of the time the individual has been employed by the agency. Payment up to twelve months is also contingent upon renewal of the position at re-funding. However, if an employee who is suspended without pay (for all or part of the suspension period) is acquitted of all charges resulting from the matter for which he/she was arrested, the grantee or delegate agency may pay the employee such back pay as he/she was denied by virtue of the suspension. Such payment shall be limited to a period of up to twelve months from date of suspension but shall not exceed 50 percent of the time an individual had been employed. Such payment is also contingent upon the availability of funds or renewal of the position at re-funding. If the employee obtained other employment during the suspension period, earnings from such substitute employment shall be deducted from the amount of back pay for that period. Any action taken which adversely affects the employment status of the individual must be subject to the grievance

procedures of the agency's published personnel policies.

§ 1069.24-8 Criminal conviction of employees.

(a) In cases in which an employee of a grantee or delegate agency is convicted of a crime, the agency shall review the employee's criminal conviction in the same manner as that of an applicant with a criminal record, taking into account the individual factors in the case, including the nature of the offense, the position held, and its relation to the crime.

(b) Serious consideration should be given to any risks to successful program operations, or to the individual's performance that his/her continued employment would create.

(c) As in the case of employees with pending criminal charges, any adverse effect on the employment status of the individual, brought about by an agency decision, must be subject to the grievance procedures of the agency's published personnel policies.

Subpart 1069.25—Assistance to Vietnam-Era Veterans (CSA Instruction 6901-2)

Sec.

1069.25-1 Applicability.
1069.25-2 Effective date.
1069.25-3 Reference.
1069.25-4 Purpose.
1069.25-5 Definitions.
1069.25-6 The six point jobs for veterans program.
1069.25-7 Grantee responsibilities.
1069.25-8 Procedures for registration.
1069.25-9 Reports.
Appendix A to subpart 1069.25—Assistance to Vietnam Era-Veterans.

Authority: Sec. 602, 78 Stat. 530, 42 U.S.C. 2942.

Subpart 1069.25—Assistance to Vietnam-Era Veterans (CSA Instruction 6901-2)

§ 1069.25-1 Applicability.

This subpart applies to all grantees financially assisted under Titles II, IV and VII of the Economic Opportunity Act of 1964, as amended, if such assistance is administered by the Community Services Administration.

§ 1069.25-2 Effective date.

August 1, 1972 (CSA Instruction 6901-2).

§ 1069.25-3 Reference.

(a) Executive Order 11598, June 16, 1971;

(b) 41 CFR 1-12.11.

§ 1069.25-4 Purpose.

To outline the President's Six-Point Jobs for Veterans Program for 1973 and establish grantee requirements for listing vacant positions and goals for hiring Vietnam-era veterans.

§ 1069.25-5 Definitions.

"All employment openings" includes all openings which are compensated on a salary basis of less than $18,000 per year. This term includes full-time employment, temporary employment of more than 3 days' duration, and part-time employment.

"Appropriate office of the State employment service system" means the local office of the Federal-State nation system of public employment offices with assigned responsibility for serving the area of the establishment where the employment opening is to be filled, including the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.

"Man-day of employment" means any day during which an employee performs more than 1 hour of work.

"Opening which the grantee proposes to fill from within his own organization" means openings for which no consideration will be given to persons outside the grantee's organization (including any affiliates, delegate agencies or subsidiaries, and parent organizations).

§ 1069.25-6 The six-point jobs for veterans program.

(a) The President of the United States has previously recognized the intolerably high unemployment rate for Vietnam-era veterans and has established a Six-Point Jobs for Veterans Program. He has directed that this program be continued for FY 1973 by the Federal departments and agencies and has indicated that this effort is of the highest priority and, that government agencies should draw fully on available resources and authority to accomplish this program. Specifically, the six points in the President's program include:

(1) Continued enlistment of resources in the business sector through the National Alliance of Business Men and expansion of the Job Opportunities in the Business Sector (JOBS) Program.

(2) Provision of job training necessary for servicemen who lack civilian skills in occupations available in the labor market. This is to be accomplished by providing separating servicemen with employment briefings and counseling overseas and providing those with educational and job deficiencies with civilian job training and related services (up to 60 days). Such training will be provided at skill centers at military installations by the Department of Defense with full support from the Department of Labor, HEW, and the Veterans Administration.

(3) Continued augmentation of job training and educational opportunities, with appropriate emphasis on college, technical and high school education. Classroom type manpower training programs of Labor are to be increased, veterans participation on G.I. Bill training augment benefits stressed, and modifications in Manpower Development and Training Agency (MDTA) and HEW education programs made on a priority basis to assure adequate enrollment of returning veterans. These actions lend themselves well to both State and local participation and to plans for coalition among VA, Labor, CSA, HEW, HUD and other public and private agencies and institutions. It has been stressed that participation in G.I. Bill programs be increased through specific outreach into urban and rural area, fully informing veterans of available educational and other benefits.

(4) Listing of job openings with the U.S. Employment Service by all agencies and contractors funded by the Federal government, based on the provisions of Executive Order 11598, June 16, 1971.

(5) Increasing the number of appropriate job openings for Vietnam-era veterans and their placement of these jobs, including those in public employment programs.

(6) Provision of special Labor/VA services for those veterans who have been drawing unemployment compensation for three or more months.

(b) It is expected that the Jobs for Veterans—National Committee (JFV) will continue to publicize this program through extensive use of mass media and that advice and assistance will be rendered to the many Veterans Task Forces organized by communities, mayors and governors.

§ 1069.26-7 Grantee responsibilities.

(a) In implementing the Six-point Jobs for Veterans Program, CSA requires that grantee register with the State employment service and submit listings of their internal staff openings (with certain exceptions) to the appropriate local office of the employment service. (See Appendix A of this subpart regarding special conditions). This is to assure that knowledge of the many grantee employment openings may allow the employment service to refer qualified Vietnam-era veterans for such employment.

(b) The Community Services Administration endorses the recommendation offered by the Office of Management and Budget (OMB) that grantees should attempt to set specific

goals with respect to hiring Vietnam-era veterans. The recommendation of OMB is that Federal grantees attempt to see that at least 35 percent of their new hires are Vietnam-era veterans.

§ 1069.25–8 Procedures for registration.

(a) *Grantees currently funded.* Those grantees currently funded by CSA should register within 15 days of August 1, 1972 with the employment service system in the State (or States) in which the grantee is located, advising them of the name and location of each hiring facility or establishment which the grantee has within the State.

(b) *New grantees.* New grantees should register within 15 days of the effective date of the new grant action with the employment service system in the State (or States), in which the grantee is located advising them of the name and location of each hiring facility or establishment the grantee has within the State. (See Appendix A of this subpart).

(c) *Refunding actions.* Once registered with the appropriate State employment service system(s), grantees are not required to re-register unless there is a change in their hiring facilities. Periodic reports, however, are required.

(d) *Listing of openings.* All grantees will offer for listing at the appropriate local office of the State employment service system employment openings as they occur.

§ 1069.25–9 Reports.

(a) Grantees are required to provide periodic reports to the appropriate local office of the State employment service system regarding employment openings and hires as may be required. Such reports shall be filed at least quarterly (on a calendar basis) and shall indicate the number of individuals hired during the reporting period for each hiring facility and the number of hires who were veterans who served in the Armed Forces on or after August 5, 1964, and who received other than a dishonorable discharge.

(b) Grantees shall retain copies of such reports for one year after the end of the funding period of the grant. These shall be made available upon request to any authorized representative of the Director of the Community Services Administration or of the Secretary of Labor.

(c) The effectiveness of this program will be monitored by CSA through consolidated reports which the Department of Labor will furnish.

Appendix A to Subpart 1069.25—Assistance to Vietnam Era Veterans

Special Conditions Listing of Employment Openings

(This Special Condition is applicable if this grant is for $10,000 or more and will generate 400 or more man-days of employment)

(a) The grantee agrees that all employment openings of the grantee which exist at the time of this grant award and those which occur during the duration of the grant, including those not generated by this grant and including those of delegate agencies and those occurring at an establishment of the grantee other than the one wherein the grant is being performed, shall, to the maximum extent feasible, be offered for listing at an appropriate local office of the State employment service system wherein the opening occurs and to provide periodic reports to such local office regarding employment openings and hires as may be required.

(b) Listing of employment openings with the employment service system pursuant to this Special Condition shall be made at least concurrently with the use of any other recruitment source or effort and shall involve only the normal obligations which attach to the placing of a bona fide job order but does not require the hiring of any job applicant referred by the employment service system.

(c) The periodic reports required by paragraph (a) of this Special Condition, shall be filed at least quarterly (calendar basis) with the appropriate local office or, where the grantee has hiring facilities in more than one local State employment service. Such reports shall indicate for each hiring facility the number of individuals who were hired during the reporting period and the number of hires who served in the Armed Forces on or after August 5, 1964, and who received other than a dishonorable discharge. The grantee shall maintain copies of the reports submitted until one year after the funding period of the grant, during which time they shall be made available, upon request, for examination by any authorized representatives of the Director, Community Services Administration or of the Secretary of Labor.

(d) Within 15 days of the effective date of a grant, the grantee shall advise the employment service system in each State wherein it has establishments, of the name and location of each such establishment in the State. As long as the grantee is subject to these provisions and has so advised the State employment service system, there is no need to advise the State system of subsequent grant funding actions.

(e) This Special Condition does not apply to the listing of employment openings which occur outside of the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands, and to grants to State and local governments.

(f) This Special Condition does not apply to openings which the grantee proposes to fill from within its own organization. This exclusion does not apply to a particular opening once an employer decides to consider applicants outside of the employer's own organization.

(g) The grantee agrees to place this Special Condition (excluding this paragraph (g)) in any delegation agreement or subcontract directly under this grant.

Subpart 1069.26—Social Security Coverage for Employees Under CAP Grants (CSA Instruction 6906–01)

Sec.

1069.26–1 Applicability.
1069.26–2 Effective date.
1069.26–3 Purpose.
1069.26–4 Identification of employer for social security purposes.
1069.26–5 Where the employer is a private nonprofit organization.
1069.26–6 State or local governmental agency as employer.
1069.26–7 Indian Tribal Council or similar Tribal organization as employer.

Authority: Sec. 602, 78 Stat. 530, 42 U.S.C. 2942

Subpart 1069.26—Social Security Coverage for Employees Under CAP Grants (CSA Instruction 6906–01)

§ 1069.26–1 Applicability.

This subpart applies to all grantees financially assisted under Titles II, IV and VII of the Economic Opportunity Act of 1964, as amended, if such assistance is administered by the Community Services Administration.

§ 1069.26–2 Effective date.

September 13, 1966 (CSA Instruction 6906–01)

§ 1069.26–3 Purpose.

CSA recognizes the important benefits which accure to employees from social security coverage, and strongly recommends that those grantee and delegate agencies which are not already obligated by law to report wages for social security purposes seek to obtain coverage for their employees whenever feasible. It is CSA policy to include in its grants the funds necessary to pay the employer's share of social security contributions. These contributions are a legitimate budgetary expense under fringe benefits in the personnel category of the budget. This subpart is designed to familiarize grantee and delegate agencies with the possibilities of coverage under the Social Security Act and the requirements of reporting their employees' wages.

§ 1069.26–4 Identification of employer for social security purposes.

It is important to determine who is the employer for purposes of the social security laws. The employer, for social security purposes, is the agency which has the authority to direct how, when and where the employee's services will be performed, and which has the right to hire and fire. Most frequently the employer is the organization which directly administers the component program, that is, the grantee in a non-delegated program or the delegate agency in a delegated program. If you have difficulty in determining who is the employer for social security purposes, you should contact your local Social Security Administration or Internal Revenue Service office.

§ 1069.26–5 Where the employer is a private nonprofit organization.

(a) Every private nonprofit agency is required by CSA to furnish evidence that it has obtained, or is applying for, an Internal Revenue Service income tax-exemption ruling. Grantees and delegate agencies that qualify will be granted this exemption, in most cases, as religious, educational, or charitable organizations under Section 501(c)(3) of the Internal Revenue Code. These agencies are also exempt for FICA tax (social security) unless they elect to provide social security coverage for their employees. An agency which wishes to provide coverage for its employees must waive its FICA tax exemption by filing a completed Form SS–15 with the District Director of Internal Revenue. Persons employed during the calendar quarter in which the waiver form is filed may choose whether they want social security coverage. All employees who choose to be covered indicate their choice by signing the Form SS–15(a) which is filed with the Form SS–15. Employees hired after the calendar quarter in which the waiver certificate is filed are mandatorily covered, and the agency must deduct the employees' share of the contribution from their wages.

(b) If the employer does not qualify as a 501(c) Organization (religious, educational, charitable), social security coverage is mandatory for its employees.

(c) Both private non-profit organizations whose employees are mandatorily covered and those 501(c)(3) organizations which waive their exemption from FICA tax must report the wages of all employees who earn $50 or more for a calendar quarter to the appropriate District Director of Internal Revenue. Information concerning the withholding and payment of social security contributions can be obtained from the Internal Revenue Service.

§ 1069.26–6 State and local government agency as employer.

Whether an employee of a State or local governmental (i.e., public) agency is covered by social security depends upon the terms of the voluntary agreement between the State and Federal Government. Coverage may already have been provided for employees of the entity under the State's agreement, or if not, it may be possible to provide coverage. Each such agency should contact the appropriate State Social Security Administrator for information concerning coverage of its employees, and the withholding and payment of social security contributions. Where employees of such public agencies are covered, their wages are reported on forms provided by, and filed with, the State Social Security Administrator.

§ 1069.26–7 Indian Tribal Council or similar tribal organization as employer.

Although such organizations are considered public agencies under Title II of the Economic Opportunity Act, they normally are classified as private agencies under the Social Security Act and the Internal Revenue Code. Employment in all such organizations is mandatorily covered by the Social Security Act and the organization is subject to FICA tax. Wages of all employees must be reported to the appropriate District Director of Internal Revenue.

Subpart 1069.27—Outside Employment of Grantee and Delegate Agency Personnel (CSA Instruction 6907–4)

Sec.

1069.27—1 Applicability.
1069.27—2 Effective date.
1069.27—3 Definition.
1069.27—4 Policy.

Authority: Sec. 602, 78 Stat. 530; 42 U.S.C. 2942.

Subpart 1069.27—Outside Employment of Grantee and Delegate Agency Personnel (CSA Instruction 6907–4)

§ 1069.27–1 Applicability.

This subpart applies to all grantees financially assisted under Titles II, IV and VII of the Economic Opportunity Act of 1964, as amended, if such assistance is administered by the Community Services Administration.

§ 1069.27–2 Effective date.

§ 1069.27–3 Definition.

"Outside Employment" means any paid employment performed by an employee in addition to his/her job with the grantee or delegate agency.

§ 1069.27–4 Policy.

(a) Grantees and delegate agencies shall include the following provisions in their published personnel policies relating to outside employment of their employees.

(1) Such employment shall not interfere with the efficient performance of the employee's duties in the CSA assisted program;

(2) Such employment shall not involve a conflict of interest or conflict with the employee's duties in the CSA assisted program;

(3) Such employment shall not involve the performance of duties which the employee shall perform as part of his/her employment in the CSA assisted program; and

(4) Such employment shall not occur during the employee's regular or assigned working hours in the CSA assisted program, unless the employee during the entire day on which such employment occurs is on either annual leave, compensatory leave, or leave-without pay.

(b) Grantees and delegate agencies shall also establish effective procedures to enforce the policy stated in paragraph (a) of this section. In adopting procedures to implement the policy stated in paragraph (a) of this section, grantees and delegate agencies must provide specific procedures regarding the outside employment of full-time personnel whose duties are not readily confined to a standard work-day or work-week. For example, grantees and delegate agencies must adopt rules restricting or prohibiting the outside employment of executive directors, neighborhood workers, or other employees whose responsibilities include being available for duty during evenings or on weekends. Each grantee and delegate agency must carefully assess its own needs and adopt personnel policies that meet those needs.

Subpart 1069.28—Prohibition Against Acceptance of Gifts and Gratuities (CSA Instruction 6909–1)

Sec.

1069.28–1 Applicability.
1069.28–2 Effective date.
1069.28–3 Definition.
1069.28–4 Policy.

Authority: Sec. 602, 78 Stat. 530, 42 U.S.C. 2942.

Subpart 1069.28—Prohibition Against Acceptance of Gifts and Gratuities (CSA Instruction 6909-1)

§ 1069.28-1 Applicability.

This subpart applies to all grantees financially assisted under Titles II, IV and VII of the Economic Opportunity Act of 1964, as amended, if such assistance is administered by the Community Services Administration.

§ 1069.28-2 Effective date.

§ 1069.28-3 Definition.

Members of employees immediate family shall include any of the following persons:

Husband	Brother
Father	Son
Mother	Daughter
Sister	Wife
Father-in-law	Son-in-law
Mother-in-law	Daughter-in-law
Sister-in-law	Brother-in-law

§ 1069.28-4 Policy.

(a) Employees of all grantees, delegate agencies, members of employee's immediate family, and members of any board or policy-making body of such agencies, are prohibited from accepting gifts, money and gratuities:

(1) From persons receiving benefits or services under any program financially assisted by the Community Services Administration.

(2) From any person or agency performing services under contract.

(3) From persons who are otherwise in a position to benefit from the actions of any employee or board member.

(b) Grantees and delegate agencies shall include the above prohibition in their published personnel policies or publish written instructions to supplement their personnel policies, and establish effective procedures to enforce the prohibition.

Subpart 1069.29—Conflicts of Interest in Community Action Program Contracts (CSA Instruction 6909-01)

Sec.

1069.29-1 Applicability.
1069.29-2 Effective date.
1069.29-3 Purpose.
1069.29-4 General limitations on purchase and rentals.
1069.29-5 Exceptions.
1069.29-6 Approval of specific transactions.
1069.29-7 Unnecessary and unreasonable purchases forbidden.
1069.29-8 Consequence of non-compliance.

Authority: Sec. 602, 78 Stat. 530, 42 U.S.C. 2942.

Subpart 1069.29—Conflicts of Interest in Community Action Program Contracts (CSA Instruction 6909-01)

§ 1069.29-1 Applicability.

This subpart applies to all grantees financially assisted under Titles II, IV and VII of the Economic Opportunity Act of 1964, as amended, if such assistance is administered by the Community Services Administration.

§ 1069.29-2 Effective date.

November 21, 1967 (CSA Instruction 6909-01).

§ 1069.29-3 Purpose.

The purpose of this subpart is to impose certain limitations in order to prevent conflicts of interest in connection with the purchase and rental of goods, space, and services for use in programs assisted under Titles II, IV and VII of the Economic Opportunity Act.

§ 1069.29-4 General limitations on purchases and rentals.

(a) Except as provided in §§ 1069.29-5 and 1069.29-6 a grantee or delegate agency under Titles II, IV and VII of the Act shall not obligate or expend any project funds (Federal or non-Federal share) for a purchase or rental of goods, space, or services if any of the following persons has a substantial interest (as defined in paragraph (b) of this section) in the purchase or rental.

(1) A member of a board or committee of the purchasing or renting grantee or delegate agency.

(2) An executive officer of the purchasing or renting grantee or delegate agency.

(3) Any other employee of the purchasing or renting grantee or delegate agency whose responsibilities include procurement of goods, space, or services.

(4) Anyone who is a member of the immediate family of a board member or employee referred to in paragraphs (a) (1) (2) and (3) of this section. The following shall be considered members of an "immediate family:"

Husband	Wife
Father	Father-in-law
Mother	Mother-in-law
Brother	Brother-in-law
Sister	Sister-in-law
Son	Son-in-law
Daughter	Daughter-in-law

(b) The term "substantial interest" used in paragraph (a) of this section includes the following:

(1) Any direct or indirect financial interest in the specific sale or rental transaction, including a commission or fee, a share of the proceeds, the prospect of promotion, a profit, or any other form of financial reward.

(2) Any of the following interests in the business which is supplying the goods, space, or services to the purchasing or renting grantee or delegate agency: ownership; partnership interest or other beneficial interest of 5% or more; ownership of 5% or more of the stock; employment as an executive officer or membership on the board of directors or other governing board.

(c) Grantee and delegate agencies should note that all kinds of goods and services relating to their programs are affected by the limitations set forth in this subpart. Both personal and institutional services are covered. These include banking and other financial services, medical, legal, and other professional services, and management and consultant services, as well as other kinds of skilled and unskilled labor.

§ 1069.29-5 Exceptions.

(a) The limitations in § 1069.29-4 shall not apply to:

(1) Purchases or rentals of goods, space and services from the same supplier at a total cost of less than $200 within any 12-month period.

(2) Purchases or rentals of goods or services if there is no other supplier within the community served by the program or within a radius of 50 miles, whichever is the larger area.

(3) Purchases or rentals of goods, space, or services from the lowest bidder in accordance with rules for advertised competitive bidding under seal.

(4) Purchase of rentals of standardized goods at the lowest price offered after all local suppliers in the community have been contacted for quotations.

(b) Purchases of services or rentals of goods or space from public or private non-profit organizations at cost or at general rates previously established by those organizations.

(c) Purchases or rentals of goods, space, or services under contracts which were entered into prior to the effective date of this subpart. Grantees are expected to remedy situations that involve conflict of interest as soon as possible. However, all purchases or rentals excepted under this section must nonetheless meet the standards set forth in § 1069.29-6.

§ 1069.29-6 Approval of specific transactions.

The appropriate CSA Regional Office or Project Office for those grants not signed in the Region may approve any other proposed purchase or rental which meets the standards set forth in § 1069.29-7 on the basis of a written request fully disclosing the potential

conflict of interest and the specific reasons for requesting such approval.

§ 1069.29-7 Unnecessary and unreasonable purchases forbidden.

All purchases or rentals of goods, space, and services, including those excepted under § 1069.29-5 or approved under § 1069.29-6, must be necessary and appropriate to the proper conduct and administration of the program in question, must be purchased at a reasonable cost and on reasonable terms, and must be in accordance with all applicable CSA guidelines, standards, and procedures.

§ 1069.29-8 Consequences of non-compliance.

Each grantee and delegate agency is responsible for enforcing the rules set forth in this subpart and must take corrective action for any violations. Each grantee and delegate agency should be aware of its responsibilities to insure that board members and employees conduct their affairs that affect the local community action program in a manner consistent with the letter and spirit of this subpart. Non-compliance with the rules set forth in this subpart may result in disallowance by CSA of the cost of goods, spaces, or services in question, or in aggravated cases in suspension or termination of the grant.

Subpart 1069.30—Personnel Policies and Procedures; Application to Personnel of State Economic Opportunity Offices Under Title II, Section 231 (CSA Instruction 6900-04)

Sec.

1069.30-1 Applicability.
1069.30-2 Effective date.
1069.30-3 Application of personnel policies to personnel of state economic opportunity offices.
1069.30-4 The role of state economic opportunity offices in advising community action grantees.

Authority: Sec. 602, 78 Stat. 530; 42 U.S.C. 2942.

Subpart 1069.30—Personnel Policies and Procedures; Application to Personnel of State Economic Opportunity Offices

§ 1069.30-1 Applicability.

This subpart applies to all grantees financially assisted under Section 231 of the Economic Opportunity Act of 1964, as amended, if such assistance is administered by the Community Services Administration.

§ 1069.30-2 Effective date.

April 3, 1967. (CSA Instruction 6900-04).

§ 1069.30-3 Application of personnel policies to personnel of State Economic Opportunity Offices.

(a) The provisions of personnel policies in Subpart 1069.22 of this chapter must also be applied to State Economic Opportunity Offices. In reading Subpart 1069.22 merely substitute "State Economic Opportunity Office" (SEOO) for "Community Action Agency" and then follow the same procedures. Three other adjustments should be made:

(1) State Economic Opportunity Offices (SEOO)(s) should first attempt to establish comparability with State government positions before consulting other local or Statewide data. For positions without counterparts in the State government, the State Economic Opportunity Offices (SEOOs) should establish comparability with similar positions in the city in which the (SEOO) is located, or else with positions elsewhere in the State if the labor market for those positions is Statewide.

(2) Comparability will be assumed to exist for CSA supported positions which are covered by an existing civil service system of the State government.

(3) The salary level of State Economic Opportunity Office directors will continue to be related to State level positions.

§ 1069-30-4 The role of State Economic Opportunity Offices in advising Community Action grantees.

(a) As the primary source of advice to CAA's on the implementation of Section 610-1, of the Economic Opportunity Act of 1964, as amended, the State Economic Opportunity Office has the following responsibilities:

(1) Become familiar with the sources of wage survey information which will soon be sent to each SEOO from the appropriate Regional Office of the Bureau of Labor Statistics (BLS) and which are to be available in the SEOO to aid in advising community action grantees. Additional sources and revisions will be provided automatically by the Regional BLS Office as they become available.

(2) Maintain liaisons with the personnel department of the State government, the State Employment Service, and other State sources of wage information in order to insure that these offices cooperate in providing information to grantees which request salary schedules and survey data.

(3) Work directly with grantees which request assistance in finding local State source of salary data, in identifying jobs in the area which are comparable to positions of the grantee, or in establishing a salary structure after salary data has been obtained. In some cases the SEOO will be able to offer sufficient assistance; in other cases it will want to refer the grantee to a wage analyst or consultant in the State government or other public agency.

PART 1070—GRANTEE PUBLIC AFFAIRS

22. The subpart headings in 45 CFR Part 1070 are revised as follows:

Subpart 1070.1—Public Access to Grantees Information (CSA Instruction 7041-1)

Subpart 1070.2—Grantee Public Meetings and Hearing (CSA Instruction 7042-1)

Subpart 1070.4—Grantee Involvement in the News Media (CSA Instruction 7044-1a)

PART 1075—STATE ECONOMIC OPPORTUNITY OFFICES

23. The Subpart heading in 45 CFR Part 1075 is revised as follows:

1075.1—Role of State Economic Opportunity Offices (CSA Instruction 7501-1)

PART 1076—ECONOMIC DEVELOPMENT PROGRAMS

24. The subpart heading in 45 CFR Part 1076 are revised as follows:

Subpart 1076.5—Special Impact Program Policies and Priorities (CSA Instruction 6158-1)

Subpart 1076.10—Composition and Selection of CDC Boards of Directors (CSA Instruction 6402-2)

Subpart 1076.20—Small Business Programs Funded by CDC's (CSA instruction 6158-2)

Subpart 1076.30—Training, Public Service Employment, and Social Service Programs Funded by CDC's (CSA Instruction 6158-3)

Subpart 1076.40—Location of CDC Ventures (CSA Instruction 6158-4)

25. 45 CFR Part 1076 is amended by adding the following subparts:

Subpart 1076.41—Waiver of Non-Federal Share of Program Costs for Certain Title VII Programs (CSA Instruction 7641-1)

Sec.

1076.41-1 Applicability.
1076.41-2 Effective date.
1076.41-3 Purpose.
1076.41-4 Background.

1076.41–5 Policy.
1076.41–6 Valuation of non-Federal share.

Authority: Sec. 602, 78 Stat. 530; 42 U.S.C. 2942.

Subpart 1076.41—Waiver of Non-Federal Share of Program Costs for Certain Title VII Programs (CSA Instruction 7641–1)

§ 1076.41–1 Applicability.

This subpart applies to all grantees financially assisted under Title VII of the Economic Opportunity Act of 1964, as amended, if such assistance is administered by the Community Services Administration.

§ 1076.41–2 Effective date.

October 16, 1972 (CSA Instruction 7641–1).

§ 1076.41–3 Purpose.

The purpose of this subpart is to set forth the criteria for waiving the requirement of non-Federal share of program costs for programs carried out with financial assistance pursuant to Title VII of the Economic Opportunity Act of 1964, as amended (EOA).

§ 1076.41–4 Background.

(a) Section 714 of the EOA prescribes two types of non-Federal share requirements. The first requirement relates to the cost of the program including costs of administration. Section 714 permits the Director of CSA to issue regulations establishing objective criteria under which more than 90 per cent of the cost of Title VII program may be supported by Federal Assistance. This subpart sets forth those criteria and is limited to the program costs non-Federal share requirements.

(b) The second non-Federal share requirement in Section 714 states that where capital investment is required under a contract with a private organization (other than a non-profit organization) the Federal share of such capital investment shall not exceed 90 per cent. That requirement is not affected by this subpart.

§ 1076.41–5 Policy.

(a) *General.* Each recipient of financial assistance under Title VII is ordinarily required to provide from non-Federal sources 10% of the cost of operating its program. However, under certain circumstances this requirement may be waived. A request for waiver shall be submitted by the applicant or recipient's Chairperson of the Board or comparable official to the Associate Director of Economic Development or other officer having authority to make the grant or otherwise furnish the financial assistance in question (hereinafter referred to as the responsible officer) and a determination shall be made by such officer.

(b) *Operating program.* (1) The requirement for a non-Federal share of program costs shall be waived in whole or in part where it is shown to the satisfaction of the responsible officer that:

(i) The applicant for financial assistance or recipient of financial assistance has made a vigorous effort to raise the non-Federal share but has not been and will not be able to do so in whole or in part.

(ii) The per capita income in the community served by the program is less than one-half the per capita income in the U.S. as a whole. (On the basis of the 1970 Census, one-half the per capita income was $1570 and in February 1972. one-half the estimated per capita income in the U.S. as a whole was approximately $1800). For programs operating in Alaska, the figure representing the per capita income for the United States as a whole shall be adjusted upward by 25% and in Hawaii by 15% to allow for the substantially higher cost of living in those States.

(iii) If the per capita income figures submitted in support of the request for waiver are other than direct U.S. Census data, Census data shall be shown. The Officer determining the request for a waiver may request a full description of the procedures used in developing such data.

(c) *Support Programs.* The requirement of non-Federal share program costs shall also be waived in whole or in part for programs funded to conduct evaluations or research or to furnish support services to other Title VII programs or to CSA, the Department of Commerce, the Department of Labor or the Department of Agriculture, provided that the applicant for financial assistance has made a vigorous effort to raise the non-Federal share but has not been and will not be able to do so in whole or in part.

(d) *Procurement Contracts.* No non-Federal share is required for procurement contracts. Accordingly no waiver is needed.

§ 1076.41–6 Valuation of non-Federal share.

Non-Federal contributions may be in cash or in-kind, fairly evaluated, including but not limited to plant, equipment and services. See Part 1050 of this chapter, Subpart F—Cost Sharing and Matching (CSA Instruction 6800–6).

[FR Doc. 79–29855 Filed 9–28–79; 8:45 am]
BILLING CODE 6315–01–M

federal register

Monday
October 1, 1979

Part VI

National Labor Relations Board

Privacy Act of 1974; Systems of Records; Annual Publication

NATIONAL LABOR RELATIONS BOARD

Privacy Act of 1974

Proposed Revision of Systems and Annual Publication

AGENCY: National Labor Relations Board

ACTION: Proposed revision of systems of records and annual publication of notices

SUMMARY: The National Labor Relations Board published (42 FR 47786, September 21, 1977, and 43 FR 38646, August 29, 1978) seventeen Notices of Systems of Records identified as NLRB-1 through NLRB-17. Sixteen of these notices were for record systems containing personal information pertaining almost exclusively to present and former Agency employees and applicants for employment with the Agency. The purpose of this publication is two-fold, i.e., compliance with the requirement for annual publication contained in 5 USC 552 a(e)(4) and notification of administrative and language changes proposed by the Agency as described under the heading, "Supplemental information", below. Certain of these proposed changes are such as to require, pursuant to OMB guidelines, the submission of a report on new systems. Accordingly, a Report on New Systems has been submitted, concurrent with this publication, to Congress and the Office of Management and Budget. The National Labor Relations Board has not requested a waiver of OMB's 60 day advance notice requirement and will adopt these notices only after consideration of comments received and completion of the 60 day advance notice period. All persons are advised that in the absence of submitted comments, views or arguments considered by the Agency as warranting modification of the notices as herewith published, it is the Agency's intention that these notices as herewith published shall become effective upon expiration of the comment period without further action by the Agency. Pending adoption of the proposed changes described in this publication, the Agency's records will be covered by its previous notices (42 FR 47786, September 21, 1977, and 43 FR 38646, August 29, 1978).

SUBMISSION OF COMMENTS: All persons who desire to submit written comments, views, or arguments for consideration by the Agency in connection with the proposed changes should submit same not later than November 30, 1979, to the Executive Secretary, National Labor Relations Board, 1717 Pennsylvania Avenue, N.W., Washington, D.C. 20570. Copies of such communications will be available for examination by interested persons during normal business hours (8:30 a.m. to 5:00 p.m., Monday through Friday, excluding holidays), in the Office of the Executive Secretary, Room 701, 1717 Pennsylvania Avenue, N.W., Washington, D.C. 20570.

FOR FURTHER INFORMATION: Contact Mario A. Lauro, Jr., Associate Executive Secretary, telephone (202) 254-9430

SUPPLEMENTARY INFORMATION: Based on experience gained since the Agency's system notices were originally published, a number of clarifying language changes have been made in all notices. For example, under the heading, "Categories of records in the system", the word "may" has been inserted immediately before the word "include" so as to acknowledge variations in the amount of personnel data maintained on individuals within each system. In the case of NLRB-2, "Applicant Files for Attorney and Field Examiner Positions, General Counsel's Staff", the words "General Counsel's Staff" have been deleted so as to reflect a proposed expansion of this system to cover *all* such applicant files for Attorney and Field Examiner positions with the Agency. Other changes, e.g., combining of systems, changes in system locations, categories of records and individuals covered, systems managers, record sources, updating of references, etc., are proposed in conjunction with the Agency's efforts to reorganize and further improve its records management practices.

The Agency proposes to combine NLRB-5, "Employment and Performance Appraisals, Attorneys and Field Examiners, General Counsel's Staff", and NLRB-13, "Performance Appraisals—Attorneys on Board Members' Staffs and in the Office of the Solicitor", into a new Agency-wide system, NLRB-5, "Employment and Performance Records, Attorneys and Field Examiners". Similarly, the Agency proposes to combine NLRB-6, "Evaluations and Promotion Appraisals, Field Clericals", and NLRB-15, "Promotion Appraisals Washington—Clericals and Non-legal Professionals", into a new NLRB-6, "Employment and Performance Records, Nonprofessionals and Nonlegal Professionals". NLRB-11, "Payroll-Data Processing File" is to be combined with NLRB-12, "Payroll-Finance Records" to create a new NLRB-11, "Payroll-Finance Records".

A listing of all NLRB system notices and their complete texts appear below:

Dated, Washington, D.C. September 21, 1979

By direction of the Board:

George A. Leet,
Associate Executive Secretary.

NLRB-1 Accounting Records—Financial
NLRB-2 Applicant Files for Attorney and Field Examiner Positions
NLRB-3 Biographical Data File—Presidential Appointees
NLRB-4 Claim Records
NLRB-5 Employment and Performance Records, Attorneys and Field Examiners
NLRB-6 Employment and Performance Records, Nonprofessionals and Nonlegal Professionals
NLRB-7 Grievances, Appeals, and Complaints Records
NLRB-8 Health Maintenance Program Records
NLRB-9 Occupational Injury and Illness Records
NLRB-10 Pay Records—Retirement
NLRB-11 Payroll—Finance Records
NLRB-12 Prefiling Communications
NLRB-13 Time and Attendance Records, NLRB
NLRB-14 Equal Employment Opportunity Program Management System Appendix

NLRB-1

System name: Accounting Records—Financial

System location: Current records are maintained in:

Financial Management Branch
NLRB, 1717 Pennsylvania Avenue, N.W.
Washington, D. C. 20570

Each Washington and Field Office is authorized to maintain copies of records relating to reimbursements to employees of that office and other individuals covered within system. See the attached appendix for addresses of these offices. Inactive records are stored at the appropriate Federal records center in accordance with Federal Property Management Regulations of the U.S. General Services Administration (FPMR 101-11.4).

Categories of individuals covered by the system: Individuals reimbursed for expenses in connection with the official functions of the NLRB: i.e., travel of official business, witness fees, and transportation expenses, and miscellaneous expenses.

Categories of records in the system: Records may include name; home or office address; organizational unit number; purpose, duration, and cost for travel assignments of Agency employees; purpose, duration, points of travel, and cost for witnesses used by the Agency; purpose, category, and cost of miscellaneous expenses incurred by Agency employees.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records, or information therefrom, are disclosed:

1. To Agency officials and employees who have a need for the records or information:

a. In the processing of claims for reimbursements.

b. As a data source for management information for 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.

2. To respond to general requests for statistical information (without personal identification of individuals).

3. To individuals who need the information in connection with the processing of an appeal, grievance, or complaint. Wherever feasible, such information shall be furnished in depersonalized form, i.e., without personal identifiers.

4. To the U.S. General Accounting Office for audit purposes or determination of validity of claims.

5. To the U.S. Department of the Treasury for issuance of checks.

6. To the appropriate agency, whether Federal, State, or local, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, charged with the responsibility of investigating or prosecuting such violation or enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

7. To another agency, whether Federal, State, or local, or private organization where reimbursable arrangements exist between this Agency and such other agency or private organization.

8. To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

9. To officials of labor organizations recognized under Public Law 95-454, when relevant and necessary to their duties of exclusive representation of NLRB employees under the Act. Wherever feasible and consistent with responsibilities under the Act, such information shall be furnished in depersonalized form, i.e., without personal identifiers.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on original source documents except travel summary cards which are maintained on microfilm.

Retrievability: Chronologically by year, and within each year alphabetically by name.

Safeguards: Original source documents are maintained in file cabinets within the Finance Section office. Microfilm is maintained in a locked fireproof cabinet within the Services and Systems office. During duty hours cabinets are under surveillance of personnel charged with custody of the records, and after duty hours are behind locked doors. Access is limited to personnel who have a need for access in order to perform their official functions.

Retention and disposal: Maintained and disposed of in accordance with U.S. General Services Administration retention regulations.

System manager(s) and address:

Finance Officer
NLRB, 1717 Pennsylvania Avenue, N. W.
Washington, D. C. 20570

See the attached appendix for the titles and addresses of officials at other locations responsible for this system at their locations.

Notification procedure: 1. Current NLRB employees inquiring whether this system contains records on them should direct such inquiries to their supervisors.

2. An individual other than a current NLRB employee inquiring whether this system contains a record on such individual should direct such inquiry to the "System Manager" specified above, or to the responsible official designated under "System Manager" as responsible for the system in the geographic area where the expense was incurred.

3. In determining whether this system contains records on the inquirer, the following information is required: the inquirer's name and the year about which inquiry is being made.

Record access procedures: An individual seeking to gain access to records in this system pertaining to such individual should contact the appropriate official or office designated under "Notification procedure". In granting access to records in this system, the following information is required: the inquirer's name and the year about which inquiry is being made.

Contesting record procedures: An individual seeking to contest records in this system pertaining to such individual should contact the appropriate official or office designated under "Notification procedure".

Record source categories: Travel vouchers, witness vouchers, and lodging and miscellaneous receipts submitted by the individual; travel orders submitted by Agency officials; subpoenas; claims for reimbursements; and miscellaneous correspondence and information related thereto.

NLRB-2

System name: Applicant Files for Attorney and Field Examiner Positions

System location: Office of Executive Assistant to the Associate General Counsel; Board Members' Offices; Office of the Solicitor, NLRB, 1717 Pennsylvania Avenue, N.W., Washington, D.C. 20570.

Washington and Field Offices are authorized to maintain the records or copies of the records in connection with processing of applications for employment in the Agency. See the attached appendix for addresses of the Washington and Field Offices.

Categories of individuals covered by the system: Applicants for Attorney or Field Examiner positions in offices under the general supervision of the General Counsel; applicants for Attorney positions on Board Members' staffs and in the Office of the Solicitor.

Categories of records in the system: Records may include copies of employment applications, educational transcripts, resumes, employment interview reports, and other information relative to employment.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records, or information therefrom, are disclosed:

1. To Agency officials and employees who have a need for the records or information:

a. To process applications and evaluate applicants.

b. As a data source for management information for production of summary 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.

2. To respond to general requests for statistical information (without personal identification of individuals).

3. To individuals who need the information in connection with the processing of a grievance, appeal, or complaint. Wherever feasible, such information shall be furnished in depersonalized form, i.e., without personal identifiers.

4. To a congressional office from the record or an individual in response to an inquiry from the congressional office made at the request of that individual.

5. To officials of labor organizations recognized under Public Law 95-454, when relevant and necessary to their duties of exclusive representation of NLRB employees under the Act. Wherever feasible and consistent with responsibilities under the Act, such information shall be furnished in depersonalized form, i.e., without personal identifiers.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on paper including forms, letters, and memoranda.

Retrievability: Alphabetically by name.

Safeguards: Maintained in file cabinets. During duty hours cabinets are under surveillance of personnel charged with custody of the records and after duty hours are behind locked doors. Access to the cabinets is limited to personnel having a need for access to perform their official functions.

Retention and disposal: Retained for an indefinite period of time.

System manager(s) and address: 1. To those applicants for positions under supervision of the General Counsel—Executive Assistant to the Associate General Counsel, NLRB, 1717 Pennsylvania Avenue, N.W., Washington, D.C. 20570.

2. To those applicants for positions under supervision of a Board Member—Chief Counsel to that Board Member, NLRB, 1717 Pennsylvania Avenue, N.W., Washington, D.C. 20570.

3. To those applicants for positions under supervision of the Solicitor—Solicitor, NLRB, 1717 Pennsylvania Avenue, N.W., Washington, D.C. 20570.

Notification procedure: An individual inquiring whether this system contains a record on such individual should direct such inquiry to the appropriate System Manager specified above.

Record access procedures: An individual seeking to gain access to records in this system pertaining to such individual should contact the appropriate System Manager specified above.

Contesting record procedures: An individual seeking to contest records in this system pertaining to such individual should contact the appropriate System Manager specified above.

Record source categories: Applicants, educational institutions, interviewers, evaluators, personnel specialists, references, previous employers.

NLRB-3

System name: Biographical Data File—Presidential Appointees

System location:

Division of Information
NLRB, 1717 Pennsylvania Avenue, N.W.
Washington, D.C. 20570

Categories of individuals covered by the system: Present and former Presidential appointees to NLRB positions.

Categories of records in the system: Records may include biographical sketches; news releases; news articles on speeches and other newsmaking activities; photographs, and material incidental thereto.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records, or information therefrom, are disclosed:

1. To Agency officials and employees who have a need for the records or information in the performance of their duties.

2. To the public upon demonstrated interest.

3. To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on original sources or related papers in file folders.

Retrievability: Alphabetically by name.

Safeguards: Maintained in file cabinets within the Division of Information offices. During duty hours, cabinets are under the surveillance of office personnel charged with custody of the records, and after duty hours are behind locked doors.

Retention and disposal: Permanently retained.

System manager(s) and address: Director, Division of Information NLRB, 1717 Pennsylvania Avenue, N.W. Washington, D.C. 20570

Notification procedure: An individual inquiring whether this system contains a record on such individual should direct such inquiry to the System Manager specified above.

Record access procedures: An individual seeking to gain access to records in this system pertaining to such individual should contact the appropriate System Manager specified above.

Contesting record procedures: An individual seeking to contest records in this system pertaining to such individual should contact the appropriate System Manager specified above.

Record source categories: Information in this system is submitted by the individual, written by Agency staff and approved by the individual, and obtained from general news sources.

NLRB-4

System name: Claim Records

System location:

Security and Safety Branch
NLRB, 1717 Pennsylvania Avenue, N.W.
Washington, D.C. 20570

Categories of individuals covered by the system: Individuals filing claims under the Federal Tort Claims Act of 1946, the Military Personnel and Civilian Employees' Claims Act of 1964 and claims filed under subpart 101-39.8 of the Federal Property Management Regulations

Categories of records in the system: Records may include reports of accidents or other events causing damage or loss; statements of witnesses; claims for damage or loss, investigations of claims, including doctors' reports, if any; records on disposition of claims; and information relative to the above.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records, or information therefrom, are disclosed:

1. To Agency officials and employees who have a need for the records or information:
a. In processing claims against this Agency.
b. As a data source for management information for 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.
2. To respond to general requests for statistical information (without personal identification of individuals).
3. To the U.S. Department of Justice for purpose of processing or adjudicating claims against the Agency.
4. To a court of competent jurisdiction for adjudicating claims.
5. To investigators utilized by the Agency to obtain information relevant to a claim against the Agency.
6. To the appropriate agency, whether Federal, State, or local where there is an indication of violation or potential violation of law, whether civil, criminal, or regulatory in nature, charged with the responsibility of investigating or prosecuting such violation or enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.
7. To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
8. To individuals who have a need for the information in connection with the processing of an appeal, grievance, or complaint. Wherever feasible, such information shall be furnished in depersonalized form, i.e., without personal identifiers.
9. To officials of labor organizations recognized under Public Law 95-454, when relevant and necessary to their duties of exclusive representation of NLRB employees under the Act. Wherever feasible and consistent with responsibilities under the Act, such information shall be furnished in depersonalized form, i.e., without personal identifiers.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on forms, documents, and other papers.

Retrievability: Alphabetically by name.

Safeguards: Maintained in file safe within the office of the Security and Safety Branch. File safe remains locked except during access to records. During duty hours, file safe is under the surveillance of personnel charged with the custody of the records, and after duty hours is behind locked doors. Combination is known only to designated members of Security and Safety staff. Access is limited to personnel who have a need for access to perform their official functions.

Retention and disposal: Retained indefinitely.

System manager(s) and address: Chief, Security and Safety Branch NLRB, 1717 Pennsylvania Avenue, N.W., Washington, D.C. 20570

Notification procedure: An individual inquiring whether this system contains records on such individual should direct such inquiries to the System Manager specified above.

Record access procedures: An individual seeking to gain access to records in this system pertaining to such individual should contact the System Manager specified above.

Contesting record procedures: An individual seeking to contest records in this system pertaining to such individual should contact the System Manager specified above.

Record source categories: Claimants, investigators, and witnesses.

NLRB-5

System name: Employment and Performance Records, Attorneys and Field Examiners

System location: Office of Executive Assistant to Associate General Counsel; Board Members' Offices; Office of the Solicitor NLRB, 1717 Pennsylvania Avenue, N. W. Washington, D. C. 20570

Washington and Field Offices are authorized to maintain the records or copies of the records for current and former NLRB employees of that office. See the attached appendix for addresses of the Washington and Field Offices.

Categories of individuals covered by the system: Current and former Attorneys and Field Examiners in offices under the general supervision of the General Counsel; current and former Attorneys employed on Board Members' Staffs and in the Office of the Solicitor.

Categories of records in the system: Records may include copies of employment applications, copies of personnel records, educational transcripts, resumes, employment interview reports, evaluation reports, career development appraisals, recommendations concerning promotion, copies of the official personnel file, correspondence, memoranda, and other information relevant thereto.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records, or information therefrom, are disclosed:

1. To Agency officials and employees who have a need for the records or information.
2. To individuals who have a need for the information in connection with the processing of an appeal, grievance, or complaint. Wherever feasible, such information shall be furnished in depersonalized form, i.e., without personal identifiers.
3. To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
4. To officials of labor organizations recognized under Public Law 95-454, when relevant and necessary to their duties of exclusive representation of NLRB employees under the Act. Wherever feasible and consistent with responsibilities under the Act, such information shall be furnished in depersonalized form, i.e., without personal identifers.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on paper including forms, letters, and memoranda.

