

Federal Register

Wednesday
January 30, 1980

Highlights

- 6773 **Save Your Vision Week, 1980** Presidential proclamation
- 6846 **Allied Health Project** HEW/PHS/HRA announce competitive applications; apply by 3-7-80
- 6869 **Role of Private Counsel In Indigent Defense** Justice/NIJ announces competitive research solicitation; apply by 3-28-80
- 6869 **Changing Role of Corrections** Justice/NIJ announces competitive research grant/cooperative agreement; apply by 4-15-80
- 6882 **U.S. and People's Republic of China** Office of the Special Representative for Trade Negotiations announces that the two countries will exchange notifications that each has completed legal procedures for implementation of Agreement on Trade Relations; effective 2-1-80
- 6793 **Domestic Licensing of Production and Utilization Facilities** NRC is considering amending regulations to require participation in Nuclear Plant Reliability Data System be made mandatory for power reactor licensees; comments by 3-31-80
- 6780 **Documents, Records and Declassification Requests** CIA establish procedures for the public to access and review records; effective 1-30-80

CONTINUED INSIDE



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.

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

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

There are no restrictions on the republication of material appearing in the **Federal Register**.

Area Code 202-523-5240

- 6809 **General Education Provisions** HEW/OE proposes to collect data from educational agencies or institutions during school year 1979-80; comments by 2-29-80
 - 6802 **Clean Air** EPA issues proposed amendments to regulations concerning review of new and modified sources of air pollution; comments by 2-29-80
 - 6800 **Corporate Liquidations for Involuntary Conversion** Treasury/IRS issues proposed regulations relating to election to extend 12-month period; comments and request for hearing 3-31-80
 - 6778, 6800 **Temporary Income Tax** Treasury/IRS issues regulations relating to option to capitalize or deduct intangible drilling and development costs in case of wells drilled for geothermal deposit; effective 10-1-78, comments and request for hearing 3-31-80 (2 documents)
 - 6886 **Section 8 Housing Assistance** HUD/FHC issues regulations revising the program; effective 2-29-80 (Part II of this issue)
 - 6795 **Federal Credit Unions** NCUA issues proposed regulations on gross income, risk assets, and liquid assets; comments by 3-30-80
 - 6775 **Warehouse Regulations** USDA/AMS issues regulations to provide rules of practice which will be consistent and uniform throughout the Agriculture Department; effective 1-30-80
 - 6801 **Private Express** PS proposes amendments to the regulations; extends comment period to 4-8-80
 - 6873 **Appellate System** NRC announces study on system; comments by 3-17-80
 - 6820, 6868, 6873 **Privacy Act** The following agencies issue documents: CIA/Justice/President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research
 - 6812 **Average Loan Rates** USDA/CCC sets forth the increases in 1979-crop wheat, barley, corn, oats, rye, and sorghum loan rates; effective 1-8-80
 - 6883 **Sunshine Act Meetings**
- Separate Parts of This Issue**
- 6886 **Part II, HUD/FHC**
 - 6913 **Part III, Interior/OSMRE**

Contents

Federal Register

Vol. 45, No. 21

Wednesday, January 30, 1980

- The President**
PROCLAMATIONS
6773 Save Your Vision Week, 1980 (Proc. 4718)
- Executive Agencies**
- Agency for International Development**
NOTICES
Authority delegations:
6866 Program and Management Services, Deputy Administrator et al.; order of succession
- Agricultural Marketing Service**
RULES
Warehouse regulations:
6775 Hearings procedure
PROPOSED RULES
Milk marketing orders:
6810 Oregon-Washington; terminated
- Agriculture Department**
See Agricultural Marketing Service; Commodity Credit Corporation; Forest Service; Farmers Home Administration; Soil Conservation Service.
- Alcohol, Tobacco and Firearms Bureau**
NOTICES
6878 Firearms, granting of relief
- Central Intelligence Agency**
RULES
6780 Freedom of Information Act; implementation
NOTICES
6820 Privacy Act; systems of records; annual publication
- Civil Aeronautics Board**
NOTICES
Hearings, etc.:
6814 Aerotransportes Entre Rios, S.R.L.
6815 Capitol International Airways, Inc., scheduled flight cancellations enforcement proceeding
6815 Former large irregular air service investigation (3 documents)
6815 Lineas Aereas Costarricenses, S.A.
6815 Norfolk-New York show cause proceeding
6814 Portland-California/Nevada points show-cause proceeding
6883 Meetings; Sunshine Act
- Civil Rights Commission**
NOTICES
Meetings; State advisory committees:
6816 Alaska
6816 District of Columbia
6816 Indiana
6816 Maryland
6816 Oklahoma
6817 Pennsylvania
- Commerce Department**
See International Trade Administration; National Oceanic and Atmospheric Administration; National Telecommunications and Information Administration.
- Commodity Credit Corporation**
NOTICES
6812 Loan and purchase programs; 1979 national average loan rates increase
- Commodity Futures Trading Commission**
NOTICES
6883, 6884 Meetings; Sunshine Act (2 documents)
- Customs Service**
NOTICES
6881 Tariff reclassification petitions: Footwear known as moon boots
- Defense Department**
See also Engineers Corps.
PROPOSED RULES
6801 Excess profits, recovery; naval vessels and military aircraft contracts (Vinson-Trammel Act); hearings
NOTICES
Meetings:
6830 DIA Advisory Committee
6830 Science Board task forces
- Drug Enforcement Administration**
NOTICES
Registration applications, etc.; controlled substances:
6868 Berson Pharmacy
- Education Office**
PROPOSED RULES
6809 Educationally deprived children in low-income areas; financial assistance to local and State agencies; draft regulations workshops and briefings
NOTICES
6838, 6839 Federal Impact Aid Program Review Commission; hearings (3 documents)
Meetings:
6837 Accreditation and Institutional Eligibility Advisory Committee
6838 Federal Impact Aid Program Review Commission; site visit
- Energy Department**
See Federal Energy Regulatory Commission.
- Engineers Corps**
NOTICES
Environmental statements; availability, etc.:
6827 Grant Marais Harbor, Mich.; shore damage mitigation
6828 Minnesota River, Mankato-North Mankato-Le Hillier, Minn.; flood control

- 6828 Upper Wayne and Macomb Counties, Mich.; shoreline flood protection,
- Environmental Protection Agency**
RULES
 Air quality control regions; criteria and control techniques:
 6786 Attainment status designations; Illinois
 Air quality implementation plans; approval and promulgation; various States, etc.:
 6784 Maine
 6781 Vermont
PROPOSED RULES
 Air quality implementation plans; approval and promulgation; preparation, adoption and submittal:
 6802 Prevention of significant air quality deterioration (PSD); extension of time
 Air quality implementation plans; approval and promulgation; various States, etc.:
 6804 New York; correction
NOTICES
 Meetings:
 6835 Science Advisory Board
 Toxic and hazardous substances control:
 6833 Premanufacture notices receipts
 Water pollution control; safe drinking water; public water systems designations:
 6835 Puerto Rico
- Ethical Problems in Medicine and Biomedical and Behavioral Research, President's Commission for the Study of**
PROPOSED RULES
 6791 Privacy Act; implementation
NOTICES
 6873 Privacy Act; systems of records
- Farmers Home Administration**
PROPOSED RULES
 Loan and grant making:
 6792 Operating loan policies, procedures, and authorizations; assistance to eligible limited resource applicants to operate small farm enterprises
- Federal Emergency Management Agency**
PROPOSED RULES
 Flood elevation determinations:
 6805 Connecticut; correction
 6805 Massachusetts; correction
 6804- Pennsylvania (6 documents)
 6809
 6804 Virgin Islands; correction
- Federal Energy Regulatory Commission**
PROPOSED RULES
 Electric utilities:
 6799 Price squeeze; procedural and substantive rules governing Commission proceedings; extension of time
NOTICES
 Hearings, etc.:
 6830 Hydrocarbon Transfer, Inc.
 6830 Mac Hardy Oil Co.
 6831 Pacific Gas Transmission Co.
 6831 Phillips Petroleum Co.
 6832 Seattle, Wash.
 6830 Sturgis, Mich.
- 6832 Texas Eastern Transmission Corp.
 6832 Texon, Inc.
- Federal Maritime Commission**
NOTICES
 6836 Agreements filed, etc.
 6836 Freight forwarder licenses:
 6836 Dynamic International Freight Forwarders, Inc.
- Federal Trade Commission**
NOTICES
 Premerger notification waiting periods; early terminations:
 6836 Life Investors, Inc.
- Forest Service**
NOTICES
 Environmental statements; availability, etc.:
 6812 Rogue River National Forest, land and resource management plan, Calif.
 6813 White River National Forest, Adam's Rib Recreational Area, Colo.
 Meetings:
 6813 Medicine Bow National Forest Grazing Advisory Board
- General Services Administration**
RULES
 Property management:
 6788 ADP management; annual validation of COBOL compilers
NOTICES
 Procurement:
 6837 Wage and price standards; companies not in compliance
- Health, Education, and Welfare Department**
See also Education Office; Health Resources Administration; Social Security Administration.
NOTICES
 6839 Information collection and data acquisition activity, description; inquiry
- Health Resources Administration**
NOTICES
 Grants; availability:
 6846 Allied health project
- Housing and Urban Development Department**
RULES
 Low income housing:
 6886 Housing assistance payments program (Section 8); State housing agencies; interim rule
- Immigration and Naturalization Service**
RULES
 6776 Forms, immigration and nationality; current edition dates and purchase information
- Interior Department**
See Land Management Bureau; National Park Service; Surface Mining Office.
- Internal Revenue Service**
RULES
 Income taxes:
 6778 Wells drilled for geothermal deposit; option to capitalize or deduct intangible drilling and development costs; temporary regulations

PROPOSED RULES

- Income taxes:
6800 Involuntary conversions; election in liquidations
6800 Wells drilled for geothermal deposit; option to capitalize or deduct intangible drilling and development costs

International Development Cooperation Agency
See Agency for International Development.

International Trade Administration**NOTICES**

- Scientific articles; duty free entry:
6817 National Institutes of Health
6818 Research Foundation of SUNY
6818 Solar Energy Research Institute
6817 University of California—Livermore Laboratory

International Trade Commission**NOTICES**

- Import investigations:
6867 Anaerobic impregnating compositions and components
6867 Computer forms feeding tractors and components
6867 Pig iron from Brazil

Interstate Commerce Commission**RULES**

- Railroad car service orders:
6790 Freight cars; distribution
 Railroad car service orders; various companies:
6789 Octoraro Railway, Inc.

NOTICES

- Motor carriers:
6862 Agricultural cooperative transportation; filing notices
6852 Temporary authority applications
6866 Temporary authority applications; correction
6851 Railroad car service rules, mandatory; exemptions
 Railroad freight rates and charges; various States, etc.:
6864 Western States
 Railroad operation, acquisition, construction, etc.:
6862 Green Bay & Western Railroad Co.

Justice Department

See also Drug Enforcement Administration; Immigration and Naturalization Service; Law Enforcement Assistance Administration; National Institute of Justice.

NOTICES

- 6868** Privacy Act; system of records

Land Management Bureau**NOTICES**

- Environmental statements; availability, etc.:
6847 Southern Appalachian Federal coal production region, Alabama subregion; coal leasing
 Meetings:
6849 Powder River Regional Coal Team briefing, Mont. and Wyo.
 Recreation use fees, commercial:
6847 Montana; river float boating
 Withdrawal and reservation of lands, proposed, etc.:
6849 Utah

Law Enforcement Assistance Administration**RULES**

- 6780** Privacy Act; revocation of exemption

NOTICES

- Meetings:
6868 Juvenile Justice and Delinquency Prevention National Advisory Committee

Legal Services Corporation**NOTICES**

- 6869-** Grants and contracts; applications (10 documents)
6871

National Aeronautics and Space Administration**NOTICES**

- Meetings:
6871, Aeronautics Advisory Committee (2 documents)
6872
6872 Historical Advisory Committee

National Council on Educational Research**NOTICES**

- 6883** Meetings; Sunshine Act

National Credit Union Administration**PROPOSED RULES**

- Federal credit unions; liquidity reserves; and central liquidity facility:
6795 Special share accounts; and definition of gross income, risk assets, and liquid assets

National Institute of Justice**NOTICES**

- Grants solicitation, competitive research
6869 Corrections in the U.S. in final two decades of this century, probable role
6869 Indigent defense, role of private counsel

National Oceanic and Atmospheric Administration**NOTICES**

- Marine mammal permit applications, etc.:
6818 Ruhr-Zoo Gelsenkirchen
6819 University of Guelph, Ontario Veterinary College
 Meetings:
6818 New England Fishery Management Council

National Park Service**NOTICES**

- Land acquisition plans; public forums:
6850 Fort Pulaski National Monument, Ga.
6850 Moores Creek National Military Park, N.C.
6850 Natchez Trace Parkway, Tenn.
6850 Vicksburg National Military Park, Miss.

National Telecommunications and Information Administration**NOTICES**

- Meetings:
6819 Emergency Medical Services Communications Interagency Work Group

Nuclear Regulatory Commission**PROPOSED RULES**

- Production and utilization facilities; domestic licensing:
6793 Operational data gathering; advance notice

- NOTICES**
6873 Administrative appellate system study; availability and inquiry
 Meetings:
6873 Reactor Safeguards Advisory Committee

Postal Service**PROPOSED RULES**

- Restrictions on private carriage of letters:
6801 Private express statutes; enforcement and suspension; economic effects; extension of time

Railroad Retirement Board**NOTICES**

- 6883** Meetings; Sunshine Act

Small Business Administration**NOTICES**

Applications, etc.:

- 6875** Boston Hambro Capital Co.
6877 Grocers Capital Co., Inc.
6875 Livingston Capital, Ltd.
6876 Mesbic Venture Capital of Connecticut, Inc.
6876 Mutual Investment Co., Inc.
6876 Washington Trust Equity Corp.

Meetings; advisory councils:

- 6876** Washington, D.C.
6876 Wisconsin

Social Security Administration**PROPOSED RULES**

Supplemental security income:

- 6799** Eligibility requirements; evidence of permanent residence; withdrawal

Soil Conservation Service**NOTICES**

Environmental statements; availability, etc.:

- 6813** Panther Creek Watershed, Miss.; deauthorization of Federal funding

State Department**RULES**

Passports:

- 6778** Persons eligible for inclusion in one passport

NOTICES

- 6877** Senior Executive Service; Performance Review Board; membership

Surface Mining Office**RULES**

Surface coal mining and reclamation enforcement operations:

- 6913** Permanent regulatory program; suspensions; correction

Textile Agreements Implementation Committee**NOTICES**

Cotton, wool, and man-made textiles:

- 6826** Macau

Trade Negotiations, Office of Special Representative**NOTICES**

- 6882** Most-favored-nation status for China

Treasury Department

See Alcohol, Tobacco and Firearms Bureau; Customs Service; Internal Revenue Service.

Unemployment Compensation, National Commission**NOTICES**

- 6872** Meetings

MEETINGS ANNOUNCED IN THIS ISSUE**AGRICULTURE DEPARTMENT**

Forest Service—

- 6813** Medicine Bow National Forest Grazing Advisory Board, 3-6-80

CIVIL RIGHTS COMMISSION

- 6816** Alaska Advisory Committee, 2-22-80
6816 District of Columbia Advisory Committee, 2-26-80
6816 Indiana Advisory Committee, 2-25-80
6816 Maryland Advisory Committee, 2-20-80
6816 Oklahoma Advisory Committee, 2-26-80
6817 Pennsylvania Advisory Committee, 2-21-80

COMMERCE DEPARTMENT

National Telecommunications and Information Administration—

- 6819** Emergency Medical Services Communications Interagency Work Group, 2-1-80

DEFENSE DEPARTMENT

Secretary of Defense Office—

- 6830** Defense Intelligence Agency Advisory Committee, 2-29-80
6830 Defense Science Board Task Force on Acquisition Policy Advisory Committee, 2-26 and 2-27-80

ENVIRONMENTAL PROTECTION AGENCY

- 6835** Science Advisory Board, Environmental Measurements Committee, 2-26, 2-27, and 2-28-80

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Office of Education—

- 6837** Accreditation and Institutional Eligibility, Policy Review Subcommittee, 2-26 and 2-27-80
6809 Financial Assistance to Local and State Educational Agencies to meet special educational needs, dates to be announced later

INTERIOR DEPARTMENT

Land Management Bureau—

- 6847** Southern Appalachian Federal Coal Production Region, Alabama Subregion, 2-14-80

LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

Juvenile Justice and Delinquency Prevention National Advisory Committee—

- 6868** Meetings, 2-21, 2-22, and 2-23-80

NATIONAL AERONAUTICS AND SPACE**ADMINISTRATION**

- 6871**, **6872** NASA Advisory Council, Aeronautics Advisory Committee, 2-27, 2-28, and 2-29-80
6872 NASA Advisory Council, Historical Advisory Committee, 2-22-80

NATIONAL COMMISSION ON UNEMPLOYMENT COMPENSATION

- 6872** Meetings, 2-28 through 3-2-80

NATIONAL PARK SERVICE

- 6850 Fort Pulaski National Monument, 2-20-80
6850 Natchez Trace Parkway, 3-18, 3-20, and 3-21-80
6850 Moores Creek National Military Park, 2-19-80
6850 Vicksburg National Military Park, 2-15-80

NUCLEAR REGULATORY COMMISSION

- 6873 Reactor Safeguards Subcommittee on Emergency Core Cooling Systems and Reactor Fuels, 2-14-80

SMALL BUSINESS ADMINISTRATION

- 6876 National Advisory Council, 2-25, 2-26, and 2-27-80
6876 Region V Advisory Council, 3-12-80

CHANGED MEETING**COMMERCE DEPARTMENT**

National Oceanic and Atmospheric Administration—

- 6818 New England Fishery Management Council's Scientific and Statistical Committee, relocated, 2-13-80

HEARINGS**CIVIL AERONAUTICS BOARD**

- 6815 Former Large Irregular Air Service Investigation, Charter Adventures, Inc., 2-27-80

DEFENSE DEPARTMENT

Secretary's Office—

- 6801 Vinson-Trammel Act, Excess Profits on Contracts for Naval Vessels or Military Aircraft, 2-19-80

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

Education Office—

- 6838, Commission on the Review of the Federal Impact Aid Program, 3-6 and 3-7-80 (4 documents)
6839

INTERIOR DEPARTMENT

Land Management Bureau—

- 6847 Southern Appalachian Federal Coal Production Region, Alabama Subregion, 2-14-80

CHANGED HEARING**INTERNATIONAL TRADE COMMISSION**

- 6867 Certain Anaerobic Impregnating Compositions and Components, changed from 2-25 to 3-3-80

CFR PARTS AFFECTED IN THIS ISSUE

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

1 CFR		44 CFR	
Proposed Rules:		Proposed Rules:	
482.....	6791	67 (9 documents).....	6804- 6809
3 CFR		45 CFR	
Proclamations:		Proposed Rules:	
4718.....	6773	116.....	6809
7 CFR		116a.....	6809
101.....	6775	49 CFR	
102.....	6775	1033 (2 documents).....	6789, 6790
103.....	6775		
104.....	6775		
106.....	6775		
107.....	6775		
108.....	6775		
111.....	6775		
Proposed Rules:			
1124.....	6810		
1941.....	6792		
8 CFR			
282.....	6776		
299.....	6776		
499.....	6776		
10 CFR			
Proposed Rules:			
50.....	6793		
12 CFR			
Proposed Rules:			
700.....	6795		
701.....	6795		
725.....	6795		
742.....	6795		
18 CFR			
Proposed Rules:			
35.....	6799		
20 CFR			
Proposed Rules:			
416.....	6799		
22 CFR			
51.....	6778		
24 CFR			
883.....	6886		
884.....	6886		
26 CFR			
5a.....	6778		
Proposed Rules:			
1 (2 documents).....	6800		
28 CFR			
16.....	6780		
30 CFR			
Ch. VII.....	6913		
32 CFR			
1900.....	6780		
Proposed Rules:			
Ch. I.....	6801		
39 CFR			
Proposed Rules:			
310.....	6801		
320.....	6801		
40 CFR			
52 (2 documents).....	6781, 6784		
81.....	6786		
Proposed Rules:			
51.....	6802		
52 (2 documents).....	6802, 6804		
41 CFR			
101-36.....	6788		

Presidential Documents

Title 3—

Proclamation 4718 of January 28, 1980

The President

Save Your Vision Week, 1980

By the President of the United States of America

A Proclamation

Good vision, like good health generally, contributes much to the enjoyment of life. Our ability to see affects how we learn, how we work and play, how we relate to others, and how well we are able to function in an increasingly complex society. Yet most people take good eyesight for granted. Just as we have come to recognize the need to take a more active role in maintaining the health of our bodies through diet and exercise, we should also take time to consider what can be done to take care of our eyes and to protect our vision. With proper care and attention, many of the serious eye problems that affect both young and old can be prevented.

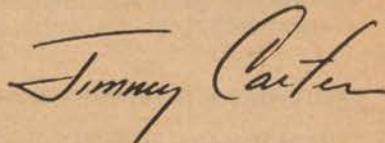
Prevention of eye disease begins even before birth with adequate nutrition and prenatal care for the mother. During early childhood and later in life, periodic eye examinations can reveal certain potentially blinding eye conditions early enough to permit successful treatment. This is particularly true in families where there is a history of glaucoma or in people who have diabetes. With professional eye care, it is even possible to restore sight to some people who are already blind or to help those with partial sight make the most of their remaining vision.

In addition to obtaining professional eye care when needed, each of us must take responsibility for protecting our eyes from injury. Protective eyeglasses or safety goggles should be worn in hazardous situations at work and while participating in many recreational activities. In the home, precautions should be taken to avoid injury to the eyes from household products, appliances, and cosmetics.

To increase awareness of the importance of good vision and of the ways in which we can help to preserve our eyesight, the Congress, by joint resolution approved December 30, 1963 (77 Stat. 629, 36 U.S.C. 169a), has requested the President to proclaim the first week of March of each year as Save Your Vision Week.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby designate the week beginning March 2, 1980, as Save Your Vision Week. I urge all Americans to participate in the observance of this period by pausing to consider what they can do to take care of their eyes. I invite vision care professionals, the communications media, educators, and all public and private organizations that support sight conservation to participate in activities that will teach Americans about eye care and encourage them to take steps to preserve and make the most of their vision.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of January, in the year of our Lord nineteen hundred eighty, and of the Independence of the United States of America the two hundred and fourth.



Examination of the ...

... ..

By the

...

The

...

...

...

...

...

[Handwritten signature]

...

Rules and Regulations

Federal Register

Vol. 45, No. 21

Wednesday, January 30, 1980

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

Agricultural Marketing Service

7 CFR Parts 101, 102, 103, 104, 106, 107, 108, and 111

Cotton Warehouses; Grain Warehouses; Tobacco Warehouses; Wool Warehouses; Dry Bean Warehouses; Nut Warehouses; Sirup Warehouses; and Cottonseed Warehouses; Procedure in Hearings

AGENCY: Agricultural Marketing Service.

ACTION: Final Rule.

SUMMARY: This action will recognize in the regulations issued under the U.S. Warehouse Act the applicability of the Rules of Practice Governing Formal Adjudicatory Administrative Proceedings Instituted by the Secretary under various statutes (7 CFR 1.130-1.151). The purpose generally is to provide Rules of Practice which will be consistent and uniform throughout the Department of Agriculture for like situations.

EFFECTIVE DATE: January 30, 1980.

FOR FURTHER INFORMATION CONTACT: Dr. Orval Kerchner, Chief, Warehouse Development Branch, Warehouse Division, Agricultural Marketing Service, Department of Agriculture, Washington, D.C. 20250 (202-447-3821).

SUPPLEMENTARY INFORMATION: Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that the Agricultural Marketing Service (AMS), pursuant to the authority conferred by section 28 of the U.S. Warehouse Act (7 U.S.C. 268, hereinafter the "Warehouse Act"), is amending the warehouse regulations for the storage of cotton, grain, tobacco, wool, dry bean, nut, sirup and cottonseed appearing in Parts 101, 102, 103, 104, 106, 107, 108 and 111 respectively of Subchapter E of Chapter

I in Title 7 of the Code of Federal Regulations (7 CFR Parts 101, 102, 103, 104, 106, 107, 108, and 111).

The Act authorizes opportunities for hearings in connection with suspension or revocation of "any license issued to any person to inspect, sample, or classify, or to weigh any agricultural product or products under this Act", and "any license to any warehouseman conducting a warehouse under this Act, for any violation of or failure to comply with any provision of this Act or of the rules and regulations made hereunder, or upon the ground that unreasonable or exorbitant charges have been made for services rendered." Relevant regulations were promulgated and now are in effect for each of the commodities named herein and each of the commodity regulations also contains a regulation describing procedures for such hearings when requested. The regulations describing procedures for such hearings now have been made ineffective by the Rules of Practice Governing Formal Adjudicatory Administrative Proceedings Instituted by the Secretary under various statutes (7 CFR 1.130-1.151). The purpose of these amendments is to conform the subject regulations to the Rules of Practice prescribed by the Secretary.

These amendments do not have any force and effect with reference to (1) actions expressly authorized by the Act or regulations to be taken without an opportunity for such a hearing, (2) actions involving the denial or the temporary suspension of a license, the refusal to renew a license that has expired, or the refusal to return a license that was suspended for a period that has expired, (3) actions involving arbitrations or appeal inspection procedures and/or services, or (4) any other actions which heretofore have been taken by the Secretary or his delegate as an exercise of administrative authority. Authority for such actions will continue to be vested in the Secretary and/or his delegate. The sole purpose of these amendments is by regulation to recognize the Rules of Practice Governing Formal Adjudicatory Administrative Proceedings Instituted by the Secretary under various Statutes (7 CFR 1.130-1.151) as applicable to any hearings resulting from actions taken under section 12 and 25 of the Act and relevant regulations.

Said regulations, therefore, are amended to read:

PART 101—COTTON WAREHOUSES

1. Section 101.89 is revised to read:

§ 101.89 Procedure in hearings.

Hearings under the Act or the regulations in this part, except those relating to appeals or arbitrations shall be conducted in accordance with the Rules of Practice Governing Formal Adjudicatory Administrative Proceedings Instituted by the Secretary under various statutes (7 CFR 1.130-1.151).

PART 102—GRAIN WAREHOUSES

2. Section 102.99 is revised to read:

§ 102.99 Procedure in hearings.

Hearings under the Act or the regulations in this part, except those relating to appeals or arbitrations shall be conducted in accordance with the Rules of Practice Governing Formal Adjudicatory Administrative Proceedings Instituted by the Secretary under various statutes (7 CFR 1.130-1.151).

PART 103—TOBACCO WAREHOUSES

3. Section 103.78 is revised to read:

§ 103.78 Procedure in hearings.

Hearings under the Act or the regulations in this part, except those relating to appeals or arbitrations shall be conducted in accordance with the Rules of Practice Governing Formal Adjudicatory Administrative Proceedings Instituted by the Secretary under various statutes (7 CFR 1.130-1.151).