Retrievability: Alphabetically by name.

Safeguards: Maintained in file cabinets. During duty hours cabinets are under the surveillance of personnel charged with custody of the records, and after duty hours are behind locked doors. Access is limited to personnel having a need for access to perform their official functions.

Retention and disposal: Retained for an indefinite period of time.

System manager(s) and address: 1. to those applicants for positions under supervision of the General Counsel--Executive Assistant to the Associate General Counsel NLRB, 1717 Pennsylvania Avenue, N. W. Washington, D.C. 20570

2. To those applicants for positions under supervision of a Board Member—Chief Counsel to that Board Member NLRB, 1717 Pennsylvania Avenue, N.W. Washington, D.C. 20570

3. To those applicants for positions under supervision of the Solicitor—Solicitor NLRB, 1717 Pennsylvania Avenue, N.W. Washington, D.C. 20570

See the attached appendix for titles and addresses of officials at other locations responsible for this system at their locations.

Notification procedure: 1. Current NLRB employees inquiring whether this system contains records on such individuals should direct such inquiries to their supervisors.

2. An individual other than a current NLRB employee inquiring whether this system contains a record on such individual should direct such inquiry to the appropriate System Manager specified above, or to the official designated under "System Manager" as responsible for the system in the office where the individual was formerly employed.

Record access procedures: An individual seeking access to records in this system pertaining to such individual should contact the appropriate official or office designated under "Notification procedure".

Contesting record procedures: An individual seeking to contest records in this system pertaining to such individual should contact the appropriate official or office designated under "Notification procedure".

Record source categories: The individual, the Personnel Branch, educational institutions, interviewers, evaluators, references, previous employers, and supervisors.

NLRB-6

System name: Employment and Performance Records, Nonprofessionals and Nonlegal Professionals

System location: Records are authorized to be maintained for current and former NLRB employees in all Agency offices. See the attached appendix for the addresses of these offices.

Categories of individuals covered by the system: Current and former nonprofessional employees and nonlegal professional employees of the Agency.

Categories of records in the system: Records may include copies of employment applications, educational transcripts, resumes, employment interview reports, evaluation reports, career development appraisals, recommendations concerning promotion, copies of personnel records, correspondence, memoranda, and other information relevant thereto.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

These records, or information therefrom, are disclosed:

1. To Agency officials and employees who have a need for the records or information to evaluate job performance, developmental needs, potential within the Agency, and readiness for promotion.

2. To individuals who have a need for the information in connection with the processing of a grievance, appeal, or complaint. Wherever feasible, such information shall be furnished in depersonalized form, i.e., without personal identifiers.

3. To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

4. To officials of labor organizations recognized under Public Law 95-454, when relevant and necessary to their duties of exclusive representation of NLRB employees under the Act. Wherever feasible and consistent with responsibilities under the Act, such information shall be furnished in depersonalized form, i.e., without personal identifiers.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on paper including forms, letters, and memoranda.

Retrievability: Alphabetically by name.

Safeguards: Maintained in file cabinets. During duty hours cabinets are under the surveillance of personnel charged with custody of the records, and after duty hours are behind locked doors. Access is limited to personnel having a need for access to perform their official functions.

Retention and disposal: Retained for an indefinite period of time.

System manager(s) and address: See the attached appendix for the titles and addresses of officials responsible for this system at their locations.

Notification procedure:

1. Current NLRB employees inquiring whether this system contains records on such individuals should direct such inquiries to their supervisors.

2. An individual other than a current NLRB employee inquiring whether this system contains a record on such individual should direct such inquiry to the official designated under "System Manager" as responsible for the system in the office where the individual was formerly employed.

Record access procedures: An individual seeking access to records in this system pertaining to such individual should contact the appropriate official or office designated under "Notification procedure".

Contesting record procedures: An individual seeking to contest records in this system pertaining to such individual should contact the appropriate official or office designated under "Notification procedure".

Record source categories: The individual, the Personnel Branch, professional employees, educational institutions, interviewers, evaluators, references and previous employers.

NLRB-7

System name: Grievances, Appeals, and Complaints Records

System location: Records are authorized to be maintained for current and former NLRB employees in all Agency offices. See the attached appendix for the addresses of these offices.

Categories of individuals covered by the system: Current and former employees of the Agency.

Categories of records in the system: Records may include formal or informal grievances, appeals, and complaints, together with information and documents related thereto; letters or notices to the individual; records of hearings when conducted, materials placed in the file to support or contradict the decision or determination on such grievance, appeal, or complaint; affidavits or statements; testimonies of witnesses; investigative reports; and related correspondence and recommendations.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records, or information therefrom, are disclosed:

1. To Agency officials and employees who have a need for the records or information.

2. To respond to general requests for statistical information (without personal identification of individuals).

3. To refer, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, state, or local, charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

4. To respond to a subpoena and/or refer to an arbitrator or court of competent jurisdiction.

5. To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

6. To officials of labor organizations recognized under Public Law 95-454, when relevant and necessary to their duties of exclusive representation of NLRB employees under the Act. Wherever feasible and consistent with responsibilities under the Act, such information shall be furnished in depersonalized form, i.e., without personal identifiers.

7. To individuals who have a need for the information in connection with the processing of a grievance, appeal, or complaint. Wherever feasible, such information shall be furnished in depersonalized form, i.e., without personal identifiers.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on forms, documents, letters, memoranda, and other similar papers.

Retrievability: Alphabetically by name.

Safeguards: Access to and use of these records are limited to those persons whose official duties require such access until the records are required to be made public in support of an Agency action or position. These records are maintained in file cabinets which during duty hours are under the surveillance of personnel charged with custody of the records and after duty hours are behind locked doors.

Retention and disposal: Maintained for an indefinite period of time.

System manager(s) and address:

1. To those employees under supervision of the General Counsel—Deputy General Counsel
NLRB, 1717 Pennsylvania Avenue, N.W.
Washington, D.C. 20570
2. To those employees under supervision of the Board—Deputy Executive Secretary
NLRB, 1717 Pennsylvania Avenue, N.W.
Washington, D.C. 20570

Notification procedure:

1. Inquiries from current NLRB employees on whether this system contains records on such individuals should be directed to their supervisors.

2. Inquiries from individuals other than current NLRB employees as to whether this system contains records on such individuals should be directed to the appropriate System Manager specified above.

Record access procedures: A current NLRB employee seeking to gain access to records in this system pertaining to such employee should contact his or her supervisor.

An individual other than a current NLRB employee seeking to gain access to records in this system pertaining to such individual should contact the appropriate System Manager specified above.

Contesting record procedures: A current NLRB employee seeking to contest records in this system pertaining to such employee should contact his or her supervisor.

An individual other than a current NLRB employee seeking to contest records in this system pertaining to such individual should contact the appropriate System Manager specified above.

Record source categories: Information in this system is obtained from the individual to whom the record pertains; Agency officials; affidavits, statements, and record testimony of individuals; and other documents and memoranda relating to the grievance, appeal, or complaint.

NLRB-8

System name: Health Maintenance Program Records

System location:

Security and Safety Branch
NLRB, 1717 Pennsylvania Avenue, N.W.
Washington, D.C. 20570

Categories of individuals covered by the system: Current and former NLRB employees participating in Agency sponsored health maintenance programs, such as blood donor program, diabetes tests, glaucoma tests, and similar programs.

Categories of records in the system: Records may include individuals' names and dates of participation in health maintenance programs, and the name of program in which participated. Also, for blood donor program, contains social security number, sex, donor identification number, home address and telephone, date of last donation, medications being taken, blood type, whether accepted or rejected as donor, and information relevant to the above.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records, or information therefrom, are disclosed:

1. To Agency officials and employees who have a need for the records or information:

a. In the administration of voluntary health maintenance programs.

b. As a data source for production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained (without personal identification of individuals).

2. To respond to general requests for statistical information (without personal identification of individuals).

3. To the International Red Cross insofar as the records or information pertain to the blood donor program.

4. To the U.S. Department of Health, Education, and Welfare in the administration of public health service programs.

5. To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on logs, forms, and other papers.

Retrievability: By program name and within each program alphabetically by name.

Safeguards: Maintained in file safe within the office of the Security and Safety Branch. File safe remains locked except during access to records. During duty hours, file safe is under the surveillance of personnel charged with the custody of the records, and after duty hours is behind locked doors. Combination is known only to designated members of Security and Safety staff. Access is limited to personnel who have a need for access to perform their official functions.

Retention and disposal: Retained indefinitely.

System manager(s) and address:

Chief, Security and Safety Branch
NLRB, 1717 Pennsylvania Avenue, N.W.
Washington, D.C. 20570

Notification procedure:

1. An individual inquiring whether this system contains records on such individual should direct such inquiries to the System Manager specified above.

2. In determining whether this system contains records on the inquirer, the following information is required: the inquirer's name and the particular health maintenance program about which inquiry is being made.

Record access procedures: An individual seeking to gain access to records in this system should contact the System Manager specified above.

In granting access to records in this system, the following information is required: the inquirer's name and the particular health maintenance program about which inquiry is being made.

Contesting record procedures: An individual seeking to contest records in this system pertaining to such individual should contact the System Manager specified above.

Record source categories: Information submitted by individual; officials of the servicing Health Units; International Red Cross.

NLRB-9

System name: Occupational Injury and Illness Records

System location:

Security and Safety Branch
NLRB, 1717 Pennsylvania Avenue, N.W.
Washington, D.C. 20570

Each Washington and Field Office is authorized to maintain copies of records in this system. See the attached appendix for addresses of the Washington and Field Offices.

Categories of individuals covered by the system: Current and former NLRB employees who have reported a work-related injury or illness.

Categories of records in the system: Records may include information pertaining to the complete history of the employee's ocupational injury or illness, including any doctors' or investigative reports submitted, and the disposition of claims for compensation filed under the Federal Employees Compensation Act and information Act and information relative thereto.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records, or information therefrom, are disclosed:

1. To Agency officials and employees who have a need for the records or information:

a. In processing reports of occupational injury or illness and claims for compensation under the Federal Employees Compensation Act.

b. As a data source for management information for 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.

2. To respond to general requests for statistical information (without personal identification of individuals).

3. To the U.S. Department of Labor for purposes of adjudicating claims for compensations under the Federal Employees Compensation Act.

4. To the U.S. Department of Health, Education, and Welfare in the administration of public health service programs.

5. To a court of competent jurisdiction for adjudicating claims arising under the Federal Employees Compensation Act.

6. To an investigator utilized by the Agency to obtain information relevant to a claim arising under the Federal Employees Compensation Act.

7. To the appropriate agency, whether Federal, state, or local, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, charged with the responsibility of investigating or prosecuting such violation or

enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

8. To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

9. To officials of labor organizations recognized under Public Law 95-454, when relevant and necessary to their duties of exclusive representation of NLRB employees under the Act. Wherever feasible and consistent with responsibilities under the Act, such information shall be furnished in depersonalized form, i.e., without personal identifiers.

10. To individuals who need the information in connection with the processing of an appeal, grievance or complaint. Wherever feasible such information shall be furnished in depersonalized form, i.e., without personal identifiers.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on forms and related correspondence.

Retrievability: Alphabetically by name.

Safeguards: Maintained in file safe within the Security and Safety Office. File safe remains locked except during access. During duty hours file safe is under the surveillance of personnel charged with the custody of the records, and after duty hours is behind locked doors. Combination is known only to designated members of Security and Safety staff. Access is limited to personnel who have a need for access to perform their official functions.

Retention and disposal: Retained indefinitely.

System manager(s) and address:

Chief, Security and Safety Branch

NLRB, 1717 Pennsylvania Avenue, N.W.

Washington, D.C. 20570

See the attached appendix for the titles and addresses of officials at other locations responsible for this system at their locations.

Notification procedure: An individual inquiring whether this system contains a record on such individual should direct such inquiry to the System Manager specified above.

Record access procedures: An individual seeking to gain access to records in this system pertaining to such individual should contact the System Manager specified above.

Contesting record procedures: An individual seeking to contest records in this system pertaining to such individual should contact the System Manager specified above.

Record source categories: Forms completed by the employee; witnesses; investigators; employee's supervisor; claims examiners of the U.S. Department of Labor; and doctors' statements, if any.

NLRB-10

System name: Pay Records—Retirement

System location:

Financial Management Branch

NLRB, 1717 Pennsylvania Avenue, N.W.

Washington, D.C. 20570

Categories of individuals covered by the system: Current NLRB employees under the Civil Service Retirement System.

Categories of records in the system: Records may include name, previous name if any; social security number; sex, birth date; entrance-on-duty date; employment history, including prolonged leave without pay; and monetary contributions to retirement fund made during employment, and information relevant thereto.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records, or information therefrom, are disclosed:

1. To Agency officials and employees who have a need for the records or information:

a. To administer the Civil Service Retirement System within the Agency.

b. As a data source for management information for 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.

2. To respond to general requests for statistical information (without personal identification of individuals).

3. To the Office of Personnel Management for administering the Civil Service Retirement System.

4. To the U.S. General Accounting Office for audit purposes.

5. To the appropriate agency, whether Federal, state, or local, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, charged with the responsibility of investigating or prosecuting such violation or enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

6. To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

7. To officials of labor organizations recognized under Public Law 95-454, when relevant and necessary to their duties of exclusive representation of NLRB employees under the Act. Wherever feasible and consistent with responsibilities under the Act, such information shall be furnished in depersonalized form, i.e., without personal identifiers.

8. To individuals who need the information in connection with the processing of an appeal, grievance or complaint. Wherever feasible, such information shall be furnished in depersonalized form, i.e., without personal identifiers.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on employment history cards and source documents.

Retrievability: By organizational unit and within each unit alphabetically by name.

Safeguards: Maintained in file cabinets within the Payroll and Reports Section office. During duty hours file cabinets are under surveillance of personnel charged with custody of the records, and after duty hours are behind locked doors. Access is limited to personnel who have a need for access to perform their official functions.

Retention and disposal: Maintained only on current employees. Transferred to the Office of Personnel Management upon termination of service with the Agency.

System manager(s) and address:

Finance Officer

NLRB, 1717 Pennsylvania Avenue, N.W.

Washington, D.C. 20570

Notification procedure: 1. An individual inquiring whether this system contains a record on such individual to the System Manager designated above.

2. In determining whether this system contains records on the inquirer, the following information is required: the inquirer's name and the organizational unit in which currently employed.

Record access procedures:

1. An individual seeking to gain access to records in this system pertaining to such individual should contact the System Manager specified above.

2. In granting access to records in this system, the following information is required: the inquirer's name and the year about which inquiry is being made.

Contesting record procedures: An individual seeking to contest records in this system pertaining to such individual should contact the System Manager specified above.

Record source categories: Personnel Branch, timekeepers, and supervisors.

NLRB-11

System name: Payroll—Finance Records

System location: Current records are maintained in:

Financial Management Branch

NLRB, 1717 Pennsylvania Avenue, N.W.

Washington, D.C. 20570

Inactive records are stored at the appropriate Federal records center in accordance with Federal Property Management Regulations of the U.S. General Services Administration (FPMR 101-11.4).

Categories of individuals covered by the system: Current and former employees of the Agency.

Categories of records in the system: Records may include each employee's name, home address, payroll identification number, organizational unit number, block number pay plan, grade and step, employee code, social security number, state identification code and name, leave earned and used, composite designator code and account number, and for the current pay period, quarterly and year-to-date hours worked, base pay, overtime pay, premium pay, miscellaneous pay, gross earnings, net earnings, and all withholdings from pay including retirement, taxes (Federal, state, and local), FICA, exemptions (Federal, state, and local), life, group, and optional insurance, bonds (authorization number and date of issuance), and miscellaneous allotments and deductions.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records, or information therefrom, are disclosed:

1. To Agency officials and employees who have a need for the records or information:
a. To compile payroll records.
b. To maintain Agency salary and expense accounts.
c. As a data source for management information for 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.
d. To transfer information from the records to the individual to whom the record pertains.
2. To respond to general requests for statistical information (without personal identification of individuals).
3. To individuals who need the information in connection with the processing of an appeal, grievance, or complaint. Wherever feasible, such information shall be furnished in depersonalized form, i.e., without personal identifiers.
4. To the U.S. Department of the Treasury for payroll purposes.
5. To the Office of Personnel Management concerning pay, benefits, retirement deductions and other information necessary for the Office to carry out its Government-wide personnel management functions.
6. To state and local authorities for the purposes of verifying tax collections, unemployment compensation claims, and administering public assistance programs.
7. To the U.S. Department of Health, Education, and Welfare for the administration of the social security program.
8. To the U.S. Department of Labor for processing or adjudicating claims under the Federal Employees Compensation Act.
9. To the U.S. General Accounting Office for audit purposes.
10. To the appropriate agency, whether Federal, state, or local where there is an indication of violation or potential violation of law, whether civil, criminal, or regulatory in nature, charged with the responsibility of investigating or prosecuting such violation or enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.
11. To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
12. To officials of labor organizations recognized under Public Law 95-454, when relevant and necessary to their duties of exclusive representation of NLRB employees under the Act. Wherever feasible and consistent with responsibilities under the Act, such information shall be furnished in depersonalized form, i.e., without personal identifiers.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on original source documents, computer printouts, and on a computer disk file with two magnetic tape backups.

Retrievability: Employee payroll file maintained chronologically by year, and within each year by organizational unit, and within each unit alphabetically by name.

Safeguards: All doors to the computer room are installed with combination locks and during duty hours the computer and magnetic tape backup are under surveillance of office personnel charged with custody of the records. After duty hours all doors remain locked. Access is limited to authorized personnel only. Use of the machines for information printouts is restricted to designated personnel and access is password protected. Original source documents are maintained in file cabinets. During duty hours cabinets are under surveillance of personnel charged with custody of the records, and after duty hours are behind locked doors. Access is limited to personnel having a need for access to perform their official functions.

Retention and disposal: Payroll records retained and disposed of in accordance with the applicable General Accounting Office and General Services Administration retention schedules. Microfilm and magnetic strip ledgers are maintained for 56 years after the last entry of data.

System manager(s) and address:

Finance Officer
NLRB, 1717 Pennsylvania Avenue, N.W.
Washington, D.C. 20570

Chief, Data Systems Branch
NLRB, 1717 Pennsylvania Avenue, N.W.
Washington, D.C. 20570

Notification procedure: 1. An individual inquiring whether this system contains a record on such individual should direct such inquiry to the System Manager first specified above.

2. In determining whether this system contains records on the inquirer, the following information is required: the inquirer's name; the year about which inquiry is being made; and, for records other than the payroll file, the organizational unit or units in which employed during that year.

Record access procedures: An individual seeking to gain access to records in this sytem pertaining to such individual should contact the System Manager first specified above.

In granting access to records in this system the following information is required: the inquirer's name; the year about which inquiry is being made; and, for records other than the payroll file, the organizational unit or units in which employed during that year.

Contesting record procedures: An individual seeking to contest records in this system should contact the System Manager first specified above.

Record source categories: The individual, the Personnel Branch, timekeepers, and supervisors; U.S. Civil Service Commission and Office of Personnel Management bulletins; taxing authority notices; and withholding authorizations.

NLRB-12

System name: Prefiling Communications

System location: Records are authorized to be maintained in all Field Offices of the Agency, at the addresses listed in the attached appendix, and

Office of the General Counsel
NLRB, 1717 Pennsylvania Avenue, N.W.
Washington, D.C. 20570

Categories of individuals covered by the system: Persons who have sought assistance regarding possible institution of an unfair labor practice, representation, or other civil action or proceeding before the National Labor Relations Board.

Categories of records in the system: Records may include file memoranda detailing the substance of oral communications, letters of inquiry, and responses thereto, may contain information relating to an individual's employment history, job performance, earnings, home address, telephone number, union activity, or other information relevant to a potential action or proceeding before the National Labor Relations Board.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: 1. These records, or information therefrom, are disclosed to Agency officials and employees who have a need for the records or information in the processing of cases before the Agency.

2. These records, or information therefrom, may be referred, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, to the appropriate agency, whether Federal, state, or local, 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.

3. Disclosures may also be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained in paper form in file folders.

Retrievability: Alphabetically by name.

Safeguards: Maintained in file cabinets in the nonpublic area of the office under the immediate control of the System Manager. During duty hours cabinets are under surveillance of personnel charged with custody of the records and after duty hours are behind locked doors.

Retention and disposal: In the event a civil action or proceeding is instituted prior to the record being destroyed, the record is placed in the case file which is not indexed by the name of the individual. In the event no action or proceeding is instituted, the records are destroyed after varying periods of time; however, not longer than 2 years.

System manager(s) and address:

General Counsel
NLRB, 1717 Pennsylvania Avenue, N.W.
Washington, D.C. 20570

See the attached appendix for titles and addresses of officials responsible for this system at their locations.

Notification procedure: An individual inquiring whether this system contains a record on such individual should direct such inquiry to the General Counsel or to the appropriate Regional Director, Officer-in-Charge, or Resident Officer of the Agency office where the individual sought or was referred to for assistance, at the address of that office specified in the attached appendix.

Record access procedures: An individual seeking to gain access to records in this system pertaining to such individual should contact the appropriate official or office designated under "Notification procedure".

Contesting record procedures: An individual seeking to contest records in this system pertaining to such individual should contact the appropriate official or office designated under "Notification procedure".

Record source categories: Individual who seeks assistance.

NLRB-13

System name: Time and Attendance Records, NLRB

System location: Current records are maintained in:

Financial Management Branch
NLRB, 1717 Pennsylvania Avenue, N.W.
Washington, D.C. 20570

Each Washington and Field Office maintains a copy of time and attendance records for current employees in that office, and is authorized to retain such records on former employees of that office. See the attached appendix for addresses of these offices.

Inactive records are stored at the appropriate Federal records center in accordance with Federal Property Management Regulations of the U.S. General Services Administration (FPMR 101-11.4).

Categories of individuals covered by the system: Current and former employees of the Agency.

Categories of records in the system: Records may include name; home address; organizational unit number; payroll identification number; entrance-on-duty date; time worked, including regular hours, overtime, compensatory time, and premium pay status; leave earned and used; absences without leave; and doctors' certificates, when required.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records, or information therefrom, are disclosed:

1. To Agency officials and employees who have a need for the records or information:
a. In the compilation of biweekly payrolls.
b. To maintain leave accounts.
c. As a data source for management information for 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.
2. To respond to general requests for statistical information (without personal identification of individuals).
3. To another Federal Government agency in connection with the transfer of an NLRB employee to that agency.
4. To the Office of Personnel Management for administering the Civil Service Retirement System.
5. To the U.S. General Accounting Office for audit purposes.
6. To another Government agency or private organization in connection with an agreement under the Intergovernmental Personnel Act.
7. To the U.S. Department of Labor for processing or adjudicating claims under the Federal Employees Compensation Act.
8. To the appropriate agency, whether Federal, state, or local, where there is an indication of a violation or potential violation of law, whether civil, criminal, or regulatory in nature, charged with the responsibility of investigating or prosecuting such violation or enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.
9. To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.
10. To individuals who have a need for the information in connection with the processing of an appeal, grievance, or complaint. Wherever feasible, such information shall be furnished in depersonalized form, i.e., without personal identifiers.
11. To officials of labor organizations recognized under Public Law 95-454, when relevant and necessary to their duties of exclusive representation of NLRB employees under the Act. Wherever feasible and consistent with responsibilities under the Act, such information shall be furnished in depersonalized form, i.e., without personal identifiers.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on Standard Form 1130 and related forms and papers, and on microfilm.

Retrievability: Chronologically by year, and within each year by organizational unit, and within each unit alphabetically by name.

Safeguards: Original source documents or copies thereof are maintained in file cabinets. Microfilm is maintained in locked fireproof metal cabinets. During duty hours cabinets are under surveillance of personnel charged with custody of the records, and after duty hours are behind locked doors. Access is limited to personnel having a need for access to perform their official functions.

Retention and disposal: Retained and disposed of in accordance with General Accounting Office and General Services Administration retention schedules. Original source documents are retained within the Agency for 3 years and then transferred to the appropriate Federal record center for the balance of the retention period. Microfilm records are maintained within the Agency for the full period specified in the appropriate retention schedule.

System manager(s) and address: Finance Officer
NLRB, 1717 Pennsylvania Avenue, N. W.
Washington, D. C. 20570
See the attached appendix for the titles and addresses of officials at other locations responsible for this system at their locations.

Notification procedure: 1. Current NLRB employees inquiring whether this system contains records on such individuals should direct such inquiries to their supervisors.

2. An individual other than a current NLRB employee inquiring whether this system contains a record on such individual should direct such inquiry to the "System Manager" specified above, or official designated under "System Manager" as responsible for this system in the office where the individual was previously employed.

3. In determining whether this system contains records on the inquirer, the following information is required: year about which inquiry is being made, and inquirer's name and organizational unit or units in which employed during that year.

Record access procedures: 1. An individual seeking to gain access to records in this system pertaining to such individual should contact the appropriate official or office designated under "Notification procedure".

2. In granting access to records in this system, the following information is required: the year about which inquiry is being made, and the inquirer's name and organizational unit or units in which employed during that year.

Contesting record procedures: An individual seeking to contest records in this system pertaining to such individual should contact the appropriate official or office designated under "Notification procedure".

Record source categories: Individual to whom the record pertains, timekeeper or supervisor, doctors' statements.

NLRB-14

System name: Equal Employment Opportunity Program Management System

System location:

Data System Branch
NLRB, 1717 Pennsylvania Avenue, N.W.
Washington, D.C. 20570

Categories of individuals covered by the system: Current and former NLRB employees.

Categories of records in the system: Records may include information such as employee name, social security number, Minority Group Designator (MGD), Code, employment status, sex, date of birth, payroll block and unit number, pay plan, grade and step, entrance-on-duty date, date of last promotion, date of last quality step increase, employment class and date of separation.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: These records, or information therefrom, are disclosed:

1. To Agency officials and employees who have a need for the record or information:
a. In monitoring and evaluating the status and progress of minority/female employment.
b. As a data source for management information for production of summary descriptive statistics and analytical studies in support of the Agency's EEO Program (without personal identification of individuals).

c. In connection with the investigation, processing, adjudication and/or settlement of an EEO complaint or civil action.

2. To respond to general requests for statistical information (without personal identification of individuals).

3. To the Office of Personnel Management, Equal Employment Opportunity Commission, or other Federal agencies responsible for oversight and/or enforcement of Federal EEO regulations.

4. To a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

5. To the appropriate agency, whether Federal, state, or local, where there is an indication of a violation, or potential violation of law, whether civil, criminal or regulatory in nature, charged with the responsbility of investigating or prosecuting such violation or enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto.

6. To officials of labor organizations recognized under Public Law 95-454, when relevant and necessary to their duties of exclusive representation of NLRB employees under the Act. Wherever feasible and consistent with responsibilities under the Act, such information shall be furnished in depersonalized form, i.e., without personal identifiers.

7. To individuals who have a need for the information in connection with the processing of an appeal, grievance, or complaint. Wherever feasible, such information shall be furnished in depersonalized form, i.e., without personal identifiers.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage: Maintained on computer disk file and magnetic tape backup.

Retrievability: By social security account number or alphabetically by name.

Safeguards: All doors to the computer room have combination locks and during duty hours the computer and magnetic tape backup are under surveillance of Agency personnel charged with custody of the records. After duty hours the computer disk file and magnetic tape backup are stored in a fireproof safe behind locked doors. Access is limited to authorized personnel only. All format programs are password protected and use of the machines for information printouts restricted to designated personnel.

Retention and disposal: The information in these records is updated as necessary as changes in the data elements occur. Information on former employees is retained for three years following their separation from the Agency.

System manager(s) and address:

Director, Equal Employment Opportunity
NLRB, 1717 Pennsylvania Avenue, N.W.
Washington, D.C. 20570

Notification procedure: An individual inquiring whether this system contains a record on such individual should direct such inquiry to the System Manager specified above.

Record access procedures: An individual seeking to gain access to records in this system pertaining to such individual should contact the System Manager specified above.

Contesting record procedures: An individual seeking to contest records in this system pertaining to such individual should contact the System Manager specified above.

Record source categories: Information in this system is obtained from the individual to whom the record pertains, Agency officials and from personnel records.

APPENDIX

Names and Addresses of NLRB Offices referenced in Notice of Record Systems shown above:

NLRB HEADQUARTERS OFFICES

Offices of the Board
Members of the Board
Executive Secretary, Office of the Executive Secretary
Solicitor
Director, Division of Information
Offices of the General Counsel
General Counsel
Associate General Counsel, Division of Operations Management
Associate General Counsel, Division of Advice
Associate General Counsel, Division of Enforcement Litigation
Director, Office of Appeals
Director, Division of Administration
Director, Equal Employment Opportunity

Address: 1717 Pennsylvania Avenue, N.W.
Washington, D.C. 20570

Chief Administrative Law Judge, Division of Administrative Law Judges

Address: Room 1121, Hamilton Building
1375 K Street, N.W.
Washington, D.C. 20005

West Coast Presiding Judge (San Francisco Office), Division of Administrative Law Judges

Address: Suite 12054, Federal Building
450 Golden Gate Avenue, Box 36006
San Francisco, CA 94102

NLRB FIELD OFFICES

Regional Director
National Labor Relations Board
Region 1
12th Floor, Keystone Building
99 High Street
Boston, Massachusetts 02110

Regional Director
National Labor Relations Board
Region 2
3614 Federal Building
26 Federal Plaza
New York, New York 10007

Regional Director
National Labor Relations Board Region 3
Federal Building, Room 901
111 West Huron Street
Buffalo, New York 14202

Regional Director
National Labor Relations Board Region 4
William J. Green Jr., Federal Building
600 Arch Street, Room 4400
Philadelphia, Pennsylvania 19106

Regional Director
National Labor Relations Board Region 5
Edward A. Garmatz Federal Building
101 West Lombard Steet
Baltimore, Maryland 21201

Regional Director
National Labor Relations Board Region 6
Porter Building, 10th Floor
601 Grant Street
Pittsburgh, Pennsylvania 15219

Regional Director
National Labor Relations Board Region 7
Patrick V. McNamara Federal Building
Room 300
477 Michigan Avenue
Detroit, Michigan 48226

Regional Director
National Labor Relations Board
Region 8
Anthony J. Celebrezze Federal Building
1240 E. 9th Street, Room 1695
Cleveland, Ohio 44199

Regional Director
National Labor Relations Board
Region 9
3003 Federal Office Building
550 Main Street
Cincinnati, Ohio 45202

Regional Director
National Labor Relations Board
Region 10
101 Marietta Tower—Suite 2400
101 Marietta Street, N.W.
Atlanta, Georgia 30303

Regional Director
National Labor Relations Board
Region 11
US Courthouse, Federal Building
251 North Main Street, Room 447
Winston-Salem, North Carolina 27010

Regional Director
National Labor Relations Board
Region 12
Federal Office Building, Room 706
500 Zack Street
Tampa, Florida 33602

Regional Director
National Labor Relations Board
Region 13
Everett McKinley Dirksen Building
219 South Dearborn Street
Chicago, Illinois 60604

Regional Director
National Labor Relations Board
Region 14
Room 448
210 North 12th Boulevard
St. Louis, Missouri 63101

Regional Director
National Labor Relations Board
Region 15
2700 Plaza Tower
1001 Howard Avenue
New Orleans, Louisiana 70113

Regional Director
National Labor Relations Board
Region 16
8A24 Federal Office Building
819 Taylor Street
Fort Worth, Texas 76102

Regional Director
National Labor Relations Board
Region 17
616 Two Gateway Center
Fourth at State
Kansas City, Kansas 66101

Regional Director
National Labor Relations Board
Region 18
316 Federal Building
110 South Fourth Street
Minneapolis, Minnesota 55401

Regional Director
National Labor Relations Board
Region 19
Federal Building, Room 2948
915 Second Avenue
Seattle, Washington, 98174

Regional Director
National Labor Relations Board
Region 20
13018 Federal Building
450 Golden Gate Avenue
San Francisco, California 94102

Regional Director
National Labor Relations Board
Region 21
City National Bank Building—24th Floor
606 South Olive Street
Los Angeles, California 90014

Regional Director
National Labor Relations Board
Region 22
1600 Federal Building
970 Broad Street
Newark, New Jersey 07102

Regional Director
National Labor Relations Board
Region 23
One Allen Center, Room 920
500 Dallas Avenue
Houston, Texas 77002

Regional Director
National Labor Relations Board
Region 24
Federal Building
U.S. Courthouse, 5th Floor
Carlos E. Chardon Avenue
Hato Rey, Puerto Rico 00918

Regional Director
National Labor Relations Board
Region 25
232 Federal Office Building
575 North Pennsylvania Street
Indianapolis, Indiana 46204

Regional Director
National Labor Relations Board
Region 26
Mid-Memphis Tower—8th Floor
1407 Union Avenue
Memphis, Tennessee 38104

Regional Director
National Labor Relations Board
Region 27
U.S. Custom House, Room 260
721 19th Street
Denver, Colorado 80202

Regional Director
National Labor Relations Board
Region 28
3030 North Central Avenue, 2nd Floor
P.O. Box 33069
Phoenix, Arizona 85067

Regional Director
National Labor Relations Board
Region 29
Fourth Floor
16 Court Street
Brooklyn, New York 11241

Regional Director
National Labor Relations Board
Region 30
230 Commerce Building
744 North Fourth Street
Milwaukee, Wisconsin 53203

Regional Director
National Labor Relations Board
Region 31
12100 Federal Building
11000 Wilshire Boulevard
Los Angeles, California 90024

Regional Director
National Labor Relations Board
Region 32
P.O. Box 2410
7901 Oakport Street
Oakland, California 94621

Regional Director
National Labor Relations Board
Region 33
Savings Center Tower, 10th Floor
411 Hamilton Avenue
Peoria, Illinois 61602

Officer-in-Charge
National Labor Relations Board
Subregion 36
310 Six Ten Broadway Building
610 S.W. Broadway
Portland, Oregon 97205

Officer-in-Charge
National Labor Relations Board
Subregion 37
300 Ala Moana Boulevard, Room 7318
P.O. Box 50208
Honolulu, Hawaii 96850

Resident Officer
National Labor Relations Board
Resident Office—Region 3
New Federal Building
Clinton Avenue at North Pearl Street
Albany, New York 12207

Resident Officer
National Labor Relations Board
Resident Office—Region 5
Gelman Building, Suite 100
2120 L Street, N. W.
Washington, D.C. 20570

Resident Officer
National Labor Relations Board
Resident Office—Region 10
City Federal Building, Room 2102
2026 Second Avenue North
Birmingham, Alabama 35203

Resident Officer
National Labor Relations Board
Resident Office—Region 12
Suite 410, 1570 Madruga Avenue
Coral Gables, Florida 33146

Resident Officer
National Labor Relations Board
Resident Office—Region 12
278 Federal Building
400 West Bay Street, Box 35091
Jacksonville, Florida 32202

Resident Officer
National Labor Relations Board
Resident Office—Region 16
Skyline East Building, 1st Fl. So. Tower
6128 East 38th Street
Tulsa, Oklahoma 74135

Resident Officer
National Labor Relations Board
Resident Office—Region 19
Hill Building, Room 409
632 West Sixth Avenue
Anchorage, Alaska 99501

Resident Officer
National Labor Relations Board
Resident Office—Region 21
U.S. Courthouse, Room 2-N-20
940 Front Street
San Diego, California 92189

Resident Officer
National Labor Relations Board
Resident Office—Region 23
Federal Building, Room 509A
727 E. Durango Boulevard
San Antonio, Texas 78205

Resident Officer
National Labor Relations Board
Resident Office—Region 26
1 Union National Plaza, Suite 1120
Little Rock, Arizona 72201

Resident Officer
National Labor Relations Board
Resident Office—Region 26
Federal Building, Room A-702
U.S. Courthouse
Nashville, Tennessee 37203

Resident Officer
National Labor Relations Board
Resident Office—Region 28
307 Pershing Building
4100 Rio Bravo Street
El Paso, Texas 79902

Resident Officer
National Labor Relations Board
Resident Office—Region 28
Patio Plaza Building, Upper Level
5000 Marble Avenue, N.E.
Albuquerque, New Mexico 87110

Resident Officer
National Labor Relations Board
Resident Office—Region 31
Room 3402
300 Las Vegas Boulevard South
Las Vegas, Nevada 89101

federal register

Monday
October 1, 1979

Part VII

Department of Energy

Economic Regulatory Administration

Gas and Electric Utilities Covered in 1980

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[Docket No. ERA-R-79-43]

Gas and Electric Utilities Covered in 1980 by Titles I and III of the Public Utility Regulatory Polices Act of 1978 and Title II of the National Energy Conservation Policy Act of 1978 and Requirement for State Regulatory Authorities to Notify the Department of Energy

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice.

SUMMARY: Sections 102(c) and 301(d) of the Public Utility Regulatory Policies Act of 1978 (PURPA) and section 211(b) of the National Energy Conservation Policy Act (NECPA) require the Secretary of Energy to publish a list, before the beginning of each calendar year, identifying each gas utility and electric utility to which Titles I and III of PURPA and Part 1 of Title II of NECPA apply during such calendar year. This Notice contains the list for 1980. Each State regulatory authority is required, pursuant to sections 102(c) and 301(d) of PURPA and section 211(b) of NECPA, to notify the Secretary of Energy of each gas utility and electric utility on the list for which such State regulatory authority has ratemaking authority. Written comments are requested on the accuracy of the list of gas utilities and electric utilities.

DATES: Notifications by State regulatory authorities and written comments must be received by November 15, 1979.

ADDRESS: Notifications and written comments should be forwarded to: Department of Energy, Office of Public Hearings Management, 2000 M Street, NW. (Room 2313), Docket No. ERA-R-79-43, Washington, D.C. 20461.

FOR FURTHER INFORMATION CONTACT: Stephen S. Skjei, Office of utility Systems, Economic Regulatory Administration, Department of Energy, 2000 M Street, NW., (Room 4016), Washington, D.C. 20461, (202) 254-8209.

SUPPLEMENTARY INFORMATION:

I. Background

Pursuant to sections 102(c) and 301(d) of the Public Utility Regulatory Policies Act of 1978 (PURPA), Pub. L. 95-617, 92 Stat. 3117 *et seq.* (16 U.S.C. 2601 *et. seq.*), and section 211(b) of the National Energy Conservation Policy Act (NECPA), Pub. L. 95-619, 92 Stat. 3206 *et seq.*, hereinafter referred to as the "Acts," the Department of Energy (DOE) is required to publish a list of utilities to which Titles I and III of PURPA and Part 1 of title II of NECPA apply in 1980. State regulatory authorities are required by the above cited sections of the Acts to notify the Secretary of Energy as to their ratemaking authority over the listed utilities. The inclusion or exclusion of any utility on or from the list does not affect the legal obligations of such utility or the responsible State regulatory authority under the Acts.

The term "State regulatory authority" means any State, including the District of Columbia and Puerto Rico, political subdivision thereof, and any agency or instrumentality of either which has authority to fix, modify, approve, or disapprove rates with respect to the sale of electric energy or natural gas by any utility (other than such State agency), and in the case of a utility for which the Tennessee Valley Authority (TVA) has ratemaking authority, the term "State regulatory authority" means the TVA.

Title I of PURPA sets forth ratemaking and regulatory policy standards with respect to electric utilities. Section 102(c) requires the Secretary of Energy to publish a list, before the beginning of each calendar year, identifying each electric utility to which title I applies during such calendar year. An electric utility is defined as any person, State agency or Federal agency, which sells electric energy. An electric utility is covered by Title I for any calendar year if the electric utility had total sales of electric energy for purposes other than resale in excess of 500 million kilowatt-hours during any calendar year beginning after December 31, 1975, and before the immediately preceding calendar year. An electric utility is covered in 1980 if it exceeded the threshold in 1976, 1977 or 1978.

Title III of PURPA addresses ratemaking and other regulatory policy standards with respect to natural gas utilities. Section 301(d) of Title III requires the Secretary of Energy to publish a list, before the before the beginning of each calendar year, identifying each gas utility to which Title III applies during such calendar year. A gas utility is defined as any person, State agency or Federal agency, engaged in the local distribution of natural gas, and the sale of natural gas to any ultimate consumer of natural gas. A gas utility is covered by Title III for any calendar year if the gas utility had total sales of natural gas for purposes other than resale in excess of 10 billion cubic feet during any calendar year beginning after December 31, 1975, and before the immediately preceding calendar year. A gas utility is covered in 1980 if it exceeded the threshold in 1976, 1977 or 1978.

Title II, Part 1, of NECPA addresses residential conservation programs. Section 211(b) contains a requirement, similar to that of PURPA, that the Secretary of Energy publish a list of electric and gas utilities to which Part 1 applies. The NECPA requirements for coverage of gas utilities and electric utilities differ from the PURPA requirements in only three respects:

(1) The threshold for electric utilities is 750 million kilowatt-hours for purposes other than resale;

(2) A utility is covered for any calendar year if it exceeded the threshold during the second preceding calendar year. A utility is covered in 1980 if it exceeded the threshold in 1978; and

(3) Only utilities which have residential sales are covered.

II. Notification and Comment Procedures

No later than November 15, 1979, each State regulatory authority must notify the Department of Energy in writing of each utility on the list over which it has ratemaking authority. Fifteen copies of such notification should be submitted to the address indicated in the "ADDRESSES" section of this Notice and should be identified on the outside of the envelope and on the document with the designation "Docket No. ERA-R-43." Such notification should include (1) a complete list of electric utilities and gas utilities over which the State regulatory authority has ratemaking authority, (2) legal citations pertaining to the ratemaking authority of the State regulatory authority, and (3) for any listed utility known to be subject to other ratemaking authorities within the State for portions of its service area, a precise description of the portion to which such notification applies.

All interested persons including State regulatory authorities, are invited to comment in writing on any errors or omissions with respect to the list. Five copies of such comments should be sent to the address indicated in the "ADDRESSES" section of this Notice and should be identified on the outside of the envelope and on the document with the designation "Docket No. ERA-79-43." Written comments should include the commenter's name, address and telephone number.

All notifications and comments received by DOE will be available for public inspection in the DOE Reading Room, Room GA-152, James Forrestal Building, 1000 Independence Avenue SW., Washington, D.C. 20585, between

the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

III. List of Electric Utilities and Gas Utilities

The following list of utilities complies with both PURPA and NECPA coverage requirements, with exceptions noted for listed utilities not covered by NECPA. The utilities are listed alphabetically, subdivided into electric utilities and gas utilities, and further subdivided by type of ownership: privately-owned, publicly-owned, and rural cooperative.

All electric utilities, except those marked (*), are covered by both the regulatory policy provisions of PURPA Title I *and* the residential conservation provisions of NECPA. Those electric utilities marked (*) are *not* covered by NECPA.

Electric Utilities

All utilities listed below had electric energy sales, for purposes other than resale, in excess of 500 million kilowatt–hours in 1976, 1977 or 1978. All, except those marked (*), are covered by PURPA Title I and NECPA Title II. Utilites marked (*) either do not exceed the NECPA threshold of 750 million kilowatt–hours in 1978 or do not have residential sales and, therefore, are not covered by NECPA Title II. The utilities listed more than once have sales in more than one State and those States are indicated by abbreviations in parentheses.

Investor-Owned

Alabama Power Company
Appalachian Power Company (VA)
Appalachian Power Company (WV)
Arizona Public Service Company
Arkansas-Missouri Power Company (AR)
Arkansas-Missouri Power Company (MO)
Arkansas Power & Light Company (AR)
Arkansas Power & Light Company (TN)
Atlantic City Electric Company
Baltimore Gas & Electric Company
Bangor Hydro-Electric Company
Black Hills Power & Light Company (MT)
Black Hills Power & Light Company (SD)
Black Hills Power & Light Company (WY)
Blackstone Valley Electric Company
Boston Edison Company
Brockton Edison Company
Cambridge Electric Light Company
Carolina Power & Light Company (NC)
Carolina Power & Light Company(SC)
Central Hudson Gas & Electric Corporation
Central Illinois Light Company
Central Illinois Public Service Company
Central Louisiana Electric Company
Central Maine Power Company
Central Power & Light Company
Central Telephone & Utilities Corporation (CO)
Central Telephone & Utilities Corporation (KS)
Central Vermont Public Service Corporation
Cincinnati Gas & Electric Company
Cleveland Electric Illuminating Company
Columbus and Southern Ohio Electric Company
Commonwealth Edison Company
Community Public Service Company (NM)
Community Public Service Company (TX)
Connecticut Light & Power Company
Consolidated Edison Company of New York
Consumers Power Company
CP National Corporation (AZ)
CP National Corporation (CA)
CP National Corporation (NV)
CP National Corporation (OR)
CP National Corporation (UT)
Dallas Power & Light Company
Dayton Power & Light Company
Delmarva Power & Light Company (DE)
Delmarva Power & Light Company of Maryland
Delmarva Power & Light Company of Virginia
Detroit Edison Company
Duke Power Company (NC)
Duke Power Company (SC)
Duquesne Light Company
El Paso Electric Company (NM)
El Paso Electric Company (TX)
Empire District Electric Company (AK)
Empire District Electric Company (KS)
Empire District Electric Company (MO)
Empire District Electric Company (OK)
*Fall River Electric Light Company
Florida Power Corporation
Florida Power & Light Company
Georgia Power Company
Green Mountain Power Corporation
Gulf Power Company
Gulf States Utilities Company (LA)
Gulf States Utilities Company (TX)
Hartford Electric Light Company
Hawaiian Electric Company, Inc.
Houston Lighting & Power Company
Idaho Power Company (ID)
Idaho Power Company (NV)
Idaho Power Company (OR)
Illinois Power Company
Indiana & Michigan Electric Company (IN)
Indiana & Michigan Electric Company (MI)
Indianapolis Power & Light Company
Interstate Power Company (IA)
Interstate Power Company (IL)
Interstate Power Company (MN)
Iowa Electric Light & Power Company
Iowa-Illinois Gas & Electric Company (IA)
Iowa-Illinois Gas & Electric Company (IL)
Iowa Power & Light Company
Iowa Public Service Company (IA)
Iowa Public Service Company (SD)
Iowa Southern Utilities Company
Jersey Central Power & Light Company
Kansas City Power & Light Company (KS)
Kansas City Power & Light Company (MO)
Kansas Gas & Electric Company
Kansas Power & Light Company
Kentucky Power Company
Kentucky Utilities Company (KY)
Kentucky Utilities Company (TN)
Kingsport Power Company
*Lake Superior District Power Company (MI)
*Lake Superior District Power Company (WI)
Long Island Lighting Company
Louisiana Power & Light Company
Louisville Gas & Electric Company
Madison Gas & Electric Company
Massachusetts Electric Company
Metropolitan Edison Company
Minnesota Power & Light Company
Mississippi Power Company
Mississippi Power & Light Company
*Missouri Edison Company
Missouri
Missouri Public Service Company
Missouri Utilities Company
Monongahela Power Company (OH)
Monongahela Power Company (WV)
Montana-Dakota Utilities Company (MT)
Montana-Dakota Utilities Company (ND)
Montana-Dakota Utilities Company (SD)
Montana-Dakota Utilities Company (WY)
Montana Power Company
Narrangansett Electric Company
Nevada Power Company
New Bedford Gas & Edison Light Company
*New Mexico Electric Service Company
New Orleans Public Service, Inc.
New York State Electric & Gas Corporation
Niagara Mohawk Power Corporation
Northern Indiana Public Service Company
Northern States Power Company (MN)
Northern States Power Company (ND)
Northern States Power Company (SD)
Northern States Power Company (WI)
*Northwestern Public Service Company
Ohio Edison Company
Ohio Power Company
Oklahoma Gas & Electric Company (AR)
Oklahoma Gas & Electric Company (OK)
*Old Dominion Power Company
Orange & Rockland Utilities
Otter Tail Power Company (MN)
Otter Tail Power Company (ND)
Otter Tail Power Company (SD)
Pacific Gas & Electric Company
Pacific Power & Light Company (CA)
Pacific Power & Light Company (ID)
Pacific Power & Light Company (MT)
Pacific Power & Light Company (OR)
Pacific Power & Light Company (WA)
Pacific Power & Light Company (WY)
Pennsylvania Electric Company (NY)
Pennsylvania Electric Company (PA)
Pennsylvania Power & Light Company
Philadelphia Electric Company
Portland General Electric Company
Potomac Edison Company (MD)
Potomac Edison Company (VA)
Potomac Edison Company (WV)
Potomac Electric Power Company (DC)
Potomac Electric Power Company (MD)
Potomac Electric Power Company (VA)
Public Service Company of Colorado
Public Service Company of Indiana
Public Service Company of New Hampshire (NH)
Public Service Company of New Hampshire (VT)
Public Service Company of New Mexico
Public Service Company of Oklahoma
Public Service Electric and Gas Company
Puget Sound Power & Light Company
Rochester Gas & Electric Corporation
Rockland Electric Company
St. Joseph Light & Power Company
San Diego Gas & Electric Power Company
Savannah Electric & Power Company
Sierra Pacific Power Company (CA)
Sierra Pacific Power Company (NV)
South Carolina Electric & Gas Company
Southern California Edison Company
Southern Indiana Gas & Electric Company
Southwestern Electric Power Company (AR)
Southwestern Electric Power Company (LA)
*Southwestern Electric Power Company (TX)
Southwestern Electric Service Company
Southwestern Public Service Company (KS)
Southwestern Public Service Company (NM)
Southwestern Public Service Company (OK)

Southwestern Public Service Company (TX)
Tampa Electric Company
Texas Electric Service Company
Texas Power & Light Company
Toledo Edison Company
Tucson Gas & Electric Company
*UGI Corporation
Union Electric Company (IA)
Union Electric Company (IL)
Union Electric Company (MO)
Union Light, Heat & Power Company
United Illuminating Company
*Upper Peninsula Power Company
Utah Power & Light Company (ID)
Utah Power & Light Company (UT)
Utah Power & Light Company (WY)
Virginia Electric & Power Company (NC)
Virginia Electric & Power Company (VA)
Virginia Electric & Power Company (WV)
Washington Water Power Company (ID)
Washington Water Power Company (WA)
West Penn Power Company
West Texas Utilities Company
Western Massachusetts Electric Company
Wheeling Electric Company
Wisconsin Electric Power Company (MI)
Wisconsin Electric Power Company (WI)
Wisconsin Power & Light Company
Wisconsin Public Service Corporation (MI)
Wisconsin Public Service Corporation (WI)

Publicly-Owned

*Albany Water, Gas & Light Commission (GA)
Anaheim—Electrical Division (CA)
Austin Electric Department (TX)
*Bristol Electric System (TN)
*Burbank Public Service Department (CA)
Central Lincoln People's Utility District (OR)
Chattanooga Electric Power Board (TN)
*Clarksville Department of Electricity (TN)
*Clatskanie People's Utility District (OR)
*Cleveland Division of Light & Power (OH)
*Cleveland Utilities (TN)
Colorado Springs Department of Public Utilities (CO)
Decatur Electric Department (AL)
Eugene Water & Electric Board (OR)
Fayetteville Public Works Commission (NC)
*Florence Electricity Department (AL)
*Gainesville-Alachua County Regional Electric, Water, and Sewer Utilities Board (FL)
Garland Electric Department (TX)
*Glendale Public Service Department (CA)
*Greeneville Light & Power System (TN)
Greenville Utilities Commission (NC)
Huntsville Utilities (AL)
Imperial Irrigation District (CA)
*Independence Power & Light Department (MO)
Jackson Utility Division—Electric Department (TN)
Jacksonville Electric Authority (FL)
Johnson City Power Board (TN)
Kansas City Board of Public Utilities (KS)
Knoxville Utility Board (TN)
*Lafayette Utility System (LA)
Lakeland Department of Electricity and Water (FL)
Lansing Board of Water & Light (MI)
Lincoln Electric System (NE)
Los Angeles Department of Water and Power
Lower Colorado River Authority
*Lubbock Power & Light (TX)
Memphis Light, Gas & Water Division (TN)
Modesto Irrigation District (CA)
*Muscatine Power & Water (IA)
Nashville Electric Service (TN)
Nebraska Public Power District (NE)
Nebraska Public Power District (SD)
Omaha Public Power District (IA)
Omaha Public Power District (NE)
Orlando Utilities Commission (FL)
*Palo Alto Electric Utility (CA)
*Pasadena Water & Power Department (CA)
*Power Authority of New York (NY)
Port Angeles Light & Water Department (WA)
Public Utility District No. 1 of Benton County (WA)
Public Utility District No. 1 of Chelan County (WA)
Public Utility District No. 1 of Clark County (WA)
Public Utility District No. 1 of Cowlitz County (WA)
Public Utility District of Franklin County (WA)
Public Utility District of Grant County (WA)
Public Utility District No. 1 of Grays Harbor County (WA)
Public Utility District No. 1 of Lewis County (WA)
Public Utility District No. 1 of Snohomish County (WA)
Puerto Rico Water Resources Authority (PR)
*Richmond Power & Light (IN)
Riverside Public Utilities (CA)
*Rocky Mount Public Utilities (NC)
Sacramento Municipal Utility District (CA)
Salt River Project Agricultural Improvement and Power District (AZ)
San Antonio Public Service Board (TX)
Santa Clara Electric Department (CA)
Seattle City Light Department (WA)
South Carolina Public Service Authority
Springfield City Utilities (MO)
*Springfield Utilities Board (OR)
Springfield Water, Light & Power Department (IL)
Tacoma Public Utilities—Light Division (WA)
Tallahassee, City of (FL)
*Turlock Irrigation District (CA)
Vernon Municipal Light Department (CA)
*Wilson Utilities Department (NC)

Rural Electric Cooperatives

*Anoka Electric Cooperative (MI)
*Appalachian Electric Cooperative (TN)
Chugach Electric Association (AK)
*Clay Electric Cooperative (FL)
Cumberland Electric Membership Corporation (TN)
*Duck River Electric Membership Corporation (TN)
*First Electric Cooperative Corporation (AR)
*Flint Electrical Membership Corporation (GA)
*Four County Electric Power Association (NC)
*Gibson County Electric Membership Corporation (TN)
Green River Electric Corporation (KY)
Henderson-Union Rural Electric Cooperative Corporation (KY)
*Jackson Electric Membership Corporation (GA)
*Lee County Electric Cooperative (FL)
*Meriwether Lewis Electric Cooperative (TN)
Middle Tennessee Electric Membership Corporation (TN)
*Moon Lake Electric Association (UT)
North Georgia Electric Membership Corporation (GA)
*Pedernales Electric Cooperative (TX)
*Pennyrile Rural Electric Cooperative Corporation (KY)
*Prince William Electric Cooperative (VA)
*Singing River Electric Power Association (MS)
*South Central Power Company (NE)
Southern Maryland Electric Cooperative, Inc. (MD)
*Southern Pine Electric Power Association (MS)
Southwest Louisiana Electric Membership Corporation (LA)
*Southwest Tennessee Electric Membership Corporation (TN)
*Tri-County Electric Membership Corporation (TN)
*Umatilla Electric Cooperative Association (OR)
*Upper Cumberland Electric Membership Corporation (TN)
Volunteer Electric Cooperative (TN)
*Warren Rural Electric Cooperative (KY)
*West Kentucky Rural Electric Cooperative Corporation (KY)
*Withlacoochee River Electric Cooperative, Inc. (FL)

Federal Agencies

*Bonneville Power Administration (OR)
*Tennessee Valley Authority (TN)
*Western Area Power Administration (CO)

GAS UTILITIES

All utilities listed below had natural gas sales, for purposes other than resale, in excess of 10 billion cubic feet in 1976, 1977 or 1978 and are covered by PURPA Title III and NECPA Title II. The utilities listed more than once have sales in more than one State and those States are indicated by abbreviations in parentheses.

Investor-Owned

Alabama Gas Corporation
Alaska Gas & Service Company
Anadarko Production Company
Arizona Public Service Company
Arkansas-Louisiana Gas Company (AR)
Arkansas-Louisiana Gas Company (KS)
Arkansas-Louisiana Gas Company (LA)
Arkansas-Louisiana Gas Company (OK)
Arkansas-Louisiana Gas Company (TX)
Arkansas-Oklahoma Gas Corporation (AR)
Arkansas-Oklahoma Gas Corporation (OK)
Arkansas Western Gas Company
Atlanta Gas Light Company
Baltimore Gas & Electric Company
Bay State Gas Company
Boston Gas Company
Brooklyn Union Gas Company
Cabot Corporation Utility Division
Carnegie Natural Gas Company
Carolina Pipeline Company
Cascade Natural Gas Corporation (OR)
Cascade Natural Gas Corporation (WA)
Central Illinois Light Company
Central Illinois Public Service Company
Chattanooga Gas Company (GA)
Chattanooga Gas Company (TN)
Cheyenne Light, Fuel and Power Company
Cincinnati Gas and Electric Company
Cities Service Gas Company (covered by NECPA only)
City Gas Company of Florida

Columbia Gas of Kentucky, Inc.
Columbia Gas of New York, Inc.
Columbia Gas of Ohio, Inc.
Columbia Gas of Pennsylvania, Inc.
Columbia Gas of Virginia, Inc.
Columbia Gas of West Virginia, Inc.
Connecticut Light & Power Company
Connecticut Natural Gas Corporation
Consolidated Edison Company of New York, Inc.
Consolidated Gas Supply Corporation
Consumers Power Company
CP National Corporation (CA)
CP National Corporation (NV)
CP National Corporation (OR)
Dayton Power & Light Company
Delmarva Power & Light Company (DE)
East Ohio Gas Company
Elizabethtown Gas Company
Entex Inc. (LA)
Entex Inc. (MS)
Entex Inc. (TX)
Equitable Gas Company (KY)
Equitable Gas Company (PA)
Equitable Gas Company (WV)
Florida Gas Company
Gas Company of New Mexico
Gas Light Company of Columbus
Gas Service Company (KS)
Gas Service Company (MO)
Gas Service Company (NE)
Gas Service Company (OK)
Greeley Gas Company (KS)
Greeley Gas Company (MN)
Illinois Power Company
Indiana Gas Company
Inland Gas Company
Inter City Gas Limited
Intermountain Gas Company
Interstate Power Company (IA)
Interstate Power Company (IL)
Interstate Power Company (MN)
Iowa Electric Light & Power Company (CO)
Iowa Electric Light & Power Company (IA)
Iowa Electric Light & Power Company (MN)
Iowa Electric Light & Power Company (NE)
Iowa-Illinois Gas & Electric Company (IA)
Iowa-Illinois Gas & Electric Company (IL)
Iowa Power & Light Company
Iowa Public Service Company (IA)
Iowa Public Service Company (NE)
Iowa Public Service Company (SD)
Iowa Southern Utilities Company
Kansas-Nebraska Natural Gas Company (CO)
Kansas-Nebraska Natural Gas Company (KS)
Kansas-Nebraska Natural Gas Company (NE)
Kansas-Nebraska Natural Gas Company (WY)
Kansas Power & Light Company
Kokomo Gas & Fuel Company
Laclede Gas Company Consolidated
Lone Star Gas Company
Long Island Lighting Company
Louisiana Gas Service Company
Louisville Gas & Electric Company
Lowell Gas Company
Madison Gas & Electric Company
Michigan Consolidated Gas Company
Michigan Gas Utilities Company
Michigan Power Company
Minnesota Gas Company (IA)
Minnesota Gas Company (MN)
Minnesota Gas Company (NE)
Minnesota Gas Company (SD)
Mississippi Valley Gas Company
Missouri Public Service Company
Mobile Gas Service Corporation
Montana-Dakota Utilities Company (MN)
Montana-Dakota Utilities Company (MT)
Montana-Dakota Utilities Company (ND)
Montana-Dakota Utilities Company (SD)
Montana-Dakota Utilities Company (WY)
Montana Power Company
Mountain Fuel Supply Company (UT)
Mountain Fuel Supply Company (WY)
Nashville Gas Company
National Fuel Gas Distribution Corporation (NY)
National Fuel Gas Distribution Corporation (PA)
National Gas and Oil Corporation
New Jersey Natural Gas Company
New Orleans Public Service, Inc.
New York State Electric & Gas Corporation
Niagara Mohawk Power Corporation
North Carolina Natural Gas Corporation
North Central Public Service Company (IA)
North Central Public Service Company (MN)
North Shore Gas Company
Northern Illinois Gas Company
Northern Indiana Public Service Company
Northern Natural Gas Company
Northern States Power Company (MN)
Northern States Power Company (ND)
Northern States Power Company (WI)
North Penn Gas Company
Northwest Natural Gas Company (OR)
Northwest Natural Gas Company (WA)
Northwestern Public Service Company (NE)
Northwestern Public Service Company (SD)
Oklahoma Natural Gas Company
Orange & Rockland Utilities
Pacific Gas & Electric Company
Panhandle Eastern Pipeline Company (IL)
Panhandle Eastern Pipeline Company (IN)
Panhandle Eastern Pipeline Company (KY)
Panhandle Eastern Pipeline Company (KS)
Panhandle Eastern Pipeline Company (LA)
Panhandle Eastern Pipeline Company (MI)
Panhandle Eastern Pipeline Company (MO)
Panhandle Eastern Pipeline Company (OH)
Panhandle Eastern Pipeline Company (OK)
Panhandle Eastern Pipeline Company (TN)
Pennsylvania Gas & Water Company
Peoples Gas, Light and Coke Company
Peoples Gas System
Peoples Natural Gas Company
Peoples Natural Gas Division of Northern Natural Gas Company (CO)
Peoples Natural Gas Division of Northern Natural Gas Company (IA)
Peoples Natural Gas Division of Northern Natural Gas Company (KS)
Peoples Natural Gas Division of Northern Natural Gas Company (MI)
Peoples Natural Gas Division of Northern Natural Gas Company (MN)
Peoples Natural Gas Division of Northern Natural Gas Company (MO)
Peoples Natural Gas Division of Northern Natural Gas Company (NE)
Peoples Natural Gas Division of Northern Natural Gas Company (TX)
Penn Fuel Gas, Inc.
Philadelphia Electric Company
Piedmont Natural Gas Company (NC)
Piedmont Natural Gas Company (SC)
Pioneer Natural Gas Company
Providence Gas Company
Public Service Company of Colorado
Public Service Company, Inc. of North Carolina
Public Service Electric and Gas Company
Rochester Gas & Electric Corporation
San Diego Gas & Electric Company
South Carolina Electric & Gas Company
South Jersy Gas Company
Southeastern Michigan Gas Company
Southern California Gas Company
Southern Connecticut Gas Company
Southern Indiana Gas & Electric Company
Southern Union Gas Company (AR)
Southern Union Gas Company (OK)
Southern Union Gas Company (TX)
Southwest Gas Corporation (AZ)
Southwest Gas Corporation (CA)
Southwest Gas Corporation (NV)
Terre Haute Gas Corporation
Tucson Gas & Electric Company
T. W. Phillips Gas and Oil Company
UGI Corporation
Union Gas System, Inc.
Union Light, Heat & Power Company (KY)
Union Light, Heat & Power Company (OH)
United Cities Gas Company (GA)
United Cities Gas Company (IL)
United Cities Gas Company (NC)
United Cities Gas Company (SC)
United Cities Gas Company (TN)
Virgina Electric & Power Company
Washington Gas Light Company (DC)
Washington Gas Light Company (MD)
Washington Gas Light Company (VA)
Washington Natural Gas Company
Washington Water Power Company (ID)
Washington Power Company (WA)
West Ohio Gas Company
Western Kentucky Gas Company
Wisconsin Fuel & Light Company
Wisconsin Gas Company
Wisconsin Natural Gas Company
Wisconsin Power & Light Company
Wisconsin Public Service Corporation (MI)
Wisconsin Public Service Corporation (WI)

Publicly-Owned

Citizens Gas & Coke Utility (IN)
City of Richmond, Virginia, Department of Public Utilities (VA)
City Public Service Board (San Antonio) (TX)
Colorado Springs Department of Public Utilities (CO)
Long Beach Gas Department (CA)
Memphis Light, Gas & Water Division (TN)
Metropolitan Utilities District of Omaha (NE)
Philadelphia Gas Works (PA)
Springfield City Utilities (MO)

(Public Utility Regulatory Policies Act of 1978, Pub. L. 95-617, 92 Stat. 3117 *et seq.* (16 U.S.C. 2601 et seq.); National Energy Conservation Policy Act, Pub. L. 95-619, 92 Stat. 3206 *et seq.*)

Issued in Washington, D.C. on September 24, 1979.

Jerry L. Pfeffer,

Assistant Administrator for Utility Systems, Economic Regulatory Administration.

[FR Doc. 79-30272 Filed 9-28-79; 8:45 am]

BILLING CODE 6450-01-M

federal register

Monday
October 1, 1979

Part VIII

Department of Housing and Urban Development

Office of Assistant Secretary for Housing—Federal Housing Commissioner

Management and Disposition of HUD-Owned Multifamily Housing Projects

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Part 290

[Docket No. R-79-707]

Management and Disposition of HUD-Owned Multifamily Housing Projects

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

ACTION: Amendment to interim rule.

SUMMARY: This rule amends the present interim rule on the disposition program published January 27, 1977. The new interim rule represents significant changes in policy and procedure in the management and disposition of HUD-owned multifamily housing projects. The rule reflects HUD's commitment to maintain the stock of decent, safe and sanitary housing affordable by lower income tenants. The rule also reflects HUD's desire to administer the disposition program efficiently and to protect the financial integrity of the insurance funds.

EFFECTIVE DATE: October 30, 1979.

COMMENTS DUE: November 30, 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 Seventh Street, S.W., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: Mr. Marvin Hilman, Office of Financing and Preservation, Room 6155, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410, (202) 755-7220. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On January 27, 1977, the Department of Housing and Urban Development published an interim rule governing disposition of HUD-owned multifamily housing projects. Interested persons were given until February 28, 1977, to comment on the interim rule. A technical amendment to the interim rule concerning waivers, Section 290.11, was published October 28, 1977. No final rule has been published.

The Department received extensive comments on the interim rule. Those comments have helped shape changes in the administration of the property disposition program and have been considered in the drafting of the new interim rule. In addition, the Housing and Community Development Amendments of 1978, in Section 203, added statutory requirements governing the management and disposition of HUD-owned multifamily projects. Based on the above, significant changes have been made in the interim rule on which comments were solicited previously and further public comment is desired. Therefore, Part 290 is not being published as a final rule. However, it is effective November 8, 1979 as an amended interim rule because its timely implementation will be beneficial to tenants of multifamily housing projects and to program administration. A final rule will be published after the comments on this interim rule have been received. A summary of comments received on the existing interim rule and responses to them is not included here because the rule is not a final rule and new comments are being solicited.

Three categories of projects are established for the disposition program. Formerly subsidized projects are all those acquired projects built or operated under subsidy programs designed to provide housing affordable by lower income tenants. Formerly unsubsidized projects presently serving as lower income housing resources are all those acquired projects not built or operated with a subsidy but which, by virtue of their tenancy or potential tenancy, are serving as housing for low and moderate income persons. These projects will be disposed of with a sufficient subsidy to prevent displacement of their lower income tenants and to assure the financial feasibility of such projects after sale. The third category is all other unsubsidized acquired projects and these projects will be sold with eligible tenants receiving a subsidy in the form of a Section 8 Certificate of Family Participation to avoid displacement.

Disposition processing will involve an initial notice of acquisition to tenants and government agencies, solicitation of comments, preparation of a disposition analysis and a disposition recommendation by the local Field Office Director.

General Provisions

This rule is intended to apply to all multifamily housing projects in the Department's Inventory as soon as it becomes effective. While this should not prove burdensome, because the rule reflects current administrative policy, § 290.3 specifically provides that no existing management contracts are required to be re-let or pending solicitations required to be readvertised to conform to the rule. Property disposition recommendations already submitted to the Property Disposition Committee will be processed under previous instructions. Eligible tenants, those who will receive the benefit of subsidized disposition, are defined as those who qualify for Section 8 assistance because that is the subsidy which is intended to be used in the disposition of the Department's inventory. Other tenants will not receive the same benefits and protections as eligible tenants.

Management Provisions

The new management section addresses overall objectives, project management, occupancy issues, and rents. The management objectives support the Department's policies of serving lower income tenants, maintaining the housing stock, avoiding unnecessary displacement and encouraging tenant involvement in disposition decisions. To assure project management capable of meeting the Department's concerns, detailed standards for selecting competent qualified management are mandated. Only those management entities fully capable of providing successful project operation whose bids reflect services required for successful operation can be awarded management contracts.

Rents are set so that eligible tenants in formerly subsidized projects will pay only what they would be paying under the Section 8 program. All other rents are tied to the lower of the standard FHA determination of gross potential rent or market rates but flexibility in adjusting rents is provided so that financial hardship and undesirable turnover can be avoided.

Disposition Provisions

The disposition sections address the policies and procedures for determining when projects will be sold with a subsidy and how projects are to be processed for disposition. The criteria for demolishing projects reflects the Department's view that demolition should be a last resort in disposition but may still be proper. A detailed analysis of the consequences of demolition is required whenever such a recommendation is made.

Every disposition will require approval of a Final Disposition Program by the appropriate Property Disposition Committee based on the Field Office Director's recommendation and a supporting disposition analysis. A method of disposition will also be approved which will either be by traditional competitive bid, solicitation of purchase proposals followed by bids, or, in certain cases involving formerly subsidized projects, by negotiation. (A purchase proposal is a plan to purchase and operate a project presented without

regard to price or where the price is fixed in advance by the Department.) Every purchaser must meet basic requirements set by the Department for each particular sale and only bidders who meet these requirements will be selected. In addition, in selecting purchasers of formerly subsidized projects, the Department must consider criteria related to the owner's capacity to operate the project successfully for lower income tenants.

In any sale, the Department may require that repairs be made to the project as a condition of sale and that the repairs be completed in a timely manner. The Department will enforce this condition by retaining the right to rescind the sale for noncompliance.

In cases where eligible tenants are displaced by disposition of a project, they will be eligible for displacement benefits including assistance in locating replacement housing, priority for other Federal housing assistance and payment of reasonable moving costs. Eligible tenants displaced by repairs undertaken by the Department will also receive assistance, including the right to return to a unit in the same project and payment of moving costs out of and back into a unit. Tenants who are not eligible for Section 8 assistance will not be eligible to receive displacement benefits.

Interested persons are invited to submit written comments, suggestions and data regarding the amendment to the interim rule to the Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C 20410. All communications should make reference to the above docket number and title. Submissions received on or before 30 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 findings are available for inspection and copying in the Office of the Rules Docket Clerk.

Accordingly, the Department amends Chapter II, 24 CFR 290, to read as follows:

PART 290—MANAGEMENT AND DISPOSITION OF HUD-OWNED MULTIFAMILY HOUSING PROJECTS

Sec.

Subpart A—General Provisions

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290.3 Applicability
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Authority: Section 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Subpart A—General Provisions

§ 290.1 Purpose and scope.

The purpose of this Part is to prescribe the basic policies which govern the management and disposition of HUD-owned multifamily housing projects by the Department of Housing and Urban Development. The intent of these regulations is to provide a disposition program which involves all interested parties and properly balances the interests of the tenants, the neighborhood, the local government, the FHA insurance funds, and furthers the policies of the National Housing Act.

§ 290.3 Applicability.

These regulations shall apply to the disposition and management of all HUD-owned multifamily housing projects, both those presently owned and those acquired in the future, except that (a) no existing management contracts or solicitations for management contracts past the point of advertisement shall be required to be reopened in order to bring them into compliance with these regulations; (b) property disposition recommendations already submitted to the Property Disposition Committee shall be processed under applicable instructions in effect at the time of submission; and (c) the time period for sending initial notices pursuant to § 290.33 for projects which are owned by HUD as of the effective date of these regulations shall commence 30 days after that effective date.

§ 290.5 Definitions.

(a) *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 who is delegated authority to process the disposition of multifamily projects.

(b) *Disposition*—The sale or conveyance by HUD of a HUD-owned multifamily housing project, or any part of a project, including the demolition of structures.

(c) *Disposition analysis*—The data and analysis prepared by the Director or his or her staff as a basis for making a disposition recommendation.

(d) *Dispostion recommendation*—The Director's recommended disposition program for a project, including supporting information and the disposition analysis.

(e) *Eligible tenant*—A person or family legally occupying a rental unit in a HUD-owned multifamily housing project who qualifies for housing assistance payments pursuant to section 8 of the U.S. Housing Act of 1937, as amended.

(f) *Final disposition program*—The disposition program authorized by the appropriate Property Disposition Committee.

(g) *Formerly subsidized project*—A multifamily housing project in which the tenants received the benefits of any of the following subsidy programs immediately prior to HUD's acquisition of title to the project:

(1) Below market interest rate mortgages insured under section 221(d)(3) of the National Housing Act; or

(2) Interest reduction payments made in connection with mortgages insured under section 236 of the National Housing Act; or

(3) Rent supplement payments under section 101 of the Housing and Urban Development Act of 1965; or

(4) Direct loans at below market interest rates, pursuant to section 202 of the Housing Act of 1959, sections 401 and 404(b)(3) of the Housing Act of 1950, or section 312 of the Housing Act of 1964; or

(5) Housing assistance payments pursuant to section 23 of the United States Housing Act of 1937 in effect prior to January 1, 1975, or section 8 of

the United States Housing act of 1937, except section 8 existing housing payments.

(h) *Formerly unsubsidized project*—A multifamily housing project which was not subsidized prior to HUD's acquisition under any of the programs listed in the definition of formerly subsidized project in paragraph (g) above.

(i) *HUD*—The Department of Housing and Urban Development.

(j) *Multifamily housing project(s) or Project(s)*—Any property, or combination of properties, consisting of 5 or more living units, acquired by the Secretary as the result of a default under a regulatory agreement or under a mortgage insured or held by the Secretary pursuant to the National Housing Act or under a program involving a loan guarantee or a direct loan by the Secretary.

(k) *Nonprofit consumer cooperative corporation*—A legally chartered organization entirely owned by its voting membership which exists primarily to furnish goods and services to benefit its membership and which is not organized for the purposes of making profit or gain as determined by HUD.

(l) *Property Disposition Committee*—The designated group of HUD officials to whom is delegated the authority to approve final disposition programs for multifamily housing projects.

(m) *Secretary*—The Secretary of HUD or his or her designee.

(n) *Section 8*—An assistance program which provides housing assistance payments pursuant to section 8 of the U.S. Housing Act of 1937, as amended.

(o) *Subsidy*—An assistance program which provides housing assistance payments pursuant to section 8 or any other housing assistance program of the U.S. Housing Act of 1937, as amended, or any successor program.

(p) *Tenant*—A lawful occupant of a multifamily housing project.

(q) *Vacant land*—Property on which there are no structural improvements present.

§ 290.7 Waivers.

Upon completion of a determination and finding of good cause by the Assistant Secretary for Housing—Federal Housing Commissioner or his or her designee, 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 reasons which formed the basis for the waiver.

Subpart B—Management Provisions

§ 290.10 Management objectives.

The management of HUD-owned multifamily housing projects shall be carried out in accordance with the objectives listed below:

(a) To provide a level of services necessary to maintain occupied housing in decent, safe and sanitary condition in the most cost efficient manner;

(b) To keep the present tenants in place to the greatest extent possible consistent with sound management practices;

(c) To maintain all vacant buildings and land in a way that eliminates health and safety hazards to the public and assures the proper security of the project;

(d) To provide and to occupy fully as many decent, safe, and sanitary dwelling units as possible, consistent with the need for the type and size of the units;

(e) To facilitate tenant involvement in decisions about the future disposition of the project.

§ 290.13 Project management.

Good management of HUD-owned projects is essential to the success of the multifamily housing preservation effort. Therefore, stringent qualification standards must be used in procuring management services for all projects.

(a) In contracting for services to manage its multifamily housing projects, HUD shall find a management proposal to be acceptable only if it meets the level and quality of services required under the qualification standards stated below.

(1) Satisfactory performance with respect to: (i) managing properties similar in type and complexity; (ii) handling tenant and tenant group concerns; (iii) property upgrading, maintenance and preservation; (iv) maintaining expected levels of occupancy and rental collections; (v) tenant selection; (vi) effectiveness in developing and enforcing project policies; (vii) exercising sound business and administrative judgment; (viii) financial stability and reponsibility; (ix) compliance with State and local property management licensing requirements; and (x) any other management qualification specified by HUD which may be important to successful management of a specific project.

(2) Efficiency in providing management and services which adequately meet all project operating needs.

(3) The proposed management plan must meet HUD's prescribed requirements and address fully the needs of the residents and of the project and shall include a proposed management budget which addresses the quality and quantity of services required by the residents and the project;

(4) Any other criteria HUD determines are relevant to a specific project;

(b) Where it is infeasible or impracticable to secure adequate management for formerly subsidized projects through conventional bidding procedures, HUD may negotiate with qualified management where (1) such management meets all the criteria necessary for successful operation of the project, and (2) satisfactory terms, including reasonable cost of services, can be achieved through such negotiation.

(c) Project managers shall be required to manage projects in accordance with HUD's management objectives contained in § 290.10 and any other directives HUD may issue.

§ 290.15 Occupancy.

(a) Priorities. Occupancy in HUD-owned projects shall be available to persons or families who meet HUD's written tenancy standards made pursuant to paragraph (b) of this Section, on a first-come, first-served basis, except that a priority will be given to eligible tenants displaced from other HUD/owned projects after receiving a Notice of Displacement. (See § 290.45)

(b) Standards. HUD shall establish written standards for selecting qualified tenants based on the management objectives in § 290.10 and prudent management policies. The standards for formerly subsidized projects shall include an income eligibility criteria to assure that the lower income character of the projects is maintained.

(c) Evictions. Evictions from HUD-owned properties shall be governed by the regulations at 24 CFR 450, Subpart B.

(d) Dangerous conditions. Whenever HUD determines that there is an immediate threat to the health and safety of the tenants because of the condition of the project and emergency repairs cannot alleviate the problem with the tenants in occupancy, HUD may require the tenants to vacate the premises in accordance with paragraph (c) of this Section. When this happens, HUD shall provide displacement benefits to displaced tenants as provided in § 290.47. Tenants displaced under this paragraph shall have a right to return to repaired units in the project from which they were displaced.

§ 290.17 Rental rates.

(a) Development of rental rates. Within 30 days after the Secretary's acquisition of title to a project, the Director shall develop a market rental rate for each unit in the project. In addition, a rent schedule based on the FHA determination of gross potential rent, including the full debt service payments required under the previous mortgage note, will be developed. The approved rent schedule will be the lower of these two. Rents shall be reviewed and updated at least annually.

(b) Rents to be charged. All tenants in formerly subsidized projects shall be charged the lesser of 25 percent of income as determined pursuant to section 8 of the U.S. Housing Act of 1937, as amended, or the rent established for the unit in (a) above; provided that families who qualify to pay a lesser percentage of income pursuant to section 8 shall not be required to pay more than that percentage. All tenants in formerly unsubsidized projects shall be charged the rent as determined pursuant to paragraph (a) above, provided that HUD may set lower rents for these tenants where that action, if determined by the Director, is necessary or desirable to maintain the existing economic mix in the project or to prevent undesirable turnover.

(c) Utility allowance. The rent payable in formerly subsidized projects shall be reduced by an amount equal to the reasonable cost of utilities for the unit, or a per unit or per square foot basis, where utilities are paid directly by the tenant.

(d) Rent changes. Whenever a change in rents is proposed, HUD shall provide tenants 30 days notice of the proposed changes and an opportunity to review and comment on the new rents and supporting documentation. An additional 30 days notice shall be provided before the new rents become effective.

(e) Certification of income. Tenants may be required to provide appropriate information concerning income for the purpose of income certification in a manner prescribed by HUD so that HUD can establish rents and an appropriate disposition program.

(f) Where a tenant does not certify income in accordance with this subpart, the tenant shall pay the unit rent as determined pursuant to paragraph (a) above.

Subpart C—Disposition Provisions

§ 290.20 Disposition objectives.

The disposition of HUD-owned multifamily housing projects shall be carried out in accordance with the objectives listed below.

(a) Reduce the inventory of HUD-owned projects in a timely manner consistent with the goals of:

(1) Preserving or increasing the number of housing units available to and affordable by lower income tenants;

(2) Maintaining the existing housing stock in decent, safe and sanitary condition; and

(3) Preserving and revitalizing urban residential neighborhoods.

(b) Consistent with meeting the above goals, to obtain a sale price based on the project's present market value and anticipated future use or condition sufficient to protect the financial interests of the government and to produce a satisfactory return to the mortgage insurance funds.

(c) To dispose of projects in a manner which is consistent with HUD approved housing and community development needs, plans and actions of local governments to the extent feasible.

(d) To dispose of all projects in a manner which minimizes the displacement of tenants.

(e) To demolish projects only as a last resort.

(f) These are national objectives and, while local circumstances may make it impossible to meet all the objectives, they should be met to the greatest extent feasible. In some cases the objectives may represent conflicting public policy goals and decisions will have to be made to balance and choose among various objectives. In these cases discretion and judgment will have to be exercised in designing a program which best meets the national goals of providing affordable housing and preserving and revitalizing neighborhoods.

§ 290.23 Initial determination.

(a) Within 45 days after HUD acquires title to a project, the Director shall make an initial determination as to whether or not the project will be recommended for sale with subsidy.

(b) If the project is formerly subsidized, the initial determination will be to recommend sale with subsidy attached to the units.

(c) If the project is formerly unsubsidized, the initial determination will be to recommend sale either:

(1) without subsidy, or

(2) with subsidy for any eligible tenant.

§ 290.25 Determination of need for low and moderate income housing.

(a) There is a need for low and moderate income housing in the market area served by the project which is under review unless the Director finds: (1) there is sufficient decent, safe and sanitary housing available in the market area at rents the present eligible tenants can afford without exceeding 25 percent of income, and (2) such housing is not needed for other persons residing in or expected to reside in the community.

(b) Formerly subsidized projects and formerly unsubsidized projects serving as a lower income housing resource, as determined pursuant to § 290.27(c), may not be sold without a subsidy if there is a need for low and moderate income housing in the community.

§ 290.27 General determination of subsidy to be provided.

(a) A formerly subsidized project shall be allocated subsidy for the longest possible term of the subsidy contract, pursuant to 24 CFR 886, Subparts B or C.

(b) A formerly subsidized project shall be allocated subsidy pursuant to 24 CFR 886, Subparts B or C, sufficient to assist 100% of the units. Provided, however, that the Director may recommend disposition for less than 100% of the units if the Director makes a written finding that such a sale will promote a racially mixed or mixed income tenancy and the amount of subsidy provided is at least sufficient to assist all eligible tenants residing in the project.

(c) A formerly unsubsidized project shall be allocated subsidy under the following conditions:

(1) In a project which has become a lower income housing resource, evidenced either by the income levels of the present tenancy generally being at or below the eligibility criteria for subsidy, or its inability to attract higher income tenants to fill vacancies, subsidy pursuant to 24 CFR 886, Subparts B or C, shall be allocated to a sufficient number of units to prevent displacement of eligible tenants and to assure the financial feasibility of the project after sale.

(2) In a project which does not meet the criteria of (c)(1) above, subsidy in the form of Certificates of Family Participation pursuant to 24 CFR 882 shall be provided to any eligible tenant to permit him or her to remain in the unit in order to prevent displacement. Limitations on subsidy rent levels will be waived on a case-by-case basis when necessary to permit an eligible tenant to remain in the project. Tenants may use the subsidy as permitted under the Section 8 Existing Housing program requirements to move to other housing.

(3) The Director may recommend the sale of a formerly unsubsidized project with subsidy (i) to promote a mixed income tenancy or a racially mixed tenancy outside of central cities or (ii) to

preserve that housing stock for occupancy by lower income tenants.

§ 290.30 Disposition of vacant land.

The following procedure will be followed in disposing of all vacant land:

(a) After acquiring title to vacant land, the Director shall complete an appraisal of the fair market value of the land.

(b) After the appraisal is completed, the Director shall send a notice to Federal, State and local government agencies, including housing and renewal agencies, which may have an interest in acquiring the land. The notice shall include information on the availability of the land for purchase and request a written reply within 30 days as to whether or not the agency has any interest in acquiring the land.

(c) If none of the Federal, State or local government agencies notified above express interest in acquiring the vacant land, the Director shall advertise the land for sale by competitive bid.

§ 290.33 Initial notice and solicitation of comments.

(a) Within 60 days after HUD acquires title to a project, the Director shall issue the following notices:

(1) A notice to each tenant in the project served in accordance with § 290.33(c) which shall include:

(i) A statement that HUD has acquired title to the project, that HUD intends to sell it, and, where applicable, that it may be sold with Section 8 assistance for all eligible tenants;

(ii) An explanation of the disposition process, including a statement that tenants will receive notice of the Director's recommendation, will have access to it and will have an opportunity to submit comments to be reviewed by the Director;

(iii) Where applicable, a statement that sale of the project with Section 8 assistance will not affect the right of any tenant to continue in occupancy;

(iv) An invitation to submit proposals, comments and facts to the Director within a certain time period, not less than 30 days, to be considered by the Director in making a disposition recommendation, particularly expressions of interest in converting the project to a cooperative or other form of resident controlled ownership; and

(v) An explanation of the displacement benefits which will be available if eligible tenants are displaced by the disposition of the project.

(2) A notice to Federal, State and local government agencies, including housing and renewal agencies, which may have an interest in acquiring the project. The notice shall include information on the availability of the project for purchase and request a written reply within 30 days as to whether or not the agency has any interest in acquiring the project.

(b) All comments received from tenants, agencies and the public shall be reviewed by the Director and taken into consideration in the disposition recommendation.

(c) All notices to project tenants shall be either personally delivered or sent by first class mail. In addition, general notices to all tenants shall be posted in the project office and in appropriate conspicuous locations around the project.

§ 290.35 Preparation of disposition analysis.

(a) As soon as possible after the notice in § 290.33 has been sent, the director shall prepare a disposition analysis to serve as the basis for the Director's disposition recommendation.

(b) The disposition analysis shall include:

(1) A financial analysis of the project, including an analysis of operating expenses and an appraisal of the fair market value of the property.

(2) A physical analysis of the project, including the condition of the structure and the grounds, the need for rehabilitation or repairs and the estimated costs of such work.

(3) An analysis of the probable causes of failure of the project and the type of management and ownership expertise which may be needed to operate the project successfully.

(4) An analysis of the feasibility of conversion to resident controlled ownership including cooperative ownership. This analysis should include consideration of the financial feasibility of conversion including the ability of the present tenants to afford it, the interest and support among the present tenants for conversion, and the impact of conversion on neighborhood preservation and revitalization.

(5) A summary of comments received from the tenants, the public, the local Public Housing Agency and any other governmental agencies regarding the disposition of the project.

(6) An assessment in accordance with HUD requirements implementing the National Environmental Policy Act of 1969, as amended, the National Historic Preservation Act (Pub. L. 89–665), the Archeological and Historic Preservation Act of 1974 (Pub. L. 93–291), and Executive Order 11593 on Protection and Enhancement of the Cultural Environment, including the procedures prescribed by the Advisory Council on Historic Preservation in 36 CFR 800, and such other statues that may have an impact on the disposition of the project.

(7) As it affects disposition considerations for the project, an analysis of local housing needs and conditions and actions being taken to address these needs.

(8) Information on site suitability and accessibility to needed services and employment.

(9) Appropriate demographic data on income ranges and distribution of the minority population by census tract, neighborhood, jurisdiction and SMSA in which the project is located, the Section 8 Fair Market Rents for the area, the income levels of present tenants, and consideration of the impact of disposition on the racial composition of the neighborhood as well as the neighborhoods into which tenants might move after displacement.

(10) An analysis of the need for and the feasibility of combining units to create units suitable for large families.

§ 290.37 Director's disposition recommendation.

The Director shall review the disposition analysis and any other relevant information and make a disposition recommendation for the project which is consistent with the objectives set out in § 290.20.

(a) On the basis of the disposition analysis, tenant and other comments and any other relevant information, the Director shall make written recommendations on the following issues:

(1) The proposed disposition program;

(2) The appropriateness of conversion to resident controlled ownership;

(3) The appropriateness of creating units suitable for large families;

(4) The type of management and ownership expertise required to operate the project successfully in light of the causes of its failure;

(5) The proposed method of financing the recommended disposition program, including the financing of any repairs necessary to the successful operation of the project;

(b) Every disposition recommedation must include a determination of the number of tenants who will be displaced as a result of the recommended disposition and a description of the relocation assistance to be provided, including a description of how such assistance will be provided.

§ 290.40 Notice of disposition recommendation.

(a) No later than 15 days before the Director submits the disposition recommendation to the Property Disposition Committee, the Director

shall deliver a notice in accordance with § 290.33(c) to tenants in the project.

(b) The notice shall state briefly the Director's proposed disposition recommendation summarizing the major facts supporting the recommendation and shall include:

(1) An invitation for written comments to be sent to the Director for 15 days from the date of the notice;

(2) A statement that the full disposition recommendation and analysis and other supporting information will be available for inspection and copying at the HUD field office and for inspection at the project office;

(3) A statement that the Property Disposition Committee will be reviewing the Director's recommendation and any comments submitted and will then make a decision to accept, modify or return the Director's recommendation;

(4) A statement that no action on disposition will take place until the Committee approves a final disposition program;

(5) A statement of the eligibility requirements for displacement benefits for any tenants who might be displaced and a summary of the expenses which are reimbursable, the assistance which HUD will provide in seeking replacement housing, and the names, addresses and phone numbers of HUD-approved counseling agencies; and

(c) A separate notice of anticipated displacement shall be sent to each tenant who would be displaced if the Disposition Recommendation were approved as submitted.

(d) Reasonable requests from tenants for a waiver of the fees charged for copying under the provisions of 24 CFR 15.14 will be honored.

§ 290.41 Forwarding of disposition recommendation.

After the comment period, described above in § 290.40, the Director shall forward the disposition recommendation to the appropriate Property Disposition Committee with tenant comments, a summary of those comments and any additional information the Director considers relevant to the disposition recommendation.

§ 290.43 Demolition.

HUD may permit the demolition of units or projects as part of the disposition or management of a project, but demolition shall be recommended only as a last resort.

(a) In making a disposition recommendation, the Director may recommend a plan to demolish a project or part of a project on the basis of one or more of the following criteria:

(1) The current and projected need for the housing is not sufficient to obtain the level of occupancy required for feasible project operation.

(2) There is major structural damage or serious physical deterioration and it is not feasible to repair the project because of engineering or design problems or because of excessive cost. Repairs which cost more than 85% of replacement cost ordinarily will not be considered financially feasible.

(3) Conditions in the neighborhood surrounding the project adversely affect the quality of the project environment to the point where life, health or safety of project residents is threatened. Inaccessibility to facilities or services will not be a decisive factor, unless it can be demonstrated that such inaccessibility was the principal cause of the failure of the project.

(b) In every case, demolition may not proceed until suitable displacement arrangements pursuant to § 290.47 have been made.

(c) Whenever demolition is recommended as part of disposition, the disposition recommendation must include a specific analysis of:

(1) The extent to which the current use and the projected use of the land after demolition are consistent with local, regional and state land use and housing plans;

(2) Where there is a need in the community for low income housing as defined pursuant to § 290.25, what is being done to replace the units which are to be demolished;

(3) The probable short-term and long-term impacts of demolition on the neighborhood and the community;

(4) The availability of suitable replacement housing for the present tenants; and

(5) The estimated cost of displacement benefits as outlined in § 290.47, excluding the cost of subsidy programs for which the tenants may be eligible.

(d) Whenever demolition is recommended during HUD's ownership of the project, the Director shall prepare written documentation pursuant to paragraph (c) above of the facts and reasons which formed the basis for the decision to recommend demolition. The recommendation and supporting documentation shall be forwarded to the appropriate Property Disposition Committee for approval.

(e) Every demolition recommendation shall include the findings of an Environmental Assessment, and an Environmental Impact Statement (EIS) where the Environmental Assessment concludes that an EIS is necessary.

§ 290.45 Notice of displacement.

(a) Within 30 days after the final disposition program is approved under § 290.50, HUD (or a Public Housing Authority, where it is acquiring the project) shall provide each eligible tenant who will be displaced with a notice of displacement.

(b) Where HUD determines that the final disposition program will displace an eligible tenant because the project is being demolished or converted to other than residential use, that eligible tenant shall receive a notice advising the tenant that if he or she moves from the project between the effective date of the notice and a later date set by HUD (not sooner than 30 days before the anticipated date of sale or conveyance) the tenant will be entitled to displacement benefits as outlined in § 290.47. The notice should describe the reimbursement process and provide the name, address and phone number of the HUD official(s) who will provide assistance in locating replacement housing.

§ 290.47 Displacement benefits.

(a) Tenants who are not eligible tenants pursuant to this part will not receive displacement benefits unless otherwise provided by law. Where disposition is to a state agency which will acquire a project with Federal financial assistance, as defined in 24 CFR 42.20, displacement benefits will be provided in accordance with the provisions of 24 CFR 42.

(b) Whenever eligible tenants are displaced as a result of the disposition or repair of a project, they shall be entitled to the benefits set forth in this section. Where appropriate, these benefits may be offered by HUD in the alternative. Eligible tenants who move prior to approval of the final disposition program shall be eligible for displacement benefits if they receive a notice of anticipated displacement pursuant to § 290.40(c) and they would have been displaced by the disposition program as approved. Eligible tenants shall:

(1) Receive priority to occupy units in HUD-owned formerly sudsidized projects at rental rates not to exceed 25 percent of income. Where more than one suitable unit is available for occupancy, the Director may select the unit to be offered to the tenant;

(2) Be afforded the opportunity to return to repaired units in the same project whenever possible and be reimbursed for moving expenses pursuant to paragraph (b); or

(3) Receive a priority for other Federal housing assistance under the United States Housing Act of 1937, as amended.

(c) Eligible tenants shall be given assistance in locating replacement housing and shall be reimbursed for moving expenses not to exceed an amount determined by HUD to be reasonable for the household size and circumstances of the move.

(d) If an eligible tenant declines the assistance offered pursuant to paragraph (b) of this Section, such tenant shall still be eligible to receive assistance afforded under paragraph (c), and the provision of such assistance shall discharge HUD's obligation to provide displacement benefits pursuant to this Part.

§ 290.50 Disposition program.