PART 104—WOOL WAREHOUSES

4. Section 104.72 is revised to read:

§ 104.72 Procedure in hearings.

Hearings under the Act or the regulations in this part, except those relating to appeals or arbitrations shall be conducted in accordance with the Rules of Practice Governing Formal Adjudicatory Administrative Proceedings Instituted by the Secretary under various statutes (7 CFR 1.130-1.151).

PART 106—DRY BEAN WAREHOUSES

5. Section 106.80 is revised to read:

§ 106.80 Procedure in hearings.

Hearings under the Act or the regulations in this part, except those relating to appeals or arbitrations shall be conducted in accordance with the Rules of Practice Governing Formal Adjudicatory Administrative Proceedings Instituted by the Secretary under various statutes (7 CFR 1.130-1.151).

PART 107—NUT WAREHOUSES

6. Section 107.81 is revised to read:

§ 107.81 Procedure in hearings.

Hearings under the Act or the regulations in this part, except those relating to appeals or arbitrations shall be conducted in accordance with the Rules of Practice Governing Formal Adjudicatory Administrative Proceedings Instituted by the Secretary under various statutes (7 CFR 1.130-1.151).

PART 108—SIRUP WAREHOUSES

7. Section 108.73 is revised to read:

§ 108.73 Procedure in hearings.

Hearings under the Act or the regulations in this part, except those relating to appeals or arbitrations shall be conducted in accordance with the Rules of Practice Governing Formal Adjudicatory Administrative Proceedings Instituted by the Secretary under various statutes (7 CFR 1.130-1.151).

PART 111—COTTONSEED WAREHOUSES

8. Section 111.84 is revised to read:

§ 111.84 Procedure in hearings.

Hearings under the Act or the regulations in this part, except those relating to appeals or arbitrations shall be conducted in accordance with the Rules of Practice Governing Formal Adjudicatory Administrative Proceedings Instituted by the Secretary under various statutes (7 CFR 1.130-1.151).

Because these amendments codify existing law and deal with rules of internal agency practice, the Department is satisfied that the notice and comment provisions of the Administrative Procedure Act 5 U.S.C. 553(b) do not apply to these amendments.

(August 11, 1916, ch. 313, part C, Sec. 28, 39 Stat. 490 (7 U.S.C. 268))

Done at Washington, DC, January 25, 1980.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc. 80-2951 Filed 1-29-80; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF JUSTICE**Immigration and Naturalization Service****8 CFR Parts 282, 299 and 499****Service Forms; Current Edition Dates and Purchase Information**

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This order amends the regulations of the Immigration and Naturalization Service to include current edition dates of Service forms, to add new forms to the listing of forms available for purchase from the Government Printing Office (GPO) and to include the GPO stock numbers and prices of all Service forms which may be purchased from the Superintendent of Documents, GPO. It also provides for the furnishing of Service forms gratis to Voluntary Agencies which are participating in the Service Outreach Program. These amendments are being made to advise the public of the current edition dates of certain Service forms, and to facilitate obtaining of forms from the Government Printing Office by individuals and by private and voluntary organizations.

EFFECTIVE DATE: January 30, 1980.

FOR FURTHER INFORMATION CONTACT:

Kenneth A. Cooper, Management Analysis Officer, Immigration and Naturalization Service. Telephone: (202) 633-3291 or

James G. Hoofnagle, Jr., Instructions Officer, Immigration and Naturalization Service. Telephone: (202) 633-3048.

SUPPLEMENTARY INFORMATION: This order amends 8 CFR 282.1, 8 CFR 299.1, .2, .3 and .4, and 8 CFR 499.1.

I. Amendment to 8 CFR 282.1

Existing 8 CFR 282.1 sets forth a list of forms which the Superintendent of Documents is authorized to print and sell to the public, which are prescribed for use in Subchapter B of Chapter I of Title 8 of the Code of Federal Regulations. This listing has generally been duplicated in 8 CFR 299.3. Since we are expanding the listing of forms in 8 CFR 299.3 which are available for purchase, and in order to eliminate duplication of regulations, the listing of specific forms will be eliminated from 8 CFR 282.1 and the section will be revised to include a cross reference to 8 CFR 299.3.

II. Amendments to 8 CFR 299.1

8 CFR 299.1 is amended by adding Forms G-639, G-652, G-657, and G-658 to the listing. Form CDC 4.417 (11-74) is

added to the listing and Form HSM-240 is deleted. Forms I-20 and I-95 are redesignated I-20AB and I-95AB, respectively. Listing for Form I-324 is amended to read I-342. Revised edition dates are provided for the following forms: AR-11; G-325C; G-641; I-39; I-53; I-90; I-94; I-122; I-126; I-129F; I-140; I-181; I-196; I-221S; I-246; I-256A; I-286; I-290B; I-342; I-485; I-485A; I-485C; I-506; I-538; I-539; I-600; I-601 and I-612.

III. Amendments to 8 CFR 299.2

8 CFR 299.2 will be amended by adding a new paragraph (c) to provide that voluntary agencies participating in the Service Outreach Program may receive the forms gratis upon written request to the appropriate regional commissioner.

IV. Amendments to 8 CFR 299.3

8 CFR 299.3 will be amended to include the Government Printing Office Stock Control Numbers and prices of all forms which may be purchased from GPO. The list will be expanded to include forms used under the nationality regulations contained in Subchapter C of the Service regulations. The following forms will be added to this listing: G-641; I-90; I-129F; I-134; I-506; I-526; I-538; I-539; I-570; I-600; N-300; N-400; N-402; N-426; and N-600.

V. Amendment to 8 CFR 299.4

Existing 8 CFR 299.4 contains a requirement that Forms I-94 which are reproduced or printed by private individuals or concerns, must be serially numbered. The Service has reexamined the need for and use of this serial number. In addition, we are also cognizant of the fact that the numbering process increases the cost of reproducing the form. Based on our determination that the serial number is no longer needed, and our desire to reduce the cost of printing and reproduction of this form, the regulation will be amended to delete the requirement that Forms I-94 be serially numbered.

VI. Amendments to 8 CFR 499.1

8 CFR 499.1 will be amended by:

- Adding Forms G-639, G-652, G-657 and G-658 to the listing;
- revising the parenthetical descriptions following Forms N-402 and N-407 to delete reference to sec. 323 of the Act;
- including current edition dates for Forms G-641; N-3; N-305; N-400; N-402; N-405; N-407; N-408; N-455; N-462A; N-470; N-565; and N-600.

In the light of the foregoing, Chapter I of Title 8 of the Code of Federal

Regulations is hereby amended as set forth below:

PART 282—FORMS FOR SALE TO PUBLIC

1. Section 282.1 is revised to read as follows:

§ 282.1 Forms printed by the Public Printer.

The Public Printer is authorized to print for sale to the public, the forms listed in § 299.3 of this chapter.

PART 299—IMMIGRATION FORMS

2. Section 299.1 is amended by adding certain forms and their edition dates to the listing, and by including the current edition dates of certain other forms, as set forth below:

§ 299.1 Prescribed forms.

Form No., Title and Description

AR-11 (3-21-79) Alien's Change of Address Card.

CDC 4.417 (11-74) (Formerly HSM-240 or PHS-124) Medical Certificate.

G-325C (5-1-79) Biographic Information.
G-639 (7-25-77) Application for a Search of the Records of the Immigration and Naturalization Service Under the Freedom of Information Act (5 U.S.C. 552).

G-641 (8-2-78) Application for Verification of Information from Immigration and Naturalization Records.

G-652 (2-1-78) Affidavit of Identity.
G-657 (8-9-78) Privacy Act Information Request.

G-658 (11-1-75) Record of Information Disclosure (Privacy Act).

I-20AB (4-1-76) Certificate of Eligibility (For Nonimmigrant "F-1" Student Status).

I-39 (9-22-78) Decision of the Immigration Judge.

I-53 (1-1-80) Alien Address Report.

I-90 (5-31-78) Application by Lawful Permanent Resident Alien for Alien Registration Receipt Card, Form I-151.

I-94 (6-1-79) Arrival-Departure Record.
I-95AB (9-1-64) Crewman's Landing Permit.

I-122 (5-4-79) Notice to Applicant for Admission Detained for Hearing before Special Inquiry Officer.

I-126 (6-26-78) Report of Status by Treaty Trader or Investor.

I-129F (9-29-78) Petition to Classify Status of Alien Fiance or Fiancee for Issuance of Nonimmigrant Visa.

I-140 (3-1-78) Petition to Classify Preference Status of Alien on Basis of Profession or Occupation.

I-181 (4-1-77) Memorandum of Creation of Record of Lawful Permanent Residence.

I-196 (9-9-78) Application for U.S. Citizen Identification Card.

I-197 (5-1-76) U.S. Citizen Identification Card.

I-221S (8-1-77) Order to Show Cause, Notice of Hearing, and Warrant for Arrest of Alien.

I-246 (2-15-78) Application for Stay of Deportation.

I-256A (12-7-77) Application for Suspension of Deportation.

I-286 (4-1-79) Notification to Alien of Conditions of Release or Detention.

I-290B (1-30-78) Notice of Appeal to Regional Commissioner.

I-342 (4-25-79) Determination of the Immigration Judge with Respect to Custody.

I-485 (5-1-79) Application for Status as Permanent Resident.

I-485A (5-1-79) Application by Cuban Refugee for Permanent Residence.

I-485C (8-9-78) Application for Creation of a Record of Lawful Admission for an Indochina Refugee.

I-506 (9-12-77) Application for Change of Nonimmigrant Status.

I-538 (9-12-77) Application by Nonimmigrant Student (F-1) for Extension of Stay, School Transfer or Permission to Accept or Continue Employment.

I-539 (9-12-77) Application to Extend Time of Temporary Stay.

I-566 (9-21-79) Application for Employment by a (G-4) spouse or Unmarried Son or Daughter of an Official of an International Organization.

I-600 (10-20-78) Petition to Classify Orphan as an Immediate Relative.

I-601 (9-2-78) Application for Waiver of Grounds of Excludability under Section 212 (g), (h), or (i) of the Immigration and Nationality Act.

I-612 (9-5-78) Application for Waiver of the Foreign Residence Requirement of Section 212(e) of the Immigration and Nationality Act, as amended.

3. Section 299.2 is amended by adding new paragraph (c) to read as set forth below:

§ 299.2 Lawful admission for permanent residence.

(c) Voluntary agencies (VOLAGS) participating in the Outreach Program of the Service who make written request to the Regional Commissioner for the geographic location of the requester may be furnished Service forms gratis in the volumes requested.

4. Section 299.3 is revised as set forth below:

§ 299.3 Forms available from the Superintendent of Documents.

The immigration and naturalization forms indicated below may be obtained upon prepayment from the Superintendent of Documents, Washington, D.C. 20402.

Form No.	GPO stock No. (S/N)	Price per 100/pad
G-28.....	S/N 027-002-00218-1	\$5.00/100
G-325A.....	S/N 027-002-00170-2	7.25/100
G-641.....	S/N 027-002-00199-1	7.25/100
I-20AB.....	S/N 027-002-00162-1	7.25/100
I-90.....	S/N 027-002-00023-8	5.50/100
I-92.....	S/N 027-002-00124-9	1.10/pad
I-94.....	S/N 027-002-00226-1	4.25/100
I-95AB.....	S/N 027-002-00081-1	3.75/100
I-129B.....	S/N 027-002-00161-3	5.50/100
I-129F.....	S/N 027-002-00201-6	5.50/100
I-130.....	S/N 027-002-00224-5	10.00/100
I-131.....	S/N 027-002-00222-9	10.00/100
I-134.....	S/N 027-002-00190-7	5.25/100
I-140.....	S/N 027-002-00223-7	8.00/100
I-408.....	S/N 027-002-00203-2	7.25/100
I-418.....	S/N 027-002-00142-7	3.50/pad
I-485.....	S/N 027-002-00211-3	7.75/100
I-506.....	S/N 027-002-00174-5	7.25/100
I-526.....	S/N 027-002-00173-7	5.35/100
I-538.....	S/N 027-002-00220-2	10.00/100
I-539.....	S/N 027-002-00229-6	10.00/100
I-570.....	S/N 027-002-00228-8	9.25/100
I-600.....	S/N 027-002-00229-9	8.50/100
N-300.....	S/N 027-002-00217-2	5.50/100
N-400.....	S/N 027-002-00232-6	8.00/100
N-402.....	S/N 027-002-00205-9	8.25/100
N-426.....	S/N 027-002-00192-3	7.25/100
N-600.....	S/N 027-002-00223-4	8.75/100

Prices are set by the Superintendent of Documents, Government Printing Office, and are subject to change without notice.

A small supply of the above forms shall be set aside by immigration officers for free distribution and official use.

5. Section 299.4 is amended by revising the first sentence and deleting the final two sentences. As amended, § 299.4 reads as follows:

§ 299.4 Reproduction of forms by private parties.

All forms required for compliance with the immigration and nationality regulations which have been made available for purchase by the Superintendent of Documents may be printed or otherwise reproduced by an appropriate duplicating process by private parties at their own expense. Forms printed or reproduced by private parties shall conform to the officially

printed forms currently in use with respect to size, wording and language, arrangement, style and size of type, and paper specifications. Such forms shall be printed or otherwise duplicated in black ink or dye that will not fade or "feather" within 20 years.

PART 499—NATIONALITY FORMS

6. Section 499.1 is amended by adding certain forms and their edition dates to the listing, and by including the current edition dates of certain other forms, as set forth below:

§ 499.1 Prescribed forms.

Form No., Title, and Description

G-639 (7-25-77) Application for a Search of the Records of the Immigration and Naturalization Service Under the Freedom of Information Act (5 U.S.C. 552).

G-641 (11-12-77) Application for Verification of Information from Immigration and Naturalization Records.

G-652 (2-1-78) Affidavit of Identity.

G-657 (8-9-78) Privacy Act Information Request.

G-658 (11-1-75) Record of Information Disclosure (Privacy Act).

N-3 (2-24-78) Requisition for Forms and Binders.

N-305 (3-15-79) Form Letter Notifying Alien that Form N-300 has been Forwarded to the Clerk of the Court.

N-400 (9-1-78) Application to File Petition for Naturalization.

N-402 (11-27-78) Application to File Petition for Naturalization in Behalf of a Child (under Sec. 322, Immigration and Nationality Act).

N-405 (11-27-78) Petition for Naturalization (under general provisions of the Immigration and Nationality Act).

N-407 (10-1-78) Petition for Naturalization (in behalf of a child, under Sec. 322, Immigration and Nationality Act).

N-408 (4-5-79) Application to take Oath of Allegiance and Form of such Oath (by a woman formerly a citizen, under Sec. 324(c), Immigration and Nationality Act, or the Act of June 25, 1936, as amended).

N-455 (12-1-78) Application for Transfer of Petition for Naturalization.

N-462A (6-6-78) Interrogatories in Depositions of Witnesses.

N-470 (3-30-79) Application to Preserve Residence for Naturalization Purposes (under Sec. 316(b) or 317, Immigration and Nationality Act).

N-565 (6-19-78) Application for a New Naturalization or Citizenship Paper.

N-800 (12-1-78) Application for Certificate of Citizenship.
(Sec. 103; 8 U.S.C. 1103)

The above amendments are issued 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 notice of proposed rulemaking and delayed effective date provisions of 5 U.S.C. 553 is unnecessary in this instance because the amendments are editorial in nature or relate to the printing requirements, management and distribution of Service forms to the public and/or organizations.

Effective date: The amendments prescribed in this order become effective on January 30, 1980.

Dated: January 24, 1980.

David Crosland,

Acting Commissioner of Immigration and Naturalization.

[FR Doc. 80-2831 Filed 1-29-80; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF STATE

22 CFR Part 51

[Departmental Regulation 108.785]

Persons Who May Be Included in One Passport

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: This revises the regulations of the Department of State governing persons eligible for inclusion in one passport.

EFFECTIVE DATE: This rule is effective on January 14, 1980.

ADDRESS: Anthony Saridakis, Office of Citizenship Appeals and Legal Assistance (PPT/C), Department of State, 2201 C Street, NW., Washington, D.C. 20520.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking to revise Part 51 was published in the *Federal Register* on November 14, 1979 (44 FR 65600). Interested persons were invited to submit comments concerning the revision by January 14, 1980. No unfavorable comments were received; therefore, the proposed revision is adopted, without change, as set forth below.

Section 51.15(a) is revised to read as follows:

§ 51.5 Persons who may be included in one passport.

(a) The following persons may be included in one passport:

(1) Children of the bearer under the age of 13 years, including stepchildren and adopted children;

(2) Brothers and sisters of the bearer under the age of 13 years.

(b) * * *

(Sec. 1, 44 Stat. 887; sec. 4, 63 Stat. 111, as amended [22 U.S.C. 211a, 2658]; E.O. 11295, 36 FR 10603; 3 CFR 1966-70 Comp., 507.)

Dated: January 14, 1980.

Barbara M. Watson,

Assistant Secretary for Consular Affairs.

[FR Doc. 80-3062 Filed 1-29-80; 8:45 am]

BILLING CODE 4710-06-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 5a

[T.D. 7669]

Option To Capitalize or Deduct Intangible Drilling and Development Costs in the Case of Wells Drilled for any Geothermal Deposit

AGENCY: Internal Revenue Service, Treasury.

ACTION: Temporary regulations.

SUMMARY: This document provides Temporary Income Tax Regulations relating to the option to capitalize or deduct intangible drilling and development costs in the case of wells drilled for any geothermal deposit. Changes to the applicable tax law were made by the Energy Tax Act of 1978. In addition, the rules contained in the temporary regulations set forth in this document also serve as a notice of proposed rulemaking by which the rules contained therein are proposed to be prescribed as final regulations.

DATES: These temporary regulations are effective for taxable years ending on or after October 1, 1978, with respect to geothermal wells commenced on or after that date. Written comments and requests for a public hearing must be delivered or mailed by March 31, 1980.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T (LR-202-78), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: David B. Cubeta of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3926).

SUPPLEMENTARY INFORMATION:**Background**

This document contains temporary regulations under section 612 of the Internal Revenue Code of 1954. The temporary regulations are required to implement section 402(a) and (e) of the Energy Tax Act of 1978 (92 Stat. 3174).

The regulations promulgated in this document are also proposed to be prescribed as final Income Tax Regulations (26 CFR Part 1) under section 612 of the Internal Revenue Code of 1954.

Waiver of Procedural Requirements of Treasury Directive

The expeditious adoption of the provisions contained in this document is necessary because of the need for immediate guidance to taxpayers eligible for the option to deduct as expenses intangible drilling and development costs in the case of wells drilled for any geothermal deposit. For this reason, Jerome Kurtz, Commissioner of Internal Revenue, has determined that the provisions of paragraphs 8 through 14 of the Treasury Department directive implementing Executive Order 12044 must be waived.

Comments and Requests for a Public Hearing

Before adoption of the final regulations proposed in this document, consideration will be given to any written comments that are submitted (preferably six copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the **Federal Register**.

Drafting Information

The principal author of these regulations is David B. Cubeta of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

Adoption of Amendments to the Regulations

Accordingly, a new Part 5a, Temporary Income Tax Regulations under the Energy Tax Act of 1978, is added to Title 26 of the Code of Federal Regulations and the following temporary regulations are adopted:

PART 5a—TEMPORARY INCOME TAX REGULATIONS UNDER THE ENERGY TAX ACT OF 1978**§ 5a.612-1 Charges to capital and to expense in case of geothermal wells.**

(a) *Option with respect to intangible drilling and development costs.* In accordance with the provisions of section 263(c), intangible drilling and development costs incurred by an operator (one who holds a working or operating interest in any tract or parcel of land either as a fee owner or under a lease or any other form of contract granting working or operating rights) in the development of a geothermal deposit (as defined in section 613(e)(3) and the regulations thereunder) may at the operator's option be chargeable to capital or to expense. This option applies to all expenditures made by an operator for wages, fuel, repairs, hauling, supplies, etc., incident to and necessary for the drilling of wells and the preparation of wells for the production of geothermal steam or hot water. Such expenditures have for convenience been termed intangible drilling and development costs. They include the cost to operators of any drilling or development work (excluding amounts payable only out of production or gross or net proceeds from production, if such amounts are depletable income to the recipient, and amounts properly allocable to cost of depreciable property) done for them by contractors under any form of contract, including turnkey contracts. Examples of items to which this option applies are all amounts paid for labor, fuel, repairs, hauling, and supplies, or any of them, which are used—

(1) In the drilling, shooting, and cleaning of wells,

(2) In such clearing of ground, draining, road making, surveying, and geological work as are necessary in preparation for the drilling of wells, and

(3) In the construction of such derricks, tanks, pipelines, and other physical structures as are necessary for the drilling of wells and the preparation of wells for the production of geothermal steam or hot water.

In general, this option applies only to expenditures for those drilling and developing items which in themselves do not have a salvage value. For the purpose of this option, labor, fuel, repairs, hauling, supplies, etc. are not considered as having a salvage value, even though used in connection with the installation of physical property which has a salvage value. Included in this option are all costs of drilling and development undertaken (directly or through a contract) by an operator of a

geothermal property whether incurred by the operator prior or subsequent to the formal grant or assignment of operating rights (a leasehold interest, or other form of operating rights, or working interest); except that in any case where any drilling or development project is undertaken for the grant or assignment of a fraction of the operating rights, only that part of the costs thereof which is attributable to such fractional interest is within this option. In the excepted cases, costs of the project undertaken, including depreciable equipment furnished, to the extent allocable to fractions of the operating rights held by others, must be capitalized as the depletable capital cost of the fractional interest thus acquired.

(b) *Recovery of optional items, if capitalized.* (1) Items recoverable through depletion: If the taxpayer charges such expenditures as fall within the option to capital account, the amounts so capitalized and not deducted as a loss are recoverable through depletion insofar as they are not represented by physical property. For the purposes of this section the expenditures for clearing ground, draining, road making, surveying, geological work, excavation, grading, and the drilling, shooting, and cleaning of wells, are considered not to be represented by physical property, and when charged to capital account are recoverable through depletion.

(2) Items recoverable through depreciation: If the taxpayer charges such expenditures as fall within the option to capital account, the amounts so capitalized and not deducted as a loss are recoverable through depreciation insofar as they are represented by physical property. Such expenditures are amounts paid for wages, fuel, repairs, hauling, supplies, etc. used in the installation of casing and equipment and in the construction on the property of derricks and other physical structures.

(3) In the case of capitalized intangible drilling and development costs incurred under a contract, such costs shall be allocated between the foregoing classes of items specified in paragraphs (b)(1) and (2) of this section for the purpose of determining the depletion and depreciation allowances.

(4) *Option with respect to cost of nonproductive wells:* If the operator has elected to capitalize intangible drilling and development costs; then an additional option is accorded with respect to intangible drilling and development costs incurred in drilling a nonproductive well. Such costs incurred in drilling a nonproductive well may be deducted by the taxpayer as an ordinary

loss provided a proper election is made in the taxpayer's original or amended return for the first taxable year ending on or after October 1, 1978, in which such a nonproductive well is completed. The taxpayer must make a clear statement of election under this option in the return or amended return. The election may be revoked by the filing of an amended return that does not contain such a statement. The absence of a clear indication in such return of an election to deduct as ordinary losses intangible drilling and development costs of nonproductive wells shall be deemed to be an election to recover such costs through depletion to the extent that they are not represented by physical property, and through depreciation to the extent that they are represented by physical property. Upon the expiration of the time for filing a claim for credit or refund of any overpayment of tax imposed by chapter 1 of the Code with respect to the first taxable year ending on or after October 1, 1978 in which a nonproductive well is completed, the taxpayer is bound for all subsequent years by his exercise of the option to deduct intangible drilling and development costs of nonproductive wells as an ordinary loss or his deemed election to recover such costs through depletion or depreciation.

(c) *Nonoptional items distinguished.*

(1) *Capital items:* The option with respect to intangible drilling and development costs does not apply to expenditures by which the taxpayer acquires tangible property ordinarily considered as having a salvage value. Examples of such items are the costs of the actual materials in those structures which are constructed in the wells and on the property, and the cost of drilling tools, pipe, casing, tubing, tanks, engines, boilers, machines, etc. The option does not apply to any expenditure for wages, fuel, repairs, hauling, supplies, etc., in connection with equipment, facilities, or structures, not incident to or necessary for the drilling of wells, such as structures for treating geothermal steam or hot water. These are capital items and are recoverable through depreciation.

(2) *Expense items:* Expenditures which must be charged off as expense, regardless of the option provided by this section, are those for labor, fuel, repairs, hauling, supplies, etc., in connection with the operation of the wells and of other facilities on the property for the production of geothermal steam or hot water.

(d) *Manner of making election.* The option granted in paragraph (a) of this section to charge intangible drilling and

development costs to expense may be exercised by claiming intangible drilling and development costs as a deduction on the taxpayer's original or amended return for the first taxable year ending on or after October 1, 1978, in which the taxpayer pays or incurs such costs with respect to a geothermal well commenced on or after that date. No formal statement is necessary. The exercise of the option may be revoked by the filing of an amended return that does not claim such a deduction. If the taxpayer fails to deduct such costs as expenses in any such return, he shall be deemed to have elected to recover such costs through depletion to the extent that they are not represented by physical property, and through depreciation to the extent that they are represented by physical property. Upon the expiration of the time for filing a claim for credit or refund of any overpayment of tax imposed by chapter 1 of the Code with respect to the first taxable year ending on or after October 1, 1978, in which the taxpayer pays or incurs intangible drilling and development costs with respect to a geothermal well commenced on or after that date, the taxpayer is bound by his exercise of the option to charge such costs to expense or his deemed election to recover such costs through depletion or depreciation for that year and for all subsequent years.

(e) *Effective date.* The option granted by paragraph (a) of this section is available only for taxable years ending on or after October 1, 1978, with respect to geothermal wells commenced on or after that date.

There is need for the immediate guidance provided by the provisions contained in this Treasury decision. For this reason, it is found impracticable to issue this Treasury decision with notice and public procedure under subsection (b) of section 553 of title 5 of the United States Code or subject to the effective date limitation of subsection (d) of that section.

This Treasury decision is issued under the authority contained in sections 263 and 7805 of the Internal Revenue Code of 1954 (92 Stat. 3201; 26 U.S.C. 263; 68A Stat. 917; 26 U.S.C. 7805).

Jerome Kurtz,
Commissioner of Internal Revenue.

Approved: January 16, 1980.

Donald C. Lubick,
Assistant Secretary of the Treasury.

[FR Doc. 80-2944 Filed 1-29-80; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF JUSTICE

28 CFR Part 16

[AAG/A Order No. 43-80]

Exemption of Records Systems Under the Privacy Act; Revocation of an Exemption

AGENCY: Department of Justice, Law Enforcement Assistance Administration (LEAA).

ACTION: Revocation Rule.