(a) The Property Disposition Committee will review the Director's recommendation, the disposition analysis and any other information submitted by the Director as well as all other comments received and any other information it may require, all of which shall become part of the administrative record. After its review the Committee may approve the recommendation as submitted, modify it and return it approved as modified, or return it for further work and resubmission.

(b) If the Committee approves the recommendation as submitted or as modified, it shall become the final disposition program and the notice procedure in § 290.45 shall be implemented by the Director upon written notification of the Committee action.

(c) No final disposition program which provides for repairs to be performed by the purchaser or other conditions of sale may be approved unless it provides for rescission of the sale or reconveyance of the project to HUD if the repairs, which are a requirement of the sale, are not carried out in a timely manner, or if the project is not operated in accordance with any other conditions of the sale. This remedy is in addition to any escrow of repair funds which may be required as a condition of sale or any other remedy available to HUD.

§ 290.53 Methods of disposition.

Disposition shall be through a publicly advertised competitive offering or a negotiated sale.

(a) Competitive offerings shall be by purchase proposals or by competitive bid, as recommended by the Director.

(1) A purchase proposal is a solicited submission of a plan to purchase and operate a project either without reference to price or where the price of a project is fixed by HUD in advance.

(2) When the competitive offering is by purchase proposals HUD shall review the proposals considering, among other factors which the Director deems appropriate: the acceptability of the management and ownership plan; the probability of adequate performance under the proposal; and the feasibility of the proposal in relation to the particular needs of the project and the tenants.

(3) HUD shall notify each person and entity submitting an acceptable proposal that its proposal is acceptable and request submission of an executed Contract of Sale and Purchase to HUD at a specific time and place. That Contract shall include a proposed purchase price for the project and any other information requested by HUD. HUD shall then proceed to evaluate and award the contract in the same manner as for competitive offerings by bid, provided that in the case of a clearly superior proposal such proposal may be selected if the Director makes a written determination supporting such selection.

(4) All other competitive offerings shall be by competitive bid.

(b) In selecting qualified purchasers for formerly subsidized projects by competitive bid, purchase proposal or negotiation, HUD shall establish requirements and criteria which HUD must consider in determining whether or not a proposed purchaser is qualified to own and operate the project in a manner acceptable to HUD. HUD may establish review panels to select qualified purchasers. Regardless of which disposition method is used, in selecting a purchaser HUD shall be satisfied that sufficient levels of competency have been met with respect to:

(1) ability to provide sound financial management;

(2) ability to provide sound physical management;

(3) ability to respond to the economic and social needs of the tenants and to work with resident organizations;

(4) responsiveness of the proposed ownership plan to the needs of the tenants and the project;

(5) adequacy of the purchaser's organizational, staff and financial resources to implement the proposed ownership approach;

(6) ability to satisfy all the conditions of the disposition;

(7) any other criteria HUD determines are relevant if advance notice of such criteria is given to prospective purchasers.

(c) Negotiated Sales. (1) HUD may negotiate the sale of any project to an agency of the Federal, State or local government.

(2) HUD may negotiate the sale of a formerly subsidized multifamily housing project when HUD determines that such a sale would best meet the objectives of this Part. Such negotiated sales may be recommended when:

(i) The purchaser is a nonprofit cooperative corporation formed by the present or prospective tenants for the purpose of holding title to the project;

(ii) The purchaser is a nonprofit or limited dividend entity and it is determined by HUD to be the best source of ownership in the locality capable of the successful long-term operation of the project in a way which is responsive to all the HUD requirements for operation of the project;

(iii) The project is to be converted to homeownership and individual condominium or homeownership units are to be sold; or

(iv) The purchaser is a nonprofit consumer cooperative corporation with successful experience in the operation of nonprofit housing.

(3) When an offer to purchase is received as part of a negotiated sale, it shall be evaluated to assure that it complies with all HUD requirements for the sale of the project. Particular attention shall be paid to the financial feasibility of the proposed ownership plan.

(4) When a sale is negotiated to a nonprofit cooperative corporation or a nonprofit consumer cooperative corporation, the sales price shall be computed by determining the value of the project in one of the following ways:

(i) if the project is sold to lower income tenants without a subsidy, the value shall be the amount which can be supported by debt service payments equal to the rental income to the project operated as a nonprofit cooperative with the tenants paying 25% of income for rent or the market rental rate, whichever is lower, minus payments for all operating expenses, taxes and required reserves;

(ii) if the project is sold with Section 8 subsidies the value shall be determined as in (i) except that the project rents set pursuant to Section 8 shall be used to determine rental income. Where appropriate (as in a partially subsidized project), a combination of the above methods may be used to determine price;

(iii) in all other cases, the value shall be the fair market value as determined by HUD.

(iv) The prepaid expenses incurred in converting to cooperative ownership may be recovered by deferring payment on the mortgage and placing project rents into an escrow for the purpose of paying those expenses or HUD may make such other provision for payment as HUD determines are reasonable and appropriate.

(d) Previous Participation Review. All purchasers of HUD-owned projects must be approved under the Previous Participation Review and Clearance procedures in 24 CFR 200.210 *et seq.*, except Federal, State or local government agencies.

§ 290.55 Property disposition committee.

(a) There shall be a Property Disposition Committee (PDC) with authority to approve all dispositions of HUD-owned multifamily housing projects.

(b) The PDC shall consist of the following officials or their designees:

(1) The Chairperson shall be the Assistant Secretary for Housing-Federal Housing Commissioner.

(2) The Deputy Assistant Secretary for Multifamily Housing Programs.

(3) The Director of the Office of Multifamily Housing Management and Occupancy.

(4) The Director of the Office of Multifamily Housing Development.

(5) The General Counsel.

(6) The Deputy Assistant Secretary for Public Housing and Indian Programs.

(c) The PDC may delegate its authority to approve property dispositions to PDC's convened at the Regional or Area Office level on such terms and conditions as the PDC may prescribe.

(d) The Director of the Office of Multifamily Financing and Preservation shall serve as a non-voting member of the Property Disposition Committee and shall be responsible for presenting disposition recommendations to the Committee for its decision.

Issued at: Washington, D.C., August 28, 1979.

Lawrence B. Simons,

Assistant Secretary for Housing-Federal Housing Commission.

[FR Doc. 79-30306 Filed 9-28-79; 8:45 am]

BILLING CODE 4210-01-M

federal register

Monday
October 1, 1979

Part IX

Department of the Interior

Fish and Wildlife Service

Black Rhinoceros; Proposed Endangered Status

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Proposed Endangered Status for the Black Rhinoceros

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Service proposes that the African black rhinoceros (*Diceros bicornis*) be listed as an endangered species. A notice of review on this species, published in the **Federal Register** on August 11, 1977, has elicited information showing that the species has declined rapidly throughout most of its range and may be in danger of extinction. If the black rhinoceros is listed as endangered the protections afforded by the Endangered Species Act would benefit the species and aid in the prevention of its demise.

DATES: Comments from the public must be received by November 30, 1979.

ADDRESSES: Submit comments to Director, (OES), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Comments and other materials relating to this rulemaking are available for public inspection during normal business hours at the Service's Office of Endangered Species, Suite 500, 1000 North Glebe Road, Arlington, Virginia 22201.

FOR FURTHER INFORMATION CONTACT: Mr. Harold J. O'Connor, Acting Associate Director, Federal Assistance, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240 (202/343–4646).

SUPPLEMENTARY INFORMATION:

Background

On August 11, 1977, the Service published a notice of review in the **Federal Register** (42 FR 40716–17) announcing that it was conducting a review of the status of the black rhinoceros (*Diceros bicornis*) and requesting comments from interested parties. The Service has carefully reviewed the public comments and available evidence and now believes that sufficient data are available to propose this species for endangered status. The basis for the opinion is summarized below:

The Endangered Species Act of 1973, 16 U.S.C 1531 *et seq.* (Act) defines an endangered species as

> any species which is in danger of extinction throughout all or a significant portion of its range . . . (16 U.S.C. 1532 (6))

and a treatened species as

> any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range. (16 U.S.C. 1532 (20))

The Act also provides that the Secretary shall by regulation determine a species to be endangered or threatened because of any of the following factors:

(1) The present or threatened destruction, modification or curtailment of its habitat or range;

(2) Overutilization for commercial, sporting, scientific or educational purposes;

(3) Disease or predation;

(4) The inadequacy of existing regulatory mechanisms; or

(5) Other natural or man-made factors affecting its continued existence.

This authority has been delegated to the Director.

Summary of Factors Affecting the Species

There are currently five species of rhinoceroses occurring in Africa and southeast Asia. All five have long suffered from the effect of human demands. As a result, the Javan and Sumatran rhinos, which 50 years ago were widespread, have been reduced to tiny relict populations; less than 55 Javan rhinos *(Rhinoceros sondaicus)* remain in western Java plus a few other unconfirmed reports of their existence on mainland Asia, and there are less than 300 Sumatran rhinos *(Dicerorhinus sumatrensis)* in the World. The Indian or greater one-horned rhinoceros *(Rhinoceros unicornis)* has had its once extensive range reduced to a few populations totalling less than 1200 individuals in small reserves in northeast India and Nepal. All of the above species are officially listed as endangered under the Endangered Species Act of 1973.

The scientific evidence suggests that the African rhinos are now under severe threat. The southern white rhinoceros *(Ceratotherium simum simum)* was saved from total extinction by drastic measures of translocation in protected reserves. Its density has now recovered to such an extent that individuals can be translocated elsewhere, though the total world population is probably less than 3,000. The northern white rhinoceros *(C. simum cottoni)* has been whittled away for the last 80 years by legal and illegal hunting and its range reduced to relict populations in the southern Central African Empire, Zaire, Uganda and Sudan. The northern white rhinoceros is listed as an endangered species.

The black rhinoceros *(Diceros bicornis)*, although still the most numerous of the world's rhinos, now appears dangerously threatened. As long ago as 1963 the Chief Game Warden of Kenya wrote that the black rhinoceros was "one of the species in most danger of extinction". The best biological and commercial evidence suggests that the black rhino has significantly declined since that time.

Although figures as to the exact numbers of black rhinos in the wild are difficult to obtain, comparison of figures obtained over time by similar methods in the same areas give an indication of recent population trends. Extrapolation of these statistics show probable losses in Kenya of up to 95% of the black rhino population in Tsavo National Park, 85% in Amboseli and over 90% in Meru National Park over the last five to eight years. In Amboseli the once famous long-horned population of rhinos has been reduced from an estimate of around 52 in 1970 to 7 resident in 1979. Even in 1970 fears were being expressed that the population had been declining at 12% per year for the previous four years (Western and Sindiyo, 1972). The trend escalated until last year. Only two years ago Meru National Park could have been regarded as the last stronghold of the rhino in northern Kenya but now contains less than twenty specimens (Patrick Hamilton, Pers. comm.).

The Service believes that there are presently fewer than 1,500 black rhinos in Kenya, less than 10% of the numbers only ten years ago. This compares with an estimate of 6,000 to 9,000 specimens in Kenya's Tsavo ecological unit alone in 1969.

The trend is also evident in other African nations. In Tanzania probable black rhino declines of 70% in Ngorongoro, 70–80% in Ruaha, 80% in Tarangire and 80–85% in Manyara over the last ten years are suggested by the data. Twenty-five rhinos were killed in Manyara last year alone and probably less than 12 are left alive now, of which perhaps three or four are females capable of reproduction.

Based on the available data, the Service believes that there are perhaps fewer than 15,000 black rhinos remaining in Africa.

A number of factors have contributed to the severe decline in rhino populations in general and black rhino numbers in particular. Perhaps the major reason the species has declined is trade in its parts and products. East African statistics on the legal export of rhino horn from 1950 to 1971 show that 1.56

tons were exported annually. From 1972 to 1976, the statistics show that 4.2 tons of rhino horn were exported legally from East Africa, a tremendous increase when compared with the figures from the earlier period. During the two year period from 1976 to 1977, official North Yemen statistics showed that traders imported an average of 7.6 tons per year of rhino horn. Since the average weight of rhino horn is approximately 3.5 kilos about 7.7 pounds per animal, over this two year period at least 4,000 rhinos were killed to provide for North Yemen imports alone. These statistics indicate the great number of rhinos that were taken to satisfy world demand for their parts or products.

In 1976, the black rhinoceros was listed on Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (Convention). The Convention limits international trade in parts or products of species listed on Appendix I for nations party to the agreement, and the 1976 listing probably reduced pressure on the black rhinoceros from this source to some extent. However, the evidence indicates that the black rhinoceros has not significantly increased in numbers since the trade restrictions of the Convention went into effect.

The black rhinoceros is also subject to illegal poaching. The price of rhino horn increased from $23 per kilo in 1969 to $112 in 1976, and reportedly has increased substantially since the species was listed on the Convention. The increased value in rhinoceros parts or products has stimulated illegal poaching, which has reportedly become both more widespread and sophisticated. In the past, spears, traps and poisoned arrows were the poachers main weapons. Today the rhinos are generally shot. In some quoted examples the horns are then removed crudely with axes. They are transported by the poachers and sold to middlemen. At present, there is inadequate information on the transport routes out of East Africa, but some leave by dhows or by aircraft.

The biology of the black rhinoceros also may be contributing to its demise. For a species that exists largely as solitary individuals at a naturally low density, the severe declines cause further problems by reducing the densities of individuals to such an extent that the probabilities of reproduction may also be greatly reduced. In addition, they are easy animals to stalk and those that are left are showing evidence of extreme disturbance in response to the harassment. The potential reproductive rate of the decimated populations may therefore also be lowered and some populations face total extinction without strong measures being taken.

In proposing the black rhinoceros as an endangered species, the Service also relies on the fact that the species was added to Appendix I of the Convention. Recognition of the precarious status of the black rhinoceros by the party nations constitutes evidence that the species is endangered or threatened under the Endangered Species Act.

Effects of the Rulemaking

As noted above, the black rhinorceros is on Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora. Therefore, legal trade in the species is already regulated among nations that adhere to this Convention. Listing of the black rhinoceros as endangered under the Endangered Species Act of 1973 will not only provide an additional prohibition against importation of the species and its parts and products such as hunting trophies into the United States, but will also restrict transportation or sale in interstate or foreign commerce. (16 U.S.C. 1533(d), 1538(a)(1)(G); 50 CFR 17.31(a)). The other prohibitions of Section 7 of the Act will also be applicable.

Under both the Convention and the Act, permits are available in certain instances for scientific and other specified purposes. However, given the present precarious status of the black rhino, the Service believes that the issuance of permits for the importation of any sport hunting trophies, including hardship permits for this purpose, is inconsistent with the conservation of the species and therefore proposes to deny all such applications.

Listing of the black rhinoceros as endangered would also allow the United States to attempt to: (1) make the countries in which the black rhino is resident more aware of the importance of providing strong and immediate protection for the species; (2) make available to scientists of other countries the results of rhino research undertaken under U.S. sponsorship in such forms as to be helpful to them in developing their own research plans; (3) encourage other countries to undertake comprehensive surveys of the status and distribution of this species; (4) encourage African countries to establish additional reserves; (5) encourage reintroductions into areas where black rhinos were once distributed; (6) prohibit U.S. Federal agencies from undertaking any actions which might jeopardize the survival of the species; (7) provide, if requested, U.S. technical expertise for establishing management and recovery programs; and (8) provide funds to assist in the management and recovery of the species.

Public Comments Solicited

The Director intends that the rules finally adopted will be as accurate and effective as possible in conserving the black rhinoceros. Therefore, any comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, private interests or any other interested party concerning this proposed rulemaking are solicited. Comments particularly are sought concerning:

(1) Abundance and distribution of the species; and

(2) Population trends.

Final promulgation of regulations to conserve the black rhino will take into consideration comments and any additional information received by the Director and such communications may lead him to adopt final regulations which differ from this proposal.

Environmental Document

An environmental assessment has been prepared in conjunction with this proposal in compliance with Executive Order 12114. The document is on file in the Service's Office of Endangered Species, 1000 North Glebe Road, Arlington, Virginia 22212, and may be examined during regular business hours or can be obtained by mail.

The primary author of this proposed rulemaking is John L. Paradiso, Office of Endangered Species (703-235-2760).

Accordingly, the Service proposes to amend 50 CFR Part 17 by adding the following to the list in § 17.11(i), alphabetically under "Mammals."

Species		Range			Status	When listed	Special rules
Common name	Scientific name	Population	Known distribution	Portion endangered			
Rhinoceros, Black	*Diceros bicornis*	NA	Sub-Saharan Africa	Entire	E		None

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

Dated: September 20, 1979.

Robert B. Cook,

Deputy Director, Fish and Wildlife Service.

[FR Doc. 79-30318 Filed 9-26-79; 8:45 am]

BILLING CODE 4310-55-M

federal register

Monday,
October 1, 1979

Part X

Department of the Interior

Bureau of Land Management

Advisory Committees Cooperative Relations; Proposed Rulemaking

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 1780

Cooperative Relations; Advisory Committees

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed rulemaking.

SUMMARY: This proposed rulemaking implements the advisory committee provisions of the Federal Land Policy and Management Act of 1976, and of the Public Rangelands Improvement Act of 1978. In addition, consonant with the requirements of section 8 of the Federal Advisory Committee Act, it establishes guidelines and controls for creation, operation, and termination of committees to advise the Secretary of the Interior and the Bureau of Land Management regarding plans and programs for the management of lands and resources under Bureau jurisdiction; and it updates, consolidates and simplifies existing advisory committee regulations.

DATES: Comments by October 31, 1979.

ADDRESSES: Send comments to: Director (650), Bureau of Land Management, 1800 C Street, NW., Washington, D.C. 20240.

Comments will be available for public review in Room 5555 of the above address during regular working hours (7:45 a.m. to 4:15 p.m.), Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Lee M. Laitala, Office of Cooperative Relations (660), Bureau of Land Management, 18th and C Streets, NW., Washington, D.C. 20240. Telephone: 202–343–8947.

SUPPLEMENTARY INFORMATION: In 1974, the Bureau of Land Management had 58 advisory committees in a tri-level system of national, state, and district boards. All the committees terminated on January 5, 1975, under the terms of section 14 of the Federal Advisory Committee Act (5 U.S.C. Appendix 1) and the language of their respective charters. None were renewed pending a Government-wide review of advisory committees requested by the President and Office of Management and Budget. The objective of this review was to reduce the number of Federal advisory committees to essential minimums. All agencies also were asked to seek more balanced committee memberships. The proposed regulations reflect these directives, and also incorporate the provisions of the Fedral Land Policy and Management Act of 1976 and the Public Rangelands Improvement Act of 1978 pertaining to advisory committees, councils, and boards.

The proposed rules also revise Subpart 1784 of Part 1780, Title 43, of the Code of Federal Regulations to eliminate portions that have become obsolete. Operating rules have been shortened and clarified. Member qualifications are more precisely defined, and the question of conflicts of interest addressed with regard to member selection except for grazing advisory board members. The exception is made for grazing advisory boards because, by the terms of section 403 of the Federal Land Policy and Management Act of 1976, possession of a lease or permit to graze livestock on Bureau-administered land is required for service on such boards.

Membership limits have been established for all committees. Within these limits, and except for grazing advisory boards, no standard composition has been prescribed. Subject to the requirements of the Federal Advisory Committee Act and these regulations, the interests or disciplines to be represented on other than grazing boards will be determined on an individual basis in the development of each committee charter. This will permit structuring to best reflect the extent, intensity and interaction of various programs within a committee's area of responsibility, as well as the kinds of advice required by the Bureau manager to carry out multiple-use responsibilities. Balance will be achieved by limiting per-interest representation on other than grazing boards. Member election or selection will be accomplished only after public calls for nominations.

These proposed regulations would—

(1) Reaffirm and strengthen the commitment of the Secretary of the Interior to representative citizen involvement at the different levels of public land and resource decisionmaking;

(2) Assure that all meetings of advisors are announced in advance and open to public attendance and participation;

(3) Require public involvement in the member nomination process;

(4) Provide for creation of a 10- to 17-member National Advisory Council in lieu of reestablishment of the 36-member National Advisory Board;

(5) Provide for establishment of 10- to 15-member, multi-interest District advisory councils to replace the terminated Bureau of Land Management District multiple use advisory boards;

(6) Formally set forth operating rules for the California Desert Conservation Area Advisory Committee and for grazing advisory boards created under sections 601(g) and 403, respectively, of the Federal Land Policy and Management Act of 1976; and

(7) Not reestablish the terminated State multiple use advisory boards and O. and C. Multiple Use Advisory Board (Oregon).

It is hereby determined that this amendment is not a major Federal action significantly affecting the qualtiy of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is required.

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

The principal author of this proposed rulemaking is Lee M. Laitala, Office of Cooperative Relations, Bureau of Land Management, assisted by the Office of Legislation and Regulatory Management.

Under the authority of the Federal Advisory Committee Act (5 U.S.C. Appendix 1), the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) as amended by the Public Rangelands Improvement Act of 1978, 43 U.S.C. 1201 and section 2, Reorganization Plan 3 of 1950 (62 Stat 1262), it is proposed to revise Subpart 1784, Part 1784, Group 1700, Subchapter A, Chapter II, Title 43 of the Code of Federal Regulations as follows:

Subpart 1784—Advisory Committees

Sec.

1784.0–1 Purpose.
1784.0–2 Objectives.
1784.0–3 Authority.
1784.0–5 Definitions.
1784.0–6 Policy.
1784.1 Establishment, duration, termination, and renewal.
1784.1–1 Establishment.
1784.1–2 Duration, termination, renewal.
1784.2 Composition, avoidance of conflict of interest.
1784.2–1 Composition.
1784.2–2 Avoidance of conflict of interest.
1784.3 Member service.
1784.4 Public participation.
1784.4–1 Public nominations.
1784.4–2 Public notice of meetings.
1784.4–3 Open meetings.
1784.5 Operating procedures.
1784.5–1 Functions.
1784.5–2 Meetings.
1784.5–3 Records.
1784.6 Committees.
1784.6–1 National public lands advisory council.
1784.6–2 [Reserved]
1784.6–3 California Desert Conservation Area advisory committee.
1784.6–4 District advisory councils.
1784.6–5 Grazing advisory boards.

Authority: 5 U.S.C. Appendix 1, 43 U.S.C. 1701 et. seq.

Subpart 1784—Advisory Committees

§ 1784.0-1 Purpose.

This purpose contains standards and procedures for the creation, operation and termination of citizen committees to advise the Secretary of the Interior and Bureau of Land Management on matters relating to public lands and resources under the administrative jurisdiction of the Bureau of Land Management.

§ 1784.0-2 Objectives.

The objective of advisory committees established under these regulations is to make available to the Department of the Interior and Bureau of Land Management the expert counsel of concerned and knowledgeable citizens regarding both the formulation of operating guidelines and the preparation and execution of plans and programs for the use and management of public lands, their natural and cultural resources, and the environment.

§ 1784.0-3 Authority.

(a) The Federal Advisory Committee Act (5 U.S.C. Appendix 1) requires establishment of a system governing advisory committees in the Executive Branch of the Federal Government and specifies policies, procedures, and responsibilities for committee creation, management and termination.

(b) The Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) as amended by the Public Rangelands Improvement Act of 1978 (43 U.S.C. 1901 et seq.) requires—

(1) Establishment of advisory councils representative of major citizen interests concerned with resource management planning or the management of public lands;

(2) Creation of a California Desert Conservation Area Advisory Committee; and

(3) Under certain conditions, establishment of at least one grazing advisory board for each Bureau of Land Management administrative district in the 16 contiguous Western States.

§ 1784.0-5 Definitions.

As used in this subpart, the term: (a) "Advisory committee" means any committee, council, or board established or utilized for purposes of obtaining advice or recommendations.

(b) "Secretary" means Secretary of the Interior.

(c) "Director" means the Director of the Bureau of Land Management.

(d) "Authorized representative" means the Federal officer or employee designated by an advisory committee charter who approves meeting agendas and attends all meetings of the committee and its subcommittees, if any.

(e) "Public lands" means any lands and interest in lands owned by the United States administered by the Secretary of the Interior through the Bureau of Land Management, except:

(1) Lands located on the Outer Continental Shelf; and

(2) Lands held for the benefit of Indians, Aleuts, and Eskimos.

§ 1784.0-6 Policy.

As part of the Department's program for public participation, it is the policy of the Secretary of the Interior to establish and employ committees representative of major citizens' interests or where required by law, of special citizen interests, to advise the Secretary and Director, Bureau of Land Management, regarding policy formulation, program planning, decisionmaking, attainment of program objectives, and achievement of improved program coordination and economies in the management of public lands and resources; to regularly ensure that such committees are being optimally employed; and to limit the number of advisory committees to that essential to the conduct of the public's business.

§ 1784.1 Establishment, duration, termination, and renewal.

§ 1784.1-1 Establishment.

(a) An advisory committee required by statute is established or renewed upon the filing of a charter, signed by the Secretary, with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Interior and Insular Affairs of the United States House of Representatives.

(b) An advisory committee not specifically required by statute shall be established only when the Secretary has—

(1) Determined as a matter of formal record, after consultation with the General Services Administration, that establishment of the committee is in the public interest in connection with duties required of the Department of the Interior by law;

(2) Signed and filed the committee charter; and

(3) Published in the **Federal Register** a notice of his determination and of the establishment of the committee.

(c) An advisory committee shall not meet or take any action until the Committee's charter has been signed by the Secretary and copies filed with the appropriate committees of the Senate and House of Representatives and the Library of Congress.

§ 1784.1-2 Duration, termination, and renewal.

(a) An advisory committee not mandated by statute, i.e., established at the discretion of the Secretary, shall terminate not later than 2 years after its establishment unless, prior to that time, it is rechartered by the Secretary and copies of the new charter are filed with the appropriate committees of the Senate and House of Representatives. Any committee so renewed shall continue for not more than 2 additional years unless, prior to expiration of such period, it is again rechartered.

(b) Any advisory committee mandated by statute shall terminate not later than 2 years after the date of its establishment unless its duration is otherwise provided by law. Upon the expiration of each successive two-year period following date of establishment, a new charter shall be prepared and, after Secretarial approval, filed with the appropriate committees of the Senate and House of Representatives for any statutory advisory committee being continued.

§ 1784.2 Composition, avoidance of conflict of interest.

§ 1784.2-1 Composition.

(a) Each advisory committee shall be structured to provide fair membership balance, both geographic and interest-specific, in terms of the functions to be performed and points of view to be represented, as prescribed by its charter. Each shall be formed with the objective of providing representative citizen counsel and advice about public land and resource planning, retention, management and disposal. No person is to be denied an opportunity to serve because of race, age, sex, religion or national origin.

(b) Only an individual who holds a lease or permit to graze livestock upon public lands under the jurisdiction of a Bureau of Land Management District Office shall be eligible to serve as a member of a grazing advisory board.

(c) Individuals shall qualify to serve on an advisory committee other than a grazing advisory board because their education, training, or experience enables them to give informed and objective advice regarding an industry, discipline, or interest specified in the charter.

§ 1784.2-2 Avoidance of conflict of interest.

(a) Persons who hold leases, licenses, permits, contracts or claims which involve lands or resources administered by the Bureau of Land Management shall not serve on advisory committees except—

(1) Holders of grazing licenses and leases may serve on grazing advisory boards;

(2) That the lack of candidates make them the only available candidates; or

(3) When they have special knowledge or experience which is needed to accomplish the committee functions to be performed.

(b) No advisory committee or board member, including a grazing advisory board member, shall participate in deliberations or vote on any matter in which the advisor has a direct interest.

§ 1784.3 Member service.

(a) Elections or appointments to an advisory committee shall be for two-year terms unless a shorter period is specified in the charter, the election procedures, or the appointing document. Terms of service normally shall coincide with duration of the committee charter. Individuals can be reelected to additional two-year terms of service on grazing boards without limit. Members of other advisory committees may be reappointed to additional terms at the discretion of the authorized appointing official.

(b) Committee members advise and report only to the official(s) specified in the charter. Service as an advisor, however, does not limit the rights of a member acting as a private citizen or as a member or official of another organization.

(c) The Secretary or his authorized representative may, after written notice, terminate the service of an advisor if, in the judgment of the Secretary or his authorized representative, such removal is in the public interest, or if the advisor—

(1) No longer meets the requirements under which elected or appointed;

(2) Fails or is unable to participate regularly in committee work; or

(3) Has violated Federal law or the regulations of the Secretary.

(d) For purposes of compensation, members of advisory committees, except for grazing advisory board members, shall be reimbursed for travel and per diem expenses when on advisory committee business, as authorized by 5 U.S.C. 5703.

§ 1784.4 Public participation.

§ 1784.4-1 Calls for nominations.

Candidates for appointment to advisory committees are sought through calls for public nominations. Such calls are made through media releases and systematic contacts with individuals and organizations interested in the use and management of public lands and resources.

§ 1784.4-2 Notice of meetings.

(a) Meetings of advisory committees and any subcommittees that may be formed shall be held only after publication of at least 30 days advance notice in the **Federal Register.** In addition, there shall be media releases.

(b) Notices shall set forth meeting locations, topics or issues to be discussed, and times and places for the public to be heard.

§ 1784.4-3 Open meetings.

(a) All advisory committee and subcommittee meetings and associated field examinations shall be open to the public and news media.

(b) Anyone may appear before or file a statement with a committee or subcommittee regarding matters on a meeting agenda.

(c) The scheduling of meetings and the preparation of agendas shall be done in a manner that will encourage and facilitate public attendance and participation. The amount of time scheduled for public presentations and meeting times may be extended when the authorized representative considers it necessary to accommodate all who seek to be heard regarding matters on the agenda.

§ 1784.5 Operating procedures.

§ 1784.5-1 Functions.

The function of an advisory committee is solely advisory, and recommendations shall be made only to the authorized representative specified in its charter. Determinations of actions to be taken on the reports and recommendations of a committee shall be made only by the Secretary or his authorized representative.

§ 1784.5-2 Meetings.

(a) Advisory committees shall meet only at the call of the Secretary or his authorized representative.

(b) No meeting shall be held in the absence of the Secretary or his authorized representative.

(c) Each meeting shall be conducted with close adherence to an agenda which has been approved in advance by the authorized representative.

(d) The authorized representative may adjourn an advisory committee meeting at any time when—

(1) Continuance would be inconsistent with either the purpose for which the meeting was called or the established rules for its conduct; or

(2) Adjournment is determined to be in the public interest.

§ 1784.5-3 Records.

(a) Detailed records shall be kept of each meeting of an advisory committee and any subcommittees that may be formed. These records shall include as a minimum—

(1) The time and place of the meeting;

(2) Copies of the **Federal Register** and other public notices announcing the meeting;

(3) A list of advisors and Department or Bureau employees present;

(4) A list of members of the public present and who each represented;

(5) The meeting agenda;

(6) A complete and accurate summary description of matters discussed and conclusions reached;

(7) A list of recommendations made by the advisory committee;

(8) Copies of all reports received, issued, or approved by the Committee or subcommittee; and

(9) A description of the nature of public participation. The Chairperson of the advisory committee shall certify to the accuracy of meeting records.

(b) All records, reports, transcripts, minutes, recommendations, studies, working papers, and other documents prepared by or submitted to an advisory committee shall be available for public inspection and copying in the Bureau of Land Management office responsible for support of that committee. Upon request, copies shall be provided at the cost of duplication as established by the regulations in 43 CFR Part 2 (Appendix A).

§ 1784.6 Membership and functions of committees.

§ 1784.6-1 National Public Lands Advisory Council.

(a) Biennially, the Director shall submit to the Secretary a list of member nominations obtained from recommendations made by individuals, organizations and associations concerned with public land and resource management. From this list and from other sources, the Secretary shall appoint not less than 10 nor more than 17 members to represent the interests, services or disciplines specified in the Council charter. At least one member shall be an elected official of general purpose government. The Council shall elect its own officers.

(b) The National Public Lands Advisory Council shall advise the Secretary, through the Director, as to regulations, policies, plans and programs of national scope relative to public lands and resources under the jurisdiction of the Bureau of Land Management.

(c) The Council shall meet at the call of the Director. The Director or the Director's designee shall be the authorized representative at all meetings

of the Council and committees that may be formed.

(d) Administrative support for the Council shall be the responsibility of the Director.

§ 1784.6-2 [Reserved]

§ 1784.6-3 California Desert Conservation Area Advisory Committee.

(a) The Director shall submit biennially to the Secretary a list of nominations for membership received following public calls for nominations. From this list and from other sources, the Secretary shall appoint 15 members to represent the interests, services, and disciplines specified by the Committee charter. One member shall be an elected official of general purpose government serving within the California Desert Conservation Area.

(b) The California Desert Conservation Area Advisory Committee advises the Secretary, through the Bureau of Land Management, regarding the preparation and implementation of a comprehensive, long-range plan for the management, use, development, and protection of the public lands within the California Desert Conservation Area of Southern California.

(c) The Committee and any subcommittee(s) formed shall meet at the call of the California State Director, Bureau of Land Management, and elect their own officers. The California State Director, or a designee, shall be the authorized representative at all meetings of the Committee and its subcommittees.

(d) Administrative support shall be provided by the office of the California State Director.

(e) The Committee shall terminate no later than December 31, 1981.

§ 1784.6-4 District advisory councils.

(a) An advisory council shall be established for each Bureau of Land Management District.

(b) Biennially, following public calls for nominations, the Secretary or his designee shall appoint not less than 10 nor more than 15 individuals to serve on the council. One of the appointees shall be an elected official of general purpose government serving within the District. Membership shall be balanced to reflect the various elements in the plans and programs for the District.

(c) A district advisory council advises the Bureau of Land Management District Manager to whom it reports regarding multiple use plans and programs for public lands and resources under the jurisdiction of that District.

(d) A District advisory council and its subcommittee(s) shall meet at the call of the District Manager and elect their own officers. The District Manager or a designee shall be the authorized representative at all meetings of the council and its subcommittees.

(e) Administrative support for a District advisory council and its subcommittees shall be provided by the office of the District Manager to whom it reports.

§ 1784.6-5 Grazing advisory boards.

(a) At least one grazing advisory board shall be established in each District office of the 16 contiguous Western States—

(1) Having jurisdiction over more than 500,000 acres of land subject to commercial livestock grazing; and

(2) Upon petition of a simple majority of public land livestock lessees and permittees under the jurisdiction of the District Office.

(b) The District Manager to whom the board reports shall call biennially for nominations from grazing lessees and permittees under the jurisdiction of the District office. From such nominations, the lessees and permittees shall, in turn, elect no less than 5 nor more than 8 individuals to serve on the board. Member service shall be without cost to the Government.

(c) The advice and recommendations to the District Manager by a grazing advisory board shall be limited to matters regarding—

(1) The development of allotment management plans; and

(2) The utilization of range-betterment funds with respect to livestock grazing.

(d) A grazing advisory board shall meet at least once a year at the call of the District Manager to whom it reports, and shall elect its own chairperson. The District Manager or a designee shall be the authorized representative at all meetings.

(e) Administrative support for a grazing advisory board shall be provided by the office of the District Manager to whom the board reports.

(f) All grazing advisory boards established under these regulations shall terminate December 31, 1985.

Dated: September 19, 1979.

Guy R. Martin,

Assistant Secretary of the Interior.

[FR Doc. 79-30328 Filed 9-28-79; 8:45 am]

BILLING CODE 4310-84-M

federal register

Monday
October 1, 1979

Part XI

Environmental Protection Agency

Water Quality Criteria; Availability

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1300-4]

Water Quality Criteria; Availability

AGENCY: Environmental Protection Agency.

ACTION: Notice.

SUMMARY: EPA is announcing the availability for public comment of water quality criteria for the last 12 of the 65 pollutants listed as toxic under the Clean Water Act (CWA). When published in final after public comment, these water quality criteria may form the basis for enforceable standards. The criteria were developed pursuant to section 304 of the CWA and in compliance with a court order. Summaries of both aquatic-based and health-based criteria and the criteria formulation sections of the documents are published below.

DATES: Written comments should be submitted to the person listed below by December 31, 1979.

FOR FURTHER INFORMATION CONTACT: Kenneth M. Mackenthun, Director, Criteria and Standards Division (WH-585), Office of Water Planning and Standards, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460, telephone 202/755-0100.

SUPPLEMENTAL INFORMATION: EPA published 27 water quality criteria for public comment on March 15, 1979 (44 FR 15926). At that time EPA published a preamble for the criteria, a methodology for deriving aquatic life criteria, a methodology for deriving human health criteria, a summary of specific issues for commentors to address and summaries of the individual criteria documents. The information contained in the March 15 publication applies to the criteria published in this notice. EPA published an additional 26 water quality criteria for public comment on July 25, 1979 (44 FR 43660).

AVAILABILITY OF DOCUMENTS: Copies of the complete documents will be sent to all persons who requested copies of the initial criteria prior to the time they were published and to those who commented on the first 27 criteria. Other persons wishing to review the full documents may obtain copies from the National Technical Information Service, 5285 Port Royal Road, Springfield, Virginia (703) 557-4650. A list of the NTIS publication order numbers for all 65 criteria documents is published as an appendix to this notice. The documents also are available for public inspection and copying during normal business hours at: Public Information Reference Unit, U.S. Environmental Protection Agency, Room 2404 (rear), 401 M Street, SW., Washington, D.C. 20460. As provided in 40 CFR Part 2, a reasonable fee may be charged for copying services. Copies of these documents will also be available for review in the EPA Regional Office libraries.

Dated: September 13, 1979.

Douglas M. Costle,

Administrator.

Appendix

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2. Acrolein 296 788
3. Acrylonitrile 297 915
4. Aldrin/Dieldrin 297 916
5. Antimony 296 789
6. Arsenic 292 420
7. Asbestos 297 917
8. Benzene 292 421
9. Benzidine 297 918
10. Beryllium 292 422
11. Cadmium 292 423
12. Carbon Tetrachloride 292 424
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14. Chlorinated benzenes 297 919
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16. Chloroalkyl ethers 297 921
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22. Copper 296 791
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Acrylonitrile

Criteria Summary

Freshwater Aquatic Life. For acrylonitrile the criterion to protect freshwater aquatic life as derived using the Guidelines is 130 μg/l as a 24-hour average and the concentration should not exceed 300 μg/l at any time.

Saltwater Aquatic Life. For acrylonitrile the criterion to protect saltwater aquatic life as derived using procedures other than the Guidelines is 130 μg/l as a 24-hour average and the concentration should not exceed 290 μg/l at any time.

Human Health. For the maximum protection of human health from the potential carcinogenic effects of exposure to acrylonitrile through ingestion of water and contaminated aquatic organisms, the ambient water concentration is zero. Concentrations of acrylonitrile estimated to result in additional lifetime cancer risks ranging from no additional risk to an additional risk of 1 in 100,000 are presented in the Criterion Formulation section of this document. The Agency is considering setting criteria at an interim target risk level in the range of 10^{-5}, 10^{-6}, or 10^{-7} with corresponding criteria of 0.08 μg/l, 0.008 μg/l, and 0.0008 μg/l, respectively. If water alone is consumed, the water concentration should be less than 0.16 μg/l to keep the lifetime cancer risk below 10^{-5}.

Basis for the Criteria

Freshwater Aquatic Life. The maximum concentration of acrylonitrile is the Final Acute Value of 300 μg/l and the 24-hour average concentration is 0.44 times the Final Acute Value. No important adverse effects on freshwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

For acrylonitrile the criterion to protect freshwater aquatic life as derived using the Guidelines is 130 μg/l as a 24-hour average and the concentration should not exceed 300 μg/l at any time.

Summary of Available Data

The concentrations below have been rounded to two significant figures.

Final Fish Acute Value = 2,500 μg/l
Final Invertebrate Acute Value = 300 μg/l
Final Acute Value = 300 μg/l
Final Fish Chronic Value = not available

Final Invertebrate Chronic Value=greater than 710 μg/l
Final Plant Value=not available
Residue Limited Toxicant Concentration=not available
Final Chronic Value=greater than 710 μg/l
0.44×Final Acute Value=130 μg/l

Saltwater Aquatic Life. No saltwater criterion can be derived for acrylonitrile using the Guidelines because no Final Chronic Value for either fish or invertebrate species or a good substitute for either value is available.

However, results obtained with acrylonitrile and freshwater organisms indicate how a criterion may be derived.

For acrylonitrile and freshwater organisms, 0.44 times the Final Acute Value is less than the Final Chronic Value that is derived from results of a life cycle test with *Daphnia magna.* Therefore, it seems reasonable to estimate a criterion for acrylonitrile and saltwater organisms using 0.44 times the Final Acute Value. Both a Final Fish Acute Value and a Final Invertebrate Acute Value are available for acrylonitrile and freshwater organisms, and the Final Acute Value is based on the invertebrate value since it is the lower of the two. For saltwater organisms, only a Final Fish Acute Value is available. For freshwater organisms, the Final Invertebrate Acute Value divided by the Final Fish Acute Value is 300÷2,500 μg/l=0.12. Multiplying this value times the saltwater Final Fish Acute Value for acrylonitrile results in an estimated saltwater Final Invertebrate Acute Value of 0.12×2,400 μg/l=290 μg/l. Thus the estimated Final Acute Value for acrylonitrile is 290 μg/l. Multiplying the final Acute Value of 290 μg/l by 0.44 gives 130 μg/l.

The maximum concentration of acrylonitrile is the Final Acute Value of 290 μg/l, and the 24-hour average concentration is 0.44 times the final Acute Value. No important adverse effects on saltwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

For acrylonitrile the criterion to protect saltwater aquatic life as derived using procedures other than the Guidelines is 130 μg/l as a 24-hour average and the concentration should not exceed 290 μg/l at any time.

Summary of Available Data

The concentrations below have been rounded to two significant figures.

Final Fish Acute Value=2,400 μg/l
Final Invertebrate Acute Value=not available
Final Acute Value=2,400 μg/l
Final Fish Chronic Value=not available
Final Invertebrate Chronic Value=not available
Final Plant Value=not available
Residue Limited Toxicant Concentration=not available
Final Chronic Value=not available
0.44×Final Acute value=1100 μg/l

Human Health. The animal carcinogenicity studies of Norris (1977), Quast, et al. (1977), and Maltoni, et al. (1977) and the epidemiological studies of O'Berg (1977) and Monson (1977) were considered to be the most pertinent data for the determination of a water quality criterion for the protection of human health. Although the epidemiological studies showed excesses of various cancers in man, neither study had quantative exposure data of the workers to acrylonitrile and hence could not be utilized for calculation of a safe level. The criterion was therefore developed from the animal carcinogenicity data by utilizing the linear non-threshold model.

The rat carcinogenicity studies, in general, showed a tumorigenic response to acrylonitrile whether exposure was by ingestion or inhalation. These data support the findings of the epidemiological studies.

To select data for the evaluation of an acceptable risk concentration, studies having the following attributes were chosen:

1. There was an increase in frequency of tumors in treated rats over control rats.

2. There was a low frequency of tumors in control rats.

3. Several dosage levels were tested so dose-response relationships could be interpreted.

To use the linear dose-response non-threshold model in calculating a water concentration that results in a risk of a carcinogenicity incidence of 1/100,000, the following assumptions were made for all calculations:

1. A maximum bioaccumulation factor of 110 for acrylonitrile, as determined for the bluegill sunfish (EPA report, Duluth, Mn.).

2. Consumption of water per person per day is 2l over a period of 70 years.

3. Average consumption of fish per person per day is 18.7 grams.

4. Average life span for test rats is 730 days.

Specialized assumptions for converting inhalation dose to an equivalent ingestion dose were made with the Maltoni, et al. (1977) study as follows:

1. The average rat respiration rate is 0.61 1/min. kg (Guyton, 1947; Crosfill and Widdiconbe, 1961).

2. The average weight for male rats is 500 g and female rats 300 g.

3. The absorption efficiency is 90 percent (Young, et al. 1977).

4. Since the duration of the experiment was 1001 days, the average life span of the rat was assumed to be 1001 days due to constraints of the equations in the linear model.

5. The data of Young, et al. (1977) (see Pharmacokinetics) suggests that extrapolation from one dosage route to another may not be valid. Further verification of this data is needed, however, and the data of Maltoni's inhalation study was included for comparison with the water ingestion studies.

The results of the application of the linear non-threshold model to the selected data are summarized below:

Reference	Route	Location of tumor	Sex	Dose (mg/kg)	Acceptable risk concentration in water (mg/1)
Norris, 1977	Water ingestion	Proliferation lesions in brain.	Female	12.45	1.2×10^{-4}
		Mammary gland	Female	4.7	1.6×10^{-4}
		Ear canal masses	Female	12.45	9.8×10^{-4}
			Male	23.8	8.8×10^{-5}
Quast, et al	Water ingestion	Stomach	Female	27.45	1.5×10^{-4}
			Male	23.8	8.8×10^{-5}
		Central nervous system.	Female	11.4	8.3×10^{-5}
			Male	9.6	1.9×10^{-4}
		Zymbal gland	Female	11.4	1.9×10^{-4}
Maltoni, et al. 1977	Inhalation	Gliomas	Male	*4.1	18.1×10^{-4}
		Mammary gland	Female	*1.0	0.6×10^{-4}
			Male	*4.1	5.6×10^{-4}

*Calculated ingestion dose converted from inhalation.

In spite of the differences between the data sets, the application of linear non-threshold model results in relatively similar calculated acceptable risk concentrations for water in each case.

Due to the numerous assumptions necessary for the Maltoni study as well as the potential inability to convert between dosage routes, the data from this study were not weighed as heavily as the others. Therefore, the value of 0.8×10^{-4} mg/l was selected as the recommended criterion for acrylonitrile in water. It must be emphasized that this level is based on data from a 12-month interim report and is, therefore, preliminary in nature.

Under the Consent Decree in NRDC vs. Train, criteria are to state "recommended maximum permissible concentrations (including where appropriate, zero) consistent with the protection of aquatic organisms, human health, and recreational activities." Acrylonitrile is suspected of being a human carcinogen. Because there is no recognized safe concentration for a human carcinogen, the recommended concentration of acrylonitrile in water for maximum protection of human health is zero.

Because attaining a zero concentration level may be infeasible in some cases and in order to assist the Agency and States in the possible future development of water quality regulations, the concentrations of acrylonitrile corresponding to several incremental lifetime cancer risk levels have been estimated. A cancer risk level provides an estimate of the additional incidence of cancer that may be expected in an exposed population. A risk of 10^{-5} for example, indicates a probability of one additional case of cancer for every 100,000 people exposed, a risk of 10^{-6} indicates one additional case of cancer for every million people exposed, and so forth.

In the **Federal Register** notice of availability of draft ambient water quality criteria, EPA stated that it is considering setting criteria at an interim target risk level of 10^{-5}, 10^{-6} or 10^{-7} as shown in the table below.

Exposure Assumptions	Risk Levels and Corresponding Criteria[1]		
	10^{-7}	10^{-6}	10^{-5}
2 liters of drinking water and consumption of 18.7 grams of fish and shellfish (2)	0.008×10^{-4} mg/l	0.08×10^{-4} mg/l	0.8×10^{-4} mg/l
Consumption of fish and shellfish only.	0.016×10^{-4} mg/l	0.16×10^{-4} mg/l	1.6×10^{-4} mg/l

(1) Calculated by applying a modified "one hit" extrapolation model described in the Methodology Document to the animal bioassay data presented in Appendix III. Since the extrapolation model is linear to low doses, the additional lifetime risk is directly proportional to the water concentration. Therefore, water concentrations corresponding to other risk levels can be derived by multiplying or dividing one of the risk levels and corresponding water concentrations shown in the table by factors such as 10, 100, 1,000, and so forth.

(2) Fifty one percent of the acrylonitrile exposure results from the consumption of aquatic organisms which exhibit an average bioconcentration potential of 110-fold. The remaining 49 percent of the acrylonitrile exposure results from drinking water.

Concentration levels were derived assuming a lifetime exposure to various amounts of acrylonitrile (1) occurring from the consumption of both drinking water and aquatic life grown in water containing the corresponding acrylonitrile concentrations and, (2) occurring solely from the consumption of aquatic life grown in the waters containing the corresponding acrylonitrile concentrations. Because data indicating other sources of exposure and the contribution to total body burden are inadequate for quantitative use, the criterion reflects the increment to risks associated with ambient water exposure only.

Summary of Pertinent Data

The water quality criterion for acrylonitrile is derived from the tumorigenic effect observed in the central nervous system of female Sprague-Dawley rats given 100 ppm acrylonitrile in drinking water. The time weighted average dose of 11.4 mg/kg/day was given for 52 weeks, and ten animals of each group were then sacrificed (interim). The incidence of brain tumors was 0/9 and 4/10 in the control and the treated groups, respectively. Assuming a fish bioconcentration of 110, the criterion is calculated from the following parameters:

$n_t = 4$
$N_t = 10$
$n_c = 0$
$N_c = 9$
$le = 368$ days
$Le = 368$ days
$d = 11.4$ mg/kg/day
$R = 110$
$L = 730$ days
$w = 0.350$ kg
$F = 0.0187$ kg/day

Based on these parameters, the one-hit slope B_H is 2.0455 $(mg/kg/day)^{-1}$. The resulting water concentration of acrylonitrile calculated to keep the individual risk below 10^{-5} is 0.084 µg/l. It must be emphasized that this concentration level is based on data from a 12-month interim report and is, therefore, likely to be modified when the final report becomes available.

Aldrin/Dieldrin

Criteria Summary

Freshwater Aquatic Life. For aldrin/dieldrin the criterion to protect freshwater aquatic life as derived using the Guidelines is 0.0019 µg/l as a 24-hour average and the concentration should not exceed 1.2 µg/l at any time.

Saltwater Aquatic Life. For aldrin/dieldrin the criterion to protect saltwater aquatic life as derived using procedures other than the Guidelines is 0.0069 µg/l as a 24-hour average and the concentration should not exceed 0.16 µg/l at any time.

Human Health. For the maximum protection of human health from the potential carcinogenic effects of exposure to aldrin through ingestion of water and contaminated aquatic organisms, the ambient water concentration is zero. Concentrations of aldrin estimated to result in additional lifetime cancer risks ranging from no additional risk to an additional risk of 1 in 100,000 are presented in the Criterion document. The Agency is considering setting criteria at an interim target risk level in the range of 10^{-5}, 10^{-6}, or 10^{-7} with corresponding criteria of 4.6×10^{-2} ng/l, 4.6×10^{-3} ng/l, and 4.6×10^{-4} ng/l, respectively.

For the maximum protection of human health from the potential carcinogenic effects of exposure to dieldrin through ingestion of water and contaminated aquatic organisms, the ambient water concentration is zero. Concentrations of dieldrin estimated to result in additional lifetime cancer risks ranging from no additional risk to an additional risk of 1 in 100,000 are presented in the Criterion document. The Agency is considering setting criteria at an interim target risk level in the range of 10^{-5}, 10^{-6}, or 10^{-7}, with corresponding criteria of 4.4×10^{-2} ng/l, 4.4×10^{-3} ng/l, and 4.4×10^{-4} ng/l, respectively.

Basis for the Criteria

Freshwater Aquatic Life. 1The maximum concentration of dieldrin is the Final Acute Value of 1.2 μg/l which is based on the more acutely sensitive invertebrate organisms. Since 0.44 times the Final Acute Value (0.44 x 1.2 μg/l=0.53 μg/l) is not lower than the Final Chronic Value (0.0019 μ1g/1), the latter is the recommended 24-hour average concentration. No important adverse effects on freshwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

Summary of Available Data.

The concentrations below have been rounded to two significant figures.

Final Fish Acute value=1.6μg/l
Final Invertebrate Acute Value=1.2 μg/l
Final Acute Value=1.2μg/l
Final Fish Chronic Value=0.031μg/l
Final Invertebrate Chronic Value= not available
Final Plant Value=100 μg/l
Residue Limited Toxicant Concentration=0.0019 μg/l
Final Chronic Value=0.0019μg/l
0.44 × Final Acute Value=0.53μg/l

Saltwater Aquatic Life. No saltwater criterion can be derived for dieldrin using the Guidelines because no Final Chronic Value for either fish or invertebrate species or a good substitute for either value is available.

However, results obtained with dieldrin and freshwater organisms indicate how a criterion may be estimated. For freshwater organisms the Final Fish Chronic Value divided by the Final Fish Acute Value is 0.031/1.6=0.019. When this value is multiplied times the saltwater Final Fish Acute Value, an estimated Final Fish Chronic Value of 0.85×0.019=0.016 μg/l is obtained. Therefore, the Final Chronic Value of 0.0069 μg/l, based on the RLTC, should not cause adverse chronic effects on fish or invertebrate species.

To estimate a criterion for dieldrin, the maximum concentration is the Final Acute Value of 0.16 μg/l and the 24-hour average concentration is the Final Chronic Value of 0.0069 μg/l. No important adverse effects on saltwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

Summary of Available Data. The concentrations below have been rounded to two significant figures.

Final Fish Acute Value=0.85 μg/l
Final Invertebrate Acute Value=0.16 μg/l
Final Acute Value=0.16 μg/l
Final Fish Chronic Value=not available
Final Invertebrate Chronic Value=not available
Final Plant Value=950 μg/l
Residue Limited Toxicant Concentration=0.0069 μg/l
Final Chronic Value=0.0069 μg/l
0.44×Final Acute Value=0.070 μg/l

Human Health. The aldrin and dieldrin carcinogenicity data of Walker, et al. (1972) and the National Cancer Institute (1976) were analyzed using a linear dose-response model to calculate that concentration of dieldrin in water which is estimated to result in an excess lifetime risk of 10^{-5} in man.

It should be noted that Walker, et al. study used 99 percent pure dieldrin while the NCI study used technical grade dieldrin.

Under the Consent Decree in NRDC vs. Train, criteria are to state "recommended maximum permissible concentrations (including where appropriate, zero) consistent with the protection of aquatic organisms, human health, and recreational activities." Both aldrin and dieldrin are suspected of being human carcinogens. Because there is no recognized safe concentration for a human carcinogen, the recommended concentration of aldrin/dieldrin in water for maximum protection of human health is zero.

Because attaining a zero concentration level may be infeasible in some cases and in order to assist the Agency and States in the possible future development of water quality regulations, the concentrations of aldrin and dieldrin corresponding to several incremental lifetime cancer risk levels have been estimated. A cancer risk level provides an estimate of the additional incidence of cancer that may be expected in an exposed population. A risk of 10^{-5} for example, indicates a probability of one additional case of cancer for every 100,000 people exposed, a risk of 10^{-6} indicates one additional case of cancer for every million people exposed, and so forth.

In the **Federal Register** notice of availability of draft ambient water quality criteria, EPA stated that it is considering setting criteria at an interim target risk level of 10^{-5}, 10^{-6} or 10^{-7} as shown in the table below.

Exposure Assumptions	Risk Levels and Corresponding Criteria (1)			
	0	10^{-7}	10^{-6}	10^{-5}
2 liters of drinking water and consumption of 18.7 grams of fish and shellfish (2)				
Aldrin	0	4.6×10^{-4} ng/l	4.6×10^{-3} ng/l	4.6×10^{-2} ng/l
Dieldrin	0	4.4×10^{-4} ng/l	4.4×10^{-3} ng/l	4.4×10^{-2} ng/l
Consumption of fish and shellfish only.				
Aldrin	0	4.6×10^{-4} ng/l	4.6×10^{-3} ng/l	4.6×10^{-2} ng/l
Dieldrin	0	4.5×10^{-4} ng/l	4.5×10^{-3} ng/l	4.5×10^{-2} ng/l

(1) Calculated by applying a modified "one hit" extrapolation model described in the 44 FR 15926, 1979. Appropriate bioassay data used in the calculation of the model are presented in the summary of pertinent data. Since the extrapolation model is linear to low doses, the additional lifetime risk is directly proportional to the water concentration. Therefore, water concentrations corresponding to other risk levels can be derived by multiplying or dividing one of the risk levels and corresponding water concentrations shown in the table by factors such as 10, 100, 1,000, and so forth.

(2) 99.9 percent of aldrin exposure results from the consumption of aquatic organisms which exhibit an average bioconcentration potential of 4500 fold. The remaining 0.1 percent of aldrin exposure results from drinking water.

Ninety-eight percent of dieldrin exposure results from the consumption of aquatic organisms which exhibit an average bioconcentration potential of 4500 fold. The remaining 2 percent of dieldrin exposure results from drinking water.

Concentration levels were derived assuming a lifetime exposure to various amounts of aldrin/dieldrin, (1) occurring from the consumption of both drinking water and aquatic life grown in water

containing the corresponding aldrin/dieldrin concentrations and, (2) occurring solely from the consumption of aquatic life grown in the waters containing the corresponding aldrin/dieldrin concentrations.

Although total exposure information for aldrin and dieldrin is discussed and an estimate of the contributions from other sources of exposure can be made, this data will not be factored into the ambient water quality criteria formulation because of the tenuous estimates. The criteria presented, therefore, assume an incremental risk from ambient water exposure only.

Summary of Pertinent Data for Aldrin. The water quality criterion for aldrin is derived from the hepatocellular carcinoma response of the B6C3F1 male mice given the low dose of aldrin in the NCI bioassay test, and on the response in the 0.1 ppm group of female CF–1 mice in the Walker, et al. (1972) experiment. In the NCI study, a time-weighted average dose of 4 ppm was given in the feed for 80 weeks and the animals were observed for an additional 10 weeks before terminal sacrifice. The incidence of hepatocellular carcinoma was 3/20 and 16/49 in the control and treated groups, respectively. The slope of the one-hit dose-response curve for aldrin is calculated from the following parameters:

$n_t = 16$
$N_t = 49$
$n_c = 23$
$N_c = 20$
Le = 90 weeks
le = 80 weeks
d = 4 ppm × 0.13 = 0.52 mg/kg/day
L = 90 weeks
w = 0.035 kg

With these parameters the slope of the one-hit dose-response curve for aldrin is 6.349 $(mg/kg/day)^{-1}$.

The conversion of aldrin to dieldrin in fish results in the accumulation of dieldrin residues in fish exposed to aldrin. This makes it necessary to consider the risk resulting from intake of dieldrin stored in fish due to the presence of aldrin in water. Thus, the criterion for aldrin also depends upon the one-hit dose-response curve for dieldrin, which has a slope of 183.6 $(mg/kg/day)^{-1}$ as calculated previously from the Walker, et al. (1972) study.

The equation describing the risk due to aldrin in water is derived from the general relationship

$P = B_H D$ and $D = I/70$ kg, thus
$P = B_H I/70$ kg and
$P(70\text{ kg}) = B_H I$

Where:

P = individual lifetime risk (set at 10^{-5} for criterion calculation)
I = average daily human intake of the substance in question
B_H = average weight of humans

Since aldrin in water leads to the accumulation of dieldrin residues in fish, the equation describing the risk due to aldrin is

$Pa\ (70\text{ kg}) = B_{Ha}\ C_a\ (2.0\text{ l/day}) + B_{Ha}\ C_a\ R_{ad}\ (0.0187\text{ kg/day}) + B_{Hd}\ C_a\ R_{ad}\ (0.0187\text{ kg/day})$

Where:

P_a = risk due to aldrin (set at 10^{-5} for criterion calculation)
$B_{Ha} = 6.349\ (mg/kg/day)^{-1}$, the aldrin dose-response slope
$B_{Hd} = 183.6\ (mg/kg/day)^{-1}$, the dieldrin dose-response slope
C_a = criterion concentration for aldrin (to be calculated)
R_a = 32 l/kg, the fish bioconcentration of aldrin from aldrin
R_{ad} = 4468 l/kg, the fish bioconcentration of dieldrin from aldrin
2.0 l/day = average daily intake of water for humans
0.0187 kg/day = average daily intake of fish for humans.

The term containing R_{ad} represents intake of dieldrin resulting from the presence of aldrin in the water, and is thus multiplied by the dieldrin dose-response slope. R_{ad} is estimated by assuming that in the absence of conversion to dieldrin, aldrin would bioconcentrate 4500 times (as dieldrin does), and that since aldrin only accumulates 32 times, the remainder of the expected aldrin residues are being stored as dieldrin.

The result is that the water concentration of aldrin should be less than 4.6×10^{-2} ng/l in order to keep the individual lifetime risk below 10^{-5}.

Summary of Pertinent Data for Dieldrin. The water quality criterion for dieldrin is based on the hepatocellular carcinoma response of the female CF–1 mice given 0.1 ppm of dieldrin continuously in the diet in the experiment of Walker, et al. (1972). In that group the incidence of type a and type b liver tumors in the 0.1 ppm group of females was 24 out of 90 animals, whereas in the controls it was 39 out of 297 animals. Assuming a fish bioconcentration factor of 4500, the parameters of the dose-response model are:

$n_t = 24$
$N_t = 90$
$n_c = 39$
$N_c = 297$
Le = 132 weeks
le = 132 weeks
d = 0.1 ppm × 0.13 = 0.013 mg/kg/day
L = 132 weeks
w = 0.025 kg
R = 4500
F = 0.0187 kg/day

With these parameters the slope of the one-hit dose-response curve for dieldrin is 183.6 $(mg/kg/day)^{-1}$.

The result is that the water concentration should be less than 4.4×10^{-2} ng/l in order to keep the individual lifetime risk below 10^{-5}.

Asbestos

Criteria Summary

Freshwater Aquatic Life. For freshwater aquatic life, no criterion for asbestos can be derived using the Guidelines, and there are insufficient data to estimate a criterion using other procedures.

Saltwater Aquatic Life. For saltwater aquatic life, no criterion for asbestos can be derived using the Guidelines, and there are insufficient data to estimate a criterion using other procedures.

Human Health. For the maximum protection of human health from the potential carcinogenic effects of exposure to asbestos through ingestion of water and contaminated aquatic organisms, the ambient water concentration is zero. Concentrations of asbestos estimated to result in additional lifetime cancer risk of 1 in 100,000 are presented in the Criterion document. The Agency is considering setting criteria at an interim target risk level in the range of 10^{-5}, 10^{-6}, 10^{-7} with corresponding criteria of 300.00 fibers/l, 30.000 fibers/l, and 3.000 fibers/l, respectively.

Basis for the Criteria

Aquatic Life. No appropriate data on the effects of asbestos on aquatic organisms are available at this time. Therefore, no freshwater or saltwater criterion can be derived for asbestos using the Guidelines because no Final Chronic Value for either fish or invertebrate species or a good substitute for either value is available, and there are insufficient data to estimate a criterion using other procedures.

Human Health. A substantial body of data exists which shows increased incidence of cancer of the esophagus, stomach, colon, and rectum or peritoneal mesothelioma in humans exposed to asbestos occupationally. For several of these groups, data exist on the approximate air-borne fiber concentrations to which individuals were exposed. These human data will serve as the primary basis for a standard of asbestos in water. Experimental data indicate that a major fraction of the asbestos deposited in the lungs is subsequently swallowed. In this section the dose to the gastrointestinal tract of four occupational groups will be calculated from knowledge of the air

concentrations to which the workers were exposed and follow the assumption that all the asbestos inhaled subsequently passed through the gastrointestinal tract and provided the exposure that led to the observed increase in abdominal cancer. The assumption that all inhaled asbestos ingested is an overestimate but not significantly. No account has been taken of the material that a worker may swallow directly, and this quantity could be significant. However, for the purposes of a criterion, our inability to quantiate direct ingestion in the work place and to properly account for it by a the present approach provides some margin of safety in the estimate of dose-response relations.

Table 1 lists the percentage of death from excess gastrointestinal cancer and peritoneal mesothelioma in four groups of asbestos workers. Calculations of this percentage were made using expected numbers of death, rather than the observed, because the latter was inflated by including other asbestos-related deaths.

Table 1.—*Percentage of Excess Gastrointestinal Cancers and Peritoneal Mesothelionias in Four Groups of Asbestos Workers*

Exposed group	Number of excess deaths (from table 28)		Expected number of deaths in cohort	Excess deaths as a percentage of expected deaths in cohort		
	G.I. cancer	Peritoneal mesothelioma		G.I.	Peritoneal mesothelioma	Total
Insulation workers [a] (chrysotile and amosite)	39.9 (ICD 150–154) [a]	109	1660.96	2.4	6.6	9.0
Insulation workers [b] (chrysotile and amosite)	29.4 (ICD 150–154)	22	305.20	9.6	7.2	16.8
Factory employment [c] (amosite)	10.5 (ICD 150–154)	8	368.62	2.9	2.2	5.1
Factory employment [d] (chrysotile, crocidolite and amosite)	15.8 (ICD 150–154 ex meso)	35	556.0	2.8	6.3	9.1

[a] Selikoff, et al. (1979).
[b] Selikoff, et al. (1976).
[c] Seidman, et al. (1979).
[d] Newhouse and Berry (1979).
[e] Public Health Service (1967–69).

Table 2 lists the fiber concentration estimates and an exposure index for each cohort (years of exposure x fiber concentration). This index will be used to calculate the number and mass of asbestos fibers ingested during a working lifetime. As the observed mortality is, to a large extent, after 20 years from first exposure, the intermixing of time and exposure does not present significant problems.

The average length of exposure for the insulation workers in the first group was calculated from data on employment time at entry into the cohort in 1967. Forty years was used as the working lifetime for the smaller group of New York and New Jersey insulators, virtually all of whom are deceased or retired. The estimate of the person-weighted exposure index for the amosite factory is simply the average employment time multiplied by 40 f/ml. Data from Table 3 were used to estimate a person-weighted exposure index for the Newhouse and Berry group.

TABLE 2.—*Exposure Indices for Asbestos Worker Groups*

Exposed group	Air fiber concentration (f/ml)	Person-weighted exposure average time (yrs.)	Exposure index (years × f/ml)
U.S. Insulators Selikoff, et al. (1979)	15	34	510
NY/NJ insulators Selikoff, et al. (1976)	15	40	600
Amosite factory workers Seidman, et al. (1979)	40	1.9	76
British factory workers Newhouse and Berry (1979)	10–30	[1]	180

[1] See table 3c

$$\text{Person-weighted exposure index} = \frac{\sum(\text{No. at risk} \times \text{exposure} \times \text{time})}{\text{(No. at risk)}} = 180.)$$

Table 3.—*Exposure Estimates for Workers in a British Factory* [a]

Exposure group	No. at risk	Exposure (f/ml)	Time of exposure (years)
Severe:			
2 years	711	30	20
2 years	1,333	30	2
Low to moderate:			
2 years	503	10	20
2 years	933	10	2

[a] Newhouse and Berry (1979).

A detailed calculation of the daily intake of asbestos to produce a lifetime risk of 10^{-5} is given in Appendix I. Data of the occupational risk of both gastrointestinal cancer and peritoneal mesothelioma were used (Table 1). Account was taken of the fact that occupational exposures took place over a 5-day work week and that the ingestion exposure may encompass a lifespan of 70 years. It was assumed that a worker breathes at the rate of 1 m^3/hr during work exposure for the purpose of calculating total asbestos intake per day. Using a linear dose-response relationship, and a specified risk of 10^{-5}, the calculated 70-year daily intake resulting from these calculations are given in Table 4. The data from Seidman, et al. were not used because it was exclusively from amosite exposures. Assuming that two liters of water are ingested per day, this would correspond to a concentration of 300,000 fibers of all sizes/liter of water.

Table 4.—*Calculated Intake for 10^{-5} Lifetime Risk of Death From Gastrointestinal Cancer and Peritoneal Mesothelioma*

Exposure group	Estimate of intake/day for 10^{-5} risk (fibers of all lengths/day)
Selikoff, et al. (1979)	900,000
Selikoff, et al. (1976)	600,000
Newhouse and Berry, (1979)	400,000
Average	600,000

A criterion for a mass concentration of asbestos can also be calculated using the conversion value of 30 $\mu g/m^3/f/ml$ as derived from the data for predominantly chrysotile exposures. A value of 150 $\mu g/m^3/f/ml$ for amosite appears more appropriate, based on the finding that amosite has approximately a three time greater conversion factor than chrysotile. A detailed calculation is given in the criteria document and the results are summarized in Table 5. Assuming that two liters of water are ingested per day, a risk of 10^{-5} would be produced from ingesting water

containing 0.05μg/liter. As mentioned in the criteria document, the variability in the data used to convert optical fiber counts to mass leads to a large uncertainty in the above estimate.

Table 5.—*Calculated Intake for 10^{-4} Lifetime Risk of Death From Gastrointestinal Cancer and Peritoneal Mesothelioma*

Exposure group	Estimate of intake/day for 10^{-5} risk (μg/l day)
Selikoff, et al. (1979)	0.14
Selikoff, et al. (1976)	0.09
Seidman, et al. (1979)	0.11
Newhouse and Berry, (1979)	0.05
Average	0.1

Considering chrysotile and depending on the source of the abestos in water, 0.05 μg/l corresponds to from 10^6 to 20×10^6 fibers of all lengths per day. Such estimates are considerably higher than those derived previously and are most likely a reflection of the differences in the sizes of the fibers found in water, as compared to those found in air. Because of these uncertainties, high priority should be given to obtaining accurate size and mass distribution of typical fibers found in different circumstances (air and water) which would allow appropriate conversions to be made between fiber concentrations in air and water.

The majority of samples analyzed for the EPA to date were characterized by a concentration of all microscopic visible fibers per liter of water.

Further, techniques for the determination of fiber concentrations (as opposed to mass concentrations) have been published as interim EPA procedures. Thus, a criterion for the concentration of fibers of all sizes in water corresponding to a 10^{-5} risk will be calculated directly from the concentrations of fibers greater than 5 μm measured in the occupational circumstances that produced disease. Unfortunately, the data currently available relating concentrations of fibers longer than 5μm, counted by optical microscopy, determined by electron microscopy, are extremely limited. These include those by Wallingford (1978), 15:1, Millette (personal communication), 400:1; and Winer and Cossett (1978), 1000:1 and are only for chrysotile asbestos. Using the geometric mean of 200 for this factor from all available data, a total fiber concentration corresponding to a 10^{-5} risk can be calculated from the data of Tables 1 and 2.

In making the calculation, one tacitly assumes the same fiber size distribution in water as in occupational air samples. Some data show that water fiber size distributions vary, and occupational air distributions have been shown to be so variable that the fraction of fibers longer than 5 microns can range over a factor of 10 depending on sampling circumstances. Although sizing of airborne and waterborne fibers have not been done using the same methods, qualitatively, water appears to have fiber distributions with more smaller fibers than in occupational air samples. Thus, an estimate assuming the same fiber size distribution in water as in air will yield a conservate criterion (from the point of view of health).

Although positive animal experiments had various experimental limitations, such data as existed were treated in the model of EPA. The data are presented in Table 6.

Table 6[2]

Effect	Estimated 10^{-5} dosage(μg/l)
4/42 Kidney carcinomas 0/49 control	3.2
12/42 Malignancies 2/49 control	1.1

[2] Gibel, et al. (1976).

Considering the large number of experimental uncertainties, these values provide reasonable support for the concentration derived from human exposure data.

This document was concerned with the estimation of that concentration of asbestos in water which will produce a lifetime risk of 1 in 100,000 in a population exposed continuously. The risk estimate was made using a linear extrapolation from existing human data and would appear to constitute a conservative extrapolation. However, in the case of asbestos the risk factor of 1/100,000 is not conservative. If we were concerned with intermittent or localized contamination incidents of some carcinogen that, once identified, could be abated, such a value would have utility. With asbestos, however, we are concerned with an ubiquitous contaminant in the environment to which large populations are continuously exposed for decades. Further, the estimated value has a high degree of uncertainty associated with it, based upon the data from which it was derived.

Under the Consent Decree in *NRDC* v. *Train*, criteria are to state "recommended maximum permissible concentrations (including where appropriate, zero) consistent with the protection of aquatic organisms, human health, and recreational activities." Asbestos is suspected of being a human carcinogen. Because there is no recognized safe concentration for a human carcinogen, the recommended concentration of asbestos in water for maximum protection of human health is zero.

Because attaining a zero concentration level may be infeasible in some cases and in order to assist the Agency and States in the possible future development of water quality regulations, the concentrations of asbestos corresponding to several incremental lifetime cancer risk levels have been estimated. A cancer risk level provides an estimate of the additional incidence of cancer that may be expected in an exposed population. A risk of 10^{-5} for example, indicates a probability of one additional case of cancer for every 100,000 people exposed, a risk of 10^{-6} indicates one additional case of cancer for every million people exposed, and so forth.

In the **Federal Register** notice of availability of draft ambient water quality criteria, EPA stated that it is considering setting criteria at an interim target risk level of 10^{-5}, 10^{-6}, or 10^{-7} as shown in the table below.

Exposure Assumption	Risk Levels and Corresponding Criteria			
	0	10^{-7}	10^{-6}	10^{-5}
2 liters of drinking water		3,000 f/l*	30,000 f/l	300,000 f/l
Consumption of fish and shellfish only.			No Criterion	

*f = fibers

(1) Calculated by applying a modified "one-hit" extrapolation model described in the Methodology Document to the human epidemiological data presented in criterion document. Since the extrapolation model is linear to low doses, the additional lifetime risk is directly proportional to the water concentration. Therefore, water concentrations corresponding to other risk levels can be derived by multiplying or dividing one of the risk levels and corresponding water concentrations

shown in the table by factors such as 10, 100, 1,000, and so forth.

Concentration levels were derived assuming a lifetime exposure to various amounts of asbestos occurring from the consumption of drinking water only.

Although total exposure information for asbestos is discussed and an estimate of the contributions from other sources of exposure can be made, this data will not be factored into ambient water quality criteria formulation until additional analysis can be made. The criteria presented, therefore, assume an incremental risk from ambient water exposure only.

Benzidine

Criteria Summary

Freshwater Aquatic Life. For freshwater aquatic life, no criterion for benzidine can be derived using the Guidelines, and there are insufficient data to estimate a criterion using other procedures.

Saltwater Aquatic Life. For saltwater aquatic life, no criterion for benzidine can be derived using the Guidelines, and there are insufficient data to estimate a criterion using other procedures.

Human Health. For the maximum protection of human health from the potential carcinogenic effects of exposure to benzidine through ingestion of water and contaminated aquatic organisms, the ambient water concentration is zero. Concentrations of benzidine estimated to result in additional lifetime cancer risks ranging from no additional risk to an additional risk of 1 in 100,000 are presented in the Criterion Formulation section of this document. The Agency is considering setting criteria at an interim target risk level in the range of 10^{-5}, 10^{-6}, or 10^{-7}, with corresponding criteria of 1.67×10^{-3} µg/l, 1.67×10^{-4} µg/l, and 1.67×10^{-5} µg/l, respectively.

Basis for the Criteria

Freshwater and Saltwater Aquatic Life. No freshwater or saltwater criterion can be derived for benzidine using the Guidelines because no Final Chronic Value for either fish or invertebrate species or a good substitute for either value is available, and there are insufficient data to estimate a criterion using other procedures.

Human Health. The available data concerning the carcinogenicity of benzidine in experimental animals are severely limited. It is extremely difficult to extrapolate the experimental results to man because, with the possible exception of the dog and the rabitt, the target organs are different. Moreover, the metabolites produced by the various species, in general, differ significantly from those produced by man (Haley, 1975), although 3-hydroxybenzidine and its conjugation products are common to both man and animals.

Despite the limitations of the available data, a suggested criterion for benzidine was calculated using the linear non-threshold model described in 44 FR 15926 March 15, 1979. The calculation assumes a risk of 1 in 100,000 of developing cancer as a result of daily consumption of 2 liters of benzidine contaminated water and the daily consumption of 18.7 g of benzidine contaminated aquatic organisms. Based on the data of Zavon, et al. (1973)[1], a benzidine criterion of 1.67×10^{-3}, µg/l is suggested to be adequate to protect the population consuming the water and the contaminated aquatic organisms.

Epidemiological data indicate that exposure to benzidine is associated with an increase in bladder cancer in man. The possibility that benzidine may be found in wastewater may also pose a problem. In order to determine the extent of the potential problem, measurements must be made of wastewater not only for benzidine but also for its congeners. Moreover, further evaluation must be made on these chemicals and their azo dye derivatives to determine their stability to microbiological degradation. It is essential that studies of their carcinogenicity in experimental animals be made at doses which produce a bare minimum of liver pathology. A detailed pharmacokinetic study should be undertaken to establish routes of absorption, body transport, storage and excretion of benzidine, its congeners, and the azo dyes synthesized from them. Programs covering both industrial hygienic and epidemiologic aspects of exposure to benzidine and its congeners to establish the degree of dermal and pulmonary absorption are a necessity if we are to prevent this chemically induced cancer from occurring.

Under the Consent Decree in *NRDC vs. Train*, criteria are to state "recommended maximum permissible concentrations (including where appropriate, zero) consistent with the protection of aquatic organisms, human health, and recreational activities." Benzidine is suspected of being a human carcinogen. Because there is no recognized safe concentration for a human carcinogen, the recommended concentration of benzidine in water for maximum protection of human health is zero.

Because attaining a zero concentration level may be infeasible in some cases and in order to assist the Agency and States in the possible future development of water quality regulations, the concentrations of benzidine corresponding to several incremental lifetime cancer risk levels have been estimated. A cancer risk level provides an estimate of the additional incidence of cancer that may be expected in an exposed population. A risk of 10^{-5} for example, indicates a probability of one additional case of cancer for every 100,000 people exposed, a risk of 10^{-6} indicates one additional case of cancer for every million people exposed, and so forth.

In the **Federal Register** notice of availability of draft ambient water quality criteria, EPA stated that it is considering setting criteria at an interim target risk level of 10^{-5}, 10^{-6} or 10^{-7} as shown in the table below.

Exposure Assumptions	Risk Levels and Corresponding Criteria(1)			
	0	10^{-7}	10^{-6}	10^{-5}
2 liters of drinking water and consumption of 18.7 grams of fish and shellfish (2)	0	1.67×10^{-5} µg/l	1.67×10^{-4} µg/l	1.67×10^{-3} µg/l
Consumption of fish and shellfish only.	0	5.24×10^{-5} µg/l	5.24×10^{-4} µg/l	5.24×10^{-3} µg/l

(1) Calculated by applying a modified "one hit" extrapolation model described in 44 FR 15926 March 15, 1979. Appropriate epidemiological data used in the calculation of the model are presented in Summary of Pertinent Data. Since the extrapolation model is linear to low doses, the additional lifetime risk is directly proportional to the water concentration. Therefore, water concentrations corresponding to other

[1] Zavon, M.R., et al. 1973. Benzidine exposure as a cause of bladder tumors. Arch. Environ. Health 27:1.

risk levels can be derived by multiplying or dividing one of the risk levels and corresponding water concentrations shown in the table by factors such as 10, 100, 1,000, and so forth.

(2) Thirty-two percent of benzidine exposure results from the consumption of aquatic organisms which exhibit an average bioconcentration potential of 50-fold. The remaining 68 percent of benzidine exposure results from drinking water.

Concentration levels were derived assuming a lifetime exposure to various amounts of benzidine, (1) occurring from the consumption of both drinking water and aquatic life grown in water containing the corresponding benzidine concentrations and, (2) occurring solely from the consumption of aquatic life grown in the waters containing the corresponding benzidine concentrations.

Although total exposure information for benzidine is discussed and an estimate of the contributions from other sources of exposure can be made, this data will not be factored into the ambient water quality criteria formulation because of the tenuous estimates. The criteria presented, therefore, assume an incremental risk from ambient water exposure only.

Summary of Pertinent Data

The data from the human epidemiology study of Zavon, et al. 1973 [1] were used to estimate the concentration of benzidine in water calculated to keep the lifetime cancer risk below 10^{-5}. In this study 25 workers in a benzidine manufacturing plant were observed for the appearance of bladder tumors after a mean exposure period of 13.61 years, their average age at the end of exposure was 44 years and at the end of a 13-year observation was 57 years. The men not showing evidence of cancer had a mean exposure period of 8.91 years, their average age at the end of exposure was 43 years and at the end of observation 56 years. The estimated total accumulated dose of 200 mg/kg was estimated from average urinary levels of benzidine in these workers at the end of a workshift (see Zavon, et al. 1973).[1] The criterion was calculated from the following parameters:

Average weight of man = 70 kg
Observed incidence of bladder cancer = 13/25 (52 percent)
Accumulated dose = 200 mg/kg
Bioconcentration factor of benzidine = 50
X = average daily exposure producing lifetime risk of 10^{-5}
B^* = potency factor, which is an estimate of the linear dependency of cancer rates on lifetime average dose
C = concentration of benzidine in water, calculated to produce a lifetime risk of 10^{-5}, assuming a daily ingestion of 2 liters of water and 0.0187 kg fish.

Workers were assumed to have received 200 mg/kg of benzidine in a lifetime. At the end of a 13-year observation period, the average age of the workers was 57 years. Therefore, benzidine exposure on a mg/day basis amounts to:

$$\frac{200 \times 70}{365 \times 57} = .673 \text{ mg/day}$$

This gives a response at 57 years of 52% so that:

$$.52 = 1 - e^{-B(.673)}$$
$$B = \frac{.734}{.673} = 1.091$$

$$B^* = B\left(\frac{tf}{ti}\right)^3 = 1.091\left(\frac{70}{57}\right)^3 = 2.021$$

$$(2.021)\ (X) = 10^{-5}$$
$$X = 4.9 \times 10^{-6} \text{ mg/day to obtain a rate of } 10^{-5} \text{ or } 4.9 \times 10^{-3} \text{ µg/day}$$

Therefore:

$$C(2 + 50 \times .0187) = 4.9 \times 10^{-3}$$
$$C = 1.67 \times 10^{-3} \text{ µg/l}$$

From this data the concentration of benzidine in water calculated to keep lifetime cancer risk below 10^{-5} is 1.67×10^{-3} µg/l.

Chloroalkyl Ethers

Criteria Summary

Freshwater Aquatic Life. For freshwater aquatic life, no criterion for any chloroalkyl ether can be derived using the Guidelines, and there are insufficient data to estimate a criterion using other procedures.

Saltwater Aquatic Life. For saltwater aquatic life, no criterion for any chloroalkyl ether can be derived using the Guidelines, and there are insufficient data to estimate a criterion using other procedures.

Human Health. For the protection of human health from the toxic properties of bis(2-chloroisopropyl) ether ingested through water and through contaminated aquatic organisms, the ambient water criterion is determined to be 175.8 µg/l. For the maximum protection of human health from the potential carcinogenic effects of exposure to bis(2-chloroisopropyl) ether through ingestion of water and contaminated aquatic organisms, the ambient water concentration is zero. Concentrations of bis(2-chloroisopropyl) ether estimated to result in additional lifetime cancer risks ranging from no additional risk to an additional risk of 1 in 100,000 are presented in the Criterion document. The Agency is considering setting criteria at an interim target risk level in the range of 10^{-5}, 10^{-6}, or 10^{-7}, with corresponding criteria of 11.5 µg/l, 1.15 µg/l, and 0.115 µg/l, respectively.

For the maximum protection of human health from the potential carcinogenic effects of exposure to bis(2-chloroethyl) ether through ingestion of water and contaminated aquatic organisms, the ambient water concentration is zero. Concentrations of bis(2-chloroethyl) ether estimated to result in additional lifetime cancer risks ranging from no additional risk to an additional risk of 1 in 100,000 are presented in the Criterion document. The Agency is considering setting criteria at an interim target risk level in the range of 10^{-5}, 10^{-6}, or 10^{-7} with corresponding criteria of 0.42 µg/l, 0.042 µg/l, and 0.0042 µg/l, respectively.

For the maximum protection of human health from the potential carcinogenic effects of exposure to bis(chloromethyl) ether through ingestion of water and contaminated aquatic organisms, the ambient water concentration is zero. Concentrations of bis(chloromethyl) ether estimated to result in additional lifetime cancer risks ranging from no

additional risk to an additional risk of 1 in 100,000 are presented in the Criterion document. The Agency is considering setting criteria at an interim target risk level in the range of 10^{-5}, 10^{-6}, or 10^{-7} with corresponding criteria of 0.02 ng/l, 0.002 ng/l, and 0.0002 ng/l, respectively.

Basis for the Criteria

Freshwater Aquatic Life. No freshwater criterion can be derived for any chloroalkyl ether using the Guidelines because no Final Chronic Value for either fish or invertebrate species or a good substitute for either value is available, and there are insufficient data to estimate a criterion using other procedures.

Summary of Available Data. The concentrations below have been rounded to two significant figures.

2-chloroethyl vinyl ether

Final Fish Acute Value = 50,000 μg/l
Final Invertebrate Acute Value = not available
Final Acute Value = 50,000 μg/l
Final Fish Chronic Value = not available
Final Invertebrate Chronic Value = not available
Final Plant Value = not available
Residue Limited Toxicant Concentration = not available
Final Chronic Value = not available
0.44 × Final Acute Value = 22,000 μg/l

bis (2-chloroethyl) ether

Final Fish Acute Value = not available
Final Invertebrate Acute Value = 9,600 μg/l
Final Acute Value = 9,600 μg/l
Final Fish Chronic Value = greater than 1,400 μg/l
Final Invertebrate Chronic Value = not available
Final Plant Value = not available
Residue Limited Toxicant Concentration = not available
Final Chronic Value = greater than 1,400 μg/l
0.44 × Final Acute Value = 4,200 μg/l

Saltwater Aquatic Life. No saltwater criterion can be derived for any chloroalkyl ether using the Guidelines because no Final Chronic Value for either fish or invertebrate species or a good substitute for either value is available, and there are insufficient data to estimate a criterion using other procedures.

Human Health. There is no empirical evidence that BCIE is carcinogenic; however, some chronic toxic effects of the compound have been noted. One approach to estimating a safe level of BCIE in drinking water utilizes the following general equation:

$$NOAEL \times SF \times BW = W \times Z + R \times F \times Z + AD - (R \times F \times Z)$$

where NOAEL = no apparent adverse effect level in mammals
SF = safety factor
BW = body weight of average human (assume 70 kg)
W = daily consumption of water (assume 2 liters)
Z = safe level for water
R = bioconcentration factor (in l/kg)
F = daily consumption of fish (assume 0.0187 kg)
A = daily amount absorbed from air
D = daily amount from total diet (including fish)

Since valid estimates on current exposure from air and total diet cannot be made, the equation can be simplified to $NOAEL \times SF \times BW = (W + R \times F) \times Z$. The lowest dose tested which caused minimum adverse effects was 10 mg/kg/day for the mice. However, even at this dose, there was an increased incidence of centrilobular necrosis of the liver which was not seen in the high-dose group. To be conservative, a safety factor of $\frac{1}{1000}$ will be applied. Assuming an average human body weight of 70 kg, acceptable daily intake calculated is 700 μg/day. Using the estimated bioconcentration factor of 106 for BCIE and assuming daily consumption of 0.0187 kg fish and 2 liters of water, the safe level calculated from these data is 175.8 μg/l. Since this safe level is calculated on the basis of several assumptions that cannot be defended, it should be regarded as a very crude estimate.

Another approach to deriving a criterion has been suggested by the Carcinogens Assessment Group, EPA.

As previously states, BCIE has not been empirically proven to be a carcinogen; nevertheless, it is mutagenic and is in a class of compounds that are known as carcinogens. Based on these facts, credence can be lent to deriving a suggested criterion based upon NCI preliminary data (1978) as applied to the linear, non-threshold model.

Therefore, a lower bound water concentration of 11.5 μg/l has been calculated such that there is a 95 percent confidence that this level is lower than the actual level which would produce a 10^{-5} lifetime cancer risk due to exposure to BCIE.

Although both approaches to calculating a criterion are somewhat tenuous, the weight of evidence for the carcinogenic potential of BCIE is sufficient to be "qualitatively suggestive" and must not be ignored from a public health point of view. Until further conclusive data become available, the Agency feels it is prudent to consider BCIE as a potential carcinogen.

The estimated safe level of BCEE in drinking water may be caluculated using the same linear, non-threshold model as applied to BCIE. The data on the carcinogenicity of this compound by oral administration to male mice are used in the calculation. The bio-accumulation factor used is 25. Based on this approach, the calculated water quality criterion for BCEE is .42 μg/l. Compliance to this level should limit human lifetime risk of carcinogenesis from BCEE in drinking water to not more than 10^{-5} (one case in 100,000 persons at risk), assuming water to be the only source of exposure. It should also very adequately protect against noncarcinogenic toxicity since the daily dose of contaminant that would be absorbed from water containing the criterion limit is many times less than the minimal daily oral dose required to produce a detectable toxic response in animals.

The setting of drinking water standards for BCME and CMME is of academic interest only, since these α-chloroalkyl ethers may not, under ordinary conditions, exist in water for periods of time longer than a few hours. Carcinogenicity data generated by oral administration of these compounds are not available.

In the case of CMME, no criterion was calculated due to its extremely short half-life in aqueous solution. The hydrolysis rate of CMME in aqueous isopropanol has been measured. Extrapolation of the data to pure water yielded a $t_{1/2}$ of less than 1 second. BCME has a slightly longer half-life. Therefore, as a guideline, the safe level of BCME in drinking water may be calculated using the tumor incidence data from chronic rat inhalation studies (Kuschner, et al. 1975). In this study, Sprague-Dawley rats were exposed to 0.1 ppm BCME 6 hours per day, 5 days per week throughout their lifetime. Additional groups of rats were given 10, 20, 40, 80, and 100 exposures to 0.1 ppm BCME. The validity of the incidence rates for humans was established by evaluating the cancer incidence in workers after accounting for their exposure.

Therefore, using the linear, non-threshold model and a bioconcentration factor of 31, the recommended maximum permissible concentration of BCME for the ingested water is .02 ng/l. Compliance to this level should limit human lifetime risk of carcinogenesis from BCME in drinking water to not more than 10^{-5}, assuming water to be the only source of exposure.

Under the Consent Decree in *NRDC vs. Train*, criteria are to state "recommended maximum permissible concentrations (including where appropriate, zero) consistent with the protection of aquatic organisms, human health, and recreational activities."

BCIE, BCEE, and BCME are suspected of being human carcinogens. Because there is no recognized safe concentration for a human carcinogen, the recommended concentration of these chloroalkyl ethers in water for maximum protection of human health is zero.

Because attaining a zero concentration level may be infeasible in some cases and in order to assist the Agency and States in the possible future development of water quality regulations, the concentrations of BCIE, BCEE, and BCME corresponding to several incremental lifetime cancer risk levels have been estimated. A cancer risk level provides an estimate of the additional incidence of cancer that may be expected in an exposed population. A risk of 10^{-5} for example, indicates a probability of one additional case of cancer for every 100,000 people exposed, a risk of 10^{-6} indicates one additional case of cancer for every million people exposed, and so forth.

In the Federal Register notice of availability of draft ambient water quality criteria, EPA stated that it is considering setting criteria at an interim target risk level of 10^{-5}, 10^{-6}, or 10^{-7} as shown in the following table.

Exposure assumptions	Risk levels and corresponding criteria [1]			
	0	10^{-7} (µg/l)	10^{-6} (µg/l)	10^{-5} (µg/l)
2 liters of drinking water and consumption of 18.7 grams of fish and shellfish: [2]				
Bis(2-chloroisopropyl)ether	0	0.115	1.15	11.5
Bis(2-chloroethyl)ether	0	0.0042	0.042	0.42
Bis(chloromethyl)ether	0	0.02×10^{-3}	0.02×10^{-1}	0.02×10^{-3}
Consumption of fish and shellfish only:				
Bis(2-chloroisopropyl)ether	0	0.231	2.31	23.1
Bis(2-chloroethyl)ether	0	0.0219	0.219	2.19
Bis(chloromethyl)ether	0	0.09×10^{-6}	0.09×10^{-4}	0.09×10^{-3}

[1] Calculated by applying a modified "one hit" extrapolation model described in the 44 FR 15926. Appropriate bioassay data used in the calculation of the model are presented in the summary of pertinent data. Since the extrapolation model is linear to low doses, the additional lifetime risk is directly proportional to the water concentration. Therefore, water concentrations corresponding to other risk levels can be derived by multiplying or dividing one of the risk levels and corresponding water concentrations shown in the table by factors such as 10, 100, 1,000, and so forth.

[2] Fifty percent of BCIE exposure results from the consumption of aquatic organisms which exhibit an average bioconcentration potential of 106-fold. The remaining 50 percent of BCIE exposure results from drinking water.

Nineteen percent of BCEE exposure results from the consumption of aquatic organisms which exhibit an average bioconcentration potential of 25-fold. The remaining 81 percent of BCEE exposure results from drinking water.

Twenty-two percent of BCME exposure results from the consumption of aquatic organisms which exhibit an average bioconcentration potential of 31-fold. The remaining 78 percent of BCME exposure results from drinking water.

Concentration levels were derived assuming a lifetime exposure to various amounts of BCIE, BCEE, and BCME, (1) occurring from the consumption of both drinking water and aquatic life grown in water containing the corresponding chloroalkyl ether concentrations and, (2) occurring solely from consumption of aquatic life grown in the waters containing the corresponding chloroalkyl ether concentrations.

Although total exposure information for these chloroalkyl ethers is discussed and an estimate of the contributions from other sources of exposure can be made, these data will not be factored into the ambient water quality criteria formulation because of the tenuous estimates. The criteria presented, therefore, assume an incremental risk from ambient water exposure only.

Summary of Pertinent Data

Bis (2-Chloroisopropyl) Ether. A 95 percent lower bound estimate of the water concentration of BCIE producing 10^{-5} cancer risk is calculated from the preliminary data of the NCI study in Osborne-Mendel rats. Since there is no statistically significant tumor incidence in any treated group compared with controls, the incidence of total malignant tumors in the male rats of the low dose group is compared with that of the respective vehicle control male group. The low dose group was given 100 mg/kg/day of BCIE by intubation 5 days per week for 2 years, so that the average lifetime exposure was 71.4 mg/kg/day. The lower bound water concentration is calculated from the values and the equation shown below. To obtain an upper 95 percent confidence bound on the slope, the following estimate was used

$$B_a u = \ln\left[\frac{1 - P_c(1)}{1 - P_t(u)}\right]$$

where $P_c(1)$ is the lower 2.5 percent confidence limit on the control malignant tumor rate and $P_t(u)$ is the upper 97.5 percent confidence bound on the malignant tumor rate in the treated group.

$n_t=17$ $N_t=50$ $n_c=22$ $N_c=50$ $Le=104$ wk $le=104$ wk $L=104$ wk $d=71.4$ mg/kg/day $w=.550$ kg $F=.0187$ kg $R=106$

Based on these parameters, the upper 95 percent confidence limit on the one-hit slope ($B_H u$) is 1.53×10^{-2} (mg/kg/day)$^{-1}$. Therefore, the 95 percent lower bound estimate of the water concentration of BCIE producing 10^{-5} lifetime cancer risk is 11.5 micrograms per liter.