SUMMARY: As explained in the Notice Section of today's *Federal Register*, LEAA's Office of Audit and Investigation is rescinding its system of records entitled "General Investigative System, JUSTICE/LEAA-003". This notice was most recently published in a *Federal Register* on September 30, 1977 and again in the *Federal Register* document identified as the Privacy Act issuances, 1978 Compilation, Volume III. It was originally published on August 27, 1975, along with a proposed rule to exempt the system from subsections (d), (e)(4) (G) and (H), and (f) of the Privacy Act.

Because the system of records is rescinded, paragraphs (a), (b), and (c) of 28 CFR 16.100 are unnecessary and are being revoked.

DATES: Revocation of the exemption is effective January 30, 1980.

ADDRESSES: Administrative Counsel, Justice Management Division, Department of Justice, 10th and Constitution Avenue, N.W., Washington, D.C. 20530.

FOR FURTHER INFORMATION CONTACT: William J. Snider (202-633-3452).

Pursuant to the authority vested in the Attorney General by 5 U.S.C. 552a and delegated to me by Attorney General Order 793-78, paragraphs (a), (b) and (c) of 28 CFR 16.100 are hereby revoked, paragraph (d) is hereby redesignated paragraph (a), and paragraph (e) is hereby redesignated paragraph (b).

Dated: January 22, 1980.

Kevin D. Rooney,
Assistant Attorney General for Administration.

[FR Doc. 80-2979 Filed 1-29-80; 8:45 am]

BILLING CODE 4410-18-M

CENTRAL INTELLIGENCE AGENCY

32 CFR Part 1900

Public Access to Documents and Records and Declassification Requests

AGENCY: Central Intelligence Agency.

ACTION: Final rule.

SUMMARY: The United States District Court for the District of Columbia on September 27, 1979, ordered the Central Intelligence Agency to publish applicable rules and regulations relating to the Agency's Reading Room and access thereto. In compliance with this order, a proposed rule was promulgated in the *Federal Register* on November 15, 1979.

The regulations establish procedures for the general public to access and review any records which have been approved for release in response to Freedom of Information Act requests.

DATES: Effective January 30, 1980.

FOR FURTHER INFORMATION CONTACT: Mr. George W. Owens, Chief, Information and Privacy Division, Central Intelligence Agency, Washington, D.C. 20505; phone: (703) 351-7486.

SUPPLEMENTARY INFORMATION: The Court ordered on September 27, 1979, that by November 30, 1979, the Agency must inform the general public of its Rules and Regulations for access by the general public to review records which have been approved for release to the general public in response to Freedom of Information Act requests at an Agency Reading Room. The Agency did so inform the public by publishing a proposed rule in the *Federal Register* at Vol. 44, No. 222, pp. 65780-65781, November 15, 1979.

The Central Intelligence Agency offered to receive comments from the general public regarding the proposed rule. The public was informed that all written comments, that were received by January 7, 1980, would be considered before adoption of a final rule. The Agency received two comments. One individual wrote that the proposed rule was unclear in that it did not adequately state that any member of the general public could access and review records which had been approved for release to another requester. Another individual took exception to the language used in describing the conditions of access to the Reading Room. The Agency has accordingly modified the rule as published in the *Federal Register* on November 15, 1979, in order to clarify the expressed areas of concern.

This Central Intelligence Agency Rule and Regulation is adopted. It is entered at Title 32 Code of Federal Regulations, Part 1900, paragraph (c) of § 1900.49, Notification and payment; furnishing records. Rules and Regulations previously promulgated can be found in the *Federal Register* at Vol. 40, No. 34, pp. 7294-7298, February 19, 1975; Vol. 40,

No. 113, pg. 24897, June 11, 1975; Vol. 42, No. 92, pg. 24049, May 12, 1977; and, Vol. 43, No. 109, pg. 24527, June 6, 1978.

PART 1900—PUBLIC ACCESS TO DOCUMENTS AND RECORDS AND DECLASSIFICATION REQUESTS

In consideration of the foregoing, the Central Intelligence Agency adopts the amendment to 32 CFR Part 1900 by adding a new paragraph (c) to § 1900.49 to read as follows:

§ 1900.49 Notification and payment; furnishing records.

(c) As an alternative to any Freedom of Information Act requester receiving any records from the Agency by mail, a requester may arrange to inspect the records at a CIA Reading Room. The requester may be the person who initially requested the records or the requester may be someone who was not a party to that request. The Information and Privacy Coordinator will designate a Reading Room for the purposes of records inspection, and the requester may select whatever records the requester wishes to purchase at a cost set forth in § 1900.25. Access to the Reading Room will be granted only after the fees that accumulated from the search to produce the requested records have been paid, or waived by the Information and Privacy Coordinator pursuant to § 1900.25(a). Upon receipt of a written statement from the requester exercising this option, the Coordinator will advise the requester of the location of the Reading Room and provide directions thereto. Unless otherwise designated, the Reading Room location will be in the metropolitan Washington, D.C. area. Records that the Agency will release will be available for inspection in the Reading Room on a date or dates mutually agreed upon by the Coordinator and the requester, not more than seven days from the Agency's receipt of the written request or from completion of the processing of the request for records, whichever is later. The requester may agree to a date or dates more than seven days from such time. On the days the Reading Room is open, it will be available to requesters from 9:30 a.m. to 3:30 p.m.

This amendment to rules and regulations of the Central Intelligence Agency is adopted under the authority of Section 102 of the National Security Act of 1947, as amended (50 U.S.C. 403), The Central Intelligence Agency Act of 1949, as amended (50 U.S.C. 403a et seq.), Executive Order 12065 (3 CFR 190), the Freedom of Information Act, as amended (5 U.S.C. 552), and the Federal

Records Management Amendments of 1978 (Sec. 4, Pub. L. 94-575, 90 Stat. 2723).

Don I. Wortman,
Deputy Director for Administration.

[FR Doc. 80-2832 Filed 1-29-80; 8:45 am]

BILLING CODE 6310-02-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1401-8]

Approval and Promulgation of Implementation Plans

AGENCY: Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: The purpose of this Notice is to approve, in part, the State Implementation Plan (SIP) revisions for Vermont which were received by the Environmental Protection Agency (EPA) on March 21 and November 21, 1979, pertaining to program to review new and modified major stationary sources in attainment areas.

These plan revisions were prepared by the state, in part, to meet the requirements of Part C (Prevention of Significant Deterioration of Air Quality) (PSD), as amended in 1977. On July 9, 1979 (44 FR 40078), EPA published a Notice of Proposed Rulemaking (NPR) which described these revisions, and requested public comment. No comments have been received on the PSD portion of the revisions.

EPA is approving the program to review new and modified major stationary sources in attainment areas, except a portion of the narrative and a regulation pertaining to default permits. A subsequent Notice will discuss the rest of the revisions.

EFFECTIVE DATE: January 25, 1980.

FOR FURTHER INFORMATION CONTACT: Frank J. Ciavattieri, Chief, Air Branch, Environmental Protection Agency, Region I, JFK Federal Building, Room 1903, Boston, Massachusetts 02203 (617)223-6883.

SUPPLEMENTARY INFORMATION: Part C and section 110(a)(2)(D) of the Clean Air Act (the Act) establish limitations on the deterioration of air quality in those parts of the Nation where the air quality is better than required by National Ambient Air Quality Standards (NAAQS).

The amount of deterioration permitted is quantified by a table of air quality increments which appears in section 163 of the Act. In effect, increments

represent the amount of pollution that can be tolerated by an area without significantly deteriorating the clean air status of the area.

A principal means of protecting the increments is the review and regulation of new growth. EPA has been operating a federal permit system designed to protect the increments. Regulations under which the Agency is operating are found at 40 CFR, § 52.21 as published June 19, 1978 (43 FR 26388 to 26410). Regulations specifying requirements for approvable State plans are found at 40 CFR § 51.24 as published June 19, 1978 (43 FR 26380 to 26388).¹

In the NPR, EPA proposed approval of the PSD program based on changes to be made to the narrative and certain regulations. With the exception of one subsection and a portion of the narrative, Vermont has made the necessary changes. With today's rulemaking approving Vermont's program, the review of new and modified major stationary sources in attainment areas becomes the state's responsibility. In granting this approval, EPA has taken account of the fact that the decision in *Alabama Power v. Costel* requires EPA to amend various provisions of the PSD regulations, and further that Vermont has agreed to amend its PSD regulations to fully comply with EPA's regulations, as amended, within the allowable time period.

1. Definition of Major Modification

Vermont agreed to make the necessary regulatory changes such that the degree of review under the SIP would be the equivalent of any review required under the existing federal regulations.

Vermont has amended its definition under Section 5-101(32) in its November 21, 1979 submittal to read "Modification means any physical change in, or change in the method of operation of, a stationary source which increases the emission rate of any air contaminant, regardless of any emission reductions achieved elsewhere in the source, except that routine maintenance, repair and replacement shall not be considered physical changes". This amendment satisfies the federal requirement.

2. Definition of Source/Facility

Vermont agreed to amend its new source review (NSR) regulations to

¹EPA is amending the PSD regulations in response to *Alabama Power Company v. Costel* No. 78-1006 (December 14, 1979). Vermont has committed to revise its regulations to conform to the amended PSD regulations within nine months to their publication in the *Federal Register*.

control reconstructed facilities as new sources.

Under new Section 5-101(49) in its November 21, 1979 submittal, Vermont has added "Reconstructed Source means a source wherein the fixed capital cost of the new components exceeds 50 percent of the fixed capital cost of a comparable entirely new source. A reconstructed source will be treated as a new source for the purposes of these regulations". This amendment satisfies the federal requirement.

3. Baseline Concentration

As discussed in the NPR, Vermont agreed to clarify in its regulations which sources are included in the baseline and thus not subject to PSD review. Vermont further agreed to revise the SIP to require all emissions not included in the baseline to be cumulatively counted against the PSD increments.

In the November 21 submittal Vermont still does not define the term "baseline." The revision narrative is further complicated by the interchangeable use of the terms "baseline" and "background" concentrations. Whereas EPA's PSD review consists of two separate modeling analyses—one to determine that the proposed source will not cause or contribute to an NAAQS violation and another to determine that the proposed source will not consume the remaining available PSD increment, Vermont combines both requirements into one analysis (pages 9-12 and 9-13). Vermont first determines background concentration by the most appropriate means. Where ambient monitoring is the most appropriate means, such monitoring will be required of the first new major source in a PSD area (See discussion at Section III A 9 of this Notice). The state then evaluates the proposed source's impact against either the difference between NAAQS minus background or the remaining available PSD increment, whichever is more restrictive. This single analysis is equivalent to EPA's two part air quality impact analysis.

In Vermont's original SIP submittal of March 21, 1979, it was unclear that the emissions from each major stationary source would be restricted to the remaining (as opposed to the entire) PSD increment once the applicable increment has been partially consumed by previously permitted sources whose emissions are not included in the baseline. Vermont has deleted the reference to Table 2 in Regulation 5-502(4)(c) in its November 21 submittal eliminating the inference that the entire PSD increment would be constantly available. No other amendments to the

regulations have been made. However, Regulation 5-502(4)(c) states that a source's evaluation must demonstrate that its allowable emissions do not cause or contribute to any increase in ambient concentrations exceeding "the remaining available PSD increment set for specific air contaminants as defined by the Secretary". Regulation 5-502(5) again uses the wording "remaining PSD increments * * *". Pages 9-12 and 9-13 of the narrative state that the Vermont Agency of Environmental Conservation (AEC) is committed to accept all determinations of PSD increment consumption made by EPA under its PSD regulations until the Vermont SIP is approved, thus assuring that only the remaining PSD increment would be subsequently available to sources permitted by the Vermont Agency. The regulations in conjunction with the narrative indicate that major stationary sources to be permitted under PSD would be entitled only to the remaining portion of applicable PSD increments. These amendments satisfy the conditions in the NPR.

4. Definition of Other Dispersion Techniques

Vermont agreed to include the term "other dispersion techniques" in its good engineering practice stack height requirements for air quality impact evaluations.

Regulation 5-502(4)(d) has been amended to include the following clause, " * * * the evaluation shall exclude the effect of that portion of the height of any stack which exceeds good engineering practice and the effect of any other dispersion technique". This amendment satisfies the federal requirement.

5. Phased Construction

Vermont agreed to amend the narrative portion of its revisions to indicate that in phased construction projects, Vermont's most stringent emission rate (MSER) control technology review will be done prior to each phase.

Page 9-5 of the narrative submitted on November 21, 1979 states that a MSER reassessment must be made prior to the construction of each phase for which MSER applies. Further, the narrative states, "It is the State's intention to identify at the time a permit is issued which phases of phased projects will be required to undergo this MSER reassessment prior to construction". This amendment satisfies the federal requirement.

6. Air Quality Models

On pages 9-9 and 9-10 of the narrative submitted on November 21, 1979, Vermont has indicated that EPA models would be used to "screen" sources that may cause a violation of an air quality standard or significantly impact a nonattainment area. If either situation is indicated, a more refined analysis may be adopted. The narrative, however, has retained the reference to a Northeast States for Coordinated Air Use Management (NESCAUM) memorandum for determining PSD increment consumption which specifies the use of modeling techniques which have not been approved by EPA. The NESCAUM proposal is discussed more fully in the NPR (44 FR 40085).

In the cover letter accompanying the March 21, 1979 submittal, Governor Snelling committed the state to the use of EPA-approved models. EPA is therefore disapproving the portion of the revision narrative from the first full paragraph on page 9-11 through the top four lines of page 9-12 which include the NESCAUM proposal, and is relying on the Governor's commitment to use EPA-approved models.

7. Increment Tracking

On September 25, 1979 EPA wrote to the state requesting that Vermont clarify whether tracking of PSD increment consumption will be modeled or monitored.

Toward complying with this request, page 9-13A of the November 21 submittal states, "It should be noted that tracking of PSD increment consumption will be accomplished through the use of models. The State reserves the right to adjust increment consumption on an areawide basis if monitoring indicates that predicted consumption shown by modeling of projected area growth is not consistent with actual growth occurring. This monitoring check on area source growth can only be performed in areas which are routinely monitored for the State air program. Monitoring will not be used to check increment consumption by specific point sources". This clarification is consistent with EPA policy.

8. Area and Minor Source Growth

Vermont agreed to recommit to periodic assessments to be performed no less frequently than every five years commencing in 1982.

On page 9-13 of the narrative submitted on November 21, 1979 the following appears: " * * * the State will periodically assess the effect on increment consumption caused by changes in area source emission categories and non-major point sources

occurring within each PSD area. This area source assessment will be performed only in those PSD areas for which a baseline has been determined and will first be done in August, 1982, subsequent assessments done every five (5) years from the date." This amendment satisfies the federal requirement.

9. Monitoring

As explained in the NPR, Vermont agreed to clarify its narrative to explain that the state intended to use ambient monitoring to define background concentration when the NAAQS rather than the PSD increments were the limiting constraint. Page 9-13A of the November 21 narrative explains how tracking of PSD increment consumption would be modeled not monitored as has been discussed and satisfies the federal requirement.

In the NPR, EPA also recommended that ambient monitoring be required in unclassified areas and where sources have the potential to significantly impact nonattainment areas. Pages 9-12 and 9-13 of the November 21 narrative explain that monitoring will be required in high population density areas and in municipalities adjacent to non-attainment areas. The only pollutant for which Vermont has unclassified areas in ozone. By letter of December 19, 1979, Vermont indicated that under the authority of regulation 5-405 ambient ozone monitoring would be required of any major VOC source locating in an unclassified area.

Lastly, in the NPR, EPA recommended that the state commit to following the monitoring procedures specified in 40 CFR Part 58, Appendices B, C and E. On pages 9-12 and 9-13 of the narrative, Vermont states that it will recommend the above mentioned procedures to sources seeking PSD permits. The narrative further explains how monitoring will be used to establish background concentration at the time of the first application for a new or modified major source in a PSD area. The SIP narrative also states that all Vermont sources which commenced construction prior to January 6, 1975, are already in operation; therefore, the air quality monitoring data collected at the time of the first PSD application need not be adjusted to take into account any delayed operation of major point sources. The state will then use this monitored background concentration together with modeled increment consumptions to determine a 1977 baseline concentration.

10. Class I Additional Impacts

Vermont agreed to include the

impacts on any Class I areas from any proposed major source or modification in the public notice issued on a project.

On page 9-2 of the narrative submitted on November 21, 1979, the following appears " * * * the public notice of proposed Agency action will include a description of the impacts on both Class I and Class II increments resulting from approval of the new major source." This amendment satisfies the federal requirement.

11. Notification

Vermont agreed to revise the narrative of its revisions to specify that the public notice will be sent to Federal Land Managers (FLM) as well as affected land use planning agencies, local and county officials, and adjacent states. Vermont also agreed that it would consider the FLM's comments regarding the air quality impact of proposed sources.

Page 9-2 of the narrative submitted on November 21, 1979 specifies that the notice shall be sent to agencies, FLMs, officials, and states. Page 9-3 specifically states that a FLM's comments regarding air quality impacts on Class I areas within his jurisdiction would be considered in issuing the final order. These amendments satisfy the federal requirement.

Action: EPA is approving Vermont's program to review new and modified major stationary sources in attainment areas except two portions of the plan. EPA is disapproving the SIP revision narrative from the first full paragraph on page 9-11 through the top four lines of page 9-12 referencing the NESCAUM proposal, and regulation 5-501(3)—Default permits.

The Agency finds that good cause exists for making this action effective upon the Administrator's signature because implementation plan revisions are already in effect under state law and EPA approval imposes no additional regulatory burden.

Under Executive Order 12044 EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized." I have reviewed this regulation and determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

This rulemaking action is issued under the authority of Section 110 of the Clean Air Act, as amended.

Dated: January 25, 1980.

Barbara Blum,
Acting Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Subpart UU—Vermont

Title 40, Part 52 of the Code of Federal Regulations is amended as follows:

1. In § 52.2370, paragraph (c) is amended by adding paragraph (9) as follows:

§ 52.2370 Identification of plan.

(c) * * *

(9) Plans to meet various requirements of the Clean Air Act, including Part C, were submitted on March 21 and November 21, 1979. Included in these revisions is a program for the review of construction and operation of new and modified major stationary sources of pollution in attainment areas.

2. Section 52.2380 is revised to read as follows:

§ 52.2380 Significant deterioration of air quality.

The program to review the construction and operation of new and modified major stationary sources in attainment areas is approved as meeting the requirements of Part C, except regulation 5-501(3) entitled "Default permits", and a portion of the SIP revision narrative from the first full paragraph on pages 9-11 through the first four lines of pages 9-12 inclusive, both of which were submitted on March 21, 1979 and which are disapproved.

[FR Doc. 80-2932 Filed 1-29-80; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 52

[FRL 1402-2]

Approval and Promulgation of Implementation Plans; Maine Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rulemaking.

SUMMARY: The purpose of this Notice is to approve the State Implementation Plan (SIP) revisions for Maine which were received by the Environmental Protection Agency (EPA) on May 1, 1979, October 26, 1979 and December 20, 1979 pertaining to a program to review new and modified major stationary sources in attainment areas. These plan revisions were prepared by the state, in part, to meet the requirements of Part C (Prevention of Significant Deterioration of Air Quality) (PSD) of the Clean Air Act (the Act). On August 1, 1979 (44 FR 45210), EPA published a Notice of

Proposed Rulemaking (NPR) which described these revisions and requested public comment. No comment was received on the PSD portion of the revisions.

EPA is approving the program to review the construction and operation of new and modified major stationary sources in attainment areas. A subsequent notice will discuss the rest of the revisions.

EFFECTIVE DATE: January 25, 1980.

FOR FURTHER INFORMATION CONTACT: Frank J. Ciavattieri, Chief, Air Branch, Environmental Protection Agency, Region I, JFK Federal Building, Room 1903, Boston, Massachusetts 02203, (617) 223-6883.

SUPPLEMENTARY INFORMATION: Part C and Section 110(a)(2)(D) of the Act establish limitations on the deterioration of air quality in those parts of the Nation where the air quality is better than required by National Ambient Air Quality Standards (NAAQS).

The amount of deterioration permitted is quantified by a table of air quality increments which appears in Section 163 of the Act. In effect, increments represent the amount of pollution that can be tolerated by an area without significantly deteriorating its clean air status.

A principal means of protecting the increments is the review and regulation of new growth. EPA has been operating a federal permit system designed to protect the increments. Regulations under which the Agency is operating are found at 40 CFR § 52.21 as published June 19, 1978 (43 FR 26388 to 26410). Regulations specifying requirements for approvable state plans are found at 40 CFR § 51.24 as published June 19, 1978 (43 FR 26380 to 26388).¹

In the NPR, EPA proposed approval of the PSD program based on changes to be made to the narrative and certain regulations. Maine has made the necessary changes. With today's rulemaking approving Maine's program, the review of new and modified major stationary sources in attainment areas becomes the state's responsibility.

The Maine regulations pertaining to PSD are found in regulations 100, "Definition Regulation"; 108, "Emission License Regulation"; 110, "Ambient Air Quality Standards"; 113, "Growth Offset Regulation"; and 114, "Classification of

¹ EPA is amending the PSD regulations in response to *Alabama Power Company et al., v. Costle*, D.C. Cir., No. 78-1006 (December 14, 1979). Maine has committed to revise its regulations to conform to the amended PSD regulations within nine months of their publication in the Federal Register.

Air Quality Control Regions". In addition, certain narrative portions of the SIP revisions explain these regulations. EPA compared the Maine regulations with the requirements of 40 CFR 51.24 and, except where noted, has determined that the Maine plan meets these requirements.

In response to the NPR, the Maine Board of Environmental Protection adopted both narrative and regulatory changes.

They include:

1. *Area redesignation.*—The May 1, 1979 submittal did not contain all the requirements specified in 40 CFR 51.24(g) (2) and (3) for redesignation to Class III or Class I areas. The NPR noted that EPA retains the right to approve state redesignation requests, but in order to do so the state must submit requests in accordance with the procedures specified in 40 CFR Section 52.21(g).

Maine amended Chapter 6.1 of the narrative portion of the revisions to state that redesignation requests would be submitted in accordance with the requirements of Section 164 of the Act including appropriate notice, local consultation, and public hearing.

2. *Modifications.*—The control technology requirements of the May 1 revisions applied to any modification. The definitional provisions of that plan failed to make clear whether a modification was a net increase of potential emissions or instead any increase ignoring any accompanying emission reductions.

Chapter 6.1 of the narrative portion of the SIP was amended to explain that major modifications will include those modifications to the facility which result in a potential increase in emissions regardless of concurrent reductions occurring elsewhere at the source. The narrative states that reconstructed facilities will be regulated in a manner consistent with EPA's PSD requirements. Specifically, Maine has stated that reconstructed facilities whose cost exceeds 50% of the capital cost of a comparable new facility will be considered a new facility which, upon exceeding the prescribed emission threshold for PSD, will be subject to the best available control technology (BACT) requirement.

3. *Phased construction.*—The May 1 revisions did not provide for BACT review of phased construction sources prior to each phase. In the revised Chapter 6.1 of the SIP narrative, Maine states that construction projects will be reviewed at the time of expiration of the two year emissions license to determine that future phases continue to use air

pollution control technology representing BACT at that time and that the use of available increment will not be reserved for any source beyond the two year licensing period (except in those cases where construction of the affected source will exceed the two year limitation.) EPA's corresponding time limitation of 18 months does not represent a significantly more stringent requirement than the two year limitation contained in the Maine plan.

4. *Exemptions.*—The May 1 revisions exempted sources of temporary particulate emissions from consuming PSD increment. The revised SIP narrative now explains that such emissions must not, however, exceed the allowable PSD increment. Secondly, the Maine plan exempts modified sources with net allowable increased emissions under 50 tons per year from impact analysis provided such sources do not impact Class I areas. EPA requires a zero net increase in emissions for this exemption but feels that this minor deviation is acceptable. Finally, the May 1 revisions did not have as a prerequisite to air impact exemptions a requirement of no Class I impact. Revised regulation 108.3(E) does not permit any air impact exemptions if a source's emissions will or can reasonably be expected to impact a Class I area. These satisfy the proposed conditions in the NPR.

5. *Accumulated emissions.*—The May revisions did not define a starting time from which emissions would be accumulated in order to define a modification. The amended narrative provides that whenever several minor modifications to a facility result in an aggregate increase in potential emissions in excess of the amount defined as a major modification, the total accumulated increase in emissions will be considered as resulting from a major modification and that all emission increases not included in "baseline concentration" will be used in calculating the total accumulated emission increases.

6. *Modeled emissions.*—The May revisions did not specify, but the state agreed prior to publication of the NPR, that all modeled emissions will be based on maximum allowable emissions at maximum rated capacity unless otherwise constrained by permit conditions. In the revised narrative portion of the SIP, Maine specifies that all estimates of ambient air impact shall be based upon models, methods and requirements as specified in EPA's Guidelines on Air Quality Models. This procedure also appears in regulation 108, thus satisfying EPA's requirements.

7. *Air quality models.*—The May revisions did not contain all the EPA requirements specified in 40 CFR 51.24(m) for use of EPA models and use of alternative modeling procedures. The plan allowed the State Commissioner to approve the use of alternative models (regulation 108.3(A)(3)). Under 40 CFR 51.24(m)(iv), the Administrator of EPA retains this right.

Maine's amended regulation 108.3(A) includes a provision for state approval of the use of alternative models. The amended SIP narrative (Chapter 6.1) states that requests for use of alternative models will be submitted to EPA for approval, and that the Commissioner of the Department of Environmental Protection (DEP) will abide by EPA's determination. On the basis of these commitments, EPA is approving the state regulation.

8. *Monitoring and additional impact analysis.*—Whereas EPA requires these analyses of all new and modified major sources, regulation 108.3(c) of the May revisions required such analyses from "sources whose emissions may have significant impact on the maintenance of the state ambient air quality standards and applicable increments, or will impact a Class I area or will impact an area in which the applicable increment is known to be violated". EPA interprets the population of sources to which the Maine regulation applies to be more exclusive, and thus, as stated in the NPR, less stringent than the federal requirement. The state does not agree with EPA's interpretation but has made the required regulatory change by deleting the phrase the "maintenance of the state", thus assuring that all major sources with significant impacts will undergo the required technical analyses. In addition, regulation 108.3E was amended to provide that no exemptions from monitoring and additional impact analysis would be granted for any source whose emissions will or can reasonably be expected to impact a Class I area.

9. *Sources in Class I areas.*—The May revisions did not specifically provide that the state transmit to EPA a copy of every Class I permit application, or that the state notify EPA of every action related to the consideration of such permits. These actions will be accomplished through EPA reporting requirements specified in Section 105 air program grants. The plan did not provide a mechanism for Federal Land Manager notification and participation in the PSD process.

Chapter 6.0 of the SIP narrative, as amended, provides that whenever the DEP receives an application for any major emitting source or modification

whose emissions may reasonably be expected to impact any Federally mandated Class I area, the DEP will notify the appropriate Federal Land Manager and will disapprove the air emission license if the Federal Land Manager demonstrates to the satisfaction of the DEP that the emissions from the proposed source will have an adverse impact on air quality even if the Class I increment is not violated.

10. *Class I variances.*—The regulatory portion of the May revisions did not contain procedures for Class I variances. The narrative portion of the plan (Chapter 6.3) referenced Section 587 of the state air pollution control laws.

Section 587 as referenced in amended Chapter 6.1 has been revised to specify that sources may apply for a variance to Class I increments under the terms and conditions set forth in Section 165(d) of the Act.

11. *Public participation.*—The regulatory portion of the May revisions did not contain public participation requirements. The narrative portion referenced Department Regulations for Processing of Applications and Regulations for Hearings on Applications.

The amended narrative in Chapter 6 of the revisions contains additional public participation procedures. Also, the following procedures are described in the amended SIP narrative:

"After receiving a completed application, the Department will publish a 30-day advance notice of availability in a newspaper of general circulation in the area of the proposed source. This notice will indicate that any member of the public has a right to view the application, to receive a copy of the staff proposed Finding of Fact and Order and the right to request a public hearing. The notice of availability for any major emitting source will, in addition, be mailed to the Environmental Protection Agency, any affected Federal Land Manager, affected state and local governments, regional planning agencies and any affected Indian governing bodies.

"The staff, after consideration of public comments, shall draft a proposed order including the determination of impact on air quality (including increment consumption) at least one week prior to consideration of the license by the Board of Environmental Protection. Any member of the public may be present at the Board meeting when the application is considered. Any applicant or aggrieved member of the public may petition the Board for reconsideration of a decision, or request

a public hearing on the application. Public hearings on applications are discretionary with the Board."

In addition to the general notification, the agenda for the Board meeting will be published in the Department's publication, *EnviroNews*.

The DEP submitted a copy of its Administrative Procedures Act to EPA which provides regulatory authority for public participation requirements.

12. *Regulatory changes indicated in the NPR.*—EPA indicated that the plan satisfactorily met the PSD requirements with certain minor exceptions and proposed approval conditioned upon Maine's adoption of the following three regulatory changes:

a. Regulation 108.3(c)—The words "the maintenance of the State" were to be deleted, in order to clarify that Maine's air quality monitoring requirements would be consistent with EPA's.

b. Regulation 108.3(e)—These exemptions must not apply to sources impacting a Class I area.

c. Regulation 108.3(e)—The words "this subpart" would be replaced with "subpart C."

The above three regulation changes were adopted by the Maine Board of Environmental Protection on September 26, 1979.

Action:

EPA is approving the Maine PSD plan. To the extent that EPA's final PSD regulations are more stringent than the Maine PSD portion of the plan, the state will have nine months to submit revisions after EPA promulgates the final PSD regulations.

The Agency finds that good cause exists for making this action effective upon the Administrator's signature because implementation plan revisions are already in effect under state law and EPA approval imposes no additional regulatory burden.

Under Executive Order 12044 EPA is required to judge whether a regulation is "significant" and therefore subject to the procedural requirements of the Order or whether it may follow other specialized development procedures. EPA labels these other regulations "specialized". I have reviewed this regulation and determined that it is a specialized regulation not subject to the procedural requirements of Executive Order 12044.

This rulemaking action is issued under the authority of Section 110 of the Clean Air Act, as amended.

Dated: January 25, 1980.

Barbara Blum,
Acting Administrator.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Subpart U—Maine

Title 40, Part 52 of the code and Federal Regulations is amended as follows:

1. In § 52.1020, paragraph (c) is amended by adding sub-paragraph (10) as follows:

§ 52.1020 Identification of plan.

* * * * *

(c) * * *
(10) Plans to meet various requirements of the Clean Air Act, including Part C, were submitted on May 1, 1979, October 26, 1979 and December 20, 1979. Included in the revisions is a plan for review of construction and operation of new and modified major stationary sources of pollution in attainment areas.

2. Section 52.1029 is revised to read as follows:

§ 52.1029 Significant deterioration of air quality.

The program to review operation and construction of new and modified major stationary sources in attainment areas is approved as meeting the requirements of Part C.

[FR Doc. 80-2927 Filed 1-29-80; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 81

[FRL 1401-7]

Attainment Status Designations; Illinois

AGENCY: U.S. Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This rulemaking changes the attainment status relative to the national ambient air quality standards (NAAQS) for certain areas in Illinois. On July 2, 1979, a redesignation of certain of the areas was proposed in the *Federal Register* (44 FR 38587). The Notice of Proposed Rulemaking listing the redesignations contained tables with numerous errors, omissions and incorrect titles. A correction notice was published in the *Federal Register* September 20, 1979 (44 FR 54500), and a 30-day comment period was established.

EFFECTIVE DATE: February 29, 1980.

FOR FURTHER INFORMATION CONTACT:
Gary Gulezian, Acting Chief, Regulatory

Analysis Section, Air Programs Branch, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Illinois 60604, (312) 886-6053.

SUPPLEMENTARY INFORMATION: Pursuant to Section 107(d) of the Clean Air Act (Act) the State of Illinois designated areas within the State as either attainment or nonattainment for the National Ambient Air Quality Standards (NAAQS). The Administrator of the U.S. Environmental Protection Agency published notices of these designations in the *Federal Register* on March 3, 1978 (43 FR 8962) and October 5, 1978 (43 FR 45993). On July 2, 1979, at 44 FR 38587, in a Notice of Proposed Rulemaking, USEPA published charts representing changes in certain designations which changes Illinois had proposed in its April 3, 1979 State Implementation Plan revision request as it pertained to total suspended particulates (TSP), sulfur dioxide (SO₂), and ozone (O₃).

These charts included numerous typographical errors, omissions and incorrect titles. A correction notice was published in the *Federal Register* September 20, 1979 (44 FR 54500) and a 30-day comment period established.

Comments were received from the Illinois Environmental Protection Agency (IEPA) and from individual citizens.

The Illinois Environmental Protection Agency (IEPA) commented that several minor typographical errors and omissions occurred in the proposed Illinois designations for TSP. These errors and omissions are as follows:

(1) Bloomington Township in Air Quality Control Region (AQCR) 66 was left undesignated and Normal Township was designated as a nonattainment area for both the primary and secondary particulate standards. The charts for the Illinois proposed designation should have shown Bloomington Township as nonattainment for the secondary standards and Normal Township as nonattainment for only the secondary particulate standards.

(2) IEPA commented that the designations for Putnam County in AQCR 71; and Adams County and Menard County in AQCR 75 were omitted. The designations for these counties were omitted because the designations were unchanged from the October 5, 1978 *Federal Register* Notice which shows that Hennepin Township in Putnam County; Ellington, Melrose and Riverside Townships, in Adams County; and Petersburg East, Petersburg North and Petersburg South in Menard County are nonattainment for the secondary standards only.

(3) In the proposed Illinois

TSP designations for AQCR 73 Sycamore Township in DeKalb County was inadvertently omitted. Sycamore should have been listed as it was in the July 2, 1979 Federal Register (44 FR 38593) as nonattainment for the secondary standards only.

(4) The narration on page 54505 of the September 20, 1979 Federal Register incorrectly refers to Monroe County instead of Massac County. Massac County however, was correctly designated in the chart of the proposed Illinois SO2 designations appearing in the same notice.

USEPA has corrected in this Notice of Final Rulemaking the errors and omissions which were the subject of IEPA's comments.

IEPA also commented that it supported USEPA's proposed designation changes for Sangamon County and Massac County. In the July 2, 1979 Federal Register at 44 FR 38589 and 38597 USEPA proposed to redesignate Sangamon County as unclassified for TSP because of a lack of acceptable monitoring information, and to redesignate Massac County as unclassified for SO2 because the original nonattainment designation was not based on a reference or equivalent model according to USEPA modeling guidelines. The codified charts below reflect these redesignations.

The redesignation of Crawford County in AQCR 74 from unclassified to attainment for ozone is not reflected in the codified charts below because both of these designations are contained in the same column appearing at 40 CFR § 81.314 entitled "Illinois-Ox."

Several individuals commented that several areas previously designated as nonattainment for ozone should be redesignated as attainment because the monitoring data received showed no excursions of the relaxed standards for ozone (0.08 ppm oxidant [maximum hourly average] to 0.12 ppm ozone). These areas were not included in the Illinois April 3, 1979, request for revisions to the attainment status designations.

To have any designation amended, a person should submit a petition with supporting data and analysis to the State, with a copy to USEPA Region V. If the person is not satisfied with the State's response to the petition, he may then petition USEPA Region V to modify the current list.

The proposed changes which IEPA requested in the July 2, 1979 Federal Register (44 FR 38587) and the September 20, 1979 Federal Register (44 FR 54500) are effective (30 days after date of publication).

USEPA has determined that this document is not a significant regulation and does not require preparation of a regulatory analysis under Executive Order 12044 (43 FR 12661).

(Secs. 107(d), 171(2), 301(a) of the Clean Air Act, as amended (42 U.S.C. 7407(a), 7501(2), 7601(a)).)

Dated: January 25, 1980.

Barbara Blum,
Acting Administrator.

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

Part 81 of Chapter I, Title 40, Code of Federal Regulations is amended by designating certain areas in Illinois as follows:

Subpart C—Section 107 Attainment Status Designations

§ 81.314 Illinois

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Illinois TSP				
AQCR 65:				
Knox County:				
Galesburg.....	X	X		
Henderson.....	X	X		
All other twps.....		X		
Peoria County:				
Peoria.....	X	X		
Limestone.....	X	X		
Richwoods.....	X	X		
All other twps.....		X		
Tazewell County:				
Cincinnati.....	X	X		
Elm Grove.....	X	X		
Fondulac.....	X	X		
Groveland.....	X	X		
Pekin.....	X	X		
Washington.....	X	X		
All other twps.....		X		
Woodford:				
El Paso.....				X
Kansas.....				X
All other twps.....		X		
Fulton County:				
Hancock.....				X
Henderson.....				X
Mason.....				X
McDonough.....				X
Warren.....				X
AQCR 66:				
McLean County:				
Bloomington.....		X		
Normal.....		X		
All other twps.....				X
Coles County:				
Vermilion.....				X
Champaign.....				X
Clark.....				X
Cumberland.....				X
De Witt.....				X
Douglas.....				X
Edgar.....				X
Ford.....				X
Iroquois.....				X
Livingston.....				X
Moultrie.....				X
Piatt.....				X
Shelby.....				X
AQCR 67:				
Cook County:				
Hyde Park.....	X	X		
Jefferson.....	X	X		

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Illinois TSP				
Lake.....	X	X		
Lakeview.....	X	X		
North Town.....	X	X		
Rogers Park.....	X	X		
South Town.....	X	X		
West Town.....	X	X		
Berwyn.....	X	X		
Calumet.....	X	X		
Cicero.....	X	X		
Lyons.....	X	X		
Oak Park.....	X	X		
Palos.....	X	X		
Proviso.....	X	X		
Riverside.....	X	X		
South Stickney.....	X	X		
Stickney.....	X	X		
Thornton.....	X	X		
Worth.....	X	X		
Schaumburg.....				X
Barrington.....				X
New Trier.....				X
All other twps.....		X		
Du Page County:				
Addison.....	X	X		
Lisle.....	X	X		
York.....	X	X		
All other twps.....		X		
Kankakee County:				
Essex.....				X
Norton.....				X
Pilot.....				X
All other twps.....		X		
Kendall County:				
All twps.....		X		
Lake County: All twps.....				
All twps.....		X		
Will County:				
Chanahon.....		X		
Creta.....	X	X		
Du Page.....	X	X		
Florence.....		X		
Frankfort.....		X		
Green Garden.....		X		
Homer.....		X		
Jackson.....		X		
Joliet.....	X	X		
Lockport.....	X	X		
Manhattan.....		X		
Monroe.....		X		
New Lenox.....		X		
Peotone.....		X		
Plainfield.....		X		
Troy.....	X	X		
Wheatland.....		X		
Wilton.....		X		
All other twps.....				X
Grundy County:				
Aux Sable Twp.....			X	
Morris Twp.....			X	
All other twps.....				X
Kane County:				
Aurora.....		X		
Dundee.....		X		
Elgin.....		X		
All other twps.....				X
McHenry County:				
All other twps.....				X
AQCR 68:				
Jo Daviess County:				
Apple River.....	X	X		
Council Hill.....	X	X		
Derinda.....		X		
East Galena.....	X	X		
Elizabeth.....	X	X		
Guilford.....	X	X		
Hanover.....		X		
Menominee.....		X		
Pleasant Valley.....		X		
Rawlins.....	X	X		
Rice.....	X	X		
Rush.....		X		
Scales Mound.....	X	X		
Stockton.....		X		
Thompson.....	X	X		
Vinegar Hill.....		X		
Warren.....		X		
West Galena.....	X	X		

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Illinois TSP				
Woodbine.....	X	X		
All other twps...				X
AQCR 69:				
Henry County.....				X
Rock Island County:				
Blackhawk.....	X	X		
Hampton.....	X	X		
Moline.....	X	X		
Rock Island.....	X	X		
South Moline.....	X	X		
South Rock Island.....	X	X		
All other twps...				X
Whiteside County:				
Clyde.....		X		
Coloma.....		X		
Geneseé.....		X		
Hopkins.....		X		
Hume.....		X		
Jordan.....		X		
Lyndon.....		X		
Montgomery.....		X		
Mount Pleasant.....		X		
Prophetstown.....		X		
Sterling.....		X		
All other twps...				X
Carroll County.....				X
Mercer.....				X
AQCR 70:				
Monroe County:				
T.1.N.-R.10W.....	X	X		
T.1.N.-R.11W.....	X	X		
T.1.S.-R.10W.....	X	X		
T.1.S.-R.11W.....	X	X		
T.2.S.-R.10W.....	X	X		
T.2.S.-R.9W.....	X	X		
T.3.S.-R.7W.....	X	X		
T.3.S.-R.8W.....	X	X		
All other twps...				X
Madison County:				
Chouteau.....		X		
Godfrey.....		X		
All other twps...	X	X		
St. Clair County:				
All other twps...	X	X		
Bond County.....				X
Clinton.....				X
Randolph.....				X
Washington.....				X
AQCR 71:				
Bureau County:				
Berlin.....		X		
Bureau.....		X		
Concord.....		X		
Dover.....		X		
Greenville.....		X		
Lamolle.....		X		
Lee.....				X
Manlius.....		X		
Ohio.....		X		
Princeton.....		X		
Selby.....		X		
Walnut.....		X		
Wyanet.....		X		
All other twps...				X
LaSalle County:				
Deer Park.....		X		
Dimmick.....		X		
LaSalle.....	X	X		
Ottawa.....		X		
Peru.....		X		
Utica.....		X		
Walsham.....		X		
All other twps...				X
Lee County.....				X
Putnam County:				
Hennepin Twp.....		X		
All other twps...				X
Marshall County.....				X
Stark County.....				X
AQCR 72:				
Massac County:				
T.15S.-R.4E.....		X		
T.16S.-R.4E.....		X		

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Illinois TSP				
All other twps...				X
Pope County:				
All twps.....				X
Alexander County.....				X
Johnson County.....				X
Pulaski County.....				X
Union County.....				X
AQCR 73:				
DeKalb County:				
Afton.....		X		
Clinton.....		X		
Cortland.....		X		
De Kalb.....		X		
Malta.....		X		
Mayfield.....		X		
Milan.....		X		
Paw Paw.....		X		
Pierce.....		X		
Shabbona.....		X		
Somonauk.....		X		
South Grove.....		X		
Squaw Grove.....		X		
Sycamore.....		X		
Victor.....		X		
All other twps...				X
Stephenson County:				
County.....				X
Winnebago.....				X
Rockford County:				
County.....		X		
All other twps...				X
Boone County.....				X
Ogle.....				X
AQCR 74:				
Jefferson County:				
Dodds.....		X		
Field.....		X		
McClellan.....		X		
Mount Vernon.....		X		
Rome.....		X		
Shiloh.....		X		
All other twps...				X
Williamson County:				
West Marion.....		X		
All other twps...				X
Clay County.....				X
Crawford.....				X
Edwards.....				X
Effingham.....				X
Fayette.....				X
Franklin.....				X
Gallatin.....				X
Hamilton.....				X
Hardin.....				X
Jackson.....				X
Jasper.....				X
Lawrence.....				X
Marion.....				X
Perry.....				X
Richland.....				X
Saline.....				X
Wabash.....				X
Wayne.....				X
White.....				X
AQCR 75:				
Adams County:				
Ellington Twp.....		X		
Melrose.....		X		
Riverside.....		X		
All other twps...				X
Macon County:				
Decatur.....	X	X		
Hickory Point.....		X		
All other twps...				X
Menard County:				
Petersburg.....				X
East Twp.....		X		
Petersburg.....				X
North.....		X		
Petersburg.....				X
South.....		X		
All other twps...				X
Sangamon County:				
County: All townships.....				X
Brown County.....				X
Calhoun.....				X
Cass.....				X
Christian.....				X

Designated area	Does not meet primary standards	Does not meet secondary standards	Cannot be classified	Better than national standards
Illinois TSP				
Greene.....				X
Jersey.....				X
Logan.....				X
Marcoupin.....				X
Montgomery.....				X
Morgan.....				X
Pike.....				X
Schuyler.....				X
Scott.....				X
Illinois SO₂				
AQCR 65:				
Peoria County:				
Hollis Twp.....	X	X		
Limestone.....	X	X		
Logan.....	X			
Medina.....				X
Peoria.....	X			
Kickapoo.....				X
Richwoods.....				X
All other twps...				X
Tazewell County:				
Cincinnati Twp.....	X	X		
Elmgrove.....		X		
Groveland.....	X			
Pekin.....	X			
All other twps...				X
AQCR 72:				
Massac County:				
T.15S.-R.6E.....		X		
T.16S.-R.6E.....		X		
T.17S.-R.6E.....		X		
All other twps...	X	X		
Designated areas				
Illinois O₃				
AQCR 66:				
Champaign County.....				
				X
McLean.....				
				X
AQCR 69:				
Rock Island County.....				
				X
AQCR 73:				
Winnebago County.....				
				X
AQCR 75:				
Macon County.....				
				X

[FR Doc. 80-2973 Filed 1-29-80; 8:45 am]

BILLING CODE 6560-01-M

**GENERAL SERVICES
ADMINISTRATION**

41 CFR Part 101-36

[FPMR Amdt. F-39]

**Implementation of Federal Information
Processing and Federal
Telecommunication Standards Into
Solicitation Documents; Annual
Validation of Compilers**

AGENCY: General Services
Administration.

ACTION: Final rule.

SUMMARY: A proposal was published in the Federal Register of August 7, 1979 (44 FR 46305), to amend FPMR 101-36.1305-1 by specifying that the Federal Compiler Testing Center (FCTC) validate all COBOL compilers annually that are offered or used by vendors in response to Federal agency requests.

Interested persons were given until October 9, 1979, to file written comments regarding the proposal. The only response received recommended two changes: That annual validations of compilers be limited to those in which errors have been identified in the previous validation or in which functional changes involving standard language have been made; and that the Government bear its share of the validation expense. This response was not accepted because continuing maintenance involves more time and effort than the initial design of the product, and annual validations ensure that changes are not inadvertently introduced that could cause errors when maintenance is performed on the compiler and on other related software. Because the vendor receives the Validation Summary Report that may be used as a part of marketing strategy, it is reasonable to have the vendor pay for validation. Accordingly, the proposed amendment is hereby adopted without change and is set forth below. The intent of this amendment is to reduce or eliminate the need for separate validations associated with individual agency procurements.

EFFECTIVE DATE: January 30, 1980.

FOR FURTHER INFORMATION CONTACT: L. Perlman, Procurement Policy and Regulations Branch, Policy and Evaluation Division, Office of Policy and Planning (202-566-0834).

SUPPLEMENTARY INFORMATION: The General Services Administration has determined that this regulation will not impose unnecessary burdens on the economy or on individuals and,

therefore, is not significant for the purposes of Executive Order 12044.

Section 101-36.1305-1 is amended by adding a new paragraph (c)(3), by revising and renumbering current paragraphs (c)(3) through (c)(7), and by revising paragraph (i) of the clause prescribed in paragraph (d) as follows:

§ 101-36.1305-1 FIPS PUB 21-1, Federal Standard COBOL.

(c) * * *
(c) Validations will be conducted annually for each requesting vendor as specified in the official Compiler Validation Procedures prepared by the Federal Compiler Testing Center (FCTC). (Recertification of a previous annual validation may be substituted if no errors were identified during that previous annual validation and if no changes have been made to the compiler, its supporting system software, or the CCVS in the interim.) This annual validation process is intended to reduce or eliminate the need for separate validations associated with individual agency procurements.

(4) Requests for and questions on validations should be sent to:

General Services Administration (CFT)
Federal Compiler Testing Center
Suite 1100, 5203 Leesburg Pike
Falls Church, VA 22041

(5) When a request for validation service requires that compiler testing be performed, the requester is responsible for providing the necessary test facilities.

(6) In response to a request for validation service, the FCTC will conduct a validation test using the CCVS and will provide a Validation Summary Report (VSR) summarizing the test results.

(7) Validation is performed on a cost-reimbursable basis. The FCTC will send the requester an estimate of validation costs for approval before beginning the validation process.

(8) Unresolved questions and/or any ambiguities that arise during compiler testing and are identified by the FCTC or by the requester shall be referred to the National Bureau of Standards in accordance with FIPS PUB 29.

(d) * * *
Validation of COBOL Compilers
* * * * *

(i) Certify in the proposal that all COBOL compilers offered in response to this

solicitation have been submitted for validation as set forth in FPMR 101-36.1305-1(c) or have been previously validated and are listed in the latest FCTC Certified Compiler List. Proof of submission for validation must be provided in the form of a letter from the FCTC containing identification of the compiler and scheduled date of validation. Proof of current validation must be provided upon agency request in the form of a Certificate of Validation from the FCTC.

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

Dated: January 11, 1980.

R. G. Freeman III,
Administrator of General Services.

[FR Doc. 80-2903 Filed 1-29-80; 8:45 am]

BILLING CODE 6820-25-M

**INTERSTATE COMMERCE
COMMISSION**

49 CFR Part 1033

[S.O. 1249-A]

**Octoraro Railway, Inc., Authorized To
Operate Over Portion of USRA Line
No. 142, Former Octoraro Branch of
Penn Central Transportation Co.**

AGENCY: Interstate Commerce
Commission.

ACTION: Service Order No. 1249-A.

SUMMARY: Service Order No. 1249-A vacates Corrected Service Order No. 1249, which authorizes the Octoraro Railway, Inc., to operate over a portion of USRA Line No. 142, formerly the Octoraro Branch of the Penn Central Transportation Company. The Commission's decision in Finance Docket No. 28334 granted the Octoraro Railway, Inc., the authority to operate permanently over this line. Since an emergency no longer exists, Corrected Service Order No. 1249 is vacated.

EFFECTIVE DATE: Effective 11:59 p.m., January 25, 1980.

FOR FURTHER INFORMATION CONTACT:

J. Kenneth Carter, (202) 275-7840.

Decided: January 22, 1980.

Upon further consideration of Corrected Service Order No. 1249 (41 FR 34607, 50448; 42 FR 25325, 59386; 43 FR 26311, 59074; 44 FR 36185), and good cause appearing therefor:

It is ordered:

§ 1033.1249 Octoraro Railway, Inc., authorized to operate over portion of USRA Line No. 142, former Octoraro branch of Penn Central Transportation Co.

Corrected Service Order No. 1249 is vacated effective 11:59 p.m., January 25, 1980.

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

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission, at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

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

Agatha L. Mergenovich,
Secretary.

[FR Doc. 80-2948 Filed 1-29-80; 8:45 am]

BILLING CODE 7035-01-M

It is ordered,

§ 1033.1305 Distribution of freight cars.

Service Order No. 1305 is vacated effective 11:59 p.m., January 25, 1980.

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

This order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

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

Agatha L. Mergenovich,
Secretary.

[FR Doc. 80-2947 Filed 1-29-80; 8:45 am]

BILLING CODE 7035-01-M

49 CFR Part 1033

[Service Order No. 1305-A]

Distribution of Freight Cars

AGENCY: Interstate Commerce Commission.

ACTION: Service Order No. 1305-A.

SUMMARY: Service Order No. 1305-A vacates Second Revised Service Order No. 1305, which authorized the Union Pacific Railroad Company (UP) and The Atchison, Topeka and Santa Fe Railway Company (ATSF) to substitute two mechanical refrigerator cars for each large boxcar ordered. A review of the order revealed that UP was not making use of the order and ATSF could use another order to accomplish the same thing. Since an emergency no longer exists, Service Order No. 1305 is vacated.

EFFECTIVE DATE: Effective 11:59 p.m., January 25, 1980.

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

Decided January 22, 1980.

Upon further consideration of Second Revised Service Order No. 1305 (43 FR 60276, 9606, 16739, 21336, 51024 and 60276), and good cause appearing therefor:

Proposed Rules

Federal Register

Vol. 45, No. 21

Wednesday, January 30, 1980

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.

PRESIDENT'S COMMISSION FOR THE STUDY OF ETHICAL PROBLEMS IN MEDICINE AND BIOMEDICAL AND BEHAVIORAL RESEARCH

1 CFR Part 482

Privacy Act of 1974; Proposed Regulations for Implementation

AGENCY: President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research.

ACTION: Proposed rule.

SUMMARY: The following proposed regulations drafted in accordance with section (f) of 5 U.S.C. 552a, the Privacy Act of 1974, are hereby offered for public comment. The purposes of these regulations are to establish procedures by which an individual can determine if the Commission maintains a system of records which included a record pertaining to that individual and also to establish procedures for individual access to the records for purposes of review, amendment and/or correction.

DATE: Comments are due on or before March 1, 1980.

ADDRESS: Send comments to the Executive Director, President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research, 2000 K Street, NW., Suite 555, Washington, D.C. 20006.

FOR FURTHER INFORMATION CONTACT: Mary Ann Orlando, (202) 653-8051.

Signed this 22nd day of January 1980.

Barbara Mishkin,
Acting Director.

It is proposed to add the following Part 482 to Title 1 of the CFR.

PART 482—PRIVACY ACT IMPLEMENTATION

Sec.

482.1 Purpose and scope.

482.1 Definitions.

482.3 Procedures for requests pertaining to individual records in a records system.

Sec.

482.4 Times, places, and requirements for the identification of the individual making a request.

482.5 Disclosure of requested information to the individual.

482.6 Request for correction or amendment to the record.

482.7 Agency review of request for correction or amendment of the record.

482.8 Appeal of an initial adverse agency determination on correction or amendment of the record.

482.9 Disclosure of record to a person other than the individual to whom the record pertains.

482.10 Fees.

Authority: 5 U.S.C. 552a; Pub. L. 93-579

§ 482.1 Purpose and scope.

The purposes of these regulations are to:

(a) Establish a procedure by which an individual can determine if the President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research, hereafter known as the Commission, maintains a system of records which includes a record pertaining to the individual; and

(b) Establish a procedure by which an individual can gain access to a record pertaining to him or her for the purpose of review, amendment and/or correction.