Bis (2-Chloroethyl) ether. The water quality criterion for BCEE is based on the induction of hepatomas in male mice (strain $C57BL/6\times C3H/Anf)F_1$) given a daily oral dose of 300 ppm for 80 weeks (Innes, et al. 1969). The tumor incidence was 14/16 in the treated group compared with 8/79 in the control group. The criterion was calculated from the following parameters.

$n_t=14$ $N_t=16$ $n_c=8$ $N_c=79$ $Le=80$ wk $le=80$ wk $L=80$ wk $d=300$ ppm $\times 0.13=39$ mg/kg/day $w=.030$ kg $F=.0187$ kg $R=25$

Based on these parameters, the one-hit slope (B_H) is $6.8510\times10^{\times1}$ (mg/kg/day)$^{-1}$. The resulting water concentration of BCEE calculated to keep the individual lifetime cancer risk below 10^{-5} is 0.42 micrograms per liter.

Bis (Chloromethyl) Ether. The water quality criterion for BCME is based on the inducation of malignant respiratory tract tumors in male Sprague-Dawley rats given 100 exposures of 0.1 ppm by inhalation 6 hours per day, 5 days per week (Kuschner, et al. 1975). The average lifetime exposure was calculated to be 3.510×10^{-4} mg/kg/day. The tumor incidence was 12/20 in the treated group and 0/240 in the control rats. The criterion was calculated from the following parameters.

$n_t=12$
$N_t=20$
$n_c=0$
$N_c=240$
$Le=104$ wk
$le=104$ wk
$L=104$ wk
$d=3.510\times10^{-4}$ mg/kg/day
$w=.500$ kg
$F=.0187$ kg
$R=31$

Based on these parameters, the one-hit slope (B_H) is 1.3603×10^{4} (mg/kg/day)$^{-1}$. The resulting water concentration of BCME calculated to maintain the individual lifetime cancer risk below 10^{-5} is 0.02 nanograms per liter.

Chlorinated Benzenes

Criteria Summary

Freshwater Aquatic Life

Chlorobenzene. For chlorobenzene the criterion to protect freshwater aquatic life as derived using procedures other than the Guidelines is 1,500 μg/l as a 24-hour average and the concentration should not exceed 3,500 μg/l at any time.

1,2,4-trichlorobenzene. For 1,2,4-trichlorobenzene the criterion to protect freshwater aquatic life as derived using procedures other than the Guidelines is 210 μg/l as a 24-hour average and the concentration should not exceed 470 μg/l at any time.

1,2,3,5-tetrachlorobenzene. For 1,2,3,5-tetrachlorobenzene the criterion to protect freshwater aquatic life as derived using procedures other than the Guidelines is 170 μg/l as a 24-hour average and the concentration should not exceed 390 μg/l at any time.

1,2,4,5-tetrachlorobenzene. For 1,2,4,5-tetrachlorobenzene the criterion to protect freshwater aquatic life as derived using procedures other than the Guidelines is 97 μg/l as a 24-hour average and the concentration should not exceed 220 μg/l at any time.

Pentachlorobenzene. For pentachlorobenzene the criterion to protect fresh-water aquatic life as derived using procedures other than the Guidelines is 16 μg/l as a 24-hour average and the concentration should not exceed 36 μg/l at any time.

Saltwater Aquatic Life

Chlorobenzene. For chlorobenzene the criterion to protect saltwater aquatic life as derived using procedures other than the Guidelines is 120 μg/l as a 24-hour average and the concentration should not exceed 280 μg/l at any time.

1,2,4-trichlorobenzene. For 1,2,4-trichlorobenzene the criterion to protect saltwater aquatic life as derived using procedures other than the Guidelines is 3.4 μg/l as a 24-hour average and the concentration should not exceed 7.8 μg/l at any time.

1,2,3,5-tetrachlorobenzene. For 1,2,3,5-tetrachlorobenzene the criterion to protest saltwater aquatic life as derived using procedures other than the Guidelines is 2.6 μg/l as a 24-hour average and the concentration should not exceed 5.9 μg/l at any time.

1,2,4,5-tetrachlorobenzene. For 1,2,4,5-tetrachlorobenzene the criterion to protect saltwater aquatic life as derived using the Guidelines is 9.6 μg/l as a 24-hour average and the concentration should not exceed 26 μg/l at any time.

Pentachlorobenzene. For pentachlorobenzene the criterion to protect saltwater aquatic life as derived using procedures other than the Guidelines is 1.3 μg/l as a 24-hour average and the concentration should not exceed 2.9 μg/l at any time.

Human Health

For the prevention of adverse organoleptic or toxicological effects, the recommended criteria for chlorinated benzenes are as follows:

Substance	Criterion μg/l	Basis for criterion
Monochlorobenzene [1]	20	Organoleptic effects.
Trichlorobenzene	13	Organoleptic effects.
Tetrachlorobenzene	17	Toxicity studies.
Pentachlorobenzene	.5	Toxicity study.

[1] A toxicological evaluation of monochlorobenzene resulted in a level of 450 μg/l; however, organoleptic effects have been reported at 20 μg/l.

For the maximum protection of human health from the potential carcinogenic effects of exposure to hexachlorobenzene (HCB) through ingestion of water and contaminated aquatic organisms, the ambient water concentration is zero. Concentrations of HCB estimated to result in additional lifetime cancer risks ranging from no additional risk to an additional risk of 1 in 100,000 are presented in the Criterion document. The Agency is considering setting criteria at an interim target risk level in the range of 10^{-5}, 10^{-6}, or 10^{-7} with corresponding criteria of 1.25 ng/l, 0.125 ng/l, and 0.0125 ng/l, respectively.

Basis for the Criteria

Freshwater Aquatic Life. No freshwater criterion can be derived for any chlorinated benzene using the Guidelines because no Final Chronic Value for either fish or invertebrate species or a good substitute for either value is available, and there are insufficient data to estimate a criterion using other procedures.

However, data for 1,2,4,5-tetrachlorobenzene and saltwater organisms and 1,2-dichlorobenzene and freshwater organisms can be used as the basis for estimating criteria.

For 1,2,4,5-tetrachlorobenzene and saltwater organisms 0.44 times the Final Acute Value is 11 μg/l. This concentration is closed to the Final Chronic Value of 9.6 μg/l derived from an embryo-larval test with the sheepshead minnow. Also, for 1,2-dichlorobenzene and freshwater organisms 0.44 times the Final Acute Value is less than the Final Chronic Value based on an embryo-larval test with the fathead minnow. Therefore, a reasonable estimate of criteria for chlorinated benzenes and freshwater organisms would be 0.44 times the Final Acute Value.

Chlorobenzene. The maximum concentration of chlorobenzene is the Final Acute Value of 3,500 μg/l and the estimated 24-hour average concentration is 0.44 times the Final Acute Value. No important adverse effects on freshwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

For chlorobenzene the criterion to protect freshwater aquatic life as derived using procedures other than the Guidelines is 1,500 μg/l as a 24-hour average and the concentration should not exceed 3,500 μg/l at any time.

1,2,4-trichlorobenzene. The maximum concentration of 1,2,4-trichlorobenzene is the Final Acute Value of 470 μg/l and the estimated 24-hour average concentration is 0.44 times the Final Acute Value. No important adverse effects on freshwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

For 1,2,4-trichlorobenzene the criterion to protect freshwater aquatic life as derived using procedures other then the Guidelines is 210 μg/l as a 24-hour average and the concentration should not exceed 470 μg/l at any time.

1,2,3,5-tetrachlorobenzene. The maximum concentration of 1,2,3,5-tetrachlorobenzene is the Final Acute Value of 390 μg/l and the estimated 24-hour average concentration is 0.44 times the Final Acute Value. No important adverse effects on freshwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

For 1,2,3,5-tetrachlorobenzene the criterion to protect freshwater aquatic life as derived using procedures other than the Guidelines is 170 μg/l as a 24-hour average and the concentration should not exceed 390 μg/l at any time.

1,2,4,5-tetrachlorobenzene. The maximum concentration of 1,2,4,5-tetrachlorobenzene is the Final Acute Value of 220 μg/l and the estimated 24-hour average concentration is 0.44 times the Final Acute Value. No important adverse effects on freshwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

For 1,2,4,5-tetrachlorobenzene the criterion to protect freshwater aquatic life as derived using procedures other than the Guidelines is 97 μg/l as a 24-hour average and the concentration should not exceed 220 μg/l at any time.

Pentachlorobenzene. The maximum concentration of pentachlorobenzene is the Final Acute Value of 36 μg/l and the estimated 24-hour average concentration

is 0.44 times the Final Acute Value. No important adverse effects on freshwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

For pentachlorobenzene the criterion to protect freshwater aquatic life as derived using procedures other than the Guidelines is 16 μg/l as a 24-hour average and the concentration should not exceed 36 μg/l at any time.

Summary of Available Data

The concentrations below have been rounded to two significant figures.

Chlorobenzene

Final Fish Acute Value = 4,900 μg/l
Final Invertebrate Acute Value = 3,500 μg/l
Final Acute Value = 3,500 μg/l
Final Fish Chronic Value = not available
Final Invertebrate Chronic Value = not available
Final Plant Value = 220,000 μg/l
Residue Limited Toxicant Concentration = not available
Final Chronic Value = 220,000 μg/l
0.44 × Final Acute Value = 1,500 μg/l

1,2,4-trichlorobenzene

Final Fish Acute Value = 470 μg/l
Final Invertebrate Acute Value = 2,000 μg/l
Final Acute Value = 470 μg/l
Final Fish Chronic Value = not available
Final Invertebrate Chronic Value = not available
Final Plant Value = 35,000 μg/l
Residue Limited Toxicant Concentration = not available
Final Chronic Value = 35,000 μg/l
0.44 × Final Acute Value = 210 μg/l

1,2,3,5-tetrachlorobenzene

Final Fish Acute Value = 900 μg/l
Final Invertebrate Acute Value = 390 μg/l
Final Acute Value = 390 μg/l
Final Fish Chronic Value = not available
Final Invertebrate Chronic Value = not available
Final Plant Value = 17,000 μg/l
Residue Limited Toxicant Concentration = not available
Final Chronic Value = 17,000 μg/l
0.44 × Final Acute Value = 170 μg/l

1,2,4,5-tetrachlorobenzene

Final Fish Acute Value = 220 μg/l
Final Invertebrate Acute Value = not available
Final Acute Value = 220 μg/l
Final Fish Chronic Value = not available
Final Invertebrate Chronic Value = not available
Final Plant Value = 47,000 μg/l
Residue Limited Toxicant Concentration = not available
Final Chronic Value = 47,000 μg/l
0.44 × Final Acute Value = 97 μg/l

Pentachlorobenzene

Final Fish Acute Value = 36 μg/l
Final Invertebrate Acute Value = 210 μg/l
Final Acute Value = 36 μg/l
Final Fish Chronic Value = not available
Final Invertebrate Chronic Value = not available
Final Plant Value = 6,600 μg/l
Residue Limited Toxicant Concentration = not available
Final Chronic Value = 6,600 μg/l
0.44 × Final Acute Value = 16 μg/l

Saltwater Aquatic Life

1,2,4,5-tetrachlorobenzene. The maximum concentration of 1,2,4,5-tetrachlorobenzene is the Final Acute Value of 26 μg/l and the 24-hour average concentration is the Final Chronic Value of 9.6 μg/l. No important adverse effects on saltwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

For 1,2,4,5-tetrachlorobenzene the criterion to protect saltwater aquatic life as derived using the Guidelines is 9.6 μg/l as a 24-hour average and the concentration should not exceed 26 μg/l at any time.

No saltwater criterion can be derived for any other chlorinated benzene using the Guidelines because no Final Chronic Value for either fish or invertebrate species or a good substitute for either value is available.

However, data for 1,2,4,5-tetrachlorobenzene and saltwater organisms and 1,2-dichlorobenzene and freshwater organisms can be used as the basis for estimating criteria.

For 1,2,4,5-tetrachlorobenzene and saltwater organisms 0.44 times the Final Acute Value is 11 μg/l and this concentration is close to the Final Chronic Value of 9.6 μg/l derived from an embryo-larval test with the sheepshead minnow. Also, for 1,2-dichlorobenzene and freshwater organisms 0.44 times the Final Acute Value is less than the Final Chronic Value based on an embryo-larval test with the fathead minnow. Therefore, a reasonable estimate for other chlorinated benzenes and saltwater organisms would be 0.44 times the Final Acute Value.

Chlorobenzene. The maximum concentration of chlorobenzene is the Final Acute Value of 280 μg/l and the estimated 24-hour average concentration is 0.44 times the Final Acute Value. No important adverse effects on saltwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

For chlorobenzene the criterion to protect saltwater aquatic life as derived using procedures other than the Guidelines is 120 μg/l as a 24-hour average and the concentration should not exceed 280 μg/l at any time.

1,2,4-trichlorobenzene. The maximum concentration of 1,2,4-trichlorobenzene is the Final Acute Value of 7.8 μg/l and the estimated 24-hour average concentration is 0.44 times the Final Acute Value. No important adverse effects on saltwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

For 1,2,4-trichlorobenzene the criterion to protect saltwater aquatic life as derived using procedures other than the Guidelines is 3.4 μg/l as a 24-hour average and the concentration should not exceed 7.8 μg/l at any time.

1,2,3,5-tetrachlorobenzene. The maximum concentration of 1,2,3,5-tetrachlorobenzene is the Final Acute Value of 5.9 μg/l and the estimated 24-hour average concentration is 0.44 times the Final Acute Value. No important adverse effects on saltwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

For 1,2,3,5-tetrachlorobenzene the criterion to protect saltwater aquatic life as derived using procedures other than the Guidelines is 2.6 μg/l as a 24-hour average and the concentration should not exceed 5.9 μg/l at any time.

Pentachlorobenzene. The maximum concentration of pentachlorobenzene is the Final Acute Value of 2.9 μg/l and the estimated 24-hour average concentration is 0.44 times the Final Acute Value. No important adverse effects on saltwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

For pentachlorobenzene the criterion to protect saltwater aquatic life as derived using procedures other than the Guidelines is 1.3 μg/l as a 24-hour average and the concentration should not exceed 2.9 μg/l at any time.

Summary of Available Data

The concentrations below have been rounded to two significant figures.

Chlorobenzene

Final Fish Acute Value = 1,600 μg/l
Final Invertebrate Acute Value = 280 μg/l
Final Acute Value = 280 μg/l
Final Fish Chronic Value = not available
Final Invertebrate Chronic Value = not available
Final Plant Value = 340,000 μg/l
Residue Limited Toxicant Concentration = not available
Final Chronic Value = 340,000 μg/l
0.44 × Final Acute Value = 120 μg/l

1,2,4-trichlorobenzene

Final Fish Acute Value = 3,200 μg/l
Final Invertebrate Acute Value = 7.8 μg/l
Final Acute Value = 7.8 μg/l
Final Fish Chronic Value = not available
Final Invertebrate Chronic Value = not available
Final Plant Value = 8,800 μg/l

Residue Limited Toxicant Concentration = not available
Final Chronic Value = 8,800 µg/l
0.44 × Final Acute Value = 3.4 µg/l

1,2,3,5-tetrachlorobenzene

Final Fish Acute Value = 540 µg/l
Final Invertebrate Acute Value = 5.9 µg/l
Final Acute Value = 5.9 µg/l
Final Fish Chronic Value = not available
Final Invertebrate Chronic Value = not available
Final Plant Value = 700 µg/l
Residue Limited Toxicant Concentration = not available
Final Chronic Value = 700 µg/l
0.44 × Final Acute Value = 2.6 µg/l

1,2,4,5-tetrachlorobenzene

Final Fish Acute Value = 120 µg/l
Final Invertebrate Acute Value = 26 µg/l
Final Acute Value = 26 µg/l
Final Fish Chronic Value = 9.6 µg/l
Final Invertebrate Chronic Value = not available
Final Plant Value = 7,100 µg/l
Residue Limited Toxicant Concentration = not available
Final Chronic Value = 9.6 µg/l
0.44 × Final Acute Value = 11 µg/l

Pentachlorobenzene

Final fish Acute Value = 120 µg/l
Final Invertebrate Acute Value = 2.9 µ/l
Final Acute Value = 2.9 µg/l
Final Fish Chronic Value = not available
Final Invertebrate Chronic Value = not available
Final Plant Value = 2,000 µg/l
Residue Limited Toxicant Concentration = not available
Final Chronic Value = 2,000 µg/l
0.44 × Final Acute Value = 1.3 µg/l

Human Health

Monochlorobenzene. There is no information in the literature which indicates that monochlorobenzene is, or is not, carcinogenic. There is enough evidence to suggest that MCB does cause dose related target organ toxicity, though the data still want for an acceptable chronic toxicity study. There is little, if any, usable human exposure data primarily because the exposure was not only to MCB but to other compounds of known toxicity.

The no observable adverse effect level (NOAEL) for derivation of the water quality criterion is derived from the information in the studies by Knapp, et al. (1971) and Irish (1963). These are 27.25 mg/kg/day for the dog (the next highest dose was 54.5 mg/kg and showed an effect), 12.5 mg/kg/rat from the Knapp study (the next highest dose was 50 mg/kg and showed an effect), and 14.4 mg/kg/rat from the Irish study (the next highest dose was 144 mg/kg and showed an effect). When toxic effects were observed at higher doses, the dog was judged to be somewhat more sensitive than rats. The Irish study ran over a period of six months which was twice as long as the Knapp study of both species. Since the Knapp and Irish studies appear to give similar results and since there are no chronic toxicities to rely on, it was decided to take the NOAEL level from the longest term study; that is, 14.4 mg/kg for six months.

Considering that there are relatively little human exposure data, that there is no long-term animal data, and that some theoretical questions, at least, can be raised on the possible effects of chlorobenzene on blood-forming tissue, it was decided to use an uncertainty factor of 1,000. From this the acceptable daily intake (ADI) can be calculated as follows:

$$ADI = \frac{70\ kg \times 14.4\ mg/kg}{1,000} = 1.008\ mg/day$$

The average daily consumption of water was taken to be two liters and the consumption of fish to be 0.0187 kg daily. A bioconcentration factor of 13 was utilized. This is the value reported by the Duluth EPA Laboratories. The following calculation results in an acceptable criterion based on the available toxicologic data:

$$\frac{1.008}{2 + (13 \times 0.0187)} = 450\ \mu g/l$$

Varshavskya (1968), the only report available, has reported the threshold concentration for odor and taste of MCB in reservoir water as being 20 µg/l. This value is about 4.5 percent of the possible standard calculated above. It is, however, approximately 17 times greater than the highest concentration of MCB measured in survey sites.

Since water of disagreeable taste and odor is of significant influence on the quality of life, and thus, related to health, it would appear that the organoleptic level of 20 µg/l should be the recommended criterion.

Trichlorobenzene. While the committee recognizes a need for toxicological information in order to establish a criterion, there are no reliable published toxicological data on TCB. The studies by Smith, et al. (1978), and Coate, et al. (1977) do not give sufficient basis for establishing a toxicological criterion. Therefore, in lieu of a criterion based on toxicological information, an organoleptic level of 13 µg/l (Varshavskaya, 1968) is recommended. It should be emphasized that this is a criterion based on aesthetic rather than on health effects. Data on human health effects need to be developed as a more substantial basis for setting a criterion for the protection of human health.

Tetrachlorobenzene. The dose of 5 mg/kg/day reported for beagles (Braun, 1978) was utilized as the NOAEL for criterion derivation. An acceptable daily intake (ADI) can be calculated from the NOAEL by using a safety factor of 1,000 based on a 70 kg/man:

$$ADI = \frac{70\ kg \times 5\ mg/kg}{1,000} = 0.35\ mg/day$$

For the sake of establishing a water quality criterion, it is assumed that on the average, a person ingests 2 liters of water and 18.7 gram of fish. Since fish may biomagnify this compound, a biomagnification factor (F) is used in the calculation.

The equation for calculating an acceptable amount of TeCB in water is:

$$Criterion = \frac{350\ \mu g/day}{2\ l + (1,000 \times 0.0187)} = 16.9\ \mu g/l\ or\ 17\ \mu g/l$$

Where:

2 l = 2 liters of drinking water consumed
0.0187 kg = amount of fish consumed daily
1,000 = biomagnification factor
ADI = Acceptable Daily Intake (mg/day for a 70 kg person)

Thus, the recommended criterion for TeCB in water is 17 µg/l.

Pentachlorobenzene. A survey of the QCB literature revealed no acute, subchronic or chronic toxicity data with the exception of the studies by Khera and Villeneuve (1975). These authors found an adverse effect on the fetal development of embryos exposed *in utero* to pentachlorobenzene. The adverse effect has not been labeled teratogenic because the abnormality was an increased incidence of extra ribs and sternal defects. The lowest level of exposure to the pregnant rat was 5 mg/kg. The criterion rationale is based on this exposure level. Since there was no no-observable-adverse effect level (NOAEL) an uncertainty factor of 5000 is used. The use of this factor has precedent in the pesticide literature.

From this, the acceptable daily intake (ADI) can be calculated as follows:

$$ADI = \frac{70\ kg \times 5\ mg/kg}{5,000} = 0.07\ mg$$

The average daily consumption of water was taken to be 2 liters and the consumption of fish to be 0.0187 kg daily. The bioconcentration factor for QCB is 7,800.

Therefore:

$$Recommended\ Criterion = \frac{0.07}{2 + (7,800) \times 0.0187} = .47\ \mu g/l\ (or\ 0.5\ \mu g/l)$$

The recommended water quality criterion for pentachlorobenzene is 0.5 μg/l.

Hexachlorobenzene. Among the studies reviewed by this document, only two appear suitable for use in the risk assessment: the mouse study of Cabral, et al. (1978) and the hamster study of Cabral, et al. (1977). These two studies are described in detail in Appendix I.

Under the Consent Decree in *NRDC* v. *Train*, criteria are to state "recommended maximum permissible concentrations (including where appropriate, zero) consistent with the protection of aquatic organisms, human health, and recreational activities." HCB is suspected of being a human carcinogen. Because there is no recognized safe concentration for a human carcinogen, the recommended concentration of HCB in water for maximum protection of human health is zero.

Because attaining a zero concentration level may be unfeasible in some cases, and in order to assist the Agency and States in the possible future development of water quality regulations, the concentrations of HCB corresponding to several incremental lifetime cancer risk levels have been estimated. A cancer risk level provides an estimate of the additional incidence of cancer that may be expected in an exposed population. A risk of 10^{-5} for example, indicates a probability of one additional case of cancer for every 100,000 people exposed, a risk of 10^{-6} indicates one additional case of cancer for every million people exposed, and so forth.

In the **Federal Register** notice of availability of draft ambient water quality criteria, EPA stated that it is considering setting criteria at an interim target risk level of 10^{-5}, 10^{-6}, or 10^{-7} as shown in the table below:

Exposure assumption (per day)	Risk levels and corresponding criteria [1]			
	0	10^{-7} (ng/l)	10^{-6} (ng/l)	10^{-5} (ng/l)
2 liters of drinking water and consumption of 18.7 grams fish and shellfish[2]	0	0.0125	0.125	1.25
Consumption of fish and shellfish only	0	0.0126	0.126	1.26

[1] Calculated by applying a modified "one-hit" extrapolation model described in the FEDERAL REGISTER, 44 FR 15926, March 15, 1979. Appropriate bioassay data used in the calculation of the model is presented in Summary of Pertinent Data. Since the extrapolation model is linear at low doses, the additional lifetime risk is directly proportional to the water concentration. Therefore, water concentrations corresponding to other risk levels can be derived by multiplying or dividing one of the risk levels and corresponding water concentrations shown in the table by factors such as 10, 100, 1,000, and so forth.

[2] Ninety-nine percent of the HCB exposure results from the consumption of aquatic organisms which exhibit an average bioconcentration potential of 12,000-fold. The remaining one percent of HCB exposure results from drinking water.

Concentration levels were derived assuming a lifetime exposure to various amounts of HCB, (1) occurring from the consumption of both drinking water and aquatic life grown in waters containing the corresponding HCB concentrations and, (2) occurring solely from consumption of aquatic life grown in the waters containing the corresponding HCB concentrations. Because data indicating other sources of HCB exposure and their contributions to total body burden are inadequate for quantitative use, the figures reflect the incremental risks associated with the indicated routes only.

Summary of Recommended Criterion for Chlorinated Benzenes

Substance	Criterion	Basis for criterion
Monochlorobenzene [1]	20μg/l	Organoleptic effects.
Trichlorobenzene	13μg/l	Organoleptic effects.
Tetrachlorobenzene	17μg/l	Toxicity studies.
Pentachlorobenzene	.5μg/l	Toxicity study.
Hexachlorobenzene [2]	1.25ng/l	Carcinogenicity.

[1] A toxicological evaluation of monochlorobenzene resulted in a level of 450 μg/l; however, organoleptic effects have been reported at 20 μg/l.

[2] The value 1.25 ng/l is at a risk level of 1 in 100,000.

Summary of Pertinent Data

The water quality criterion for HCB is based on the induction of hepatomas and hemangioendotheliomas in male Syrian Golden hamsters given a daily oral dose of 100 ppm for 80 weeks (Cabral, et al. 1977). The hepatoma incidence was 26/30 in the treated group compared with 0/40 in the control group, and the hemangioendothelioma incidence was 6/30 in the treated group compared with 0/40 in the control group. The criterion was calculated from the following parameters.

n^t hepatoma = 26
N^t hepatoma = 30
n^c hepatoma = 0
N^c hepatoma = 40
n^t hemangioendothelioma = 6
N^t hemangioendothelioma = 30
n^c hemangioendothelioma = 0
N^c hemangioendothelioma = 40
Le = 80 wk
le = 80 wk
L = 80 wk
d = 100 ppm × 0.8 = 8 mg/kg/day
W = .100 kg
F = .0187 kg
R = 12,000

Based on these parameters, the one-hit slope (B_H) is 2.2363 $(mg/kg/day)^{-1}$ for hepatomas and 0.2477 $(mg/kg/day)^{-1}$ for hemangioendotheliomas. The resulting water concentration of HCB calculated to keep the individual lifetime cancer risk below 10^{-5} is 1.25 nanograms per liter.

Chlorinated Ethanes

Criteria Summary

Freshwater Aquatic Life. The data base for freshwater aquatic life is insufficient to allow use of the Guidelines. The following recommendation is inferred from toxicity data on pentachloroethane and saltwater organisms.

For 1,2-dichloroethane the criterion to protect freshwater aquatic life as derived using procedures other than the Guidelines is 3,900 μg/l as a 24-hour average and the concentration should not exceed 8,800 μg/l at any time.

For 1,1,1-trichloroethane the criterion to protect freshwater aquatic life as derived using procedures other than the Guidelines is 5,300 μg/l as a 24-hour average and the concentration should not exceed 12,000 μg/l at any time.

For 1,1,2-trichloroethane the criterion to protect freshwater aquatic life as derived using procedures other than the Guidelines is 310 μg/l as a 24-hour average and the concentration should not exceed 710 μg/l at any time.

For 1,1,1,2-tetrachloroethane the criterion to protect freshwater aquatic life as derived using procedures other than the Guidelines is 420 μg/l as a 24-hour average and the concentration should not exceed 960 μg/l at any time.

For 1,1,2,2-tetrachloroethane the criterion to protect freshwater aquatic life as derived using procedures other than the Guidelines is 170 μg/l as a 24-hour average and the concentration should not exceed 380 μg/l at any time.

For pentachloroethane the criterion to protect freshwater aquatic life as derived using procedures other than the Guidelines is 440 μg/l as a 24-hour average and the concentration should not exceed 1,000 μg/l at any time.

For hexachloroethane the criterion to protect freshwater aquatic life as derived using procedures other than the Guidelines is 62 μg/l as a 24-hour average and the concentration should not exceed 140 μg/l at any time.

For hexachloroethane the criterion to protect saltwater aquatic life as derived using procedures other than the Guidelines is 7.0 μg/l as a 24-hour average and the concentration should not exceed 16 μg/l at any time.

Saltwater Aquatic Life. The data base for saltwater aquatic life is insufficient to allow use of the Guidelines. The following recommendation is inferred from toxicity data on pentachloroethane and saltwater organisms.

For 1,2-dichloroethane the criterion to protect saltwater aquatic life as derived using procedures other than the Guidelines is 880 μg/l as a 24-hour average and the concentration should not exceed 2,000 μg/l at any time.

For 1,1,1-trichloroethane the criterion to protect saltwater aquatic life as derived using procedures other than the Guidelines is 240 μg/l as a 24-hour average and the concentration should not exceed 540 μg/l at any time.

For saltwater aquatic life, no criterion for 1,1,2-trichloroethane can be derived using the Guidelines, and there are insufficient data to estimate a criterion using other procedures.

For saltwater aquatic life, no criterion for 1,1,1,2-tetrachloroethane can be derived using the Guidelines, and there are insufficient data to estimate a criterion using other procedures.

For 1,1,2,2-tetrachloroethane the criterion to protect saltwater aquatic life as derived using procedures other than the Guidelines is 70 μg/l as a 24-hour average and the concentration should not exceed 160 μg/l at any time.

For pentachloroethane the criterion to protect saltwater aquatic life as derived using the Guidelines is 38 μg/l as a 24-hour average and the concentration should not exceed 87 μg/l at any time.

Human Health. For the maximum protection of human health from the potential carcinogenic effects of exposure to 1,2-dichloroethane, 1,1,2-trichloroethane, 1,1,2,2-tetrachloroethane and hexachloroethane through ingestion of water and contaminated aquatic organisms, the ambient water concentration is zero. Concentrations of these chlorinated ethanes estimated to result in additional lifetime cancer risks ranging from no additional risk to an additional risk of 1 in 100,000 are presented in the Criterion Formulation section of this document. The Agency is considering setting criteria at an interim target risk level in the range of 10^{-5}, 10^{-6}, or 10^{-7} with corresponding criteria as follows:

Compound	Risk levels and corresponding criteria		
	10^{-5} μg/l	10^{-6} μg/l	10^{-7} μg/l
1,2-dichloroethane	7.0	.70	.07
1,1,2-trichloroethane	2.7	.27	.027
1,1,2,2-tetrachloroethane	1.8	.18	.018
hexachloroethane	5.9	.59	.059

For the protection of human health from the toxic properties of 1,1,1-trichloroethane ingested through the consumption of water and fish, the criterion is 15.7 mg/l.

At the present, there are insufficient data to derive criteria for monochloroethane, 1,1-dichloroethane, 1,1,1,2-tetrachloroethane and pentachloroethane.

Basis for the Criteria

Freshwater Aquatic Life. No freshwater criterion can be derived for any chlorinated ethane using the Guidelines because no Final Chronic Value for either fish or invertebrate species or a good substitute for either value is available.

However, data for pentachloroethane and saltwater organisms can be used as the basis for estimating criteria.

For pentachloroethane and saltwater organisms, 0.44 times the Final Acute Value is less than the Final Chronic Value derived from a life cycle test with the mysid shrimp. Therefore, a reasonable estimate of criteria for other chlorinated ethanes and freshwater organisms would be 0.44 times the Final Acute Value.

1,2-dichloroethane. The maximum concentration of 1,2-dichloroethane is the Final Acute Value of 8,800 μg/l and the estimated 24-hour average concentration is 0.44 times the Final Acute Value. No important adverse effects on freshwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

For 1,2-dichloroethane the criterion to protect freshwater aquatic life as derived using procedures other than the Guidelines is 3,900 μg/l as a 24-hour average and the concentration should not exceed 8,800 μg/l at any time.

1,1,1-trichloroethane. The maximum concentration of 1,1,1-trichloroethane is the Final Acute Value of 12,000 μg/l and the estimated 24-hour average concentration is 0.44 times the Final Acute Value. No important adverse effects on freshwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

For 1,1,1-trichloroethane the criterion to protect freshwater aquatic life as derived using procedures other than the Guidelines is 5,300 μg/l as a 24-hour average and the concentration should not exceed 12,000 μg/l at any time.

1,1,2-trichloroethane. The maximum concentration of 1,1,2-trichloroethane is the Final Acute Value of 710 μg/l and the estimated 24-hour average concentration is 0.44 times the Final Acute Value. No important adverse effects on freshwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

For 1,1,2-trichloroethane the criterion to protect freshwater aquatic life as derived using procedures other than the Guidelines is 310 μg/l as a 24-hour average and the concentration should not exceed 710 μg/l at any time.

1,1,1,2-tetrachloroethane. The maximum concentration of 1,1,1,2-tetrachloroethane is the Final Acute Value of 960 μg/l and the estimated 24-hour average concentration is 0.44 times the Final Acute Value. No important adverse effects on freshwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

For 1,1,1,2-tetrachloroethane the criterion to protect freshwater aquatic life as derived using procedures other than the Guidelines is 420 μg/l as a 24-hour average and the concentration should not exceed 960 μg/l at any time.

1,1,2,2-tetrachloroethane. The maximum concentration of 1,1,2,2-tetrachloroethane is the Final Acute Value of 380 μg/l and the estimated 24-hour average concentration is 0.44 times the Final Acute Value. No important adverse effects on freshwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

For 1,1,2,2-tetrachloroethane the criterion to protect freshwater aquatic life as derived using procedures other than the Guidelines is 170 μg/l as a 24-hour average and the concentration should not exceed 380 μg/l at any time.

Pentachloroethane. The maximum concentration of pentachloroethane is the Final Acute Value of 1,000 μg/l and the estimated 24-hour average concentration is 0.44 times the Final Acute Value. No important adverse effects on freshwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

For pentachloroethane the criterion to protect freshwater aquatic life as derived using procedures other than the Guidelines is 440 μg/l as a 24-hour average and the concentration should not exceed 1,000 μg/l at any time.

Hexachloroethane. The maximum concentration of hexachloroethane is the Final Acute Value of 140 μg/l and the estimated 24-hour average concentration is 0.44 times the Final Acute Value. No important adverse effects on freshwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

For hexachloroethane the criterion to protect freshwater aquatic life as derived using procedures other than the Guidelines is 62 μg/l as a 24-hour average and the concentration should not exceed 140 μg/l at any time.

Summary of Available Data

The concentrations below have been rounded to two significant figures.

1,2-dichloroethane

Final Fish Acute Value = 68,000 μg/l
Final Invertebrate Acute Value = 8,800 μg/l
Final Acute Value = 8,800 μg/l
Final Fish Chronic Value = not available
Final Invertebrate Chronic Value = not available
Final Plant Value = not available
Residue Limited Toxicant Concentration = not available
Final Chronic Value = not available
0.44 × Final Acute Value = 3,900 μg/l

1,1,1-trichloroethane

Final Fish Acute Value = 12,000 μg/l
Final Invertebrate Acute Value = not available
Final Acute Value = 12,000 μg/l
Final Fish Chronic Value = not available
Final Invertebrate Chronic Value = not available
Final Plant Value = not available
Residue Limited Toxicant Concentration = not available
Final Chronic Value = not available
0.44 × Final Acute Value = 5,300 μg/l

1,1,2-trichloroethane

Final Fish Acute Value = 5,700 μg/l
Final Invertebrate Acute Value = 710 μg/l
Final Acute Value = 710 μg/l
Final Fish Chronic Value = not available
Final Invertebrate Chronic Value = not available
Final Plant Value = not available
Residue Limited Toxicant Concentration = not available
Final Chronic Value = not available
0.44 × Final Acute Value = 310 μg/l

1,1,1,2-tetrachloroethane

Final Fish Acute Value = 2,700 μg/l
Final Invertebrate Acute Value = 960 μg/l
Final Acute Value = 960 μg/l
Final Fish Chronic Value = not available
Final Invertebrate Chronic Value = not available
Final Plant Value = not available
Residue Limited Toxicant Concentration = not available
Final Chronic Value = not available
0.44 × Final Acute Value = 420 μg/l

1,1,2,2-tetrachloroethane

Final Fish Acute Value = 3,000 μg/l
Final Invertebrate Acute Value = 380 μg/l
Final Acute Value = 380 μg/l
Final Fish Chronic Value = not available
Final Invertebrate Chronic Value = not available
Final Plant Value = 140,000 μg/l
Residue Limited Toxicant Concentration = not available
Final Chronic Value = 140,000 μg/l
0.44 × Final Acute Value = 170 μg/l

Pentachloroethane

Final Fish Acute Value = 1,000 μg/l
Final Invertebrate Acute Value = 2,500 μg/l
Final Acute Value = 1,000 μg/l
Final Fish Chronic Value = not available
Final Invertebrate Chronic Value = not available
Final Plant Value = 120,000 μg/l
Residue Limited Toxicant Concentration = not available
Final Chronic Value = 120,000 μg/l
0.44 × Final Acute Value = 440 μg/l

Hexachloroethane

Final Fish Acute Value = 140 μg/l
Final Invertebrate Acute Value = 330 μg/l
Final Acute Value = 140 μg/l
Final Fish Chronic Value = not available
Final Invertebrate Chronic Value = not available
Final Plant Value = 87,000 μg/l
Residue Limited Toxicant Concentration = not available
Final Chronic Value = 87,000 μg/l
0.44 × Final Acute Value = 62 μg/l

Saltwater Aquatic Life

Pentachloroethane. The maximum concentration of pentachloroethane is the Final Acute Value of 87 μg/l and the 24-hour average concentration is the Final Chronic Value of 38 μg/l. No important adverse effects on saltwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

For pentachloroethane the criterion to protect saltwater aquatic life as derived using the Guidelines is 38 μg/l as a 24-hour average and the concentration should not exceed 87 μg/l at any time.

No saltwater criteria can be derived for other chlorinated ethanes using the Guidelines because no Final Chronic Value for either fish or invertebrate species or a good substitute for either value is available.

However, data for pentachloroethane and saltwater organisms can be used as the basis for estimating criteria.

For pentachloroethane and saltwater organisms, 0.44 times the Final Acute Value is less than the Final Chronic Value derived from a life cycle test with the mysid shrimp. Therfore, a reasonable estimate of criteria for other chlorinated ethanes and saltwater organisms would be 0.44 times the Final Acute Value.

1,2-dichloroethane. The maximum concentration of 1,2-dichloroethane is the Final Acute Value of 2,000 μg/l and the estimated 24-hour average concentration is 0.44 times the Final Acute Value. No important adverse effects on saltwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

For 1,2-dichloroethane the criterion to protect saltwater aquatic life as derived using procedures other than the Guidelines is 880 μg/l as a 24-hour average and the concentration should not exceed 2,000 μg/l at any time.

1,1,1—trichloroethane. The maximum concentration of 1,1,1-trichloroethane is the Final Acute Value of 540 μg/l and the estimated 24-hour average concentration is 0.44 times the Final Acute Value. No important adverse effects on saltwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

For 1,1,1-trichloroethane the criterion to protect saltwater aquatic life as derived using procedures other than the Guidelines is 240 μg/l as a 24-hour average and the concentration should not exceed 540 μg/l at any time.

1,1,2,2-tetrachlorethane. The maximum concentration of 1,1,2,2-tetrachloroethane is the final Acute Value of 160 μg/l and the estimated 24-hour average concentration is 0.44 times the Final Acute Value. No important adverse effects on saltwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

For 1,1,2,2-tetrachloroethane the criterion to protect saltwater aquatic life as derived using procedures other than the Guidelines is 70 μg/l as a 24-hour average and the concentration should not exceed 160 μg/l at any time.

Hexachloroethane. The maximum concentration of hexachloroethane is the Final Acute Value of 16 μg/l and the estimated 24-hour average concentration is 0.44 times the Final Acute Value. No important adverse effects on saltwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

For hexachloroethane the criterion to protect saltwater aquatic life as derived using procedures other than the Guidelines is 7.0 μg/l as a 24-hour average and the concentration should not exceed 16 μg/l at any time.

Summary of Available Data

The concentrations below have been rounded to two significant figures.

1,2,-dichloroethane

Final Fish Acute Value = not available
Final Invertebrate Acute Value = 2,000 μg/l
Final Acute Value = 2,000 μg/l
Final Fish Chronic Value = not available
Final Invertebrate Chronic Value = not available
Final Plant Value = greater than 433,000 μg/l
Residue Limited Toxicant Concentration = not available
Final Chronic Value = greater than 433,000 μg/l
0.44 × Final Acute Value = 880 μg/l

1,1,1-trichloroethane

Final Fish Acute Value = 10,000 μg/l
Final Invertebrate Acute Value = 540 μg/l
Final Acute Value = 540 μg/l
Final Fish Chronic Value = not available
Final Invertebrate Chronic Value = not available
Final Plant Value = greater than 669,000 μg/l
Residue Limited Toxicant Concentration = not available
Final Chronic Value = greater than 669,000 μg/l
0.44 × Final Acute Value = 240 μg/l

1,1,2,2-tetrachloroethane

Final Fish Acute Value = 1,800 μg/l
Final Invertebrate Acute Value = 160 μg/l
Final Acute Value = 160 μg/l
Final Fish Chronic Value = not available
Final Invertebrate Chronic Value = not available
Final Plant Value = 6,200 μg/l
Residue Limited Toxicant Concentration = not available
Final Chronic Value = 6,200 μg/l
0.44 × Final Acute Value = 70 μg/l

Pentachloroethane

Final Fish Acute Value = 17,000 μg/l
Final Invertebrate Acute Value = 87 μg/l
Final Acute Value = 87 μg/l
Final Fish Chronic Value = not available
Final Invertebrate Chronic Value = 110 μg/l
Final Plant Value = 58,000 μg/l
Residue Limited Toxicant Concentration = not available
Final Chronic Value = 110 μg/l
0.44 × Final Acute Value = 38 μg/l

Hexachloroethane

Final Fish Acute Value = 350 μg/l
Final Invertebrate Acute Value = 16 μg/l
Final Acute Value = 16 μg/l
Final Fish Chronic Value = not available
Final Invertebrate Chronic Value = not available
Final Plant Value = 7,800 μg/l
Residue Limited Toxicant Concentration = not available
Final Chronic Value = 7,800 μg/l
0.44 × Final Acute Value = 7.0 μg/l

Human Health

Table I.—*Criteria for Chloroethanes*

Compound	Criterion	Reference
Monohloroethane	None	
1,1-Dichloroethane	None	
1,1-Dichloroethane	7.0 μg/l—Carcinogenicity data	NCI, 1978a
1,1,1-Trichloroethane	15.7 mg/l—Mammalian toxicity data	NCI, 1977
1,1,2-Trichloroethane	2.7 μg/l—Carcinogenicity data	NCI, 1978b
1,1,1,2-Tetrachloroethane	None	
1,1,2,2-Tetrachloroethane	1.8 μg/l—Carcinogenicity data	NCI, 1978c
Pentachloroethane	None	
Hexachloroethane	5.9 μg/l—Carcinogenicity data	NCI, 1978d

At the present time, there is insufficient mammalian toxicological information to establish a water criterion for human health for the following chloroethanes: monochloroethane, 1,1-dichloroethane, 1,1,1,2-tetrachloroethane and pentachloroethane. Available evidence indicates that the general population is exposed to only trace levels of 1,1-dichloroethane, 1,1,1,2-tetrachloroethane and pentachloroethane. Although inhalation exposure to monochloroethane is more widespread, it is considered one of the least toxic of the chloroethanes. Should significant levels of exposure be documented in the future, it will be necessary to conduct more extensive toxicologic studies with these chloroethanes.

The criterion for 1,1,1-trichloroethane is based on the National Cancer Institute bioassay for possible carcinogenicity (1977). Results of the study showed that the survival of both Osborne-Mendel rats and B6C3F1 mice was significantly decreased in groups receiving oral doses of 1,1,1-trichloroethane. Chronic murine pneumonia may have been responsible for the high incidence of natural deaths. A variety of neoplasms was observed in both species, however, the incidence of specific malignancies was not significantly different from those observed in control animals. Survival time was significantly decreased in rats receiving the high dose, therefore, the criterion for 1,1,1-trichloroethane is based on the low dose in rats (750 mg/kg body weight, 5 days/week for 78 weeks) which produced toxic effects in a number of systems. It should be recognized that the actual no-observable-adverse-effect level (NOAEL) will be lower. However, use of the lowest-minimal-effect dose as an estimate of an "acceptable daily intake" has been practiced by the National Academy of Sciences (1977). Thus, assuming a 70 kg body weight and using a safety factor of 1,000 (Natl. Acad. Sci., 1977) the following calculation can be derived:

$$\frac{750\ \text{mg/kg} \times 70\ \text{kg} \times 5/7\ \text{day}}{1000} = 37.5\ \text{mg/day}$$

Therefore, consumption of 2 liters of water daily and 18.7 grams of contaminated fish having a bioconcentration factor of 21, would result in, assuming 100 percent gastrointestinal absorption of 1,1,1-trichloroethane, a maximum permissible concentration of 15.7 mg/l for ingested water:

$$\frac{37.5\ \text{mg/day}}{2\ \text{liters} + (21 \times .0187) \times 1.0} = 15.7\ \text{mg/l}$$

Based on available literature, 1,1,2-tri-, 1,1,2,2-tetra-, and hexachloroethane are considered to be carcinogenic in at least one rodent species (Natl. Cancer Inst., 1978b,c,d). In the case of these three chloroethanes, a statistical evaluation of the incidences of hepatocellular carcinomas revealed a significant positive association between the administration of the respective chloroethanes and tumor incidence. It can be concluded that under the conditions of the NCI bioassay, 1,1,2-tri; 1,1,2,2-tetra-; and hexachloroethane are carcinogenic in B6C3F1 mice, inducing (in all cases) hepatocellular carcinomas in either male or female mice.

Estimated risk levels for these chloroethanes in water can be calculated using a linear, non-threshold model with the results from the NCI bioassays (see Summary of Pertinent Data). The model assumes a risk of 1 in 100,000 of developing cancer as a result of drinking 2 liters of water per day containing chloroethane at the concentrations used in the bioassays. Allowances are also made for consuming fish from chloroethane contaminated waters. Based upon these assumptions, the following criteria can be calculated:

Chloroethane	Dose* (mg/kg)	Criteria (μg/l)
1,1,2-trichloroethane	279	2.7
1,1,2,2-tetrachloroethane	203	1.8
hexachloroethane	842	4.4

*Five days per week for 78 weeks.

Under the conditions of an NCI bioassay (1978a) 1,2-dichloroethane is carcinogenic, inducing a statistically significant number of squamous cell carcinomas of the forestomach and hemangiosarcomas of the circulatory system in male rats, mammary adenocarcinomas in female rats and mice, and endometrial tumors in female mice. The criterion for 1,2-dichloroethane is based on the high dose (107 mg/kg/body weight, 5 days/week for 78 weeks) which induced mammary

adenocarcinomas in female rats. Using a linear, non-threshold model and including the consumption of fish from chloroethane contaminated waters the criterion for 1,2-dichloroethane is 7.0 μg/l.

It must be recognized that the NCI studies were designed to provide a "yes/no" answer to the carcinogenicity of a chemical in rats and mice. In some cases, it is difficult to justify extrapolation of data from NCI studies in order to assess the risk to man of chronic exposure to low concentrations of a chemical. Those who assess risk should be aware of the following: Impurities in technical grade chloroethanes were not identified; chloroethanes were administered in oil which may affect absorption and metabolism; high concentrations were used; a time-weighted average dose was reported; however, doses causing toxic responses were often administered cyclically (one week, no treatment, followed by four weeks of treatment, five days/week); during some experiments dose levels were lowered or raised; for criteria calculations, doses administered five days/week were adjusted to an average daily dose as if administered seven days/week.