§ 482.2 Definitions.

For the purpose of these regulations—

(a) The term "individual" means a citizen of the United States or an alien lawfully admitted for permanent residence;

(b) The term "maintain" includes maintain, collect, use or disseminate;

(c) The term "record" means any item, collection or grouping of information about an individual that is maintained by the Commission, including, but not limited to, his or her employment history, payroll information, and financial transactions and that contains his or her name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as social security number.

(d) The term "system of records" means a group of any records under control of the Commission from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual; and

(e) The term "routine use" means, with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected.

§ 482.3 Procedures for requests pertaining to individual records in a records system.

An individual shall submit a request to the Deputy Director/Executive Officer to determine if a system of records named by the individual contains a record pertaining to the individual. The individual shall submit a request to the Executive Director of the Commission which states the individual's desire to review his or her record.

§ 482.4 Times, places, and requirements for the identification of the individual making a request.

An individual making a request to the Deputy Director/Executive Officer of the Commission pursuant to Section 482.3 shall present the request at the Commission offices, 2000 K Street, NW., Suite 555, Washington, D.C. 20006, on any business day between the hours of 9 a.m. and 5:30 p.m. The individual submitting the request should present himself or herself at the Commission offices with a form of identification which will permit the Commission to verify that the individual is the same individual as contained in the record requested.

§ 482.5 Disclosure of requested information to the individual.

Upon verification of identity the Commission shall disclose to the individual the information contained in the record which pertains to that individual.

§ 482.6 Request for correction or amendment to the record.

The individual should submit a request to the Deputy Director/Executive Officer which states the individual's desire to correct or to amend his or her record. This request is to be made in accord with provisions of § 482.4.

§ 482.7 Agency review of request for correction or amendment of the record.

Within ten working days of the receipt of the request to correct or to amend the record, the Deputy Director/Executive Officer will acknowledge in writing such receipt and promptly either—

(a) Make any correction or amendment of any portion thereof which the individual believes is not accurate, relevant, timely, or complete; or

(b) Inform the individual of his or her refusal to correct or to amend the record in accordance with the request, and the procedures established by the Commission of the individual to request a review of that refusal.

§ 482.8 Appeal of an initial adverse agency determination on correction or amendment of the record.

An individual who disagrees with the refusal of the Deputy Director/Executive Officer to correct or to amend his or her record may submit a request for a review of such refusal to the Executive Director, President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research, 2000 K Street, NW., Suite 555, Washington, D.C. 20006. The Executive Director, not later than thirty working days from the date on which the individual requests such review, will complete such review and make final determination unless, for good cause shown, the Executive Director extends such thirty day period. If, after his or her review, the Executive Director also refuses to correct or to amend the record in accordance with the request, the individual may file with the Commission a concise statement setting forth the reasons for his or her disagreement with the refusal of the Commission and may seek judicial review of the Executive Director's determination under 5 U.S.C. 552a(g)(1)(A).

§ 482.9 Disclosure of record to a person other than the individual to whom the record pertains.

The Commission will not disclose a record to any individual other than the individual to whom the record pertains without receiving the prior written consent of the individual to whom the record pertains, unless the disclosure has been listed as a "routine use" in the Commission's notices of its systems of records, or falls within one of the special disclosure situations listed in the Privacy Act of 1974 (5 U.S.C. 552a(b)).

§ 482.10 Fees.

If an individual requests copies of his or her record, he or she shall be charged ten cents per page, excluding the cost of any search for review of the record, in advance of receipt of the pages.

[FR Doc. 80-2981 Filed 1-29-80; 8:45 am]

BILLING CODE 6820-AV-M

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

7 CFR Part 1941

Operating Loan Policies, Procedures, and Authorizations

AGENCY: Farmers Home Administration, USDA.

ACTION: Proposed rule.

SUMMARY: The Farmers Home Administration (FmHA) proposes to amend its regulations to emphasize and encourage operating loan assistance to eligible limited resource applicants to operate small farm enterprises in Alabama, Florida, Georgia, Louisiana, Mississippi, Missouri, and South Carolina through December 31, 1981. FmHA wants to study and evaluate the overall impact such assistance has on stabilizing the financial position of small farm operators. The intended effect of this action is to clarify the eligibility requirements for limited resource loans to operators of very small farm enterprises in the above-mentioned States. This action results from recent emphasis on assistance to small farm operators by Secretary Bergland and the Administrator, FmHA.

DATES: Comments must be received on or before March 31, 1980.

ADDRESSES: Submit written comments in duplicate to the Office of the Chief, Directives Management Branch Farmers Home Administration, U.S. Department of Agriculture, Room 6346, Washington, D.C. 20250. All written comments made pursuant to this notice will be available for public inspection at the address given above.

FOR FURTHER INFORMATION CONTACT: Leroy Jones USDA, FmHA, Washington, D.C. 20250 (202) 447-4669.

SUPPLEMENTARY INFORMATION: FmHA proposes to add Exhibit B to Subpart A of Part 1941, Chapter XVIII, Title 7, Code of Federal Regulations to clarify the eligibility requirements for limited resource loans to operators of very small farm enterprises. This Exhibit will supplement the existing individual operating loan eligibility requirements concerning farm training, income, and the size of operation as they relate to limited resource operators of small farm enterprises in the seven states listed above. Section 1941.4(g) of Subpart A of Part 1941 will be amended to refer to the added Exhibit B.

The above-mentioned states were selected since special complementary assistance to very small farm operators is available in those states. The complimentary agencies will provide the

necessary training for these small farm operators to be successful in the states.

As proposed, Subpart A of Part 1941 is amended as follows:

Table of Sections (Amended)

1. In the Table of Sections following "Exhibit A", add "Exhibit B—Small Farm Enterprises.

(Note.—Exhibit B applies only in AL, FL, GA, LA, MS, MO and SC.)"

§ 1941.4 [Amended]

2. In § 1941.4(g) add the following as the end of the paragraph: "(For limited resource loans to applicants with small farm enterprises in AL, FL, GA, LA, MS, MO and SC, refer to Exhibit B of this Subpart.)"

3. Exhibit B is added and reads as follows

Exhibit B—Small Farm Enterprises

Individual Limited Resource Loans for Small Farm Enterprises in Alabama, Florida, Georgia, Louisiana, Mississippi, Missouri, and South Carolina.

I. General

The Farmers Home Administration (FmHA) wants to emphasize and encourage operating loan assistance to eligible limited resource applicants who operate small farm enterprises in these states through December 31, 1981, and wants to study and evaluate the overall impact such assistance has on stabilizing the financial position of small farm operators. Some limited resource applicants have very little farm experience or training and may operate or propose to operate very small farm enterprises with annual gross farm incomes as low as \$3,000. This Exhibit supplements the existing individual operating loan eligibility requirements concerning farm training, income, and the size of operation as they relate to limited resource operators of small farm enterprises.

II. Eligibility

A. A limited resource applicant who operates or will operate a small farm enterprise must meet all operating loan requirements. However, whether or not an applicant meets these requirements must be evaluated in relation to the size of the applicant's farming operation. An applicant with a small farm enterprise will not need as much training or experience or income as applicants with other farming enterprises.

B. A limited resource applicant operating a small farm enterprise can meet the eligibility requirement relating to training in §1941.12 (a) (3) of this Subpart if the applicant is a member of a responsible sponsoring organization and has successfully completed a minimum of 240 hours of formal training on the enterprise(s) that will be financed. The applicant must also receive at least two years of intensive on-the-job training and management assistance for the small farm enterprise(s) that will be financed from a qualified advisor of the sponsoring organization. An advisor must have a degree

in agriculture or equivalent experience managing the same type of enterprise that will be financed. Before loan approval, the County Supervisor will obtain a letter from the sponsoring organization certifying that its advisor or another similarly qualified advisor such as an extension agent will provide the required training and management assistance.

III. Income

The total income of the applicant at time of application will not exceed the U.S. Bureau of the Census, Current Population Reports, Non-metropolitan Median Family Income for the state.

IV. Small Farm Requirement

§ 1941.4(g) of this Subpart states that a limited resource applicant may operate a small farm. A small farm is described as marginal family farm. Such a farm must meet the definitions of "family farm" and "farm" found in § 1941.4(d) and § 1941.4(e) of this Subpart, and must have planned annual gross farm income of at least \$3,000. A marginal family farm is usually one which is at the very lowest acreage and income level in the area but which still qualifies as a family farm. (7 U.S.C. 1989; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23, delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70)

This document has been reviewed in accordance with FmHA Instruction 1901-G, "Environmental Impact Statements." It is the determination of FmHA that this action does not constitute a major Federal action significantly affecting the quality of the human environment an inaccordance with the National Environment Policy Act of 1969, Public Law 91-190, and Environmental Impact Statement is not required.

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

Dated: January 21, 1980.

Gordon Cavanaugh,
Administrator, Farmers Home
Administration.

[FR Doc. 80-2952 Filed 1-29-80; 8:45 am]

BILLING CODE 3410-07-M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50

Domestic Licensing of Production and Utilization Facilities; Operational Data Gathering

AGENCY: U.S. Nuclear Regulatory
Commission.

ACTION: Advance notice of proposed
rulemaking.

SUMMARY: The U.S. Nuclear Regulatory Commission is considering amending its regulations to require that participation in the Nuclear Plant Reliability Data System (NPRDS) be made mandatory for power reactor licensees. The NPRDS, currently a voluntary reporting system, is described in American National Standards Institute (ANSI) Standard N524-1976 (N18-20), "Nuclear Plant Reliability Data Collection and Reporting System,"¹ and was developed under the aegis of the American National Standards Institute with the participation of industry, the Government and the public.

This advance notice of proposed rulemaking is being issued to invite advice and recommendations on several questions to help the NRC decide whether or not participation in NPRDS should be made mandatory. The accident at Three Mile Island and reports on the accident have pointed to the need for additional data for operational safety reasons. Therefore, it is the Commission's intent to make participation in the NPRDS mandatory unless comments received provide sufficient reasons to the contrary. However, the proposal contained in this notice may change in light of comments received.

DATES: The comment period expires
March 31, 1980.

ADDRESSES: Interested persons are invited to submit written comments and suggestions to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Copies of comments received by the Commission may be examined in the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C. Comments may also be delivered to Room 1121, between 8:15 a.m. and 5:00 p.m.

FOR FURTHER INFORMATION CONTACT:
M. S. Medeiros, Jr., Office of Standards
Development, U.S. Nuclear Regulatory

¹ Copies may be obtained from the American Nuclear Society, 555 North Kensington Avenue, LaGrange Park, Illinois 60525.

Commission, Washington, D.C. 20555 or
telephone (301) 443-5913.

SUPPLEMENTARY INFORMATION:

Historical Background

The Nuclear Plant Reliability Data System (NPRDS) is an industry effort under the overall guidance of the American National Standards Institute (ANSI) and its N18-20 Subcommittee. The NPRDS started to accept data in July 1974 after completing a pilot program involving six plants. The NPRDS contains both an engineering data base and a failure-reporting data bank, for most commercial nuclear power plants, covering systems and components designated Safety Class 1 and Safety Class 2 by ANSI standards ANS 52.1/N212 (Boiling Water Reactor Nuclear Safety Criteria Standard),¹ ANS 51.1/N18.2 (Pressurized Water Reactor Nuclear Safety Criteria Standard),¹ and N213 (Gas Cooled Reactor Nuclear Safety Criteria Standard)¹ and designated Safety Class 1E by IEEE standard 380-1975 (Definition of Terms used in IEEE Standards on Nuclear Power Generating Stations);² six early plants are not included because they differ from later generation plants. An NPRDS Reporting Procedures Manual³ provides detailed guidance for data reporting. Since reporting started in July 1974, more than 7,000 component failure reports have been issued, nearly 2,000 of them in 1978. Full participation in the NPRDS by a utility operating a nuclear power plant requires a one-time initial effort to record engineering data describing Safety Classes 1, 2, and 1E systems and components that will be used as a population base, and requires completing failure reports as failures occur. In a typical nuclear power plant, there are dozens of Safety Classes 1, 2, and 1E systems containing thousands of components. In a paper presented at the 1979 Annual NPRDS Workshop, Mr. Rawley D. Johnson of the Southwest Research Institute (SwRI) states that, based on experience to date, 1.5 to 2.5 man-years of effort at an estimated cost of \$75,000 to \$200,000 must be expended to record this one-time engineering data. In addition, SwRI states that the ongoing failure reporting can cost up to \$50,000 per power plant annually for full participation and complete reporting.

Except for the six early-design operating plants, all utilities operating nuclear power plants are invited to

² Copies may be obtained from the Institute of Electrical and Electronics Engineers, 345 East 47th Street, New York, New York 10017.

³ Reporting Procedures Manual for the Nuclear Plant Reliability Data System available from Southwest Research Institute, San Antonio, Texas 78284.

participate in the reliability data system. Currently, utilities operating 60 of 62 presently eligible plants are participating in the reliability data system; two utilities have declined to participate. However, of the 60 participating plants, many have limited their participation. For example, while some utilities have completed their engineering data, many have not put forth meaningful efforts. Furthermore, in reviewing the utilities' failure reports, many examples of poor and incomplete reporting have been found as noted in a recent General Accounting Office (GAO) report.⁴

On April 29, 1977, the National Energy Plan was published recommending that the NRC make mandatory the present voluntary [NPRDS] reporting of minor mishaps and component failures at operating nuclear power plants. The plan suggested that mandatory participation would enable industry and the NRC to develop a more reliable data base needed to improve reactor design, construction and operating practice. NPRDS stated goals are to improve system reliability and increase the hours power plants are available; improve system designs; optimize surveillance and test schedules; identify failure trends and wear-out patterns; reduce power plant licensing times; and improve maintenance and spare parts management.

In working toward implementing the National Energy Plan recommendation, several issues have arisen which center around one of the Commission's own data reporting systems, the Licensee Event Reports (LERs),⁵ and how the LER and NPRDS systems should be structured to complement each other and avoid duplication. Furthermore, staff efforts have been guided by the basic requirement that data gathering must be shown to be necessary, not merely useful or interesting. To date, action aimed toward implementing the

National Energy Plan recommendation has not progressed significantly beyond addressing these fundamental concerns.

Coincident with NRC NPRDS activities, the General Accounting Office (GAO) has been reviewing NRC data-gathering activities concerning unscheduled events at commercial nuclear facilities. In a report⁴ issued in late January 1979, the GAO concluded that it was unlikely the NRC could justify mandatory NPRDS participation when factors such as additional industry costs, limited expected safety benefits, and duplication of NRC's LER system were considered. However, the GAO believed that a full examination of the issue was warranted and suggested that the issue be decided using rulemaking procedures. The GAO concluded that rulemaking would provide the nuclear industry and the public, as well as the NRC staff, the opportunity to get their views on record and would better insure that all of these views are properly considered by the NRC. GAO believed this to be particularly important since the GAO believes the reliability data system has been developed and operated primarily by industry for industry's benefit. In a May 1979 response to the GAO report, the Commission concurred with the GAO recommendation to obtain industry and public comments to help the NRC formulate a definitive position.

Subsequent to the GAO Report, the accident at Three Mile Island occurred. The October 1979, Report of the President's Commission on the Accident at Three Mile Island recommended that there be a program for the systematic assessment of experience in operating reactors, with special emphasis on discovering patterns in abnormal occurrences. The report recommended that an overall quality assurance measurement and reporting system based on this systematic assessment be developed. Similarly, the October 1979, TMI-2 Lessons Learned Task Force Final Report, NUREG-0585, recommended that an integrated NRC-utility program to evaluate operating experience be established. This report further noted that the NRC had recently established the Office for Analysis and Evaluation of Operational Data to provide agency-wide coordination and an overview of all operational data analysis-related activities performed within the NRC. In addition, the Special Review Group of the NRC's Office of Inspection and Enforcement (NUREG-0616, December 1979) felt that mandatory participation in NPRDS would provide a more comprehensive and complete data base for evaluating

reliability and for early identification of failure trends. Based on these reports, it is the Commission's intent to make participation in the NPRDS mandatory, unless comments received provide sufficient reasons to the contrary.

This advance notice of proposed rulemaking is being published to obtain advice from industry and the public, on whether the Commission should initiate a rulemaking proceeding to require mandatory participation in the NPRDS.

In addition to the customary Federal Register notice, the Office of Standards Development is making a direct mailing to affected licensees and other known interested parties to ensure that they are aware of this advance notice of proposed rulemaking.

Summary of Features Being Considered for Proposed Rule

The Commission is considering initiating rulemaking that would have the following features:

1. The NRC would require each licensee operating a nuclear power plant to prepare a list of systems and components defining the scope of NPRDS reporting for its nuclear power plant.
2. The NRC would refer the licensee to the latest revision of Chapter 4 of ANSI N18-20 Reporting Procedures Manual for the Nuclear Plant Reliability Data System (Manual), prepared by Southwest Research Institute, for guidance in developing the system and component scope list. The NRC estimates that at least 3500 components would comprise an appropriate scope with comparable reporting for plants of similar type and vintage. The NRC would not accept as being responsive the present lack of uniformity among utilities concerning reportable scope. For example, for 11 selected BWR plants reporting voluntarily, reportable scope varies between 1500 components at one extreme to 4600 components at the other extreme.
3. The NRC would require each applicable licensee (see 1) to submit its scope list to the Director, Office of Nuclear Reactor Regulation (NRR), for approval.
4. The NRC would require each applicable licensee (see 1) to file Reports of Engineering Data, as described in Chapter 9 of the Manual, within approximately one year after notification of NRR approval of the scope list.
5. From the date the scope list is submitted to NRR for approval, the NRC would require each applicable licensee to file, within approximately one month of a failure, Reports of Failure as described in Chapter 11 of the Manual.

⁴GAO report EMD-79-16, Reporting Unscheduled Events at Commercial Nuclear Facilities; Opportunities to Improve Nuclear Regulatory Commission Oversight, available from U.S. General Accounting Office, 441 G Street, NW., Washington, D.C. 20548.

⁵Described in NRC Regulatory Guide 1.16, Reporting of Operating Information—Appendix A Technical Specifications, and NUREG-0161, Instructions for Preparing Licensee Event Reports, available from the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. The LER system was developed to provide a centralized source of information concerning incidents occurring at nuclear power plants. These incidents, termed Reportable Occurrences, must be reported to the NRC as required by technical specifications accompanying a station license. For additional pertinent information, see a recent report from the Advisory Committee on Reactor Safeguards to the Commission, "Review of Licensee Event Reports (1976-1978)," NUREG-0572, September 1979.

6. The NRC would request that the NPRDS Manual be upgraded to establish a standard reportable scope and instructions for consistent reporting or would otherwise establish such standardization.

7. The NRC would require the utilities to participate meaningfully. Based on public response to questions which follow concerning industry, public and NRC end use of NPRDS data, adequacy of utility participation will be judged. From the hundreds of component problems that occur each year at each power plant, the NRC would decide which ones were sufficiently important to safety or availability to cause an NPRDS failure report to be written.

8. The NRC would consider reducing LER reporting by eliminating the requirement for LER reports for most component failures or malfunctions covered by the NPRDS; the NRC would consider requiring equipment LERs only for those component failures or malfunctions that are of major safety significance (i.e., those of the type presently identified in Regulatory Guide 1.16 under "Prompt Notification with Written Followup").

9. The NRC would consider restructuring LER reporting requirements to capture mainly incidents of major safety significance (i.e., those of the type presently identified in Regulatory Guide 1.16 under "Prompt Notification with Written Followup" and incidents concerning inadequate design and analysis, deficient operating procedures, and operator errors) not minor equipment failures or malfunctions. Thus, the LER system, which was not designed to produce reliability data, would no longer attempt to provide a basis for equipment reliability studies; the NPRDS, which is designed to produce such reliability data, would perform this service.

Specific Considerations

Advice and recommendations on a proposed rule reflecting the foregoing features and on any other points considered pertinent are invited from all interested persons. Comments and supporting reasons are particularly requested on the following questions:

1. How should NPRDS effort be apportioned between improving plant availability and improving plant safety? Where should the emphasis be?

2. How should NPRDS data be used by industry, the public and the NRC to achieve this emphasis? What other uses, if any, should be made of NPRDS data?

3. How should NPRDS data be gathered and analyzed to facilitate recommended uses?

4. Who should alert appropriate persons concerning problems uncovered from analysis of NPRDS data? Who should initiate design, maintenance, or operating improvements?

5. What systematic analysis is conducted currently by licensees and the public? To what extent and for what purpose should each licensee, the NRC and the public analyze data?

6. If NPRDS reporting is made mandatory, what form of NPRDS management (i.e. industry, NRC or joint industry/NRC) will best lead to fully responsive reporting and to meaningful analysis?

7. To what extent, if any, should the NRC manage NPRDS reporting and data analysis?

8. If NPRDS reporting is made mandatory, how should the NRC inspect and enforce mandatory licensee participation? Should licensees be subject to enforcement penalties for noncompliance with NPRDS requirements?

9. What improvements should be made to the NPRDS Manual or other guiding vehicle to enhance uniformity of reportable scope, completeness and accuracy of reporting, and usability of the data?

10. Any data-gathering system needs feedback to maintain and upgrade system capability in the face of changing events, methodological advances, and other factors. Feedback is particularly necessary to modify data-gathering activity upon which the whole analytical system rests. What feedback features, if any, should be addressed by rulemaking?

11. Should the NPRDS and LER systems be restructured to avoid overlapping data-gathering requirements or should present system formats be retained?

12. In the event you recommend eliminating duplication between LER and NPRDS reporting, how would you restructure each system's reporting requirements? Comment specifically on the idea expressed in summary paragraph 8. of limiting LER reporting to items of major safety significance. Should such restructuring be done simultaneously with making NPRDS reporting mandatory or should ongoing NPRDS and LER upgrading efforts continue separately?

13. Do you agree with the summary paragraph 2 estimate of a minimum of 3500 components as an appropriate scope? Assuming a reportable scope of 3500 components, how many NPRDS failure reports should be expected per month per operating plant?

14. Should the scope of systems and components presently summarized by

the NPRDS Manual be expanded or contracted and, if so, in what areas?

15. Do the costs of preparing and submitting failure reports differ between the LER and NPRDS systems? What do you estimate these costs to be?

16. Are the per-plant figures of \$75,000 to \$200,000 for one-time development of NPRDS engineering data and \$50,000 for annual NPRDS reporting considered valid or are these figures understated or overstated?

17. What alternatives to mandatory reporting would provide the data necessary for complete and accurate reliability analyses and at what level of assurance?

18. Do the benefits to the utility and the public of improved availability and increased reactor safety warrant the cost of NPRDS or is there a less costly way to realize equivalent benefits in regulatory action?

19. How should the NPRDS be funded? Should industry fund fully or should the NRC contribute funds to support the industry system?

20. Should the six early-design plants, excluded when the NPRDS commenced, continue to be excluded or should all plants be required to participate?

21. Certain operator errors must now be reported within the scope of the LER system. Furthermore, NPRDS reports sometimes include corresponding human error information. To what extent, if any, should an improved NPRDS collect man-machine interface data and perform reliability analyses which consider human factors.

Dated at Washington, D.C., this 23rd day of January 1980.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 80-2775 Filed 1-29-80; 8:45 am]

BILLING CODE 7590-01-M

NATIONAL CREDIT UNION ADMINISTRATION

12 CFR Parts 700, 701, 725, and 742

Special Share Accounts; Definition of Gross Income, Risk Assets, and Liquid Assets

AGENCY: National Credit Union Administration.

ACTION: Proposed Rules.

SUMMARY: These proposed rules would (1) permit federally chartered central credit unions which are Agent members of the National Credit Union Administration Central Liquidity Facility to require their member natural person credit unions to establish special

share accounts to "reimburse" the Agent member for amounts which it must pay for CLF stock or hold in "liquid assets" on behalf of each of its member credit unions as a condition of Agent membership in the Facility; (2) define the term "gross income" to exclude dividends received directly or indirectly from the Facility and interest received on loans that must be passed through to the Facility from amounts subject to reserve requirements imposed by NCUA; (3) amend the definition of the term "risk assets" to exclude amounts invested in capital stock of the Facility or in special share accounts; and (4) conform the permissible investments for the "on-call" portion of the CLF stock subscription to those qualifying as "liquid assets" under 12 CFR Part 742.

DATE: Comments must be received on or before March 30, 1980.

ADDRESS: Send comments to Robert S. Monheit, Senior Attorney, Office of General Counsel, National Credit Union Administration, 1776 G Street, NW, Washington, DC 20456.

FOR FURTHER INFORMATION CONTACT: Mark S. Medvin, Senior Attorney, Office of General Counsel, or Michael Fischer, Chief Accountant, Office of Examination and Insurance, National Credit Union Administration, 1776 G Street, NW, Washington, DC 20456. Telephone (202) 357-1030 (Mr. Medvin) or (202) 357-1065 (Mr. Fischer).

SUPPLEMENTARY INFORMATION: 1. Background. The National Credit Union Administration Central Liquidity Facility ("the Facility") is a corporation within the National Credit Union Administration established to improve financial stability by making loans to meet the liquidity needs of credit unions. The Facility, which began operations October 1, 1979, was established by the National Credit Union Central Liquidity Facility Act ("the Act"), Title XVIII of Pub. L. 95-630. Final regulations on Facility membership and lending were published on August 23, 1979 (44 FR 49431).

The Act provides for two types of membership in the Facility (12 U.S.C. 1795c). Regular membership, which gives direct access to Facility loans, is available only to credit unions which primarily serve natural persons (12 U.S.C. 1795c; 12 CFR 725.2(1), 725.3). Agent membership is available only to "central credit unions" (12 U.S.C. 1795c; 12 CFR 725.2(d),¹ 725.4), and all natural

person credit unions which are members of an Agent have access to Facility loans through the Agent.

Special Share Accounts

2. Purpose. In order for a central credit union or a group of central credit unions to become an Agent member of the Facility, it must, among other requirements, subscribe to capital stock of the Facility in an amount not less than—

"one-half of 1 per centum of the paid-in and unimpaired capital and surplus of all those credit unions which primarily serve natural persons, which are members of such credit union or of any credit union comprising such credit union group, and which are not regular members." (12 U.S.C. 1975c(b)(2); see also 12 CFR 725.4(b)(2)).

Thus, the amount of the stock subscription is based on the assets of *all* the central credit union's member natural person credit unions rather than of only those members which desire access to the Facility. At the present time, Federal centrals cannot *require* their members to "reimburse" the central for the cost of Facility stock attributable to each. This means that, if a member credit union of an Agent central refuses to voluntarily "reimburse" the Agent, the Agent central must cover the stock subscription payment attributable to that credit union out of other assets. If there are several such credit unions, or if the credit union refusing to reimburse has substantial assets, the central credit union would only be able to become an Agent member at the expense of using a substantial portion of its assets or might be prevented from becoming an Agent member at all.

The result is that the stock subscription provision frustrates the purpose of Title III (Central Liquidity Facility) of the Federal Credit Union Act because it enables a small number of credit unions to prevent their central from participating as an Agent of the Facility even though all other credit unions served by the central may desire to participate in CLF through the central.

Without some form of reimbursement, the stock subscription provision also limits the ability of the CLF to act in the role of lender of last resort. That is, to the extent that centrals are prevented from becoming Agent members, the CLF will be denied access to many natural person credit unions whose liquidity needs it was created to serve. Finally, even if centrals have sufficient assets to pay the stock subscription out of their own funds, this would reduce the

unions exceeds 50 percent of the total dollar amount of all shares and deposits plus loans. . . ."

amount of funds available to credit unions through the central system.

NCUA believes that it is not unreasonable to allow Agents to pass the financing of membership in the Facility through to the natural person credit unions which receive the benefits of the Agent's access to CLF (note that all loans by the Facility, whether direct or through an Agent, must be for the purpose of meeting liquidity needs of natural person credit unions, 12 U.S.C. 1795a(1)). When Facility membership costs are not passed through to an Agent's members, those members receive the benefits of CLF membership without providing any of the financing.

Based on these considerations, NCUA is proposing a regulation that would permit *federally chartered* central credit unions acting as Agents of the Facility to require their members to establish special share accounts and reimburse the Agent for Facility membership costs attributable to each such member (state chartered central credit unions must look to applicable state law to determine whether they are authorized to take similar action). This solution would eliminate the barrier to Agent membership in a manner consistent with the requirement that an Agent subscribe to Facility stock based on the assets of all its members, and at the same time would allow for the passing through of the costs of Facility membership to the credit unions which receive the benefits of such membership.

3. Regulatory Approach. In developing this proposed regulation on special share accounts, NCUA has attempted to respond to the problem posed by the requirement that Agents subscribe to Facility capital stock based on the assets of *all* their members without imposing an unnecessary burden on the Agents or on natural person credit unions.

The NCUA Board considered taking no action on this issue, thereby leaving the burden of meeting the Facility stock subscription totally on the Agent. This would have meant that an Agent would have to rely on its members to *voluntarily* keep funds in the Agent to reimburse it for the Facility stock subscription. That is a desirable approach in that no new regulations would be required, but it enables one or a few large credit unions to effectively prevent a central from becoming an Agent member, and is therefore unacceptable.

This proposed regulation does not require the establishment of special share accounts nor does it specify the amounts to be kept in such accounts; those decisions are left to each central credit union. The proposal merely

¹ 12 CFR 725.2(d): "Central credit union" means a Federal or state-chartered credit union primarily serving other credit unions. A credit union is primarily serving other credit unions when the total dollar amount of the shares and deposits received from other credit unions plus loans to other credit

authorizes the special share accounts and sets minimum standards so that the accounts are reasonable in amount and are used only for the purpose of supplying funds to the central credit union to enable it to become an Agent member of the Facility.

4. *Establishment of Requirement for Special Share Accounts.* Paragraph (a) of proposed § 725.7 permits Federal central credit unions which are Agents of the Facility to require their member natural person credit unions to maintain special share accounts in the central to reimburse it for the portion of the central's Facility stock subscription which is attributable to the paid-in and unimpaired capital and surplus of each such natural person credit union. This proposal would merely authorize Federal central credit unions which are Agents to establish a requirement of this type, rather than requiring such centrals to do so.

In order to establish a special share account requirement, the Board of the Federal central credit union would have to adopt a written resolution establishing the requirement in accordance with the Federal Credit Union Bylaws and Board of Directors' Manual. Members objecting to the requirement would have the right, as do all members of Federal credit unions, to request the President to call a special meeting (see Article V, Section 3 of the FCU Bylaws), for example, to discuss the merits of the requirement, or to request the Board to reconsider the matter, or to remove one or more Directors so that new Board members who would repeal the requirement could be elected (in accordance with FCU Bylaws and established policies), or for any other related reasons.

If the special share account requirement remains in effect, all members would be required to comply.² Failure to comply would constitute "good and sufficient cause" for expulsion from membership pursuant to Section 118 of the Federal Credit Union Act, if the other members were to

²Note that since all members must comply, care must be taken in the drafting of the requirement so that it does not require credit unions which are both members of the Agent and Regular members of the Facility to place any amounts in special share accounts, since the Regulation would limit these accounts to "reimbursement purposes" (see proposal 725.7(a), (b)). Suggested language for such a requirement, based on the regulation, is "Each member credit union is required to maintain a special share account in an amount to be specified by the Board of Directors, not to exceed the amount of XYZ Central Credit Union's Central Liquidity Facility stock subscription which is attributable to the capital and surplus of each member. Such a requirement would apply to all members, but a Regular member's special share account requirement would be zero.

choose to take such action. Of course, the other members could choose not to expel the recalcitrant members, with the result that the central credit union would have to cover its Facility stock subscription out of the central credit union's other assets.

5. *Amount of the Special Share Account.*—Paragraph (b) of proposed § 725.7 limits the amount which an Agent Federal central can require its member natural person credit unions to keep in the special share accounts to the amount of the Agent's stock subscription which is attributable to the capital and surplus of each such credit union. This represents the amount that the Agent will have to pay over to, or keep on call of, the Facility on behalf of each such credit union (note that, in the case of a member of an Agent which is also a Regular member, no part of the Agent's stock subscription is attributable to that credit union so that its special share account requirement would be zero).

Consideration was given to limiting the maximum amount of the special share account to the amount which the Agent must actually pay to the Facility (one-quarter of one percent of the paid-in and unimpaired capital and surplus, plus any part of the on-call portion of the stock subscription which is called), but since the Agent would have to maintain the on-call funds in specified assets and lose the free use of such funds regardless of whether those funds are actually called, NCUA is proposing to permit the Agent to require its members to reimburse it for the whole stock subscription amount.

Paragraph (b) of proposed § 725.7 also requires that the amount required by the Agent to be placed in a special share account be based on a uniform percentage of paid-in and unimpaired capital and surplus to conform to the formula used to determine Facility stock subscriptions and to insure that the reimbursement for the stock subscription is borne in an equitable manner.

It should be emphasized that an Agent may require less than one-half of 1 percent of paid-in and unimpaired capital and surplus to be placed in special share accounts; one-half of 1 percent is merely the maximum that can be required. The Agent may allow its members to maintain amounts in excess of that amount in the special share accounts as long as it does not require them to do so.

The proposal provides that dividends on special share accounts shall not exceed the rate paid by the Facility on its capital stock unless a higher rate is authorized by other paragraphs of § 701.35.

6. *Return of Amounts in Special Share Accounts.* When a natural person credit union which had been accessing the Facility through an Agent withdraws from membership in the Agent or becomes a Regular member of the Facility, paragraph (c) of proposed § 725.7 would require that all amounts in the special share account of that credit union be returned to the credit union. In the case where the credit union is switching to Regular membership, the Agent's Facility stock subscription would be adjusted immediately, but when the credit union is withdrawing from all Facility access, the Agent's stock subscription will not be adjusted for six or twenty-four months, as provided in 12 CFR 725.6(d)(2), leaving the Agent without reimbursement for that period of time.

Definition of "Risk Assets" and "Gross Income"

7. *Regulatory Approach.* In developing these regulations defining "gross income" and redefining "risk assets", the Administration intends to eliminate the applicability of current NCUA reserve requirements where these requirements serve little purpose as applied to Facility activity, and result in an increase in the cost of Facility membership or an increase in the cost of performing Facility functions.

NCUA was not required to change the applicability of these reserve requirements and considered the alternative of taking no action in this area. However, this would have increased the cost of Facility membership and of performing Facility activity while providing no real benefits to either NCUA or participating credit unions. Therefore, NCUA has chosen to eliminate the impact of these requirements in the most direct manner possible by providing exceptions to defined terms for certain Facility related activity.

8. *Gross Income: Interest on Facility Loans.* The lending relationship between the Facility and its Agent members is such that the Facility lends to the Agent and the Agent lends to its members. Thus, most of the interest received by the Agent on loans made for the Facility must be passed through to the Facility as interest on the Facility's loan to the Agent. NCUA feels that to consider the entire amount of interest received by the Agent on Facility loans as income to the Agent and subject to reserve requirements is to ignore the fact that the Agent is acting as a representative of the Facility in making liquidity loans available to natural person credit unions. To impose such reserve requirements would only act to increase

the effective cost of funds to the Agent in rendering to its members the services for which the Facility was created.

For these reasons, NCUA is proposing that only that amount by which the interest charged a member credit union by the Agent for a loan made for the Facility exceeds the amount of interest charged the Agent by the Facility be considered a part of gross income for purposes of computing transfers to reserves required by NCUA pursuant to Section 116 (federally chartered credit unions) and Section 201(b)(6) (state chartered, federally insured credit unions) of the Federal Credit Union Act. Note that, as regards state chartered, federally insured credit unions, this reserve exclusion would only apply to NCUA's reserve requirements and would have no impact on state-imposed reserve requirements.

To illustrate, if the Facility charges 10% on its loan to an Agent and the Agent charges 10.2% to relend those funds to a natural person credit union, only the amount of interest income representing the additional 0.2% on the interest rate would have to be considered a part of gross income for computing transfers to reserves. It should be noted that, if the Agent had made a six month loan at 10.2% which was not used as the basis for a Facility loan until three months later, all interest earned by the Agent on that loan during the three months it was held solely in the Agent's portfolio would be included in "gross income"; only the interest received after the Facility had made an advance to the Agent based on that loan would be subject to the exclusion.

9. Gross Income: Dividends on CLF Stock. To provide an additional incentive for participation in the Facility, NCUA is proposing that dividends received on Facility capital stock be excluded from a credit union's gross income for purposes of computing transfers to reserves required by NCUA pursuant to Sections 116 and 201(b)(6) of the FCU Act. This exclusion would apply to federally chartered credit unions and state chartered, federally insured credit unions which are Facility members, whether Regular or Agent. Moreover, the exclusion would apply to any dividends paid by an Agent on special share accounts (see previous discussion in this preamble, and proposed § 725.7), of its federally chartered and state-chartered, federally insured member natural person credit unions because the amounts in these accounts represent funds to reimburse the Agent for its Facility membership costs, and dividends paid thereon represent the "pass through" of Facility

dividends. Note that, with respect to state-chartered, federally insured credit unions, this reserve exclusion would only apply to NCUA's reserve requirements and would have no impact on state-imposed reserve requirements.

10. Risk Assets. The reserve levels that NCUA requires a Federal credit union to maintain are based on the credit union's amount of loans and risk assets. NCUA does not consider investments in Facility stock as risk assets because the Facility is an agency of the Federal government and the price of its stock is not subject to fluctuation (12 U.S.C. 1795d(c) provides that, upon withdrawal from Facility membership, the stock will be redeemed at the price originally paid). Therefore, the Administration is proposing that the definition of risk assets in 12 CFR 700.1(j) be amended to exclude investments in shares of the Facility.

Liquid Assets; On-Call Portion of CLF Stock Subscription

11. Regulatory Approach. In developing the proposed regulations amending the list of investments which qualify for the "on-call" portion of the CLF stock subscriptions and the definition of "liquid assets", NCUA has attempted to provide consistency between sections 725.5(c) and 742.2(a) in a manner which will simplify section 725.5 and at the same time eliminate any confusion as to the intended interplay between the two sections. This approach will also eliminate the need to amend both sections in the event that the NCUA Board approves other assets which qualify as liquid assets for NCUA's liquidity reserve regulation, 12 CFR Part 742.

12. Liquid Assets. NCUA is proposing that § 742.2, the definition of "liquid assets," be amended to clarify that the special share accounts which would be authorized by proposed § 725.7 would also qualify as "liquid assets" for purposes of the liquidity reserve regulation. Amounts in these accounts may already qualify as liquid assets as "share . . . accounts with remaining maturities of 1 year or less maintained in central credit unions" (12 CFR 742.2(a)(2)), but NCUA feels that it is desirable to specifically include these accounts in the definition of "liquid assets" to avoid any uncertainty. Since these accounts represent a "pass-through" of CLF stock subscription requirements, these special share accounts are analogous to investments in shares of the Central Liquidity Facility by Regular members; therefore, the proposal would amend paragraph 742.2(a)(5), which classified shares in the CLF as "liquid assets," to also

include amounts in special share accounts authorized by 725.7 as "liquid assets."

13. On-Call Portion of CLF Stock Subscription. NCUA proposes to amend § 725.5, which lists the permissible investments for the "on-call" portion of a member's stock subscription. The investment specified in § 725.5 are intended to correspond to the investments that qualify as "liquid assets" under NCUA's liquidity reserve regulation (12 CFR Part 742). However, § 725.5 was promulgated before Part 742 became final and, consequently, does not include certain investment permissible under the final version of Part 742, specifically, assets held in satisfaction of state-imposed liquidity requirements by federally-insured state chartered credit unions. To remedy this situation, and to ensure that any investments which NCUA may, in the future, classify as "liquid assets" for purposes of Part 742 (including special share accounts as proposed herein) also automatically qualify for the "on-call" portion of the CLF stock subscription, NCUA proposes to incorporate the § 742.2 definition of liquid assets into § 725.5.

Accordingly, the National Credit Union Administration proposes to amend Chapter 7 of Title 12 of the Code of Federal Regulations as set forth below.

Authority: 12 U.S.C. 1795c(b)(3); 12 U.S.C. 1795f(2); 12 U.S.C. 1762(b); 12 U.S.C. 1766(a); 12 U.S.C. 1781(b)(6); 12 U.S.C. 1789(a)(11).

Rosemary Brady,
Secretary to the Board.

January 25, 1980.

PART 725—NATIONAL CREDIT UNION ADMINISTRATION CENTRAL LIQUIDITY FACILITY

1. New § 725.7, as follows, is proposed to be added to Part 725:

§ 725.7 Special share accounts in agent members.

(a) An Agent member of the Facility may require its member natural person credit unions to establish and maintain special share accounts in the Agent member to reimburse it for the portion of the Agent's Facility stock subscription which is attributable to the paid-in and unimpaired capital and surplus of each such natural person credit union.

(b) The amount which the Agent member requires each member natural person credit union to maintain in such special share accounts shall be based on a uniform percentage of the paid-in and unimpaired capital and surplus of such credit unions, and shall not exceed the amount of the Agent's stock subscription

which is attributable to the capital and surplus of each such credit union. At the Agent member's option, it may permit member natural person credit unions to maintain amounts in such special share accounts in excess of the required amount.

(c) A natural person credit union that withdraws from membership in an Agent member or that becomes a Regular member of the Facility, shall be entitled to the return of all amounts in its special share account upon withdrawal from membership in the Agent or upon becoming a Regular member, as applicable.

PART 700—DEFINITIONS

§ 700.1 [Amended]

2. Section 700.1 would be amended by:

a. Adding new subparagraph (16) at the end of paragraph (j) as follows: "(16) Investments in shares of the National Credit Union Administration Central Liquidity Facility."; and

b. Adding a new paragraph (l) at the end thereof as follows: (1) For purposes of determining the amount required to be transferred to regular reserves under sections 116 and 201(b)(6) of the Federal Credit Union Act, "gross income" means the total of the operating income accounts reduced by the following:

(1) Dividends received on shares in the National Credit Union Administration Central Liquidity Facility;

(2) Dividends received by credit unions on special share accounts held in Agent members of the Central Liquidity Facility authorized by § 725.7 of this Chapter; and

(3) Interest received by an Agent member of the Central Liquidity Facility to the extent of interest paid to the Facility by the Agent member.

Non-operating gains and losses are not included in gross income.

PART 701—ORGANIZATION AND OPERATION OF FEDERAL CREDIT UNIONS

§ 701.35 [Amended]

3. Paragraph 701.35(g) would be amended by:

a. Striking "or" at the end of subparagraph (4);

b. Striking the period (".") at the end of subparagraph (5)(iii), and inserting ";" or" in its place; and

c. Adding new subparagraph (6), as follows, at the end thereof:

(6) In the case of special share accounts of credit unions held in Agent members of the Central Liquidity

Facility, authorized by § 725.7 of this Chapter, a rate not to exceed the rate paid by the Facility on its capital stock unless a higher rate is permitted by other paragraphs of this section.

PART 742—LIQUIDITY RESERVES

§ 742.2 [Amended]

4. Paragraph 742.2(a) would be amended by striking the semi-colon (";") at the end of paragraph (5), and inserting "or in special share accounts authorized by § 725.7 of this Chapter; and" in lieu thereof.

PART 725—NATIONAL CREDIT UNION ADMINISTRATION CENTRAL LIQUIDITY FACILITY

§ 725.5 [Amended]

5. Paragraph 725.5(c) would be amended by striking the colon (":") and paragraphs (1) through (5), and inserting "liquid assets as defined in § 742.2(a) of this Chapter." in lieu thereof.

[FR Doc. 80-2998 Filed 1-29-80; 8:45 am]

BILLING CODE 7535-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 35

[Docket Nos. RM79-79 and RM79-80]

Price Squeeze—Procedural and Substantive Rules; Extension of Comment Period

January 15, 1980.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Extension of Comment Period.

SUMMARY: The Federal Energy Regulatory Commission (Commission) is extending until February 15, 1980, the deadline for comments on its notices of proposed rulemakings relating to price squeeze in the electric industry.

DATES: Written comments by February 15, 1980.

ADDRESSES: Written comments should be filed with the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 and should reference Dockets Nos. RM79-79 and RM79-80.

FOR FURTHER INFORMATION CONTACT:

Angela Lancaster, Office of the Chairman, Federal Energy Regulatory Commission, Room 9000, 825 North Capitol Street NE., Washington, D.C. 20426 (202) 357-8333; or

Bonnie Cord, Office of the General Counsel, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, (202) 357-8170.

SUPPLEMENTARY INFORMATION: On November 19, 1978, the Commission issued companion notices of proposed rulemaking (Docket No. RM79-79, 44 FR 67154, November 23, 1979; Docket No. RM79-80, 44 FR 67158, November 23, 1979) proposing to adopt regulations governing Commission proceedings involving price squeeze in the electric utility industry. The Commission is hereby extending the deadline for the filing of written comments on matters contained in those notices to February 15, 1980.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-3073 Filed 1-29-80; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

20 CFR Part 416

Supplemental Security Income for the Aged, Blind, and Disabled; Evidence of Permanent Residence in the United States Under Color of Law

AGENCY: Social Security Administration, HEW.

ACTION: Withdrawal of notice of proposed rulemaking.

SUMMARY: We are withdrawing the proposed amendment to the regulations entitled "Evidence of Permanent Residence in the United States under Color of Law," which was published in the Federal Register of May 16, 1978 (43 FR 21012).

EFFECTIVE DATE: The withdrawal is effective January 30, 1980.

FOR FURTHER INFORMATION CONTACT: Dave Smith, Legal Assistant, Room 4234, West High Rise Bldg., 6401 Security Boulevard, Baltimore, Maryland 21235, telephone (301) 594-7336.

SUPPLEMENTARY INFORMATION: Notice of proposed rulemaking (NPRM) was published at 43 FR 21012 on May 16, 1978. Under current law, aliens permanently residing in the United States under "color of law" are eligible for SSI benefits. Current regulations do not define color of law by date of entry into the United States. The proposed regulations would have done this. The

primary intent of the change in the regulations was to lessen the hardship on some elderly aliens who had received assistance under the state welfare programs for the aged. In 1974 when the Supplemental Security Income (SSI) Program was implemented it federalized the old state programs of aid to the aged, blind and disabled. Some of the recipients of those state programs were subsequently found ineligible for SSI because they could not document their legal residence in this country. They were mostly elderly aliens who had lived in this country for many years. The intent of the regulations was to continue SSI assistance to this group of needy people. They would have provided that those aliens who have resided in the United States since before January 1, 1970 who are unable to provide the documentation required by current regulations but whose presence is made known to the Immigration and Naturalization Service would be considered permanently residing in the United States under "color of law".

After the publication of the NPRM we received 1,742 comments from the public and from members of Congress. Of the total number of comments from all sources, approximately 58 percent opposed the proposed regulations. Our proposal required residence before January 1, 1970, to conform with the President's proposed legislation that was submitted to the Congress in October 1977. Although the Congress did not enact the legislation they did address the question of immigration policy in Pub. L. 95-412, approved October 5, 1978, which established a Select Commission on Immigration and Refugee Policy. The Commission will make a comprehensive review of immigration law and policy and report its findings no later than September 30, 1980. We believe it would be better for us to defer consideration of any changes in our regulations until those findings are available.

Accordingly, the proposal published in the *Federal Register* at 43 FR 21012 on May 16, 1978, entitled "Evidenced of Permanent Residence in the United States under Color of Law," is hereby withdrawn.

Dated: December 20, 1979.

Stanford G. Ross,

Commissioner of Social Security.

Approved: January 24, 1980.

Patricia Roberts Harris,

Secretary of Health, Education, and Welfare.

[FR Doc. 80-2956 Filed 1-29-80; 8:45 am]

BILLING CODE 4110-07-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

Option To Capitalize or Deduct Intangible Drilling and Development Costs in the Case of Wells Drilled for any Geothermal Deposit

AGENCY: Internal Revenue Service, Treasury.

ACTION: Proposed rulemaking cross-reference to temporary regulations.

SUMMARY: In the rules and regulations portion of this *Federal Register*, the Internal Revenue Service is issuing temporary income tax regulations relating to the option to capitalize or deduct intangible drilling and development costs in the case of wells drilled for any geothermal deposit. The temporary regulations also serve as a notice of proposed rulemaking for final income tax regulations.

DATES: The temporary regulations are effective for taxable years ending on or after October 1, 1978, with respect to geothermal wells commenced on or after that date. The regulations are prescribed under a change to the applicable tax law made by the Energy Tax Act of 1978. The proposed regulations are to be effective for the same period. Written comments and requests for public hearing must be delivered or mailed by March 31, 1980.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T (LR-202-78), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: David B. Cubeta of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3926).

SUPPLEMENTARY INFORMATION: The temporary regulations in the rules and regulations portion of this issue of the *Federal Register* adds a new Part 5a to Title 26 of the Code of Federal Regulations. The final regulations which are proposed to be based on the temporary regulation would amend 26 CFR Part 1.

For the text of the temporary regulations, see FR Doc. 80-2944 (T.D. 7669) published in the rules and regulations portion of this issue of the *Federal Register*.

Jerome Kurtz,

Commissioner of Internal Revenue.

[FR Doc. 80-2945 Filed 1-29-80; 8:45 am]

BILLING CODE 4830-01-M

26 CFR Part 1

[LR-227-78]

Income Tax; Election in Certain Liquidations for Involuntary Conversion

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document provides proposed regulations relating to the election to extend the 12-month period for certain corporate liquidations where there is an involuntary conversion. Changes to the applicable law were made by the Act of November 10, 1978. The regulations would provide necessary guidance to the public as to the time and manner for making the election.

DATE: Written comments and requests for a public hearing must be delivered or mailed by March 31, 1980. The regulations would be effective for dispositions of involuntarily converted property occurring after November 10, 1978.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T, (LR-227-78) Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT: Lawrence M. Axelrod of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue, NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3458) (not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 337(e) of the Internal Revenue Code of 1954. These amendments are proposed to conform the regulations to section 4 of the Act of November 10, 1978 (92 Stat. 3628) and are to be issued under the authority contained in sections 337(e) and 7805 of the Internal Revenue Code of 1954 (92 Stat. 3628, 68A Stat. 917; 26 U.S.C. 337(e), 7805).

Under section 337(e) of the Code, a liquidating corporation that qualifies under section 337(a) may elect to treat the disposition of involuntarily converted property, that occurred within 60 days preceding the date a plan of liquidation is adopted, as a sale or exchange occurring within the 12-month period beginning on that date. If the election is made, no gain or loss from any involuntary conversion during the 60-day period is recognized. H.R. Rep.

No. 95-645, 95th Cong., 2d Sess. 7 (1978). Under section 337(e)(3), the Secretary is authorized to prescribe regulations specifying the time and manner in which the election is made.

Under § 1.337-6, a liquidating corporation to which section 337(a) applies must attach to its return certain statements relating to the liquidation and to the sale and retention of assets. The proposed regulations provide that a corporation may elect the application of section 337(e) by adding a sentence on a presently required statement expressly electing to apply section 337(e).

Comments and Requests for a Public Hearing

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably six copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the **Federal Register**.

Drafting Information

The principal author of this regulation is Lawrence M. Axelrod of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

Proposed Amendments to the Regulations

The proposed amendments to 26 CFR Part 1 are as follows:

§ 1.337 [Deleted]

Paragraph 1. Section 1.337 is deleted.

Par. 2. Section 1.337-6 is amended by:

1. Adding a new sentence at the end of paragraph (a)(2), and
2. Adding a new paragraph (c) immediately following paragraph (b).

These new provisions are as follows:

§ 1.337-6 Information to be filed.

(a) *Cases to which section 337(a) applies.* * * *

(2) * * * If a corporation elects to apply section 337(e), this statement must include a list of all property involuntarily converted during the 60-day period described in section 337(e)(2), the date or dates of any such conversion, and a sentence to the effect that the corporation elects the

application of section 337(e). See paragraph (c) of this section for the procedure for electing to apply section 337(e) to all property involuntarily converted during the 60-day period.

(c) *Election under section 337(e).*

Section 337(e) applies to a disposition of converted property (within the meaning of section 1033(a)(2)(E)(ii)) occurring after November 10, 1978, but only if a proper election is made. To make the election, a corporation must include a sentence on the statement required by paragraph (a)(2) of this section, with a timely filed original return, indicating that the corporation elects the application of section 337(e). Notwithstanding the requirement that the election be made with a timely filed original return, an election made under this paragraph, by a corporation that qualifies under section 337(a), will be valid if made on an amended return before March 31, 1980.

Jerome Kurtz,

Commissioner of Internal Revenue.

[FR Doc. 80-2946 Filed 1-29-80; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Chapter I

Vinson-Trammel Act; Excess Profits on Contracts for Naval Vessels or Military Aircraft; Announcement of Hearing

AGENCY: Office of the Secretary of Defense.

ACTION: Announcement of Hearings.

SUMMARY: In two Notices of proposed rulemaking published in the **Federal Register**, December 26, 1979 (44 FR 76303), the Department of Defense invited public comment on (a) proposed DoD regulations and reporting form relating to DoD's responsibilities under the Vinson-Trammell Act (10 U.S.C. §§ 2382, 7300 (hereafter "the Act")); and (b) DoD proposals (44 FR 76306) concerning the proposed regulations for implementing the Act that were published by the Internal Revenue Service in the **Federal Register**, October 26, 1979 (44 FR 61611). The Notices advised that hearings on these DoD proposals would be held in Washington, D.C. and four other cities on dates and places to be published later in the **Federal Register**. We now announce the date and place of hearings in Washington, D.C.

DATES: A hearing will be held on February 19, 1980 at 9:30 a.m. (local time). Requests to present oral views at that hearing must be received prior to February 13, 1980. Please refer to the previous Notices for procedural and other information concerning such hearings.

ADDRESSES: The hearing will be held in Room 3511, National Center Building No. 3, 2513 Jefferson Davis Highway, Arlington, VA 20362.