Under the Consent Decree in NRDC vs. Train, criteria are to state "recommended maximum permissible concentrations (including where appropriate, zero) consistent with the protection of aquatic organisms, human health, and recreational activities." 1,2-Dichloroethane, 1,1,2-trichloroethane, 1,1,2,2,-tetrachloroethane and hexachloroethane are suspected of being human carcinogens. Because there is no recognized safe concentration for a human carcinogen, the recommended concentration of these chlorinated ethanes in water for maximum protection of human health is zero.

Because attaining a zero concentration level may be infeasible in some cases and in order to assit the Agency and States in the possible future development of water quality regulations, the concentrations of these chlorinated ethanes corresponding to several incremental lifetime cancer risk levels have been estimated. A cancer risk level provides an estimate of the additional incidence of cancer that may be expected in an exposed population. A risk of 10^{-5} for example, indicates a probability of one additional case of cancer for every 100,000 people exposed, a risk of 10^{-6} indicates one additional case of cancer for every million people exposed, and so forth.

In the **Federal Register** notice of availability of draft ambient water quality criteria, EPA stated that it is considering setting criteria at an interim target risk level of 10^{-5}, 10^{-6} or 10^{-7} as shown in the table below.

Exposure assumptions	Risk levels and corresponding criteria[1]			
	0	10^{-7} μg/l	10^{-6} μg/l	10^{-5} μg/l
2 liters of drinking water and consumption of 18.7 grams of fish and shellfish:[2]				
1,2-dichloroethane	0	0.07	0.07	7.0
1,1,2-trichloroethane	0	0.027	0.27	2.7
1,1,2,2-tetrachloroethane	0	0.018	0.18	1.8
hexachloroethane	0	0.059	0.59	5.9
Consumption of fish and shellfish only:				
1,2-dichloroethane	0	1.708	17.08	170.8
1,1,2-trichloroethane	0	0.483	4.83	48.3
1,1,2,2-tetrachloroethane	0	0.127	1.27	12.7
hexachloroethane	0	0.079	0.79	7.9

[1] Calculated by applying a modified "one hit" extrapolation model described in the 44 FR 15926, March 15, 1979. Appropriate bioassay data used in the calculation of the model are presented in the summary of pertinent data. Since the extrapolation model is linear to low doses, the additional lifetime risk is directly proportional to the water concentration. Therefore, water concentrations corresponding to other risk levels can be derived by multiplying or dividing one of the risk levels and corresponding water concentrations shown in the table by factors such as 10, 100, 1,000, and so forth.

[2] Four percent of 1,2-dichloroethane exposure results from the consumption of aquatic organisms which exhibit an average bioconcentration potential of 4.6 fold. The remaining 96 percent of 1,2-dichloroethane exposure results from drinking water.

Six percent of 1,1,2-trichloroethane exposure results from the consumption of aquatic organisms which exhibit an average bioconcentration potential of 6.3 fold. The remaining 94 percent of 1,1,2-trichloroethane exposure results from drinking water.

Fourteen percent of 1,1,2,2-tetrachloroethane exposure results from the consumption of aquatic organisms which exhibit an average bioconcentration potential of 18 fold. The remaining 86 percent of 1,1,2,2-tetrachloroethane exposure results from drinking water.

Seventy-five percent of hexachloroethane exposure results from the consumption of aquatic organisms which exhibit an average bioconcentration potential of 320 fold. The remaining 25 percent of hexachloroethane exposure results from drinking water.

Concentration levels were derived assuming a lifetime exposure to various amounts of these chlorinated ethanes (1) occurring from the consumption of both drinking water and aquatic life grown in water containing the corresponding chlorinated ethane concentrations and, (2) occurring solely from the consumption of aquatic life grown in the waters containing the corresponding chlorinated ethane concentrations.

Although total exposure information for the above chlorinated ethanes is discussed and an estimate of the contributions from other sources of exposure can be made, this data will not be factored into the ambient water quality criteria formulation because of the tenuous estimates. The criteria presented, therefore, assume an incremental risk from ambient water exposure only.

Summary of Pertinent Data for 1,2-Dichloroethane

The water quality criterion for 1,2-dichloroethane is based on the induction of mammary adenocarcinomas in female Osborne-Mendel rats, given an average oral dose of 107 mg/kg/day 1,2-dichloroethane over a period of 78 weeks (NCI, 1978a). The incidences of mammary adenocarcinomas were 18/50 and 0/20 in the treated and control groups, respectively. The criterion was calculated from the following parameters:

$n_t = 18$
$N_t = 50$
$n_c = 0$
$N_c = 20$
Le = 110 wks.
le = 69 wks.
L = 110 wks.
d = 76.4 mg/kg/day (107 mg/kg/day × 5/7)
f = 0.0187 kg/day
R = 4.6
w = 0.319 kg

Based on these parameters, the one-hit slope (B_H) is 0.04765 (mg/kg/day)$^{-1}$. The concentration of 1,2-dichloroethane in water, calculated to keep the lifetime cancer risk below 10^{-5} is 7.0 μg/l.

Summary of Pertinent Data for 1,1,2-trichloroethane

The water quality criterion for 1,1,2-trichloroethane is based on the induction of hepatocellular carcinomas in female B6C3Fl mice, given an average oral dose of 390 mg/kg/day over a 78

week period (NCI, 1978b). The incidences of hepatocellular were 40/45 and 0/20 in the treated and control groups, respectively. The criterion was calculated from the following parameters:

$n_t = 40$
$N_t = 45$
$n_c = 0$
$N_c = 20$
Le = 91 wks.
le = 78 wks.
L = 91 wks.
d = 279 mg/kg/day (390 mg/kg/day × 5/7)
F = 0.0187 kg/day
R = 6.3
w = 0.029 kg

Based on these parameters, the one-hit slope (B_H) is 0.123 $(mg/kg/day)^{-1}$. The concentration of 1,1,2-trichloroethane in water, calculated to keep the lifetime cancer risk below 10^{-5} is 2.7 μg/l.

Summary of Pertinent Data for 1,1,2,2-Tetrachloroethane

The water quality criterion for 1,1,2,2-tetrachloroethane is based on the induction of hepatocellular carcinomas in male B6C3F1 mice, receiving average oral doses of 284 mg/kg/day over a 78-week period (NCI, 1978c). The incidences of hepatocellular carcinomas were 4/49 and 1/18 in the treated and control groups, respectively. The criterion was calculated from the following parameters:

$n_t = 44$
$N_t = 49$
$n_c = 1$
$N_c = 18$
Le = 91 wks
le = 78 wks
L = 91 wks
d = 203 mg/kg/day (284 mg/kg/day × 5/7)
F = 0.0187 kg/day
R = 18
w = 0.035 kg

Based on these parameters, the one-hit slope (B_H) is 0.1638 $(mg/kg/day)^{-1}$. The concentration of 1,1,2,2-tetrachloroethane in water, calculated to keep the lifetime cancer risk below 10^{-5}, is 1.8 μg/l.

Summary of Pertinent Data for Hexachloroethane

The water quality criterion for hexachloroethane is based on the induction of hepatocellular carcinomas in male B6C3F1 mice, given an average oral dose of 1,179 mg/kg/day over a 78-week period (NCI, 1978d). The incidences of hepatocellular carcinomas were 31/49 and 3/20 in the treated and control groups, respectively. The criterion was calculated from the following parameters:

$n_t = 31$
$N_t = 49$
$n_c = 3$
$N_c = 20$
Le = 91 wks
le = 78 wks
L = 91 wks
d = 842 mg/kg/day (1179 mg/kg/day × 5/7)
F = 0.0187 kg/day
R = 320
w = 0.032 kg

Based on these parameters, the one-hit slope (B_H) is 0.0149 $(mg/kg/day)^{-1}$. The concentration of hexachloroethane in water, calculated to keep the lifetime cancer risk below 10^{-5}, is 5.9 μg/l.

Chromium

Criteria Summary

Freshwater Aquatic Life. For trivalent chromium the criterion to protect freshwater aquatic life as derived using the Guidelines is "e(0.83·ln (hardness)+2.94)" as a 24-hour average and the concentration should not exceed "e(0.83·ln(hardness)+3.72)" at any time.

For hexavalent chromium the criterion to protect freshwater aquatic life as derived using the Guidelines is 10 μg/l as a 24-hour average concentration and the concentration should not exceed 110 μg/l at any time.

Saltwater Aquatic Life. For saltwater aquatic life, no criterion for trivalent chromium can be derived using the Guidelines, and there are insufficient data to estimate a criterion using other procedures.

For hexavalent chromium the criterion to protect saltwater aquatic life as derived using the Guidelines is 25 μg/l as a 24-hour average and the concentration should not exceed 230 μg/l at any time.

Human Health. For the protection of human health from the toxic properties of chromium (except hexavalent chromium) ingested through water and contaminated aquatic organisms, the recommended water quality criterion is 50 μg/l.

For the maximum protection of human health from the potential carcinogenic effects of exposure to hexavalent chromium through ingestion of water and contaminated aquatic organisms, the ambient water concentration is zero. Concentrations of hexavalent chromium estimated to result in additional lifetime cancer risks ranging from no additional risk to an additional risk of 1 in 100,000 are presented in the Criterion Formulation section of this document. The Agency is considering setting criteria at an interim target risk level in the range of 10^{-5}, 10^{-6}, or 10^{-7} with corresponding criteria of 8 ng/l, 0.8 ng/l, and .08 ng/l, respectively.

Basis for the Criteria

Freshwater Aquatic Life

Hexavalent chromium. The maximum concentration of hexavalent chromium is the Final Acute Value of 110 μg/l and the 24-hour average concentration is the final Chronic Value of less than 10 μg/l. No important adverse effects on freshwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

For hexavalent chromium the criterion to protect freshwater aquatic life as derived using the Guidelines is 10 μg/l as a 24-hour average and the concentration should not exceed 110 μg/l at any time.

Trivalent chromium. The maximum concentration of trivalent chromium is the Final Acute Value of e(0.83·ln (hardness)+3.72) and the 24-hour average concentration is the Final Chronic Value of e(0.83·ln (hardness)+2.94). No important adverse effects on freshwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

For trivalent chromium the criterion to protect freshwater aquatic life as derived using the Guidelines is "e(0.83·ln (hardness)+2.94)" as a 24-hour average and the concentration should not exceed "e(0.83·ln (hardness)+3.72)" at any time.

Summary of Available Data

The concentrations below have been rounded to two significant figures. All concentrations herein are expressed in terms of chromium.

Hexavalent chromium

Final Fish Acute Value = 13,079 μg/l
Final Invertebrate Acute Value = 110 μg/l
Final Acute Value = 110 μg/l
Final Fish Chronic Value = 26 μg/l
Final Invertebrate Chronic Value = less than 10 μg/l
Final Plant Value = 10 μg/l
Residue Limited Toxicant Concentration = not available
Final Chronic Value = less than 10 μg/l
0.44 × Final Acute Value = 48 μg/l

Trivalent chromium

Final Fish Acute Value = e(0.83·ln (hardness)+4.45)
Final Invertebrate Acute Value = e(0.83·ln (hardness)+3.72)
Final Acute Value = e(0.83·ln (hardness)+3.72)
Final Fish Chronic Value = not available
Final Invertebrate Chronic Value = e(0.83·ln (hardness)+2.94)
Final Chronic Value = e(0.83·ln (hardness)+2.94)
Final Plant Value = not available
Residue Limited Toxicant Concentration = not available

Saltwater Aquatic Life. The maximum concentration of hexavalent chromium is the Final Acute Value of 260 μg/l and the 24-hour average concentration is the Final Chronic Value of 25 μg/l. No important adverse effects on saltwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

For hexavalent chromium the criterion to protect saltwater aquatic life as derived using the Guidelines is 25 μg/l as a 24-hour average and the concentration should not exceed 230 μg/l at any time.

For saltwater aquatic life, no criterion for trivalent chromium can be derived using the Guidelines, and there are insufficient data to estimate a criterion using other procedures.

Summary of Available Data

The concentrations below have been rounded to two significant figures. All concentrations herein are expressed in terms of chromium.

Hexavalent chromium

Final Fish Acute Value = 7,800 μg/l
Final Invertebrate Acute Value = 230 μg/l
Final Acute Value = 230 μg/l
Final Fish Chronic Value = not available
Final Invertebrate Chronic Value = 25 μg/l
Final Plant Value = 1,000 μg/l
Residue Limited Toxicant
Concentration = not available
Final Chronic Value = 25 μg/l
0.44 × Final Acute Value = 100 μg/l

Human Health. There is evidence which suggests that hexavalent chromium (Cr VI) is a carcinogen. Based on exposure of chromium workers to Cr VI (Mancuso and Hueper, 1951; Taylor, 1966, the U.S. EPA Carcinogen Assessment Group has developed a water quality criterion for Cr VI to keep the lifetime risk level below one in 100,000 (see Appendix I).

Under the Consent Decree in NRDC vs. Train, criteria are to state "recommended maximum permissible concentrations (including where appropriate, zero) consistent with the protection of aquatic organisms, human health, and recreational activities." Chromium VI is suspected of being a human carcinogen. Because there is no recognized safe concentration for a human carcinogen, the recommended concentration of Chromium VI in water for maximum protection of human health is zero.

Because attaining a zero concentration level may be infeasible in some cases and in order to assist the Agency and States in the possible future development of water quality regulations, the concentrations of Chromium VI corresponding to several incremental lifetime cancer risk levels have been estimated. A cancer risk level provides an estimate of the additional incidence of cancer that may be expected in an exposed population. A risk of 10^{-5} for example, indicates a probability of one additional case of cancer for every 100,000 people exposed, a risk of 10^{-6} indicates one additional case of cancer for every million people exposed, and so forth.

In the **Federal Register** notice of availability of draft ambient water quality criteria, EPA stated that it is considering setting criteria at an interim target risk level of 10^{-5}, 10^{-6} or 10^{-7} as shown in the table below.

Exposure assumptions	Risk levels and Corresponding Criteria[1]			
	0	10^{-7} (ng/l)	10^{-6} (ng/l)	10^{-5} (ng/l)
2 liters of drinking water and consumption of 18.7 grams of fish and shellfish[2]		0.08	0.8	8
Consumption of fish and shellfish only		8.63	86.3	863

[1] Calculated by applying a modified "one hit" extrapolation model described in the FR 15926, 1979 to the animal bioassay data presented in the summary of pertinent data. Since the extrapolation model is linear to low doses, the additional lifetime risk is directly proportional to the water concentration. Therefore, water concentrations corresponding to other risk levels can be derived by multiplying or dividing one of the risk levels and corresponding water concentrations shown in the table by factors such as 10, 100, 1,000, and so forth.

[2] Approximately one percent of the Chromium VI exposure results from the consumption of aquatic organisms which exhibit an average bioconcentration potential of 1.0 fold. The remaining 99 percent of Chromium VI exposure results from drinking water.

Concentration levels were derived assuming a lifetime exposure to various amounts of Chromium VI (1) occurring from the consumption of both drinking water and aquatic life grown in water containing the corresponding Chromium VI concentrations and, (2) occurring solely from the consumption of aquatic life grown in the waters containing the corresponding Chromium VI concentrations. Although total exposure information for Chromium VI is discussed and an estimate of the contributions from other sources of exposure can be made, this data will not be factored into the ambient water quality criteria. The criteria presented, therefore, assume an incremental risk from ambient water exposure only.

Therefore, the criterion for hexavalent chromium should be at a level of no greater than 8 ng/l to keep the lifetime risk of cancer below 1 in 100,000.

A water quality criterion can be set for other Cr species on the basis of reasonable safety margins applied to the lowest exposure observed to produce effects.

The level of 0.05 mg/l of chromium quoted in Table 2 appears to be an acceptable risk level. This level is 500 times lower than a concentration which remained without overt toxicological effects in rats over a period of one year, and over 200 times lower than a level reported not to affect dogs over four years. With the exception of hexavalent chromium, there is no reason to believe that the level of 0.05 mg/l (50 μg/l) permitted for ambient water poses a significant threat to human health. As a standard, this level was set in 1962 and has in the meantime been confirmed by several reviewing groups. Therefore, the recommended water quality criterion for chromium, except hexavalent chromium, is 50 μg/l. For practical purposes, it should be noted that it is difficult to analytically distinguish between trivalent and hexavalent chromium.

Because of the low bioconcentration of chromium, consideration of the consumption of fish and shellfish does not change the recommended criterion:

If two liters of drinking water are ingested per day, then a level of 50 μg/l would correspond to an intake of 100 μg from water. To apportion this daily intake to both drinking water and fish and shellfish consumed, the following calculation can be used:

$2X + (0.0187)(F)(X) = 100\ \mu g$

Where:

2 = amount of water ingested in liter/day
X = chromium concentration in water, mg/1
0.0187 = amount of fish consumed per day, kg/day
F = bioconcentration factor, mg chromium/kg fish per mg chromium in water. (F = 11 for chromium)

$2X + .2X = 100\mu g$
$2.2X = 100\ \mu g$
$X = 45\ \mu g/l$ (or ~ 50 μg/l)

Summary of Pertinent Data

In order to calculate a water quality criterion for Cr VI, it was necessary to assume that the population's exposure to Cr VI in the Mancuso and Hueper study was the same as the exposure in Taylor's paper. Taylor's is the only study in which the cohort is large enough (1212 people were studied) to see the effects of Cr exposure in areas other than the lungs, which are directly affected by inhaled Cr. The lung cancer risk was very high in this study. The risk of digestive cancer from Cr exposure is statistically significant in Taylor's cohort (as shown in 1974 by Enterline); however, the amount of Cr to which the workers were exposed is not available for Taylor's study. Mancuso and Hueper closely studied 97 chromium workers in which they saw a high incidence of lung cancer (however, less than Taylor's study). The data on exposure in the Mancuso and Hueper study is very detailed, giving information on first exposure date, years of exposure, latent

period, amount of Cr exposure in mg Cr/m^3 for Cr III and Cr VI separately, and date of death.

In order to calculate a water quality criterion for Cr, it is necessary to know the exposure levels producing the digestive cancer response in Taylor's study, as the direct lung effects may not be relevant to water exposure.

The following is an account of the calculations used in estimating the water concentration of Cr VI which would result in a lifetime risk of dying from digestive cancer of 10^{-5}.

Assuming that the average exposure in Mancuso and Hueper's study is 0.1 mg Cr/m^3 (this is the mean exposure to water soluble chromium which is Cr VI), then the concentration in Taylor's study is also assumed to be 0.15 mg Cr/m^3. The total exposure in 4.146 years (the mean exposure time in Taylor's study) is 0.15 mg Cr/m^3 × 10 m^3/working day × 240 working days/yr × 4.146 years = 1492.56 mg. If 50 percent of this is swallowed from the respiratory tract, then 2.018 liter/day × 365 days/year × 70 years × C mg/l = 1492.56 × 0.5 (The bioconcentration factor in fish is 1.0)

C = 14.40 μg/l of Cr VI

C is the estimated concentration in water necessary to produce the observed digestive cancer incidence in the Taylor study. The relative risk in the Taylor study is 1.533 which is statistically significant. The excessive risk corresponding to a concentration of C = 14.40 μ/l is .533 p, where p is the expected population risk of digestive tract cancer. The slope of the excessive risk curve is

$$B = \frac{0.533p}{0.014} \quad 37.01p\ (mg/l)^{-1}$$

The water quality criterion corresponding to a risk of 10^{-5} is given by

$$X = \frac{10^{-5}}{37.01p}\ mg/l$$

$$= \frac{10^{-3}}{37.01p}\ \mu/l$$

Based on the HEW Vital Statistics of the United States (1973), the lifetime risk of dying from digestive cancer (p) is estimated by an actuarial method to be 3.5 percent.* Therefore, the water concentration of Cr VI should be less than 8.0 ng/l in order to keep the lifetime risk below 10^{-5}.

Using the water concentration of 8 mg/l for Cr VI, the one-hit slope (B_H) may be calculated as follows:

$$B_H = \frac{70 \times 10^{-5}}{C(2 + R \times F)}$$

R = 1.0
F = 0187 kg/day
C = 8 × 10^{-3} mg/l
B_H = 43.345 (mg/kg/day)$^{-1}$

*(Thus, from this data, p = .035).

DDT

Criteria Summary

Freshwater Aquatic Life. For DDT and metabolites the criterion to protect freshwater aquatic life as derived using the Guidelines is 0.00023 μg/l as a 24-hour average and the concentration should not exceed 0.41 μg/l at any time.

Saltwater Aquatic Life. The data base for saltwater aquatic life is insufficient to allow use of the Guidelines. The following recommendation is inferred from toxicity data for freshwater organisms.

For DDT and metabolites the criterion to protect saltwater aquatic life as derived using procedures other than the Guidelines is 0.0067 μg/l as a 24-hour average and the concentration should not exceed 0.021 μg/l at any time.

Human Health. For the maximum protection of human health from the potential carcinogenic effects of exposure to DDT through ingestion of water and contaminated aquatic organisms, the ambient water concentration is zero. Concentrations of DDT estimated to result in additional lifetime cancer risks ranging from no additional risk to an additional risk of 1 in 100,000 are presented in the Criterion document. The Agency is considering setting criteria at an interim target risk level in the range of 10^{-5}, 10^{-6}, or 10^{-7} with corresponding criteria of 0.98 ng/l, 0.098 ng/l, and .0098 ng/l, respectively. If water alone is consumed, the water concentration should be less than 0.36 μg/l to keep the lifetime cancer risk below 10^{-5}.

Basis for the Criteria

Freshwater Aquatic Life. The maximum concentration of DDT and metabolites is the Final Acute Value of 0.41 μg/l and the 24-hour average concentration is the Final Chronic Value of 0.00023 μg/l. No important adverse effects on freshwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

Summary of Available Data. The concentrations below have been rounded to two significant figures.

Final Fish Acute Value = 1.3 μg/l
Final Invertebrate Acute Value = 0.41 μg/l
Final Acute Value = 0.41 μg/l
Final Fish Chronic Value = 0.11 μg/l
Final Invertebrate Chronic Value = not available
Final Plant Value = 0.30 μg/l
Residue Limited Toxicant Concentration = 0.00023 μg/l
Final Chronic Value = 0.00023 μg/l
0.44 × Final Acute Value = 0.18 μg/l

Saltwater Aquatic Life. No saltwater criterion can be derived for DDT and metabolites using the Guidelines because no Final Chronic Value for either fish or invertebrate species or a good substitute for either value is available.

Results obtained with DDT and metabolites and freshwater organisms indicate how a criterion may be estimated for DDT and metabolites and saltwater organisms.

For DDT and metabolites and freshwater organisms the Residue Limited Toxicant Concentration is lower than the Final Fish Chronic Value which is derived from results of a life cycle test with the fathead minnow. Therefore, it seems reasonable to estimate a criterion for DDT and metabolites and saltwater organisms using the Residue Limited Toxicant Concentration as the Final Chronic Value.

The maximum concentration of DDT and metabolites is the Final Acute Value of 0.021 μg/l and the estimated 24-hour average concentration is the Final Chronic Value of 0.0067 μg/l. No important adverse effects on saltwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

Summary of Available Data. The concentrations below have been rounded to two significant figures.

Final Fish Acute Value = 0.38 μg/l
Final Invertebrate Acute Value = 0.021 μg/l
Final Acute Value = 0.021 μg/l
Final Fish Chronic Value = not available μg/l
Final Invertebrate Chronic Value = not available
Final Plant Value = 10 μg/l
Residue Limited Toxicant Concentration = 0.0067 μg/l
Final Chronic Value = 0.0067 μg/l
0.44 × Final Acute Value = 0.0092 μg/l

Human Health. Since no epidemiological evidence for the carcinogenicity of DDT in man has been reported, the results of animal carcinogenicity studies conducted by feeding DDT or its metabolites over the lifespan of the animal are regarded as the most pertinent data. Although a number of studies have been reported for various species, the major evidence for the tumorigenicity of DDT is its ability to induce liver tumors in mice.

Under the Consent Decree in *NRDC vs. Train*, criteria are to state "recommended maximum permissible concentrations (including where appropriate, zero) consistent with the protection of aquatic organisms, human health, and recreational activities." DDT

is suspected of being a human carcinogen. Because there is no recognized safe concentration for a human carcinogen, the recommended concentration of DDT in water for maximum protection of human health is zero.

Because attaining a zero concentration level may be infeasible in some cases and in order to assist the Agency and States in the possible future development of water quality regulations, the concentrations of DDT corresponding to several incremental lifetime cancer risk levels have been estimated. A cancer risk level provides an estimate of the additonal incidence of cancer that may be expected in an exposed population. A risk of 10^{-5} for example, indicates a probability of one additional case of cancer for every 100,000 people exposed, a risk of 10^{-6} indicates one additional case of cancer for every million people exposed, and so forth.

In the **Federal Register** notice of availability of draft ambient water quality criteria, EPA stated that it is considering setting criteria at an interim target risk level of 10^{-5}, 10^{-6} or 10^{-7} as shown in the table below.

Exposure assumptions (per day)	Risk levels and corresponding criteria[1]			
	0	10^{-7} (ng/l)	10^{-6} (ng/l)	10^{-5} ng/l)
2 liters of drinking water and consumption of 18.7 grams of fish and shellfish[2]		0.0098	0.098	0.98
Consumption of fish and shellfish only		0.0098	0.098	0.98

[1] Calculated by applying a modified "one hit" extrapolation model described in the FR 15926, 1979, to the animal bioassay data presented in the summary of pertinent data. Since the extrapolation model is linear at low doses, the additional lifetime risk is directly proportional to the water concentration. Therefore, water concentrations corresponding to other risk levels can be derived by multiplying or dividing one of the risk levels and corresponding water concentrations shown in the table by factors such as 10, 100, 1,000, and so forth.

[2] Greater than 99 percent of the DDT exposure results from the consumption of aquatic organisms which exhibit an average bioconcentration potential of 39,000 fold. The remaining less than one percent of DDT exposure results from drinking water.

Concentration levels were derived assuming a lifetime exposure to various amounts of DDT (1) occurring from the consumption of both drinking water and aquatic life grown in water containing the corresponding DDT concentrations and, (2) occurring solely from the consumption of aquatic life grown in the waters containing the corresponding DDT concentrations. Although total exposure information for DDT is discussed and an estimate of the contributions from other sources of exposure can be made, this data will not be factored into the ambient water quality criteria formulation because of the tenuous estimates. The criteria presented, therefore, assume an incremental risk from ambient water exposure only.

The case of DDT and its possible role as a human carcinogen is complicated by several factors. Despite widespread use and exposure over thirty years, no positive associations with human cancer have been found to date, although the number of individuals studied is not statistically large. It is a chemical with high efficacy and has been extremely effective all over the world for public health measures. However, its slow biodegradability and propensity to accumulate in nontarget species have made it particularly hazardous for many fish and bird species. For mammals, however, it has a low acute toxicity as compared to other alternate pesticides.

DDT has not been shown to produce point mutations or teratogenic effects in a wide battery of tests. Some evidence for its clastogenic properties, however, make it suspect. The primary evidence for the carcinogenicity of DDT and metabolites to date has been the induction of liver tumors in mice. Studies in other species have consistently shown little or no effect and in the mice only liver tumors have shown an increase. The evidence for the carcinogenicity of DDT would be much more convincing if other species or sites of tumorigenic action could be conclusively demonstrated. This is in light of the fact that DDT has been probably the most extensively studied compound in modern science.

Current levels of exposure would seem to pose extremely small risk to persons in the U.S. DDT and DDE are preferentially stored in fatty compartments that are not actively dividing and subject to carcinogenic changes.

The use of DDT has been restricted in several countries because of its impact on the environment and its tumorigenic effect in mice. This is a reasonable proposition based on numerous reports. Therefore, the levels proposed in this document should ensure the health of wildlife and the co-existing human population.

Summary of Pertinent Data. The water quality criterion for DDT can be derived on the basis of two independent sets of data, neither of which is completely satisfactory. The first method is based on the most sensitive animal chronic bioassay available, which is the six-generation study by Turusov, et al. (Jour. Nat. Cancer Inst., 1973) in CF–1 mice. The second method is based on a comparison of the lifetime incidence of nervous system cancer cases between residents of New York State (except New York City) and residents of Israel who were born in Europe or America.

The first method results in water quality concentrations so low that over 95 percent of surface water in the U.S. would fail to meet the criteria. This method also implies that the lifetime risk from current ambient concentrations is approximately three percent, which seems unrealistically high for DDT exposure alone in view of the absence of reported carcinogenic effects in heavily exposed populations. The second method is based on extremely tenuous assumptions, but it does use human data to put an upper limit on the carcinogenic effectiveness of DDT.

Method 1. In the Turusov mouse study, the six generations of the lowest dose group (2 ppm) of males had 179 animals with hepatomas out of 354 animals analyzed, whereas in controls 97 out of 328 animals had hepatomas. The data used for the criterion are:

$n_t = 179$
$N_t = 354$
$n_c = 97$
$N_c = 328$
$Le = 104$ weeks.
$le = 104$ weeks.
$d = 2 \times 0.13 = 0.26$ mg/kg/day
$w = 0.030$ kg
$L = 104$ weeks.
$R = 39.000$
$F = 0.0187$ kg/day

With these values the slope parameter is $B_H = 18.055$ (mg/kg/day)$^{-1}$. The result of the calculation is that if fish and water are consumed the water concentration should be less than 0.053 ng/l in order to keep the individual lifetime risk below 10^{-5}. If only water were consumed ($F = 0$) the corresponding concentration is 20 ng/l.

Method 2. There is strong evidence that method 1 overstates the DDT risk, either because the animal experiments overstate the human risk or because most people do not eat fish contaminated to the extent assumed in the model. The basis for stating this is that countries like Israel where the levels of DDT exposure have been high and widespread have experienced no excess cancer incidence as compared to the United States. As an upper limit estimate of cancer risk from DDT exposure, we can make the unsupported assumption that DDT does cause human cancer with some probability which is proportional to the lifetime exposure and we can make the *reductio ad absurdum* argument that cancer incidence in the organ site where the largest excess in incidence occurs in Israel is due solely to DDT, which of course is not true. Taking the nervous

system as a reasonable candidate site for the action of DDT, we can make the following estimate which is intended only to put upper bounds on the carcinogenic effectiveness of DDT.

The high exposure in Israel is reflected in the higher fat levels measured by Wasserman, et al. According to their data the average level in Israel is 16.33 ppm (based on three studies), whereas in the United States it is 9.04 ppm (based on ten studies). Using the following relationship, developed by Hayes, et al. and Durham, et al. between the daily dose I(mg/day), and the concentration, C (ppm) in body fat:

$$\log I = (1/0.7)(\log C - 1.3),$$

the difference in the average daily doses between in Israel and the United States was calculated to be $0.751 - 0.323 = 0.428$ mg/day. The lifetime incidence of cancer for Israel and New York State is tabulated below from Table 8.3.

Population (males)	Lifetime incidence (percent)	
	Nervous System	All sites
New York State	0.5	28.8
Israel:		
All Jews	1.1	24.9
Born Israel	1.3	21.4
Born Europe or America	1.1	24.1
Born Africa or Asia	0.7	18.6
Non-Jews	0.5	15.3

Relative to New York, the excess lifetime risk of nervous system cancer in migrants to Israel from Europe and America is $1.1 - 0.5 = 0.6$ percent. This is caused by an excess intake of 0.428 mg/day. Therefore, the intake I resulting in 10^{-5} risk is

$$I = (10^{-5}/0.006) \times 0.428 = 7.13 \times 10^{-4} \text{ mg/day}$$

If this intake comes from fish and water, the concentration of water would be:

$$C = 7.13 \times 10^{-4}/(2 + 39.000 \times 0.0187) = 0.98 \text{ ng/l}$$

If the intake comes from water alone, the concentration would be:

$$C = \frac{7.13 \times 10^{-4}}{2} = 0.357 \ \mu g/l$$

Therefore, according to method 2, if fish and water are consumed, the water concentration should be less than 0.98 ng/l in order to keep the individual lifetime risk below 10^{-5}. If only water is consumed, the corresponding concentration is 0.36 µg/l. The equivalent slope factor for method 2 is:

$$B_H = \frac{70 \times 10^{-3}}{2 \times 3.57 \times 10^{-4}} = 0.98 \text{ (mg/kg/day)}^{-1}$$

Method 2 is recommended becuase it gives some basis for avoiding the unrealistically low concentrations imposed by considering only the animal data.

Hexachlorocyclohexane

Criteria Summary

Freshwater Aquatic Life. For lindane the criterion to protect freshwater aquatic life as derived using the Guidelines is 0.21 µg/l as a 24-hour average and the concentration should not exceed 2.9 µg/l at any time.

For freshwater aquatic life, no criterion for a mixture of isomers of BHC can be derived using the Guidelines, and there are insufficient data to estimate a criterion using other procedures.

Saltwater Aquatic Life. For saltwater aquatic life, no criterion for lindane can be derived using the Guidelines, and there are insufficient data to estimate a criterion using other procedures.

For saltwater aquatic life, no criterion for a mixture of isomers of BHC can be derived using the Guidelines, and there are insufficient data to estimate a criterion using other procedures.

Human Health. For the maximum protection of human health from the potential carcinogenic effects of exposure to α-HCH, β-HCH, and λ-HCH through ingestion of water and contaminated aquatic organisms, the ambient water concentration is zero. Concentrations of α-HCH, β-HCH, and λ-HCH estimated to result in additional lifetime cancer risks ranging from no additional risk to an additional risk of 1 in 100,000 are presented in the Criterion document. The Agency is considering setting criteria at an interim target risk level in the range 10^{-5}, 10^{-6}, or 10^{-7}, with corresponding criteria as follows:

Isomer	Criteria (ng/l) at the following risk levels		
	10^{-5}	10^{-6}	10^{-7}
α-HCH	16	1.6	0.16
β-HCH	28	2.8	0.28
γ-HCH	54	5.4	0.54
t-HCH	21	2.1	0.21

There is insufficient data to establish criteria for the δ and ε isomers of HCH.

Basis for the Criteria

Freshwater Aquatic Life. The maximum concentration of lindane is the Final Acute Value of 2.9 µg/l and the 24-hour average concentration is the Final Chronic Value of 0.21 µg/l. No important adverse effects on freshwater aquatic organisms have been reported to be caused by concentrations lower than the 24-hour average concentration.

No freshwater criterion can be derived for a mixture of isomers of BHC using the Guidelines because no Final Chronic Value for either fish or invertebrate species or a good substitute for either value is available, and there are insufficient data to estimate a criterion using other procedures.

Summary of Available Data. The concentrations below have been rounded to two significant figures.

Lindane

Final Fish Acute Value = 6.9 µg/l
Final Invertebrate Acute Value = 2.9 µg/l
Final Acute Value = 2.9 µg/l
Final Fish Chronic Value = 2.2 µg/l
Final Invertebrate Chronic Value = 1.3 µg/l
Final Plant Value = 1,000 µg/l
Residue Limited Toxicant Concentration = 0.21 µg/l
Final Chronic Value = 0.21 µg/l
0.44 × Final Acute Value = 1.3 µg/l

BHC

Final Fish Acute Value = 740 µg/l
Final Invertebrate Acute Value = not available
Final Acute Value = 740 µg/l
Final Fish Chronic Value = not available
Final Invertebrate Chronic Value = not available
Final Plant Value = 1,000 µg/l
Residue Limited Toxicant Concentration = not available
Final Chronic Value = 1,000 µg/l
0.44 × Final Acute Value = 330 µg/l

Saltwater Aquatic Life. No saltwater criterion can be derived for lindane using the Guidelines because no Final Chronic Value for either fish or invertebrate species or a good substitute for either value is available, and there are insufficient data to estimate a criterion using other procedures.

No saltwater criterion can be derived for a mixture of isomers of BHC using the Guidelines because no Final Chronic Value for either fish or invertebrate species or a good substitute for either value is available, and there are insufficient data to estimate a criterion using other procedures.

Summary of Available Data

Lindane

Final Fish Acute Value = 6.2 µg/l
Final Invertebrate Acute Value = 0.076 µg/l
Final Acute Value = 0.076 µg/l
Final Fish Chronic Value = not available
Final Invertebrate Chronic Value = not available
Final Plant Value = 1,000 µg/l
Residue Limited Toxicant Concentration = not available
Final Chronic Value = 1,000 µg/l
0.44 × Final Acute Value = 0.033 µg/l

BHC

Final Fish Acute Value = 23 µg/l
Final Invertebrate Acute Value = 0.34 µg/l
Final Acute Value = 0.34 µg/l
Final Fish Chronic Value = not available

Final Invertebrate Chronic Value = not available
Final Plant Value = not available
Residue Limited Toxicant Concentration = 0.27 µg/l
Final Chronic Value = 0.27µg/l
0.44 × Final Acute Value = 0.015 µg/l

Human Health. The animal carcinogenicity data from Ito, et al. 1976, Goto, et al. 1972, Thorpe and Walker, 1973, and Nagasaki, et al. 1972a have been used to develop water quality criteria for α, β, λ, and technical HCH, respectively. These criteria have been developed by the Carcinogen Assessment Group of EPA. The assessment is given in the criterion document.

Under the Consent Decree in NRDC vs. Train, criteria are to state "recommended maximum permissible concentrations (including where appropriate, zero) consistent with the protection of aquatic organisms, human health, and recreational activities." α-HCH, β-HCH, γ-HCH and t-HCH are suspected of being human carcinogens. Because there is no recognized safe concentration for a human carcinogen, the recommended concentration of α-HCH, β-HCH and t-HCH in water for maximum protection of human health is zero.

Because attaining a zero concentration level may be infeasible in some cases and in order to assist the Agency and States in the possible future development of water quality regulations, the concentrations of α-HCH, β-HCH, γ-HCH and t-HCH corresponding to several incremental lifetime cancer risk levels have been estimated. A cancer risk level provides an estimate of the additional incidence of cancer that may be expected in an exposed population. A risk of 10^{-5} for example, indicates a probability of one additional case of cancer for every 100,000 people exposed, a risk of 10^{-6} indicates one additional case of cancer for every million people exposed, and so forth.

In the Federal Register notice of availability of draft ambient water quality criteria, EPA stated that it is considering setting criteria at an interim target risk level of 10^{-5}, 10^{-6}, or 10^{-7} as shown in the tables below.

Exposure assumptions (per day)	Risk levels and Corresponding criteria[1]			
	0	10^{-7} (ng/l)	10^{-6} (ng/l)	10^{-5} (ng/l)
α-HCH				
2 liters of drinking water and consumption of 18.7 grams fish and shellfish[2]	0	0.16	1.8	16
Consumption of fish and shellfish only	0	0.18	1.8	18
β-HCH				
2 liters of drinking water and consumption of 18.7 grams fish and shellfish[2]	0	0.28	2.8	28
Consumption of fish and shellfish only	0	0.32	3.2	32
γ-HCH				
2 liters of drinking water and consumption of 18.7 grams fish and shellfish[2]	0	0.54	5.4	54
Consumption of fish and shellfish only	0	0.61	6.1	61
t-HCH				
2 liters of drinking water and consumption of 18.7 grams fish and shellfish[2]	0	0.21	2.1	21
Consumption of fish and shellfish only	0	0.24	2.4	24

[1] Calculated by applying a modified "one-hit" extrapolation model described in the FR 15926, 1979. Appropriate bioassay data used in the calculation of the model are presented in the summary of pertinent data. Since the extrapolation model is linear at low doses, the additional lifetime risk is directly proportional to the water concentration. Therefore, water concentrations corresponding to other risk levels can be derived by multiplying or dividing one of the risk levels and corresponding water concentrations shown in the table by factors such as 10, 100, 1000, and so forth.

[2] Approximately 68 percent of the α-HCH, β-HCH, γ-HCH and t-HCH exposure results from the consumption of aquatic organisms which exhibit an average bioconcentration potential of 780 fold. The remaining 12 percent of α-HCH, β-HCH, γ-HCH and t-HCH exposure results from drinking water.

Concentration levels were derived assuming a lifetime exposure to various amounts of HCH (1) occurring from the consumption of both drinking water and aquatic life grown in waters containing the corresponding HCH concentrations and, (2) occurring solely from consumption of aquatic life grown in the waters containing the corresponding HCH concentrations. Although total exposure information for HCH is discussed and an estimate of the contributions from other sources of exposure can be made, these data will not be factored into ambient water quality criteria formulation until additional analyses can be made. The criteria presented, therefore, assume an incremental risk from ambient water exposure only.

Water quality criteria for the δ and ε isomers of HCH have not been established because of insufficient data. These isomers have not been detected in the environment, however, and would not appear to be a health risk. In summary, the recommended water quality criteria for hexachlorocyclohexane is as follows:

Form and Criteria

α isomer 16 ng/l*
β isomer 28 ng/l*
α isomer 54 ng/l*
δ isomer not established—insufficient data
ε isomer not established—insufficient data
technical 21 ng/l

Summary of Pertinent Data. The water quality criterion of alpha-hexachlorocyclohexane is derived from the oncogenic effects observed in the liver of male DDY mice fed 500 ppm alpha-HCH in the diet (Ito, et al. 1976). The time-weighted average dose of 65 mg/kg/day was given in the feed for 24 weeks. The liver tumor incidence was 0/18 and 20/20 in the control and treated groups, respectively. Assuming a fish bioconcentration factor of 780, the criterion is calculated from the following parameters:

$n_t = 20$ (used 19.5 for calculation)
$N_t = 20$
$n_c = 0$
$N_c = 18$
$l_e = 24$ weeks
$L_e = 90$ weeks
$d = 500 \text{ ppm} \times 0.13 = 65 \text{ mg/kg/day}$
$R = 780$
$L = 90$ weeks
$w = 0.0357$ kg
$F = 0.0187$ kg/day

Based on these parameters, the one-hit slope, B_H, is 2.6637. The resulting water concentration of alpha-hexachlorocyclohexane calculated to keep the individual lifetime cancer risk below 10^{-5} is 16 nanograms per liter.

The water quality criterion for beta-hexachlorocyclohexane is derived from the oncogenic effects observed in the liver of male ICR–JCL mice fed 600 ppm beta-HCH in the diet (Goto, et al. 1972). The time weighted average dose of 78 mg/kg/day was given in the feed for 26 weeks. The liver tumor incidence was 0/10 and 10/10 in the control and treated groups, respectively. Assuming a fish bioconcentration factor 780, the criterion is calculated from the following parameters:

$n_t = 10$ (used 9.5 for calculation)
$N_t = 10$
$n_c = 0$
$N_c = 10$
$l_e = 26$ weeks
$L_e = 90$ weeks
$d = 600 \text{ ppm} \times 0.13 = 78 \text{ mg/kg/day}$
$R = 780$
$L = 90$ weeks
$w = 0.0475$ kg
$F = 0.0187$ kg/day

*At a risk level of one in 100,000.

Based on these parameters, the one-hit slope, BH, is 1.5129. The resulting water concentration of beta-hexachlorocyclohexane calculated to keep the individual lifetime cancer risk below 10^{-5} is 28 nanograms per liter.

The water quality criterion for gamma-hexachlorocyclohexane is derived from the oncogenic effects observed in the liver of male CF1 mice fed 400 ppm gamma-HCH in the diet (Thorpe and Walker, 1973). The time-weighted average dose of 52 mg/kg/day was given in the feed for 110 weeks. The liver tumor incidence was 11/45 and 27/28 in the control and treated groups, respectively. Assuming a fish bioconcentration factor of 780, the criterion is calculated from the following parameters:

$n_t = 27$
$N_t = 28$
$n_c = 11$
$N_c = 45$
$l_e = 110$ weeks
$L_e = 110$ weeks
$d = 400$ ppm $\times 0.13 = 52$ mg/kg/day
$R = 780$
$L = 110$ weeks
$w = 0.030$ kg
$F = 0.0187$ kg/day

Based on these parameters, the one-hit slope, B_H, is 7.7844×10^{-1}. The resulting concentration of gamma-hexachlorocyclohexane calculated to keep the individual lifetime cancer risk below 10^{-5} is 54 nanograms per liter.

The water quality criterion for technical hexachlorocyclohexane is derived from the oncogenic effects observed in the liver of male dd mice fed 660 ppm technical HCH in the diet (Nagasaki, et al. 1972a). The time-weighted average dose of 85.8 mg/kg/day was given in the feed for 24 weeks. The liver tumor incidence was 0/14 and 20/20 in the control and treated groups, respectively. Assuming a fish bioconcentration factor of 780, the criterion is calculated from the following parameters:

$n_t = 20$ (used 19.5 for calculation)
$N_t = 20$
$n_c = 0$
$N_c = 14$
$l_e = 24$ weeks
$L_e = 90$ weeks
$d = 660$ ppm $\times 0.13 = 85.8$ mg/kg/day
$R = 780$
$L = 90$ weeks
$w = 0.0364$ kg
$F = 0.0187$ kg/day

Based on these parameters, the one-hit slope, B_H is 2.0050. The resulting water concentration of technical hexachlorocyclohexane calculated to keep the individual lifetime cancer risk below 10^{-5} is 21 nanograms per liter.

Mercury

Criteria Summary

Freshwater Aquatic Life. The data base for freshwater aquatic life and inorganic mercury is insufficient to allow use of the Guidelines. The following recommendation is inferred from toxicity data for saltwater organisms.

For inorganic mercury the criterion to protect freshwater aquatic life as derived using procedures other than the Guidelines is 0.064 μg/l as a 24-hour average and the concentration should not exceed 3.2 μg/l as any time.

For methylmercury the criterion to protect freshwater aquatic life as derived using the Guidelines is 0.016 μg/l as a 24-hour average and the concentration should not exceed 8.8 μg/l at any time.

Saltwater Aquatic Life. For inorganic mercury the criterion to protect saltwater aquatic life as derived using the Guidelines is 0.19 μg/l as a 24-hour average and the concentration should not exceed 1.0 μg/l at any time.

The data base for saltwater aquatic life and methylmercury is insufficient to allow use of the Guidelines. The following recommendation is inferred from toxicity data for freshwater organisms.

For methylmercury the criterion to protect saltwater aquatic life as derived using procedures other than the Guidelines is 0.025 μg/l as a 24-hour average and the concentration should not exceed 2.6 μg/l at any time.

Human Health. For the protection of human health from the toxic properties of mercury ingested through water and through contaminated aquatic organisms the ambient water criterion is determined to be 0.2 μg/l.

Basis for the Criteria

Freshwater Aquatic Life. The maximum concentration of inorganic mercury is the Final Acute Value of 3.2 μg/l which is based on the more acutely sensitive invertebrate organisms. The 24-hour average concentration is 0.064 μg/l and is based on an estimated Residue Limited Toxicant Concentration. No important adverse effects on freshwater organisms of inorganic mercury have been reported to be caused by concentrations lower than the 24-hour average concentration.

The maximum concentration of methylmercury is the Final Acute Value of 8.8 μg/l and the 24-hour average concentration is the Residue Limited Toxicant Concentration of 0.016 μg/l. No important adverse effects on freshwater aquatic life have been reported to be caused by concentrations lower than the 24-hour average concentration.

Summary of Available Data. The concentrations herein are expressed as mercury. The concentrations below have been rounded to two significant figures.