Send requests to present oral views to: Deputy Under Secretary of Defense (Acquisition Policy), Attention: CPF, Washington, D.C. 20301.

FOR FURTHER INFORMATION CONTACT: Major Grady Jacobs, USAF, Directorate of Contracts and Systems Acquisition (CPF), Office of the Deputy Under Secretary of Defense (Acquisition Policy), Pentagon Building, Room 3D116, Washington, D.C. 20301, telephone 202-697-8334 (not a toll-free call).

H. E. Lofdahl,

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

January 25, 1980.

[FR Doc. 80-2871 Filed 1-29-80; 8:45 am]

BILLING CODE 3810-70-M

POSTAL SERVICE

39 CFR Parts 310 and 320

Private Express Regulations; Extension of Comment Period

AGENCY: U.S. Postal Service.

ACTION: Extension of time for comment.

SUMMARY: This notice extends the time for filing comments on proposals to amend certain provisions of the regulations which relate to restrictions on the private carriage of letters.

DATE: Comments must be received on or before April 8, 1980.

ADDRESS: Written comments should be addressed or delivered to Law Department, U.S. Postal Service, 475 L'Enfant Plaza, West, S.W., Room 9107, Washington, DC 20260. Copies of all written comments received will be available for public inspection and photocopying between 9 a.m. and 4 p.m., at the same location.

FOR FURTHER INFORMATION CONTACT: Jerry Belenker, Law Department, U.S. Postal Service, 475 L'Enfant Plaza, West, S.W., Washington, DC 20260, (202) 245-4616.

SUPPLEMENTARY INFORMATION: On January 7, 1980, a document was published in the **Federal Register** (45 FR 1427) proposing certain amendments to

the Postal Service regulations which pertain to the administration of the Private Express Statutes. The amendments dealt primarily with the circumstances under which messages would be considered to be directed to specific persons or addresses, and the circumstances under which advertisements could be included in parcels delivered by private couriers. The document also elicited information from the public about the economic effects that would follow if the proposed amendments were adopted. Comments were requested on or before February 8, 1980.

In response to a number of requests for an extension of time within which to submit comments, and in order to facilitate maximum public participation in the rulemaking process, the Postal Service will accept written comments which are received on or before April 8, 1980.

(39 U.S.C. 401, 404, 601-606; 18 U.S.C. 1693-1699, 1724)

W. Allen Sanders,

Associate General Counsel.

[FR Doc. 80-2856 Filed 1-29-80; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 51 and 52

[FRL 1401-6]

Requirements for Preparation, Adoption and Submittal of Implementation Plans; Approval, and Promulgation of Implementation Plans

AGENCY: Environmental Protection Agency.

ACTION: Extension of comment period; request for comment on specific issues.

SUMMARY: EPA has proposed various amendments to its regulations concerning the review of new and modified sources of air pollution under the prevention of significant deterioration and nonattainment provisions of the Clean Air Act. See 44 FR 51924 (September 5, 1979). That proposal was in response to a preliminary decision of the United States Court of Appeals for the District of Columbia Circuit. Comments on the proposed regulations and on a relevant guideline document were solicited from the public; the comment periods have now closed. Since the promulgation of the proposal, EPA has met with representatives from state and local air pollution control agencies and with representatives from industry, at their request, to discuss the proposal. The

Court has now handed down its final opinion. In order to afford the public an opportunity to comment on the final court opinion and the several meetings held, EPA is extending the comment period for thirty days from the date this notice appears in the *Federal Register*. In addition, there are several specific issues on which the Agency solicits comment.

DATE: Comments are now due on or before February 29, 1980.

ADDRESS: Send comments (in triplicate, if possible) to Central Docket Section, (A-130), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, Attn: Docket No. A-79-35.

FOR FURTHER INFORMATION CONTACT: James Weigold, Standards Implementation Branch (MD-15), Office of Air Quality Planning and Standards, Research Triangle Park, N.C. 27711; 919-541-5292.

SUPPLEMENTARY INFORMATION:

A. Extension of the Comment Period

On June 18, 1979, the United States Court of Appeals for the District of Columbia Circuit issued a *per curiam* decision in the case of *Alabama Power Company v. Costle* regarding EPA's regulations for the prevention of significant deterioration (PSD), 40 CFR 51.24 and 52.21 (1978). In response to the Court ruling, on September 5, 1979, EPA proposed amendments to those regulations, and to regulations relating to the review of new sources and modifications in nonattainment areas to the extent that such regulations addressed similar issues. See 44 FR 51924. Public comment was solicited on the proposal; the final date for such comment was set at November 5, 1979. Information rebutting or supplementing any comments at the public hearings held in October 1979 could be submitted up until November 19, 1979. A guideline on how to conduct monitoring for PSD purposes was also released for public comment; that comment period closed on December 10, 1979.

Since the September 5 proposal, EPA has granted several requests for meeting from various individuals and groups to afford the requesters an opportunity to get clarification of the proposed regulations and to express their views on them. Four meetings were held. On October 30-31, EPA met with representatives of state and local air pollution control agencies in Atlanta, Georgia. On November 1, EPA met in Durham, North Carolina, with a group representing the Chemical Manufacturers Association. The following day, November 2, EPA met with a group representing the Portlant

Cement Association. Finally, on December 4, EPA participated in a discussion of the proposed regulations at a joint meeting of the State and Territorial Air Pollution Program Administrators and the Association of Local Air Pollution Control Officials in San Diego. A record of the proceedings was kept for each of these meetings, and has been included in the PSD rulemaking docket for public inspection.

On December 14, 1979, the Court handed down its final opinion in the *Alabama Power* case. EPA had previously received several requests to reopen the comment period after the issuance of the final opinion. EPA had also been requested to provide more time for comment on the PSD monitoring guideline. In order to provide an opportunity for public comment on the court decision as it related to the September 5 proposal, the several meetings described above, and the monitoring guidelines, the comment period is hereby reopened until February 29, 1980.

B. Comment on Specific Issues

There are several specific issues on which the Agency seeks comment during this extended comment period. Certain issues are prompted by the Court's final opinion, while others are the result of further Agency reflection on the September 5 proposal. EPA recognizes that some commenters have already focused on some of these issues. Those commenters need not and should not repeat these comments.

1. The 50-Ton Exemption

Section 165(b) of the Clean Air Act, 42 U.S.C. 7475(b), provides an exemption from portions of the PSD review requirements for certain modifications to sources in existence on August 7, 1977. In September, EPA proposed a provision which it intended would embody that exemption. See 44 FR 51949-50, 51954 (subsection (k)(2)). In its final opinion in *Alabama Power*, the Court suggested that EPA had authority to conform the eligibility date of Section 165(b) to the effective date of the PSD regulations. See slip opinion, at 34 n. 79 (Opinion by Judge Leventhal). As a result, EPA is considering changing the eligibility date to March 1, 1978. The agency therefore solicits comment on whether it should alter the eligibility date and whether March 1, 1978, is an appropriate choice.

2. Contemporaneous

Whether a change at an existing source would require a PSD permit depends under the September 5 proposal on whether it would amount to a "major

modification." See 44 FR 51953. That in turn depends in part on whether any "contemporaneous" reductions in emissions would offset sufficiently any increases in emissions that would result from the change. See *id.* at 51934-35. In the September 5 proposal, EPA proposed to offset an otherwise creditable reduction regardless of how much time had passed between the reduction and the increase in emissions. See *id.* at 51935. EPA is considering whether to set a limit on how much time could pass before a reduction would no longer be "contemporaneous." One alternative is to specify that no emission reductions which occurred more than three years before the date an application was complete may offset the increase that would result from the change proposed in the application. EPA requests comments on whether it should set a time limit on what is "contemporaneous" and on whether the 3 year alternative is appropriate.

3. Proximity and Ownership

In September, EPA proposed in effect to define "stationary source" for PSD purposes as "any grouping of pollutant-emitting activities which are located on one or more contiguous or adjacent properties and which are owned or operated by the same person (or by persons under common control)." 44 FR 51948, 51952 (emphasis added). See also *id.* at 51931-32. Obviously, that definition, like the definition of the term in the existing regulations, would make proximity and control the key factors in deciding whether to combine a particular activity with other ones for applicability purposes. EPA intends to use those factors in a reasonable way. For example, it does not intend to treat a pipeline that stretches across many states as a single "stationary source." The agency solicits comment on the use of proximity and control as the sole factors in grouping pollutant-emitting activities. In particular, it asks for comment on whether additional factors, such as the functional relationship of one activity to another, should be used. The agency also asks for concrete and specific examples of cases where a literal application of the proposed definition would be unreasonable.

4. Geographic Applicability

Among the amendments to the PSD regulations which EPA proposed in September was a provision that would set the geographic applicability of the PSD permit requirements. See 44 FR 51949 (§ 51.24(i)(2)); *id.* at 51953-54 (§ 52-21(i)(8)). In essence, the provision would state that those requirements apply to any major stationary source or

major modification that either (1) would be located in an area designated under Section 107 of the Act, 42 U.S.C. 7407, as attainment or unclassifiable for a pollutant for which the source or modification would be major or (2) would significantly affect an area in another state designated under Section 107 as attainment or unclassifiable for a pollutant for which the source or modification would be major.

EPA intends to delete the second element of that provisions, which focuses on interstate impacts, since that element is now inconsistent with the Court's final interpretation of the Act. See slip opinion, at 49-59 (Opinion of Judge Leventhal). The agency solicits comment on that intention.

The Court decision has also prompted EPA to reevaluate the first element of the provision. That element would exempt from PSD review any source or modification that would emit in major amounts only a pollutant or pollutants for which the area had been designated nonattainment. An example is a source that would emit only minor amounts of sulfur dioxide and major amounts of particulate matter and would locate in an area designated attainment for sulfur dioxide and nonattainment for particulate matter. Another example is a source that would emit only major amounts of particulate matter (and no sulfur dioxide) and would locate in an area designated attainment for sulfur dioxide and nonattainment for particulate matter.

EPA solicits comment on whether the Act requires a change in the first element of the provision. Specifically, should it have the exclusionary effect described above? If not, what reformulation would be appropriate? In addition, EPA requests comment on whether the Act supports the application of PSD review to any source or modification which would emit only non-criteria (non-NAAQS) pollutants in major amounts. For example, should a major source that would emit only hydrogen sulfide be subject to PSD?

5. Baseline Area and Pollutant-Specific Baseline Date

In its September 5 proposal, the agency stated that baseline area would be defined on the basis of air quality control regions (AQCRs). See 44 FR 51941. It also stated that, when the first major source or modification applied for a PSD permit in a portion of an AQCR designated as attainment or unclassifiable under Section 107(d), it would establish the baseline date for both particulate matter and sulfur dioxide in all parts of the AQCR

designated attainment or unclassifiable for those pollutants.

Based on the Court's opinion and reconsideration within the agency, the agency is considering two changes to its September 5 proposal. First, the agency is contemplating defining baseline area as any area designated attainment or unclassifiable under Section 107(d). The first application by a major source or modification in a designated clean area would trigger the baseline date only for that designated area and not for the entire AQCR. If the designated area included the entire AQCR or was bigger than an AQCR, the baseline date would be set for the entire designated area. EPA requests comment on whether the first application should trigger the baseline only in the area where the source would locate or in all attainment or unclassifiable areas that the source would impact.

In conjunction with this change, EPA is considering whether and to what extent States should be permitted to redefine the boundaries of areas designated attainment or unclassifiable. Redesignation would allow States to take one or more large designated clean areas and divide them into several smaller designated areas. Under the system suggested today, a major source locating or modifying in one of the designated areas would trigger a baseline date only for that area, and not for adjacent attainment or unclassifiable areas. EPA solicits comment both on whether the baseline area should be defined as a Section 107(d) area designated as attainment or unclassifiable and on whether States should be permitted to redesignate large attainment or unclassifiable areas into several smaller areas. EPA also seeks comment on what, if any, restrictions should be placed on States' ability to redesignate. EPA is considering limiting redesignations to an area no smaller than a source's area of impact.

Second, the September 5 proposal indicated that the first application by a source or modification to emit in major amounts any pollutant for which an area is designated attainment or unclassifiable would trigger the baseline date for both particulate matter and sulfur dioxide. See 44 FR 51941. In considering whether to define baseline area as a Section 107 designated clean area, EPA is also considering whether a pollutant-specific baseline date would be appropriate. Under this approach, a source locating in an area designated attainment for both sulfur dioxide and particulate matter which would emit only sulfur dioxide would only trigger the baseline date for sulfur dioxide. The

baseline date for particulate matter would not be triggered in that area until a major source emitting that pollutant applied to locate in the area. A major source of pollutants other than sulfur dioxide or particulate matter would not trigger any baseline date. EPA solicits comment on whether a pollutant-specific baseline is required under the statute and, if not, whether such an approach is allowable and preferable to the current proposal.

EPA also requests comment on how the source in the following example would trigger the baseline: The source would emit major amounts of sulfur dioxide and minor amounts of particulate matter. The area in which the source would locate is designated attainment for both sulfur dioxide and particulate matter. Should the source trigger the baseline for both sulfur dioxide and particulate matter or just for sulfur dioxide?

(Secs. 101(b)(1), 110, 114, 160-69, and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7401(b)(1), 7410, 7414, 7470-79 and 7601(a)))

Dated: January 24, 1980.

David G. Hawkins,
Assistant Administrator for Air, Noise and Radiation.

[FR Doc. 80-3004 Filed 1-29-80; 8:45 am]

BILLING CODE 6560-01-M

40 CFR Part 52

[FRL 1401-3]

Revision to the New York State Implementation Plan; Correction

AGENCY: Environmental Protection Agency.

ACTION: General notice of correction to proposed rule.

SUMMARY: In FR Doc. 79-37757 appearing at page 70754 in the *Federal Register* of December 10, 1979, the following phrase should be added to the end of the listing of areas designated as nonattainment for Particulate Matter (Secondary Standard) which appears at the bottom of the second column on page 70755: "the Borough of Staten Island (part)."

DATES: This action becomes effective January 30, 1980.

(Secs. 110, 172 and 301 of the Clean Air Act, as amended (42 U.S.C. 7410, 7502, and 7601))

Dated: January 17, 1980.

Richard T. Dewling,
Acting Regional Administrator,
Environmental Protection Agency.

[FR Doc. 80-2949 Filed 1-29-80 8:45 am]

BILLING CODE 6560-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA 5765]

National Flood Insurance Program; Proposed Flood Elevation Determinations

Correction

In FR Doc. 80-1640, appearing on page 3604 in the issue of Friday, January 18, 1980 make the following correction:

On page 3608, in the table, the last entry in the "city/town/county" column, now reading "Island of St. Thomas" should read "Island of St. John".

BILLING CODE 1505-01-M

44 CFR Part 67

[Docket No. FI-5532]

Revision of Proposed Flood Elevation Determinations for the Borough of Turtle Creek, Allegheny County, Pa., Under the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Borough of Turtle Creek, Allegheny County, Pennsylvania.

Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in 44 FR 33901 on or about June 13, 1979, and in the *Times*

Express on June 6 and June 13, 1979, and in the *Allegheny Reporter* on June 3 and June 10, 1979, and hence supersedes those previously published rules.

DATES: The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in each community.

ADDRESSES: Maps and other information showing the detailed outlines of the floodprone areas and the proposed flood elevations are available for review at the Turtle Creek Borough Building, 125 Monroeville Avenue, Turtle Creek, Pennsylvania.

Send comments to: Mr. John Rettger, Council President of Turtle Creek, Borough Hall, 125 Monroeville Avenue, Turtle Creek, Pennsylvania 15145.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, Office of Flood Insurance, (202) 426-1460 or Toll Free Line (800) 424-8872, Room 5150, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: Proposed base (100-year) flood elevations are listed below for selected locations in the Borough of Turtle Creek, Allegheny County, Pennsylvania, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance 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 67.4(a)) (presently appearing at its former Title 24, Chapter 10, Part 67.4(a)).

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

These proposed base (100-year) flood elevations are:

State	City/town/country	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Pennsylvania	Turtle Creek, Borough, Allegheny County.	Thompson Run	Confluence with Turtle Creek	*733
			Penn Avenue	*738
			Upstream side of Tri-Borough Expressway	*748
			Downstream side of Jones Avenue	*758
			Upstream Corporate Limits	*767
		Turtle Creek	Confluence of Thompson Run	*733
			Penn Avenue	*734
			Upstream Corporate Limits	*736

(National Flood Insurance Act of 1968 (Title XIII of the 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 January 22, 1980.

Gloria M. Jimenez,
Federal Insurance Administrator.

[FR Doc. 80-2634 Filed 1-29-80; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FI-5678]

Proposed Flood Elevation Determinations for the Town of Conway, Franklin County, Mass., Under the National Flood Insurance Program; Correction

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Correction of proposed rule.

SUMMARY: This document corrects a proposed rule on base (100-year) flood elevations that appeared on page 44 FR 47563 of the Federal Register of August 14, 1979.

EFFECTIVE DATE: August 14, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. R. Gregg Chappell, National Flood Insurance Program, (202) 426-1460 or Toll Free Line 800-424-8872, Room 5150, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The notice published on August 14, 1979 at 44 FR 47563 in the Federal Register, and in The Greenfield Recorder on August 24, 1979 and August 31, 1979 showing the following:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Deerfield River	About 0.45 mile upstream of Reeds Bridge Road.	*474
	Just downstream of State Route 116 (near Shelburne Falls Road).	*545
Pumpkin Hollow Brook.	Just downstream of Hill View Road.	*579
	Just upstream of Hill View Road.	*585

Should be corrected to read:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
South River	About 0.45 mile upstream of Reeds Bridge Road.	*474
	Just downstream of State Route 116 (near the confluence of Pumpkin Hollow Brook).	*545
Pumpkin Hollow Brook.	About 50 feet downstream of Hill View Road.	*579
	About 50 feet upstream of Hill View Road.	*585

(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: January 17, 1980.

Gloria M. Jimenez,
Federal Insurance Administrator.

[FR Doc. 80-2840 Filed 1-29-80; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FI-5688]

Proposed Flood Elevation Determinations for the Town of Coventry, Tolland County, Conn., Under the National Flood Insurance Program; Correction

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Correction of proposed rule.

SUMMARY: This document corrects a proposed rule on base (100-year) flood

elevations that appeared on page 44 FR 51244 of the Federal Register of August 31, 1979.

EFFECTIVE DATE: August 31, 1979.

FOR FURTHER INFORMATION CONTACT: Mr. R. Gregg Chappell, National Flood Insurance Program, (202) 426-1460 or Toll Free Line 800-424-8872, Room 5150, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The notice published on August 31, 1979 at 44 FR 51244 in the Federal Register, and in the *Willimantic Chronicle* on August 18, 1979 and August 25, 1979 showing the following:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Skungamaug River	Approximately 100 feet downstream of Dam near Woodbridge Road.	*407
Ash Brook	Just upstream of Dam near Woodbridge Road.	*437
	Confluence with Hop River	*342

Should be corrected to read:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Skungamaug River	Approximately 100 feet downstream of South Street Dam.	*407
Ash Brook	Just upstream of South Street Dam.	*437
	Confluence with Hop River	*344

(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: January 17, 1980.

Gloria M. Jimenez,
Federal Insurance Administrator.

[FR Doc. 80-2839 Filed 1-29-80; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FI-5621]

Revision of Proposed Flood Elevation Determinations for the Township of Carroll, York County, Pa., Under the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Township of Carroll, York County, Pennsylvania.

Due to recent engineering analysis, this proposed rule revises the proposed

determinations of base (100-year) flood elevations published in 44 FR 40091 on or about July 9, 1979, and in the *Weekly Bulletin*, published on or about July 11, 1979, and July 18, 1979, and hence supersedes those previously published rules.

DATES: The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in each community.

ADDRESSES: Maps and other information showing the detailed outlines of the floodprone areas and the proposed flood elevations are available for review at the Carroll Township Building, Carroll, Pennsylvania.

Send comments to: Mr. Larry Eichelberger, Chairman of the Board of Supervisors of Carroll, R.D. 3, Dillsburg, Pennsylvania 17019.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, Office of Flood Insurance, (202) 426-1460 or Toll Free Line (800) 424-8872, Room 5150, 451 Seventh Street, SW, Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: Proposed base (100-year) flood elevations are listed below for selected locations in the Township of Carroll, York County, Pennsylvania, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance 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 67.4(a)) (presently appearing at its former Title 24, Chapter 10, Part 67.4(a)).

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations are:

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Pennsylvania	Carroll, Township, York County	Yellow Breeches Creek	Downstream Corporate Limits	*414
			U.S. Route 15	*421
			Old U.S. Route 15	*421
		Fishers Run	Legislative Route 66026	*425
			Upstream Corporate Limits	*496
			Confluence with Stony Run	*482
		West Branch of Fishers Run	Confluence with Stony Run	*498
			Upstream side of Ore Bank Road	*525
		Stony Run	Downstream side of Mumper Lane	*555
			Downstream Corporate Limits	*470
			Upstream side of Chestnut Grove Road	*485
		Tributary A to Stony Run	Confluence of West Branch of Fishers Run	*498
			Confluence of Tributary A to Stony Run	*565
		Dogwood Run	Approximately 1,500 feet upstream of confluence of Tributary A to Stony Run	*569
			Confluence with Stony Run	*565
			2,250 feet upstream of confluence	*571
		Upstream Corporate Limits	Confluence with Yellow Breeches Creek	*425
			Upstream side of southernmost Conrail Track	*436
			Upstream side of Junction Road	*442
			Upstream side of Spring Lane Road	*461
			Upstream side of State Route 74 (Carlisle Road)	*467
			2,000 feet upstream of State Route 74	*484
			Upstream side of Old Mill Road	*522
			Upstream side of Dogwood Lane	*553
			Upstream side of Camp Ground Road	*578
			3,000 feet upstream of Camp Ground Road	*612
		Upstream Corporate Limits	*637	

(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: January 22, 1980.

Gloria M. Jimenez,
Federal Insurance Administrator.

[FR Doc. 80-2838 Filed 1-29-80; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FI-5524]

Revision of Proposed Flood Elevation Determinations for the Township of East Manchester, York County, Pa, under the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Township of East Manchester, York County, Pennsylvania.

Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in 44 FR 33895 on or about June 13, 1979, and in the *York Dispatch*, published on or about June 6, 1979, and June 13, 1979, and hence

supersedes those previously published rules.

DATES: The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in each community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the East Manchester Township Building.

Send comments to: Mr. John Brown, III, Chairman of the Board of Supervisors of East Manchester, R.D. 1, Mt. Wolf, Pennsylvania 17347.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, Office of Flood Insurance, (202) 426-1460 or Toll Free Line (800) 424-8872, Room 5150, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: Proposed base (100-year) flood elevations are listed below for selected locations in the

Township of East Manchester, York County, Pennsylvania, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance 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 67.4(a)) (presently appearing at its former Title 24, Chapter 10, Part 67.4(a)).

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations are:

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Pennsylvania	East Manchester, Township, York County.	Susquehanna River	Downstream Corporate Limits	*276
			Confluence of West Conewago Creek Flood Channel	*280
		West Conewago Creek	Upstream Corporate Limits	*281
			Downstream Corporate Limits	*281
		Little Conewago Creek	West Conewago Flood Channel	*280
			York Haven Road Upstream	*288
			Confluence of Little Conewago Creek	*290
			Confluence with West Conewago Creek	*290
			Conewago Creek Road Upstream	*299
		Hartman Run	Locust Point Road Upstream	*322
			Interstate 83 Upstream	*324
			Upstream Corporate Limits	*329
			Downstream Conrail Crossing (Upstream side)	*327
			L. R. 66153 Upstream	*328
		Codorus Creek	Upstream Conrail Crossing	*347
			Mt. Wolf-East Manchester Corporate Limits	*351
			Township Route 95/Chestnut Street Upstream	*365
			Township Route 945 Upstream	*434
			1,500 feet Upstream of Township Route 945	*446
		Tributary B	Conrail Crossing	*276
			11,000 feet downstream of L. R. 66020	*294
Legislative Route 66020 Upstream	*343			
Upstream Corporate Limits	*347			
			Mt. Wolf-East Manchester Corporate Limits	*418

(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: January 22, 1980.

Gloria M. Jimenez,
Federal Insurance Administrator.

[FR Doc. 2837 Filed 1-29-80; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FI-5440]

Revision of Proposed Flood Elevation Determinations for the Township of North Versailles, Allegheny County, Pa., Under the National Flood Insurance Program**AGENCY:** Federal Insurance Administration, FEMA.**ACTION:** Proposed rule.**SUMMARY:** Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Township of North Versailles, Allegheny County, Pa.

Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in 44 FR 26916 on or about May 8, 1979, and in the *McKeesport Daily News*, published on or about April 9, 1979, and April 16,

1979, and hence supersedes those previously published rules.

DATES: The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in each community.**ADDRESSES:** Maps and other information showing the detailed outlines of the floodprone areas and the proposed flood elevations are available for review at the Township Building, 1401 Greensburg, North Versailles, Pa.

Send comments to: Mr. John Weber, President of the Board of Supervisors of North Versailles, 1401 Greensburg, North Versailles, Pa. 15137.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, Office of Flood Insurance, (202) 426-1460 or Toll Free Line (800) 424-8872, Room 5150, 451 Seventh Street, SW, Washington, D.C. 20410.**SUPPLEMENTARY INFORMATION:** Proposed base (100-year) flood elevations are listed below for selected locations in the

Township of North Versailles, Allegheny County, Pa., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance 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 67.4(a)) (presently appearing at its former Title 24, Chapter 10, Part 67.4(a)).

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations are:

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)
Pennsylvania	North Versailles, Township, Allegheny County.	Monongahela River	Port Perry Bridge	741
			Upstream Corporate Limits	*743
			Confluence with Monongahela River	*741
		Turtle Creek	Floodgate at 200' downstream side of Westinghouse Bridge	*741
			Confluence of Thompson Run	*733
			Penn Avenue	*734
		Crooked Run	Upstream side of Wall Borough Bridge	*750
			Upstream side of Corporate Limits	*775
			Downstream Corporate Limits	*816
		Thompson Run	Upstream side of Arcannia Street	*830
			1,300' downstream of Fifth Avenue	*865
			Confluence with Turtle Creek	*733

(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: January 22, 1980.

Gloria M. Jimenez,
Federal Insurance Administrator.

[FR Doc. 80-2836 Filed 1-29-80; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FI-5624]

Revision of Proposed Flood Elevation Determinations for the Township of Noyes, Clinton County, Pa., Under the National Flood Insurance Program**AGENCY:** Federal Insurance Administration, FEMA.**ACTION:** Proposed rule.**SUMMARY:** Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the

Township of Noyes, Clinton County, Pennsylvania.

Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in 44 FR 40093 on or about July 9, 1979, and in the *Renovo Record*, published on or about July 9, 1979, and July 16, 1979, and hence supersedes those previously published rules.

DATES: The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in each community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Noyes Township Building, Shintown, Pennsylvania.