Inorganic Mercury

Final Fish Acute Value = 38 μg/l
Final Invertebrate Acute Value = 3.2 μg/l
Final Acute Value = 3.2 μg/l
Final Fish Chronic Value = not available
Final Invertebrate Chronic Value = 0.44 μg/l
Final Plant Value = 60 μg/l
Residue Limited Toxicant Concentration = 0.064 μg/l
Final Chronic Value = 0.064 μg/l
0.44 × Final Acute Value = 1.4 μg/l

Methylmercury

Final Fish Acute Value = 8.8 μg/l
Final Invertebrate Acute Value = not available
Final Acute Value = 8.8 μg/l
Final Fish Chronic Value = 0.078 μg/l
Final Invertebrate Chronic Value = 0.20 μg/l
Final Plant Value = greater than 2.4 μg/l, less than 4.8 μg/l
Residue Limited Toxicant Concentration = 0.016 μg/l
Final Chronic Value = 0.016 μg/l
0.44 × Final Acute Value = 3.9 μg/l

Saltwater Aquatic Life. The maximum concentration of inorganic mercury is the Final Acute Value of 1.0 μg/l which is based on the more acutely sensitive invertebrate species. The 24-hour average concentration is the Residue Limited Toxicant Concentration of 0.19 μg/l. No important adverse effects have been reported to be caused by concentrations lower than the 24-hour average concentration.

No saltwater criterion can be derived or methylmercury using the Guidelines because no Final Chronic Value for either fish or invertebrate species or a good substitute for either value is available. However, results obtained with methylmercury and freshwater organisms indicate how a criterion may be estimated.

For methylmercury and freshwater organisms the Residue Limited Toxicant Concentration is lower than either the Final Fish or Final Invertebrate Chronic Value. Therefore, it seems reasonable to estimate a criterion for methylmercury and saltwater organisms using the Residue Limited Toxicant Concentration.

The maximum concentration of methylmercury is the Final Acute Value of 2.6 μg/l and the 24-hour average concentration is the Residue Limited Toxicant Concentration of 0.025 μg/l.

Summary of Available Data. The concentration herein are expressed as mercury. The concentrations below have been rounded to two significant figures.

Inorganic Mercury

Final Fish Acute Value=190 μg/l
Final Invertebrate Acute Value=1.0 μg/l
Final Acute Value=1.0 μg/l
Final Fish Chronic Value=not available
Final Invertebrate Chronic Value=1.2 μg/l
Final Plant Value=1.0 μg/l
Residue Limited Toxicant Concentration=0.19 μg/l
Final Chronic Value=0.19 μg/l
0.44 × Final Acute Value=0.44 μg/l

Methylmercury

Final Fish Acute Value=not available
Final Invertebrate Acute Value=2.6 μg/l
Final Acute Value=2.6 μg/l
Final Fish Chronic Value=not available
Final Invertebrate Chronic Value=not available
Final Plant Value=100 μg/l
Residue Limited Toxicant Concentration=0.025 μg/l
Final Chronic Value=0.025 μg/l
0.44 × Final Acute Value=1.1 μg/l

Human Health. From a health effects perspective and recognition of exposure potential the organo mercury compounds are the most important especially methyl mercury. However, inorganic compounds of mercury should also be recognized because of their toxicity potential but perhaps more importantly because with alkylation from environmentally present biological systems the inorganic mercury can be converted to methyl and dimethyl mercury.

The approach that has been adopted by this criterion document involves the following steps: (1) Identify those organs or tissues most sensitive to damage by the different chemical and physical forms of mercury, damage being defined as an effect that adversely changes normal function or diminishes an individual's reserve capacity to deal with harmful agents or diseases; (2) determine the lowest body burden known to be associated with functional damage in man and, if possible, determine the highest body burden tolerated by man; (3) estimate the potential human intake from ingesting water and eating contaminated fish products; and (4) estimate the effect on body burden of mercury by establishing a criterion for mercury in ambient water based on human health effects.

Table 1, taken from the review by the World Health Organization expert group (1976), indicates long-term daily intakes of methyl mercury which relates to the earliest effect on the central nervous system. This system is more sensitive to damage from methyl mercury than other functional systems in the human body. The conclusions represented in Table 1 were recently endorsed by the National Academy of Sciences (1978).

Evidence reviewed in the criterion document is essentially the same as the evidence reviewed by the WHO group with regard to adult exposures to methyl mercury.

Table 1.—The Concentrations of Total Mercury in Indicator Media and the Equivalent Long-Term Daily Intake of Mercury as Methyl Mercury Associated With the Earliest Effects in the Most Sensitive Group in the Adult Population [a] [b] [c]

Concentrations in indicator media		Equivalent long-term daily intake (μg/kg body weight)
Blood (μg/100 ml)	Hair (μg/g)	
20–50	50–125	3–7

[a] The risk of the earliest effects can be expected to be between 3 to 8%.
[b] The table should not be considered independently of the text.
[c] This table is adapted from Table 6 in WHO, 1976.

Effects on the adult nervous system have been estimated to occur at blood concentrations in the range of 200 to 500 ng Hg/ml, corresponding to a long-term daily intake of methyl mercury in the diet of 3 to 7 μg/kg body weight. The risk of effects at this intake level is probably less than eight percent (1 in 12 chances).

Since the WHO (1976) criteria document was written, new evidence has been documented. As reported in the criterion document, females who had experienced maximum hair concentrations during pregnancy in the range of 99 to 384 μg Hg/g had a high probability of having children liable to retarded development. Unfortunately, the population size was too small to establish a lower limit to effects of prenatal exposure. A hair concentration of 99 μg/g is equivalent to a blood concentration of about 400 ng Hg/ml.

The most recent information on effect of mercury on human health has come from the study of the Iraq outbreak of 1971–1972. The follow-up of the cases of prenatal exposure is still in progress. As noted by the National Academy of Sciences (1978), "continued careful evaluation of this very important cohort of pre-natally exposed individuals will provide the most sensitive assessment of human methylmercury toxicity."

Thus, at this stage of knowledge of the dose-effect relationship of mercury in man, it appears that the earliest detected effects in man are at blood concentrations between 200 and 500 ng Hg/ml, for both pre- and post-natal exposures. Blood concentrations of methyl mercury correspond to body burdens in the range of 30 to 50 mg Hg/70 kg body weight, and to long-term daily intakes in the range of 200 to 500 μg Hg/70 kg.

Mercury intake from drinking water, according to data reviewed in the document, is less than 1 μg Hg/day, and is considerably less than the diet portion (Table 2). Assuming that the concentration of methyl mercury in all samples of drinking water is at the current U.S. EPA standard of 2 μg Hg/l, the maximum daily intake would only be 4 μg Hg, assuming 2 liters of drinking water are consumed per person each day. This maximum intake would amount to only about one to two percent of the minimum toxic intake given in Table 2. Thus, from the toxicological standpoint, exposure to mercury via drinking water only would be negligible.

The ingestion of water has been assumed to be the main pathway of direct intake of mercury from water. The transport of mercury through skin is another possible route of intake. Indirect transfer of mercury from water to man is much more important than transfer from direct routes. This conclusion is based on the assumption that fish bioaccumulate a significant amount of methyl mercury from water. In theory, it should be possible to calculate the maximum concentration of methyl mercury in water which would assure that concentrations in edible tissues of fish do not exceed the Food and Drug Administration Guidelines of 1.0 μgHg/g fresh tissue. Thus, if the bioaccumulation factor is known for each species of edible fish, it is arithmetically simple to estimate the maximum concentration of methyl mercury in water. For example, the U.S. EPA (1978) calculated bioconcentration factors (concentration in fish/concentration in water) for methyl mercury compounds based on literature reports. These factors are for edible fish species: 4,525 to 8,376 for rainbow trout *Salmo gardineri*, 20,000 for brook trout *Salvelinus fontinalis*, and 900 to 1,640 for clams *Anodanta grandis*, *Lampsitis radiata*, *Lasmigona complanta*. Thus, if the maximum bioaccumulation factor of 20,000 is adopted, the maximum concentration of methyl mercury in freshwater that would prevent fish from exceeding the current FDA guideline would be 0.05 μg/l.

Table 2.—Estimate of Average and Maximum Daily Intakes of Mercury by the "70 kg Standard Adult" in the U.S. Population [a]

Media	Mercury intake μg/day/70 kg		Predominate form
	Average	Maximum [b]	
Air	0.3	0.8	Hg^0
Water	0.1	0.4	Hg^{++}
Food	3.0	5.0	CH_3Hg^+

[a] For details on the calculation of these numbers, see the Exposure section of this document.
[b] These are approximate figures indicating that 95 percent of the population have intakes less than these figures. Occupational exposures are not included.

Unfortunately, both practical and theoretical difficulties thwart any accurate calculation. First, quantitative information is inadequate with regard to the role of direct uptake from water versus accumulation from food chains as contributors to the total amount of methyl mercury in fish. Differences may be expected between fish at lower and upper ends of the food chain. Second, the accumulation factors for methyl mercury uptake by fish are only known for few species. Third, the concentration of methyl mercury in water is probably a variable fraction of total mercury in water. The proportion of methyl to total mercury will probably vary in different bodies of water, being influenced by such factors as water pH, degree of oxygenation, the amount of biota and the sedimentary concentrations of mercury. Fourth, in most cases, the concentration of methyl mercury in water will be so low as to defy accurate measurement even by the most modern technology.

When more information is available on the behavior of mercury in aquatic environments, it might be possible to calculate a reliable criterion based on acceptable concentrations of mercury in fish. In the meantime, a more pragmatic approach will have to be used. The discharge of mercury into bodies of water must be carefully controlled. Those bodies of freshwater supporting edible fish with mercury concentrations above the acceptable levels will have to be identified, and anthropogenic discharge of mercury curtailed. It is also possible that non-anthropogenic sources are predominant (for example, in ocean waters) so that control is not possible. This empirical approach, although the only one available, is unsatisfactory as it allows mainly after-the-fact corrections. Development of procedures for estimating maximum safe concentrations of mercury in ambient water that will prevent unacceptable bioaccumulation of methyl mercury by fish is clearly desirable.

Methyl Mercury. Two approaches could be used to derive a criterion for methyl mercury. One approach is to use the existing U.S. drinking water standard of 2 µg/l and the typical water quality exposure assumptions (2 l water/day, 0.0187 kg fish products/day) along with an estimated fish/shellfish bioconcentration factor of 6,200 to calculate a potential uptake. This can then be compared to the Lowest Observable Effect Level (LOEL) to determine the range of safety. A second approach is to use the LOEL as a basis for establishing an acceptable daily intake (ADI) and calculate a criterion level using the typical water quality assumptions.

Given: fish/shellfish consumption = 0.0187 kg fish/person/day
bioconcentration factor for methyl mercury = 6,200 = mg Hg/kg fish / mg Hg/l water
Water consumption = 2 l/person/day
(1) Assume
criterion = 2 µg/l
Human exposure = 2 l/day + (6,200 × 0.0187)
= 2 (2 + 115.9)
= 235.8 µg/day

Recognizing that the LOEL range is 200 to 500 µg Hg/day, we could hypothesize that there is little or no margin of safety at the 2 µg/l criterion level especially where realizing that dietary sources other than fish products may be contributing to the body burden.

(2) Derive ADI using typical water quality exposure and LOEL
LOEL range = 200–500 µg Hg/day
Use 200 µg Hg/day to assure marginal safety
ADI = 200 µg/day
= C 2 l/day + (6,200 × 0.0187)
200 = C (2 + 115.9)
200/117.9 = C
1.7 µg/l = C

According to the National Academy of Science (1977) an uncertainty factor of ten can be applied to the ADI as the 200 to 500 data results from studies on prolonged ingestion by man, with no indication of carcinogenicity.

200/10 = C (2 + 115.9)
0.17 µg/l = C
0.2 µg/l = C

Whereas, approach No. 1 has an estimated narrow margin of safety if any and given that LOEL's do exist it is reasonable to focus on the ADI based criterion with an uncertainty factor as the preferred basis for establishing a criterion.

Polynuclear Aromatic Hydrocarbons

Criteria Summary

Freshwater Aquatic Life. For freshwater aquatic life, no criterion for any polynuclear aromatic hydrocarbon can be derived using the Guidelines, and there are insufficient data to estimate a criterion using other procedures.

Saltwater Aquatic Life. For saltwater aquatic life, no criterion for any polynuclear aromatic hydrocarbon can be derived using the Guidelines, and there are insufficient data to estimate a criterion using other procedures.

Human Health. For the maximum protection of human health from the potential carcinogenic effects of exposure to polynuclear aromatic hydrocarbons (PAH) through ingestion of water and contaminated aquatic organisms, the ambient water concentration is zero. Concentrations of PAH estimated to result in additional lifetime cancer risks ranging from no additional risk to an additional risk of 1 in 100,000 are presented in the Criterion document. The Agency is considering setting criteria at an interim target risk level in the range of 10^{-5}, 10^{-6}, or 10^{-7} with corresponding criteria of 9.7 ng/l, 0.97 ng/l and 0.097 ng/l, respectively.

Basis for the Criteria

Freshwater Aquatic Life. No freshwater criterion can be derived for any polynuclear aromatic hydrocarbon using the Guidelines because no Final Chronic Value for either fish or invertebrate species or a good substitute for either value is available, and there are insufficient data to estimate a criterion using other procedures.

Saltwater Aquatic Life. No saltwater criterion can be derived for any polynuclear aromatic hydrocarbon using the Guidelines because no Final Chronic Value for either fish or invertebrate species or a good substitute for either value is available, and there are insufficient data to estimate a criterion using other procedures.

Human Health. The presently available data base is inadequate to support the derivation of individual criteria for each of the PAH as specified under the Consent Decree. This problem arises primarily from the diversity of test systems and bioassay conditions employed for determining carcinogenic potential of individual PAH in experimental animals. Furthermore, it is not possible to estimate the intake via water of individual PAH except for those compounds which have been selected by the World Health Organization for environmental monitoring. Therefore, an approach to criterion development is adopted in this report with the objective of deriving a single criterion to encompass the entire PAH class. This approach is attractive in that it recognizes the fact that environmental exposure to PAH invariably occur by contact with complex, undefined, PAH mixtures.

The attempt to develop a drinking water criterion for PAH as a class is hindered by several gaps in the scientific data base:

(1) The PAH class is composed of numerous compounds having diverse biological effects and varying carcinogenic potential. A "representative" PAH mixture, has not been defined.

(2) The common practice of using data derived from studies with BaP to make generalizations concerning the effects of environmental PAH may not be scientifically sound.

(3) No chronic animal toxicity studies exist involving oral exposure to PAH mixtures.

(4) No direct human data exist concerning the effects of exposure to defined PAH mixtures.

However, assuming that the development of a criterion must proceed despite these obstacles, certain approaches may be taken to circumvent deficiencies in the data base. The choice of an appropriate animal bioassay from which to derive data for application to the linear non-threshold model for human cancer risk assessment should be guided by several considerations. Primary emphasis must be placed on appropriate animal studies which: (1) Include sufficient numbers of animals for statistically reliable results; (2) involve long-term low-level exposures to PAH; (3) include a proper control group; and (4) achieve positive dose-related carcinogenic response.

Because there are no studies available regarding chronic oral exposure to PAH mixtures, it is necessary to derive a criterion based upon data involving exposure to a single compound. Even when considering single chemicals, almost no studies are available which involved oral exposure at more than one dose level to a reasonable number of animals. Two studies have been selected, one involving BaP ingestion (Rigdon and Neal, 1967) and one involving DBA ingestion (Snell and Stewart, 1962). Both compounds are recognized as animal carcinogens, and both are known to be environmental contaminants to which humans are exposed.

In the strictest sense it can be argued that a criterion for a chemical class derived from experiments involving a single component of that class is invalid. On the other hand, selection of those components (e.g., BaP and DBA) which are among the more potent carcinogens in the PAH class should lead to a conservative criterion approach. It must be assumed that interactions among the various PAH components resulting in either an enhancement or inhibition of biological effect will cancel each other out in the environment. Presently, there is no way to quantitate the potential human health risks incurred by the interaction of PAH, either among themselves or with other agents (e.g., tumor initiators, promoters, inhibitors) in the environment. In addition, it is known that PAH commonly produce tumors at the site of contact (i.e., forestomach tumors by oral exposure to BaP; lung tumors by intractacheal administration; skin tumors by dermal application). Thus, consideration of the extent of absorption may not always be necessary in the case of carcinogenic PAH, and will in fact result in underestimation of actual risk if only distant target sites are considered. Calculations of water quality criteria for PAH based upon bioassay data for BaP and DBA are presented in the summary of pertinent data.

The water quality criteria for BaP and DBA derived using the linear non-threshold model as described in the Appendix are 27.5 ng/l and 43 ng/l, respectively. For the sake of comparison, a water quality criterion for DBA was calculated using the procedure developed by Mantel and Bryan (1961). As opposed to the linear non-threshold model, which is logistic and defines acceptable risk as 1/100,000, the Mantel and Bryan (1961) model is probalistic and defines acceptable risk as 1/100,000,000. Furthermore, the Mantel and Bryan (1961) is concerned with the maximum tumor incidence in treated animals at the 99 percent assurance level. Using the Mantel and Bryan (1961) approach with DBA, the resultant water quality criterion is 13.3 ng/l.

Under the Consent Decree in NRDC v. Train, criteria are to state "recommended maximum permissible concentrations (including where appropriate, zero) consistent with the protection of aquatic organisms, human health, and recreational activities." BaP and DBA are known animal carcinogens. Because there is no recognized safe concentration for a human carcinogen, the recommended concentration in water for maximum protection of human health is zero.

Because attaining a zero concentration level may be infeasible in cases and in order to assist the Agency and States in the possible future development of water quality regulations, the concentrations of BaP and DBA corresponding to several incremental lifetime cancer risk levels have been estimated. A cancer risk level provides an estimate of the additional incidence of cancer that may be expected in an exposed population. A risk of 10^{-5} for example, indicates a probability of one additional case of cancer for every 100,000 people exposed, a risk of 10^{-6} indicates one additional case of cancer for every million people exposed, and so forth.

PAH are widely distributed in the environment as evidenced by their detection in sediments, soils, air, surface waters, and plant and animal tissues. The ecological impact of these chemicals, however, is uncertain. Numerous studies show that despite their high lipid solubility, PAHs show little tendency for bioaccumulation in the fatty tissues of animals or man. This observation is not unexpected, in light of convincing evidence to show that PAH are rapidly and extensively metabolized.

Lu, et al. (1977) have published the only available study regarding the bioconcentration and biomagnification of a PAH in model ecosystem environments. They reported that the bioconcentration of BaP, expressed as concentration in mosquitofish/concentration in water was zero. This was apparently due to the fact that the fish metabolized the BaP about as rapidly as it was absorbed. On the other hand, in a 33 day terrestrial-aquatic model ecosystem study, BaP showed a small degree of biomagnification which probably resulted from food chain transfer. In this case the biomagnification factor for mosquitofish was 30. Based on the results of Lu, et al. (1977) a bioconcentration (BCF) factor of 30 was employed for the purpose of calculating a water quality criterion. In contrast, as can be noted in the criterion document, the Cancer Assessment Group applied the BCF of 6800, a value derived from octaonol-water partition coefficients, in its calculation of the water quality criterion for PAH.

In the **Federal Register** notice of availability of draft ambient water quality criteria, EPA stated that it is considering setting criteria for BaP and DBA at an interim target risk level of 10^{-5}, 10^{-6} or 10^{-7} as shown in the table below.

Exposure assumptions (per day)	Risk levels and corresponding criteria [1]			
	0	10^{-7} (ng/l)	10^{-6} (ng/l)	10^{-5} (ng/l)
BaP				
2 liters of drinking water and consumption of 18.7 grams fish and shellfish [2]		0.097	0.97	9.7
Consumption of fish and shellfish only		0.44	4.45	44.46
DBA				
2 liters of drinking water and consumption of 18.7 grams fish and shellfish [2]	0	0.043	0.43	4.30
Consumption of fish and shellfish only		0.196	1.96	19.63

Summary of Pertinent Data. The water quality criterion for PAH is based on the experiment reported by Neal and Rigdon (1967) in which benzo(a)-pyrene at doses ranging between 1 and 250 ppm in the diet was fed to strain CFW mice for approximately 110 days. Stomach tumors, which were mostly squamous cell papillomas but some carcinomas, appeared with an incidence statistically higher than controls at doses of 45 ppm and above. At 45 ppm the incidence in controls and treated groups was 0/289

and 4/40, respectively. The one-hit model has the following parameters:

$n_t = 4$
$N_t = 40$
$n_c = 0$
$N_c = 289$
Le = 110 days
le = 110 days
d = 45 ppm × 0.13 = 5.85 mg/kg/day
w = 0.034 kg
L = 78 weeks × 7 days/wk = 546 days
R = 30
F = .0187 kg/day

With these values, the one-hit slope parameter is $B_H = 28.020\ (mg/kg/day)^{-1}$.

The result is that the water concentration of BaP should be less than 9.7 nanograms per liter in order to keep the individual lifetime risk below 10^{-5}. On the conservative assumptions that all carcinogenic PAH compounds are as potent as BaP, that the effect of a mixture of carcinogenic PAH compounds depends on the sum of their concentrations, and that the non-carcinogenic PAH compounds have no effect on the response of the carcinogenic PAH, it follows that the sum of the concentration of all carcinogenic PAH compounds should be less than 9.7 nanograms per liter in order to keep the lifetime risk less than 10^{-5}.

[FR Doc. 79-29085 Filed 9-28-79; 8:45 am]
BILLING CODE 6560-01-M

federal register

Monday
October 1, 1979

Part XII

National Telecommunications and Information Administration

Public Telecommunications Facilities Program; Notice of Closing Date for Applications and Proposed Modification of Priorities

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

Public Telecommunications Facilities Program; Notice of Closing Date for Applications and of Proposed Modification of Priorities

Applications for planning and construction grants for public telecommunications facilities are invited under the Public Telecommunications Facilities Program of the National Telecommunications and Information Administration.

Authority for this Program is contained in the Public Telecommunications Financing Act of 1978 (Pub. L. 95-567, 92 Stat. 2405).

The purpose of this program, as stated in Section 390 of the Act, is * * * to assist, through matching grants, in the planning and construction of public telecommunications facilities in order to achieve the following objectives: (1) extend delivery of public telecommunications services to as many citizens of the United States as possible by the most efficient and economical means, including the use of broadcast and nonbroadcast technologies; (2) increase public telecommunications services and facilities available to, operated by, and owned by minorities and women; and (3) strengthen the capability of existing public television and radio stations to provide public telecommunications services to the public.

Closing date for filing of applications: January 9, 1980.

Applications delivered by mail: Applications delivered by mail must be postmarked no later than midnight, January 9, 1980, and be addressed to: Public Telecommunications Facilities Division, NTIA/DOC, 1325 G Street NW., Room 296, Washington, D.C. 20005.

As proof of mailing, the National Telecommunications and Information Administration prefers a legible U.S. Postal Service dated postmark or a legible mail receipt with the date of the mailing stamped by the U.S. Postal Service.

Note.—Not all U.S. Postal Service offices uniformly provide a dated postmark. Applicants should check with their local post office before relying on this method.

Applicants are encouraged to use registered or at least first class mail.

Applicants whose applications are postmarked after midnight, January 9, 1980, will be notified that their applications will not be considered in the current competition.

Applications delivered by hand: Applications may be delivered by hand to the above address between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays and Federal holidays, through January 9, 1980.

Applications that are hand delivered will not be accepted after 4:30 p.m. on January 9, 1980.

Application forms and regulations: Application forms, copies of the Public Telecommunications Financing Act of 1978, and the Program's regulations may be obtained by contacting: John Cameron, Director, Public Telecommunications Facilities Division, NTIA/DOC, 1325 G Street, NW., Washington, D.C. 20005, (202) 724-3307.

Special consideration: Applicants are advised that under section 392(f) of the Public Telecommunications Financing Act of 1978, NTIA is required to give special consideration to applications which foster the role of minorities and women in public telecommunications. A policy statement on section 392(f) was published in the **Federal Register** on June 7, 1979, 44 FR 33032. Copies may be obtained by contacting the Public Telecommunications Facilities Division.

Proposed Program Priorities: In the *Report and Order* adopting the Program's rules and priorities, 44 FR 30898 (published May 29, 1979), we pledged to give the public an opportunity to comment on future modifications of the priorities. Our experience in processing the first group of applications under the Act indicates two areas where we believe modification is needed. We also said that the priorities which would govern the processing of applications would be published with the Notice of Closing Date. 44 FR at 30904. In light of these commitments, we are publishing the priorities that we propose to have govern applications filed by January 9, 1980. Except for the two modifications discussed below the priorities are identical to the ones adopted on May 29, 1979.

The first proposed modification would delete Priority IC. Priorities IB and IC presently read as follows:

B. *Projects to extend existing telecommunications delivery systems.* This category includes projects such as increase in tower height and/or power of existing stations; and construction of translators, cable networks and repeater transmitters. No local origination capacity is required.

C. *Projects to establish telecommunications delivery systems without local origination capacity.* This category includes the activation of new facilities without local origination, but which can provide services originating elsewhere.

It is our view that the facilities activations outlined in Priority IC are identical to the "translators, cable networks and repeater transmitters" listed in Priority IB. Therefore, Priority IC is redundant and should be deleted.

The other modification is proposed to the priority entitled "Other Cases." That priority presently provides that:

If in any one fiscal year, all approvable applications have been funded and appropriated funds remain, NTIA possesses the discretionary authority to award grants to eligible applicants where proposals do not clearly fall within any of the listed priorities but whose applications, nevertheless, would further the overall objectives of the Act.

We propose to delete the phrase "* * * all approvable applications have been funded and appropriated funds re>main * * *." In analyzing the first round of applications submitted under the Act, it became apparent that because of the broadened eligibility of the Act compared to its predecessor, a number of applications did not clearly fit within any of the four priorities. Some of these proposals were innovative, were consistent with the intent of the Act, and would have represented efficient and economical uses of Program funds. That experience has led us to the conclusion that the "Other Cases" priority should be modified in such a way as to increase NTIA flexibility to fund promising applications which cut across the four Program priorities.

The following is the full text of the priorities which we propose to employ in the upcoming round of grant applications:

- *Priority I—Provision of Telecommunications Facilities for First Service to a Geographic Area*

Within this category, we establish two subcategories:

A. *Projects to establish telecommunications facilities which include local origination capacity.*

This category includes the activation of new facilities which can provide a full range of radio and/or television programs including material that is locally produced. Eligible projects include new radio or television broadcast stations, new cable systems, or first public telecommunications service to existing cable systems, provided that such projects include local origination capacity.

B. *Projects to extend existing telecommunications delivery systems.*

This category incudes projects such as increase in tower height and/or power of existing stations; and construction of

ranslators, cable networks and repeater ransmitters. No local origination capacity is required.

- *Priority II—Activation or Expansion of Telecommunications Facilities for Significantly Different Additional Service*

This priority includes the planning and construction of facilities to provide additional complementary program services for which a clear and substantial community need can be demonstrated. Eligible projects include service to identifiable ethnic or linguistic minority audiences; service to the blind or deaf; instructional service; electronic text; or significantly different alternative service to a general audience.

- *Priority III—Improvement of Existing Broadcast Station Facilities*

Two subcategories are listed under this priority:

A. *Projects to provide first local origination capacity for existing broadcast stations.*

This category includes projects to bring basic local program service to repeater transmitters and other licensed broadcast facilities now bringing in distant signals. Origination equipment may be fixed or mobile, but must be locally based.

B. *Projects to upgrade existing origination or delivery capacity to current industry performance standards.*

This category includes conversions to color, stereo, etc.; improvements in signal quality; and significant improvements in equipment flexibility or reliability.

- *Priority IV—Augmentation of Existing Broadcast Station Facilities*

Projects under this priority would equip an existing station beyond a basic capacity to broadcast programming from distant sources and to originate local programming.

A. *Projects to equip auxiliary studios at remote locations, or to provide mobile origination facilities.*

An applicant must demonstrate that significant expansion in public participation in programming will result. This category includes neighborhood production studios or facilities in other locations within a station's service area which would make participation in local programming accessible to additional segments of the population.

B. *Projects to augment production capacity beyond basic level in order to provide programming or related materials for other than local distribution.*

This category would provide equipment for the production of programming for regional or national use. Need beyond existing capacity must be justified.

Other Cases: In any fiscal year, NTIA possesses the discretionary authority to award grants to eligible applicants where proposals do not clearly fall within any of the listed priorities but whose applications, nevertheless, would further the overall objectives of the Act.

Comments: Interested parties are encouraged to comment on the proposed modification of the priorities by November 30, 1979. An original and two copies of comments should be sent to: Kenneth D. Salomon, Deputy Chief Counsel, NTIA/DOC, 1800 G Street, NW., Room 703, Washington, D.C. 20504 (202) 377–1866.

Copies of all comments received will be available for public review at the above address between the hours of 9:00 a.m. and 5:30 p.m. (Washington, D.C. time). The final priorities will be published in the **Federal Register.**

Further Information: NTIA anticipates that grant awards will be announced by the end of June 1980. For further information, contact John Cameron, Director, Public Telecommunications Facilities Division, NTIA/DOC, at (202) 724–3307.

Catalog Number: Catalog of Federal Domestic Assistance Number 11–550.

September 25, 1979.

William Lucas,

Associate Administrator for Applications.

[FR Doc. 79-30366 Filed 9-28-79; 8:45 am]

BILLING CODE 3510-60-M

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Federal Register

Vol. 44, No. 191

Monday, October 1, 1979

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523-4534	Special Projects
523-3517	Privacy Act Compilation

FEDERAL REGISTER PAGES AND DATES, OCTOBER

56305-56662.....1

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.**

TABLE OF EFFECTIVE DATES AND TIME PERIODS—OCTOBER 1979

This table is for use in computing dates certain in connection with documents which are published in the Federal Register subject to advance notice requirements or which impose time limits on public response.

Federal Agencies using this table in calculating time requirements for submissions must allow sufficient extra time for Federal Register scheduling procedures.

In computing dates certain, the day after publication counts as one. All succeeding days are counted except that when a date certain falls on a weekend or holiday, it is moved forward to the next Federal business day. (See 1 CFR 18.17)

A new table will be published in the first issue of each month. All January dates are in 1980.

Dates of FR publication	15 days after publication	30 days after publication	45 days after publication	60 days after publication	90 days after publication
October 1	October 16	October 31	November 15	November 30	December 31
October 2	October 17	November 1	November 16	December 3	December 31
October 3	October 18	November 2	November 19	December 3	January 2
October 4	October 19	November 5	November 19	December 3	January 2
October 5	October 22	November 5	November 19	December 4	January 3
October 9	October 24	November 8	November 23	December 10	January 7
October 10	October 25	November 9	November 26	December 10	January 8
October 11	October 26	November 13	November 26	December 10	January 9
October 12	October 29	November 13	November 26	December 11	January 10
October 15	October 30	November 14	November 29	December 14	January 14
October 16	October 31	November 15	November 30	December 17	January 14
October 17	November 1	November 16	December 3	December 17	January 15
October 18	November 2	November 19	December 3	December 17	January 16
October 19	November 5	November 19	December 3	December 18	January 17
October 22	November 6	November 21	December 6	December 21	January 21
October 23	November 7	November 23	December 7	December 24	January 21
October 24	November 8	November 23	December 10	December 24	January 22
October 25	November 9	November 26	December 10	December 24	January 23
October 26	November 13	November 26	December 10	December 26	January 24
October 29	November 13	November 28	December 13	December 28	January 28
October 30	November 14	November 29	December 14	December 31	January 28
October 31	November 15	November 30	December 17	December 31	January 29

CFR CHECKLIST; 1978/1979 ISSUANCES

This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the revision date and price of the volumes of the Code of Federal Regulations issued to date for 1978/1979. New units issued during the month are announced on the back cover of the daily **Federal Register** as they become available.

For a checklist of current CFR volumes comprising a complete CFR set, see the latest issue of the LSA (List of CFR Sections Affected), which is revised monthly.

The annual rate for subscription service to all revised volumes is $450 domestic, $115 additional for foreign mailing.

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CFR Unit (Rev. as of Jan. 1, 1979):

Title	Price
1	$3.00
2 [Reserved]	
3	6.00
4	4.50
7 Parts:	
0-52	6.75
53-209	5.00
700-899	6.00
900-944	5.25
945-980	3.75
981-999	3.75
1000-1059	6.00
1060-1119	6.50
1120-1199	4.50
1200-1499	6.25
1500-2799	10.00
2852	6.00
2853-end	4.50
8	4.00
9	8.00
10 Parts:	
0-199	6.50
12 Parts:	
1-199	6.00
200-299	8.00
300-end	8.50
13	5.00
14 Parts:	
1-59	7.50
60-199	7.25
200-1199	7.00
1200-end	3.50
15	7.50
16 Parts:	
0-149	4.50
150-999	4.25
1000-end	5.00

CFR Unit (Rev. as of Apr. 1, 1979):

17	12.00
18 Parts:	
0-149	6.50
150-end	7.00
19	7.50
20 Parts:	
1-399	5.50
400-499	7.00
500-end	6.50
21 Parts:	
1-99	5.50
100-199	7.50
200-299	4.00
300-499	7.00
500-599	7.00
600-1299	6.00
1300-end	4.25
22	7.00
23	6.50
24 Parts:	
0-499	8.00
500-1699	7.50
1700-end	6.00
25	7.00
26 Parts:	
1 (§§ 1.0-1.169)	8.00
1 (§§ 1.170-1.300)	6.50
1 (§§ 1.301-1.400)	5.50
1 (§§ 1.401-1.500)	6.00
1 (§§ 1.501-1.640)	6.00
1 (§§ 1.641-1.850)	6.50
1 (§§ 1.851-1.1200)	7.50
1 (§§ 1.1201-end)	8.50
2-29	6.00
30-39	6.00
40-299	7.00
300-499	6.00
600-end	4.25
27	11.00

CFR Unit (Rev. as of July 1, 1979):

41 Chapters:	
7	4.00
CFR Index	8.50

CFR Unit (Rev. as of Oct. 1, 1978):

42 Parts:	
1-399	6.00
400-end	5.50
43 Parts:	
1-999	4.25
1000-end	6.50
44 [Reserved]	
45 Parts:	
1-99	4.75
100-149	5.75
150-199	5.25
200-499	3.50
500-end	8.25
46 Parts:	
1-29	3.25
30-40	3.25
41-69	4.50
70-89	3.75
90-109	3.25
110-139	3.25
140-155	3.50
156-165	4.25
166-199	3.00
200-end	6.50
47 Parts:	
0-19	5.00
20-69	5.75
70-79	5.25
80-end	7.00
48 [Reserved]	
49 Parts:	
1-99	3.25
100-199	9.25
200-999	12.00
1000-1199	5.00
1200-1299	6.50
1300-end	4.50
50	5.75

AGENCY ABBREVIATIONS

Used in Highlights and Reminders

(This List Will Be Published Monthly in First Issue of Month.)

USDA Agriculture Department

AMS Agricultural Marketing Service
APHIS Animal and Plant Health Inspection Service
ASCS Agricultural Stabilization and Conservation Service
CCC Commodity Credit Corporation
CEA Commodity Exchange Authority
EMS Export Marketing Service
EOA Energy Office, Department of Agriculture
ESCS Economics, Statistics, and Cooperatives Service
FmHA Farmers Home Administration
FAS Foreign Agricultural Service
FCIC Federal Crop Insurance Corporation
FNS Food and Nutrition Service
FS Forest Service
FSQS Food Safety and Quality Service
RDS Rural Development Service
REA Rural Electrification Administration
RTB Rural Telephone Bank
SCS Soil Conservation Service
SEA Science and Education Administration
TOA Transportation Office, Agriculture Department

COMMERCE Commerce Department

BEA Bureau of Economic Analysis
Census Census Bureau
EDA Economic Development Administration
FTZB Foreign-Trade Zones Board
ITA Industry and Trade Administration
MA Maritime Administration
MBEO Minority Business Enterprise Office
NBS National Bureau of Standards
NOAA National Oceanic and Atmospheric Administration
NSA National Shipping Authority
NTIA National Telecommunications and Information Administration
NTIS National Technical Information Service
PTO Patent and Trademark Office
USTS United States Travel Service

DOD Defense Department

AF Air Force Department
Army Army Department
DCAA Defense Contract Audit Agency
DCPA Defense Civil Preparedness Agency
DIA Defense Intelligence Agency
DIS Defense Investigative Service
DLA Defense Logistics Agency
DMA Defense Mapping Agency
DNA Defense Nuclear Agency
EC Engineers Corps
Navy Navy Department

DOE Energy Department

APA Alaska Power Administration
BPA Bonneville Power Administration
EIA Energy Information Administration
ERA Economic Regulatory Administration
ERO Energy Research Office
ETO Energy Technology Office
FERC Federal Energy Regulatory Commission
OHADOE Hearings and Appeals Office, Energy Department
SEPA Southeastern Power Administration
SWPA Southwestern Power Administration
WAPA Western Area Power Administration

HEW Health, Education, and Welfare Department

ADAMHA Alcohol, Drug Abuse, and Mental Health Administration
CDC Center for Disease Control
ESNC Educational Statistics National Center
FDA Food and Drug Administration
HCFA Health Care Financing Administration
HDSO Human Development Services Office
HRA Health Resources Administration
HSA Health Services Administration
MSI Museum Services Institute
NIH National Institutes of Health
NIOSH National Institute of Occupational Safety and Health
OE Office of Education
PHS Public Health Service
RSA Rehabilitation Services Administration
SSA Social Security Administration

HUD Housing and Urban Development Department

CARF Consumer Affairs and Regulatory Functions, Office of Assistant Secretary
CPD Community Planning and Development, Office of Assistant Secretary
FDAA Federal Disaster Assistance Administration
FHC Federal Housing Commissioner, Office of Assistant Secretary for Housing
FHEO Fair Housing and Equal Opportunity, Office of Assistant Secretary
GNMA Government National Mortgage Association
ILSRO Interstate Land Sales Registration Office
NCA New Communities Administration
NCDC New Community Development Corporation
NVACP Neighborhoods Voluntary Associations and Consumer Protection, Office of Assistant Secretary

INTERIOR Interior Department

BIA Bureau of Indian Affairs
BLM Bureau of Land Management
FWS Fish and Wildlife Service
GS Geological Survey
HCRS Heritage Conservation and Recreation Service
Mines Mines Bureau
NPS National Park Service
OHA Office of Hearings and Appeals, Interior Department
RB Reclamation Bureau
SMO Surface Mining Office

JUSTICE Justice Department

DEA Drug Enforcement Administration
INS Immigration and Naturalization Service
LEAA Law Enforcement Assistance Administration
NIC National Institute of Corrections

LABOR Labor Department

BLS Bureau of Labor Statistics
BRB Benefits Review Board
ESA Employment Standards Administration
ETA Employment and Training Administration
FCCPO Federal Contract Compliance Programs Office
LMSEO Labor Management Standards Enforcement Office
MSHA Mine Safety and Health Administration
OSHA Occupational Safety and Health Administration
P&WBP Pension and Welfare Benefit Programs
W&H Wage and Hour Division

STATE State Department

AID Agency for International Development
FSGB Foreign Service Grievance Board

DOT Transportation Department

CG Coast Guard
FAA Federal Aviation Administration

FHWA Federal Highway Administration
FRA Federal Railroad Administration
MTB Materials Transportation Bureau
NHTSA National Highway Traffic Safety Administration
OHMR Office of Hazardous Materials Regulations
OPSR Office of Pipeline Safety Regulations
RSPA Research and Special Programs Administration
SLSDC Saint Lawrence Seaway Development Corporation
UMTA Urban Mass Transportation Administration

TREASURY Treasury Department

ATF Alcohol, Tobacco and Firearms Bureau
Customs Customs Service
Comptroller Comptroller of the Currency
ESO Economic Stabilization Office (temporary)
FS Fiscal Service
IRS Internal Revenue Service
Mint Mint Bureau
PDB Public Debt Bureau
RSO Revenue Sharing Office
SS Secret Service

Independent Agencies

AC Aging, Federal Council
ATBCB Architectural and Transportation Barriers Compliance Board
CAB Civil Aeronautics Board
CASB Cost Accounting Standards Board
CEQ Council on Environmental Quality
CFTC Commodity Futures Trading Commission
CITA Textile Agreements Implementation Committee
CPSC Consumer Product Safety Commission
CRC Civil Rights Commission
CSA Community Services Administration
CWPS Wage and Price Stability Council
EEOC Equal Employment Opportunity Commission
EPA Environmental Protection Agency
ESC Endangered Species Committee
ESSA Endangered Species Scientific Authority
EXIMBANK Export-Import Bank of the U.S.
FCA Farm Credit Administration
FCC Federal Communications Commission
FCSC Foreign Claims Settlement Commission
FDIC Federal Deposit Insurance Corporation
FEC Federal Election Commission
FEMA Federal Emergency Management Agency
FEMA/USFA United States Fire Administration
FHLBB Federal Home Loan Bank Board
FHLMC Federal Home Loan Mortgage Corporation
FLRA Federal Labor Relations Authority
FMC Federal Maritime Commission
FRS Federal Reserve System
FTC Federal Trade Commission
GPO Government Printing Office
GSA General Services Administration
GSA/ADTS Automated Data and Telecommunications Service
GSA/FPA Federal Preparedness Agency
GSA/FPRS Federal Property Resources Service
GSA/FSS Federal Supply Service
GSA/NARS National Archives and Records Services
GSA/OFR Office of the Federal Register
GSA/PBS Public Buildings Service
ICA International Communication Agency
ICC Interstate Commerce Commission
ICP Interim Compliance Panel (Coal Mine Health and Safety)
ITC International Trade Commission
IRLG Interagency Regulatory Liaison Group
LSC Legal Services Corporation
MB Metric Board
MSPB Merit System Protection Board
MWSC Minimum Wage Study Commission
NACEO National Advisory Council on Economic Opportunity
NASA National Aeronautics and Space Administration
NCUA National Credit Union Administration
NFAH National Foundation for the Arts and the Humanities
NLRB National Labor Relations Board
NRC Nuclear Regulatory Commission
NSF National Science Foundation
NTSB National Transportation Safety Board
OMB Office of Management and Budget
OMB/FPPO Federal Procurement Policy Office
OPIC Overseas Private Investment Corporation
OPM Office of Personnel Management
OPM/FPRAC Federal Prevailing Rate Advisory Committee
OSTP Office of Science and Technology Policy
PADC Pennsylvania Avenue Development Corporation
PBGC Pension Benefit Guaranty Corporation
PRC Postal Rate Commission
PS Postal Service
ROAP Reorganization Office of Assistant to President
RRB Railroad Retirement Board
SBA Small Business Administration
SEC Securities and Exchange Commission
TVA Tennessee Valley Authority
USIA United States Information Agency
VA Veterans Administration
WRC Water Resources Council

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 September 29, 1979

FEDERAL COMMUNICATIONS COMMISSION

50345 8-28-79 / TV broadcast station in Allen, S. Dak.; changes in table of assignments

Rules Going Into Effect September 30, 1979

FEDERAL HOME LOAN BANK BOARD

49241 8-22-79 / Combination by means of merger or consolidation

SECRUITIES AND EXCHANGE COMMISSION

42126 7-18-79 / Requirements governing payments of cash referal fees by investment advisers

48938 8-20-79 / Shareholder communications, shareholder participation in corporate electoral process and corporate governance generally

TREASURY DEPARTMENT

Internal Revenue Service—

33399 6-11-79 / Election to account for qualified sales of magazines, paperbacks or records

Rules Going Into Effect Today

AGRICULTURE DEPARTMENT

Food and Nutrition Service—

44422 7-27-79 / Special Supplemental Food Program for Women, Infants, and Children; recordkeeping and sanction process

Food Safety and Quality Service—

51187 8-31-79 / Poultry products inspection; definitions and identity standards

Operations and Finance Office—

49643 8-24-79 / Availability of Information to the public

CIVIL SERVICE COMMISSION

52460 11-13-78 / Federal Employees Health Benefits Program; elimination of second review cycle and mini open season

ENERGY DEPARTMENT

Economic Regulatory Administration—

50325 8-28-79 / Mandatory petroleum allocation regulations; motor gasoline allocation base period and adjustments

[Originally published at 44 FR 42549, 7-19-79, and corrected at 44 FR 43458, 7-25-79]

51148 8-30-79 / Higher prices for tertiary incentive crude oil

Federal Energy Regulatory Commission—

53493 9-14-79 / Natural gas policy and procedures

52179 9-7-79 / Sales and transportation of natural gas

[Corrected at 44 FR 54294, 9-19-79]

ENVIRONMENTAL PROTECTION AGENCY

53081 9-12-79 / Attainment status for National Ambient Air Quality Standards; areas of Arizona, California, and Hawaii

37594 6-27-79 / Grants for construction of treatment works, amendments Nos. 4, 6, 8, 9, and 10

53408 9-13-79 / Revised motor vehicle exhaust emission standards for carbon monoxide (CO) for 1981 and 1982 model year light-duty vehicles

FEDERAL COMMUNICATIONS COMMISSION

50345 8-28-79 / TV broadcast station in Marion, Va.; changes in table of assignments

GENERAL SERVICES ADMINISTRATION

50838 8-30-79 / Listening-in and recording of telephone conversations

50340 8-28-79 / U.S. Government National Credit Card; acquisition, use, and control policies and procedures

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Health Care Financing Administration—

29420 5-18-79 / Medicaid, State child health screening programs; effective for all except § 441.56(a)(3)

Office of the Secretary—

29426 5-18-79 / Medicaid, child health screening program, penalties to States

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Federal Housing Commission—

43902 7-26-79 / Fair market rent schedules and rent adjustment

Office of the Assistant Secretary for Community Planning and Development—

49994 8-24-79 / Community Development Block Grants; categorical program settlement fund

Office of the Secretary—

45568 8-2-79 / Community Development Block Grant Program; environmental review procedures

OFFICE FOR MICRONESIAN STATUS NEGOTIATIONS

51573 9-4-79 / Implementation of national security information regulations

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 September 28, 1979

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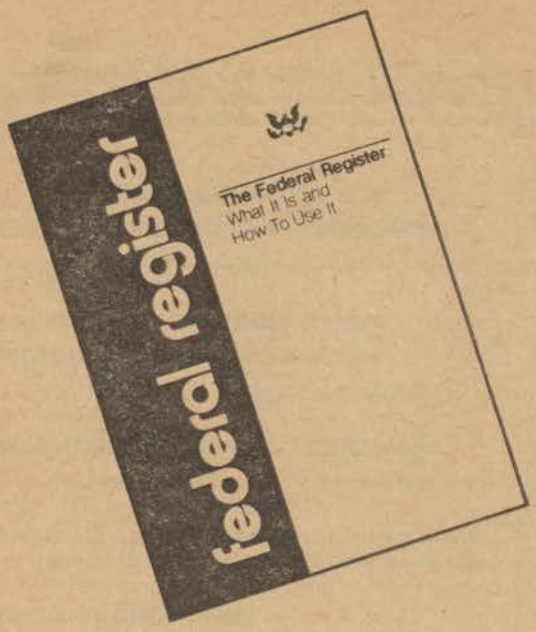
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