Send comments to: Mr. George I. Wertz, Chairman of the Township of Noyes, Star Route, Renovo, Pennsylvania 17764.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Chappell, National Flood Insurance Program, Office of Flood Insurance, (202) 426-1460 or Toll Free Line (800) 424-8872, Room 5150, 451

Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: Proposed base (100-year) flood elevations are listed below for selected locations in the Township of Noyes, Clinton County, Pennsylvania, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance 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 67.4(a)) (presently appearing at its former Title 24, Chapter 10, Part 67.4(a)).

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified

for participation in the National Flood Insurance Program (NFIP).

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) elevations are:

State	City/town/county	Source of flooding	Location	#Depth in feet above ground, *Elevation in feet (NGVD)	
Pennsylvania	Noyes, Township, Clinton County	West Branch Susquehanna River	Downstream Corporate Limits	*660	
			Confluence of Hall Run	*671	
			Confluence of Kettle Creek	*690	
			Upstream Corporate Limits	*718	
			Drury Run	Conrail (Downstream side)	*665
				Conrail (Upstream side)	*672
				Robbins Road	*690
			Kettle Creek	Limit of Detailed Study approximately 3,700' upstream of Robbins Road	*761
				Conrail	*690
				Limit of Detailed Study 8,500' upstream of Conrail Bridge	*711

(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: January 22, 1980.

Gloria M. Jimenez,
Federal Insurance Administrator.

[FR Doc. 80-2835 Filed 1-29-80; 8:45 am]

BILLING CODE 6718-03-M

44 CFR Part 67

[Docket No. FI-5734]

Proposed Flood Elevation Determinations for the Township of Wright, Luzerne County, Pa., Under the National Flood Insurance Program

AGENCY: Federal Insurance Administration, FEMA.

ACTION: Deletion of proposed rule for the township of Wright, Luzerne County, Pennsylvania.

SUMMARY: The Federal Insurance Administration has erroneously published at 44 FR 65098 on November 9, 1979, the proposed flood elevation determinations for the Township of Wright, Luzerne County, Pennsylvania. This notice will serve as a deletion of that publication.

EFFECTIVE DATE: Date of this notice.

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 Line (800) 424-9080), Room 5150, 451 Seventh Street, S.W., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the deletion of the Notice of proposed determinations of base (100-year) flood elevations for the Township of Wright, Luzerne County,

Pennsylvania, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added Section 1363 to the National Flood Insurance 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 67.4(a) (presently appearing at its former Title 24, Chapter 10, Part 1917.4(a)).

(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: January 17, 1980.

Gloria M. Jimenez,
Federal Insurance Administrator.

[FR Doc. 80-2842 Filed 1-29-80; 8:45 am]

BILLING CODE 6718-03-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

45 CFR Parts 116, and 116a

Title I, Elementary and Secondary Education Act: Financial Assistance to Local and State Educational Agencies To Meet Special Educational Needs

AGENCY: Office of Education, HEW.

ACTION: Notice for Interested Organizations and Individuals to Participate in Workshops or Briefings on the Revision of Title I, ESEA, Draft Regulations.

SUMMARY: The Commissioner provides notice to interested organizations and individuals of the opportunity to review draft regulations at workshops or briefings for programs funded under Title I of the Elementary and Secondary Education Act of 1965 as amended. This program provides grants to State and local agencies to meet the special educational needs of educationally deprived children.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking (NPRM) revising 45 CFR Parts 116 (general rules for all Title I programs) and 116a (rules for the basic grant program involving local educational agencies) was published in the Federal Register on June 29, 1979. The Office of Education (OE) is now reviewing that NPRM and the many comments and recommendations OE has received concerning its format and content.

Interested organizations and individuals are invited to participate in workshops or briefings on Title I draft regulations to be held early in 1980 in Washington, D.C. If feasible, these workshops or briefings will include opportunities for participants to review rough drafts and recommend specific language.

Persons who are interested in participating in these sessions should determine the general areas of their concern, such as, Federal and State administration, selection of children, project design, services to private school children, advisory councils, or the use of Title I funds to supplement not supplant State and local funds.

Persons who wish to participate should notify Dr. John F. Staehle, Division of Education for the Disadvantaged, 400 Maryland Avenue, S.W. (ROB-3, Room 3642), Washington, D.C. 20202, by letter not later than February 29, 1980. The letter should include the person's full name, title, address, telephone number with area code, areas of major concern in the Title I regulations, and the organization, if any, the person will represent.

The Office of Education will notify those persons of the meeting date, time, and place for their participation in sessions on the draft regulations with which they are particularly concerned.

Dated: January 25, 1980.

(Catalog of Federal Domestic Assistance Program Numbers 13.428, Educationally Deprived Children-Local Educational Agencies and 13.430, Educationally Deprived Children-State Administration)

William L. Smith,

Commissioner of Education.

[FR Doc 80-2961 Filed 1-29-80; 8:45 am]

BILLING CODE 4110-02-M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1124

Milk in the Oregon-Washington Marketing Area; Termination of Proceeding on Proposed Termination of Certain Provisions of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Termination of proceeding.

SUMMARY: This action terminates a proceeding on a proposal to terminate the base-excess plan used in distributing returns to producers whose milk is priced under the Oregon-Washington Federal milk order. Termination of the base-excess plan was requested by three cooperative associations who indicated that they no longer support the use of the payment plan.

Several additional cooperative associations representing a substantial number of producers on the market

submitted comments opposing the proposed termination. Because of the conflicting viewpoints among interested parties, it is concluded that the requested termination should not be implemented on the basis of this proceeding.

FOR FURTHER INFORMATION CONTACT: Maurice M. Martin, Marketing Specialist, Dairy Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, (202) 447-7183.

SUPPLEMENTARY INFORMATION: Prior document in this proceeding.

Notice of proposed termination of certain provisions of the order, issued December 14, 1979; published December 21, 1979 (44 FR 75649).

This termination of proceeding is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*).

Notice of proposed rulemaking was published in the Federal Register (44 FR 75649) concerning a proposed termination of certain provisions of the Oregon-Washington order. Interested persons were afforded opportunity to file written data, views, and arguments thereon by January 7, 1980.

PART 1124—MILK IN THE OREGON-WASHINGTON MARKETING AREA

The provisions that were proposed to be terminated are as follows:

§ 1124.19 [Deleted]

1. Delete § 1124.19 in its entirety.

§ 1124.30 [Amended]

2. In § 1124.30, *Reports of receipts and utilization*, remove the phrase "including the total quantities of base milk and excess milk" in paragraph (a)(1).

§ 1124.31 [Amended]

3. In § 1124.31, *Payroll reports*, remove paragraph (a)(4) in its entirety.

§§ 1124.65, 1124.66 [Deleted]

4. Delete §§ 1124.65 and 1124.66 in their entirety and the center heading "Determination of Base" immediately preceding § 1124.65.

§ 1124.71 [Amended]

5. In § 1124.71, *Computation of uniform and weighted average prices*, remove in paragraph (a)(6) the words "prior to February 1970" and the word "and" at the end of the paragraph; and delete paragraph (b) in its entirety.

§ 1124.82 [Amended]

6. In § 1124.82, *Payments from the producer-settlement fund*, remove in paragraph (a) the words "or (b), whichever is applicable."

§ 1124.83 [Amended]

7. In § 1124.83, *Location differentials to producers and on nonpool milk*, remove in paragraph (a) the words "and the uniform price for base milk computed pursuant to § 1124.71(b)(2)".

Statement of Consideration

The proposed termination would have removed the base-excess plan effective February 1, 1980. The base-excess plan is a method of apportioning the total value of milk in the market among producers on the basis of their marketings of milk during a representative period.

Under the plan, which applies to milk delivered during the 12-month period beginning with February 1 of each year, producers are paid according to the amount of "base" they earn through deliveries during the market's four lowest months of production of the preceding calendar year. Deliveries of producers in excess of their "base" are paid for at a lower price than for base milk.

In the absence of the base-excess plan, a single uniform price would be paid directly to producers or, in the case of producers participating in the Oregon State base plan, to the Director of the Milk Audit and Stabilization Division, Oregon State Department of Agriculture, for subsequent payment to the participating producers.

Termination of the base-excess plan was requested by Mayflower Farms and was supported by Dairyman's Creamery Association, Inc., and Tillamook County Creamery Association. Together, these three cooperative associations represent a slight majority of the producers on the market.

The basis of Mayflower's request for termination was that the base-excess plan impeded the free movement of milk between the Oregon-Washington and Inland Empire markets. The cooperative, which has producer members and plants in both markets, contends that changes in marketing and consumption patterns frequently require that milk of its member producers be shifted between the two markets. According to the cooperative, its ability to make such shifts would be enhanced if both orders

contained the same kind of producer payment provisions.

Three cooperative associations (Farmers Cooperative Creamery, Eugene Farmers Creamery, and Portland Independent Milk Producers Association) that represent a substantial number of producers on the market submitted comments opposing the proposed termination. Their principal objection to terminating the base-excess plan was that there were no data presented that indicated the present plan was not accomplishing its purpose of encouraging producers to maintain even production throughout the year. It was their belief that the base-excess plan provided for the orderly entry of new producers on the market in line with the fluid needs of the market without depressing returns to producers regularly associated with the market.

In view of the conflicting viewpoints among interested parties, it is concluded that the requested termination should not be implemented on the basis of this proceeding. Accordingly, the proceeding begun in this matter on December 14, 1979, is hereby terminated.

Signed at Washington, D.C., on: January 25, 1980.

William T. Manley,

Deputy Administrator, Marketing Program Operations.

[FR Doc 80-2955 Filed 1-29-80; 8:45 am]

BILLING CODE 3410-02-M

Notices

Federal Register

Vol. 45, No. 21

Wednesday, January 30, 1980

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

Commodity Credit Corporation

National Average Loan Rates; 1979-Crop Wheat, Barley, Corn, Oats, Rye, and Sorghum Loan and Purchase Programs

AGENCY: Commodity Credit Corporation.

ACTION: Notice of increase of 1979 crop loan and purchase rates.

SUMMARY: This notice sets forth the increases in the 1979-crop wheat, barley, corn, oats, rye, and sorghum loan rates announced by the Acting Secretary of Agriculture on January 8, 1980. The purpose of such increases is to encourage participation in the loan and purchase programs, this stabilizing the market by permitting the orderly disposition of grain and thereby preventing the accumulation of excessive stocks.

EFFECTIVE DATE: January 8, 1980

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

FOR FURTHER INFORMATION CONTACT: Harold L. Jamison, ASCS (202) 447-7973.

SUPPLEMENTARY INFORMATION: Section 105A of the Agricultural Act of 1949, as amended, authorized the Secretary of Agriculture to make available loans and purchased with respect to corn at such level, not less than \$2 per bushel, as the Secretary determines will encourage the exportation of feed grains and not result in excessive total stocks in the United States. Section 105A of the 1949 Act also authorized the Secretary to make available loans and purchases with respect to barley, oats, rye and sorghum, taking into consideration, among other factors, the level at which loans and purchases are made available for corn. Also, Section 107A of the 1949 Act authorized the Secretary to make loans and purchased available with respect to

wheat at a level not less than \$2.35 per bushel nor in excess of 100 per centum of parity as the Secretary determines will maintain the competitive relationship of wheat to other grains in the domestic and export markets. The regulations governing loan and purchase programs for these 1979 crops are found at 7 CFR 1421.72 *et seq.* On January 4, 1980, the President of the United States announced, among other actions, that all shipments of domestically produced grain from the United States to the Soviet Union, in excess of 8 million tons per year, were being restricted by the President in accordance with the Export Administration Act of 1979 (Pub. L. 96-72, 93 Stat. 503, effective September 29, 1979). As a result, a series of actions are being undertaken by the Department of Agriculture in order to stabilize and maintain market prices with respect to the commodities listed above. One of the actions is an increase in the loan and purchase rates for the 1979 crops listed herein to encourage producers to participate and remain in the loan and purchase programs rather than disposing of their stocks on the market. Increased participation in the program at this time will stabilize the market by permitting the orderly disposition of grain, thus preventing the accumulation of excessive stocks.

Notice

Accordingly, the 1979 crop national average Commodity Credit Corporation loan and purchase rates are increased as follows: wheat, from \$2.35 to \$2.50 per bushel; barley, from \$1.63 to \$1.71 per bushel; corn, from \$2.00 to \$2.10 per bushel; oats, from \$1.03 to \$1.08 per bushel; rye, from \$1.70 to \$1.79 per bushel; and sorghum, from \$3.39 to \$3.57 per hundredweight. These increased loan rates are effective January 8, 1980. The basic county loan rate for each county is increased as follows: wheat, 15 cents per bushel; barley, 8 cents per bushel; corn, 10 cents per bushel; oats, 5 cents per bushel; rye, 9 cents per bushel; and sorghum, 18 cents per hundredweight. These increased loan rates apply to existing loans as well as new loans made to eligible producers. Eligible producers who wish to secure a new loan or adjust their existing loans for additional disbursement consistent with these increases may do so by contacting their local Agricultural Stabilization and Conservation Service

(ASCS) office or Agricultural Service Center. The regulations in 7 CFR Part 1421 containing the individual crop year supplements for the 1979 crops of wheat, barley, corn, oats, rye, and sorghum will be amended to reflect the increased rates.

(Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714 b and c); Secs. 105A, 107A, 401, 63 Stat. 1051, as amended (7 U.S.C. 1444c, 1445b, 1421).)

Note.—This notice has been determined "significant" under USDA criteria implementing Executive Order 12044, "Improving Government Regulations." An approved Impact Analysis will be available from Harold Jamison, Price Support and Loan Division (ASCS), Room 3749, South Building, Washington, D.C. 20013.

Signed in Washington, D.C. on January 25, 1980.

Bob Bergland,

Secretary of Agriculture.

[FR Doc. 80-2950 Filed 1-29-80; 8:45 am]

BILLING CODE 3410-05-M

Forest Service

Forest Land and Resource Management Plan; Rogue River National Forest Jackson, Josephine, Klamath, and Douglas Counties, Oregon, and Siskiyou County, California; Intent To Prepare an Environmental Impact Statement

Pursuant to the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture will prepare an environmental impact statement for the Rogue River National Forest Land and Resource Management Plan.

The Forest Plan will be developed in accordance with the direction for land and resource planning developed pursuant to the National Forest Management Act of 1976. The Forest Plan will contain the following:

1. A discussion of the major public issues and management concerns which are pertinent to the Forest, indicating the disposition of each issue or concern.
2. An analysis of the management situation including demand and supply conditions for resource commodities and services, production potentials, and use and development opportunities.
3. Long-range policies, goals, and objectives, and the specific objectives of the plan.

4. Proposed vicinity, timing, standards and guidelines for proposed and probable management practices; and
5. Monitoring and evaluation requirements which are pertinent at the Forest level.

Many tentative issues, concerns and opportunities have been identified from past public input to other land management planning programs on the Rogue River National Forest. Other issues, concerns, and opportunities will be gathered by use of printed materials and personal contact with users. Oral and written responses will be requested. From the input received and that provided by Forest Service officials and the interested representatives of State, county, and local governments, a final set of issues, concerns and opportunities will emerge which will help focus the planning effort.

Guided by the analysis of the final issues and concerns, a coordinated resource data base will be created using existing data. A range of alternatives for resource allocation and management will be developed, with the assistance of the public and other governmental agencies, which will include consideration of the issues and management concerns.

R. E. Worthington, Regional Forester, Pacific Northwest Region, is the responsible official. Questions about the proposed action and environmental impact statement should be directed to Larry D. Wheeler, Land Management Planning, Rogue River National Forest (phone 503-776-3569).

The analysis is expected to take about 2 years. The draft environmental impact statement for the Rogue River National Forest Land and Resource Management Plan is expected to be available for public review by August 31, 1982. The final environmental impact statement is scheduled to be completed in 1983.

Written comments concerning this analysis should be sent to Donald H. Smith, Forest Supervisor, Rogue River National Forest, P.O. Box 520, Medford, Oregon 97501 (phone 503-776-3581).

Dated: January 21, 1980.

Frank J. Kopecky,

Acting Regional Forester.

[FR Doc. 80-2848 Filed 1-29-80; 8:45 am]

BILLING CODE 3410-11-M

Adam's Rib Recreational Area; 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 a Site Specific Environmental Impact Statement for

development of the proposed Adam's Rib Recreation Area, White River National Forest, Eagle County, Colorado.

A Special use Permit request for a four-season recreation resort on National Forest lands and adjacent private property was made in 1973. The proposal provides a winter sports area having a capacity of approximately eight to ten thousand skiers per day. Other proposed uses include winter and summer mountain related recreation. Private lands provide support facilities, resort/convention housing, and an eighteen hole golf course. Delays in the processing of the application resulted from both the 1973 RARE program and the preparation of a Forest Service Unit Plan for the area—the Eagle-Aspen Plan.

The Eagle-Aspen Unit Plan has been adopted. This plan specifically requires retention of the opportunity for downhill skiing and winter sports on the site.

During the development of the unit plan, a review process was started with the participation of the proponent, Eagle County, the State of Colorado, the Forest Service, and other interested publics. This Joint Review Process established areas of concern relevant to the proposed action before being terminated in March 1978.

The review process, begun in November 1979, has the same participants. Review and validation of the previously identified areas of concern is now underway. In addition, there will be scoping meetings held with members of the Joint Review Committee and Forest Service specialists early in 1980 to identify other issues and concerns. A method to assure meaningful public involvement in both validation of previously identified issues and for identifying additional issues and concerns is being developed.

The alternatives presently under consideration are:

- a. No development.
- b. Immediate development.
- c. Scheduled future development.

Additional alternatives and variations of the above alternatives may be identified during the environmental analysis.

Thomas C. Evans, Forest Supervisor, is the responsible official and John Almond, Eagle District Ranger, will be Forest Service Team Leader for the environmental analysis and resulting impact statement.

It is expected that the environmental analysis will require approximately 10 months. The Draft Environmental Impact Statement is scheduled for completion by October 1980, with a two-month review period. The Final Environmental Impact Statement is

scheduled for filing in January 1981. If the decision is to proceed with development it is anticipated construction could start by the summer of 1981.

Comments on the Notice of Intent or on the analysis should be sent to Thomas C. Evans, Forest Supervisor, White River National Forest, Box 948, Glenwood Springs, CO 81601.

January 2, 1980.

George A. Morris,

Acting Forest Supervisor.

[FR Doc. 80-2843 Filed 1-29-80; 8:45 am]

BILLING CODE 3410-11-M

Medicine Bow National Forest Grazing Advisory Board; Meeting

The Medicine Bow National Forest Grazing Advisory Board will meet March 6, 1980, at 1:00 p.m. in the Medicine Bow National Forest Supervisor's Office, 605 Skyline Road, Laramie, Wyoming. The Board is being established in accordance with provisions of the Federal Land Policy and Management Act of 1976.

The Agenda for the meeting will include: (1) election of officers; (2) a discussion of the function of the Board; (3) establishment of by-laws; (4) recommendations concerning the development of allotment management plans and the utilization of range betterment funds.

The meeting will be open to the public. Persons who wish to attend and participate should notify Don Schmidlein, Medicine Bow National Forest (307-745-8971) prior to the meeting. Public members may participate in discussions during the meeting at any time or may file a written statement following the meeting.

Donald L. Rollens,

Forest Supervisor.

January 15, 1980.

[FR Doc. 80-2858 Filed 1-29-80; 8:45 am]

BILLING CODE 3410-11-M

Soil Conservation Service

Panther Creek Watershed, Mississippi

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of finding of no significant impact.

FOR FURTHER INFORMATION CONTACT:

Mr. Chester F. Bellard, State Conservationist, Soil Conservation Service, 1321 Federal Building, 100 West Capitol Street, Jackson, Mississippi 39201, telephone 601-969-4335.

NOTICE: 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 Panther Creek Watershed, Madison County, Mississippi.

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. Chester F. Bellard, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this action.

The project plan provided for accelerated technical assistance for application of land treatment measures, installation of five floodwater retarding structures and 19.6 miles of channel improvement.

The finding of no significant impact has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Chester F. Bellard, State Conservationist, Soil Conservation Service, 1321 Federal Building, 100 West Capitol Street, Jackson, Mississippi 39201, telephone 601-969-4335. 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 March 31, 1980.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program, Public Law 83-566, 16 U.S.C. 1001-1008)

Dated: January 22, 1980.

Joseph W. Haas,

Assistant Administrator for Water Resources,
Soil Conservation Service.

[FR Doc. 80-2912 Filed 1-29-80; 8:45 am]

BILLING CODE 3410-16-M

CIVIL AERONAUTICS BOARD

[Docket No. 37500; Order 80-1-159]

Additional Portland-California/Nevada Points Show-Cause Proceeding

AGENCY: Civil Aeronautics Board.

ACTION: Notice *Additional Portland-California/Nevada Points Show-Cause*

Proceeding, Docket 37500 (Order 80-1-159).

SUMMARY: The Board is proposing to award nonstop air route authority to four carriers between Portland and the following cities: (1) Fresno, Stockton, Las Vegas, San Diego, Ontario, Burbank, Long Beach, and Los Angeles, to Pacific Southwest Airlines; (2) Fresno, San Diego, Ontario, Burbank, Los Angeles, Long Beach, and Las Vegas, to USAir; (3) Fresno, Stockton, Las Vegas, Tucson, and San Diego, to Continental Air Lines; and (4) Las Vegas, to United Air Lines; and to grant any of the authority at issue to any other fit, willing and able applicants the fitness of which can be established by officially noticeable material.

The complete text of this order is available as noted below.

DATES: All interested persons having objections to the Board issuing an order making final the tentative findings and conclusions shall file, by February 29, 1980, a statement of objectives, together with a summary of the testimony, statistical data, and other material expected to be relied upon to support the stated objections. Such filings shall be served upon all parties listed below.

Additional Data: All further applicants are directed to file applications, motions to consolidate, illustrative service proposals, environmental evaluations, and estimates of fuel to be consumed in the first year and statements of fuel availability no later than February 14, 1980.

ADDRESSES: Objections to the issuance of a final order, or additional data as described above, should be filed in Docket 37500, which we have entitled the *Additional Portland-California/Nevada Points Show-Cause Proceeding*. They should be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C., 20428.

In addition, copies of such filings should be served on Pacific Southwest Airlines; USAir; Continental Air Lines; United Air Lines; the governors and state commissioners or Departments of Transportation of Oregon, California, Nevada, and Arizona; and the mayors and airport managers of Burbank, Fresno, Las Vegas, Long Beach, Los Angeles, Ontario, Portland, San Diego, Stockton, and Tucson.

FOR FURTHER INFORMATION CONTACT: Anne W. Stockvis, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, Washington, D.C. 20428, (202) 673-5198.

SUPPLEMENTARY INFORMATION: The complete text of Order 80-1-159 is

available from our Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 80-1-159 to that address.

By the Civil Aeronautics Board: January 24, 1980.

Phyllis T. Kaylor,

Secretary.

[FR Doc. 80-2917 Filed 1-29-80; 8:45 am]

BILLING CODE 6320-01-M

[Docket No. 36477; Order 80-1-152]

Aerotransportes Entre Rios, S.R.L. (AER); Renewal and Amendment of Foreign Air Carrier Permit

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause: ORDER 80-1-152.

SUMMARY: The Board proposes to approve the following application:

Applicant: Aerotransportes Entre Rios, S.R.L. (AER).

Application Date: March 4, 1974/April 13, 1979 Docket 26477.

Authority Sought: Renewal and amendment of foreign air carrier permit to add Los Angeles as a U.S. terminal point, and several new intermediate points.

OBJECTIONS: All interested persons having objections to the Board's tentative findings and conclusions that this authority should be granted, as described in the order cited above, shall file a statement of such objections no later than February 19, 1980, with the Civil Aeronautics Board (20 copies) and mail copies to the applicant, the Department of Transportation, the Department of State, and the Ambassador of Argentina in Washington, D.C. A statement of objections must cite the docket number and must include a summary of testimony, statistical data, or other such supporting evidence.

If no objections are filed, the Secretary of the Board will enter an order which will, subject to disapproval by the President, make final the Board's tentative findings and conclusions and issue the proposed permit.

ADDRESSES FOR OBJECTIONS: Docket 26477: Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

Applicant: Aerotransportes Entre Rios, S.R.L. c/o Paul Reiber, 1625 Eye St., NW., Washington, D.C. 20006.

TO GET A COPY OF THE COMPLETE ORDER: Request it from the C.A.B. Distribution Section, Room 516, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the Washington

metropolitan area may send a postcard request.

FOR FURTHER INFORMATION CONTACT:
The Regulatory Affairs Division, Bureau of International Aviation, Civil Aeronautics Board; (202) 673-5880.

By the Civil Aeronautics Board: January 24, 1980.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 80-2916 Filed 1-29-80; 8:45 am]

BILLING CODE 6320-01-M

[Dockets Nos. 37481, etc.]

Capitol International Airways, Inc., et al.; Assignment of Proceeding

Capitol International Airways, Inc., Scheduled Flight Cancellations, Enforcement Proceeding, Docket 37481; Lester Cohen and Stacey Schlau v. Capitol International Airways, Inc., Docket 36446; Gregory James Tharp v. Capitol International Airways, Inc., Docket 36946.

This proceeding is hereby assigned to Administrative Law Judge Elias C. Rodriguez. Future communications should be addressed to Judge Rodriguez.

Dated at Washington, D.C., January 24, 1980.

Joseph J. Saunders,
Chief Administrative Law Judge.

[FR Doc. 80-2923 Filed 1-29-80; 8:45 am]

BILLING CODE 6320-01-M

[Dockets Nos. 33363, 32603 and 32604]

Former Large Irregular Air Service Investigation and Applications of Charter Adventures, Inc.; Hearing

Notice is hereby given pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on February 27, 1980, at 10:00 a.m. (local time), in Room 1003, Hearing Room B, Universal Building North, 1875 Connecticut Avenue, NW., Washington, D.C., before the undersigned administrative law judge.

Dated at Washington, D.C., January 24, 1980.

Alexander N. Argerakis,
Administrative Law Judge.

[FR Doc. 80-2920 Filed 1-29-80; 8:45 am]

BILLING CODE 6320-01-M

[Dockets Nos. 33363, 34922, and 34923]

Former Large Irregular Air Service Investigation, Phase III and Applications of Joseph S. Norman II; Reassignment of Proceeding

This proceeding, insofar as it involves the applications of Joseph S. Norman II, Dockets 34922 and 34923, has been reassigned to Administrative Law Judge Alexander N. Argerakis. Future communications should be addressed to Judge Argerakis.

Dated at Washington, D.C., January 24, 1980.

Joseph J. Saunders,
Chief Administrative Law Judge.

[FR Doc. 80-2921 Filed 1-29-80; 8:45 am]

BILLING CODE 6320-01-M

[Docket No. 37499; Order 80-1-158]

Norfolk-New York Show Cause Proceeding

AGENCY: Civil Aeronautics Board.

ACTION: Notice of *Norfolk-New York Show Cause Proceeding*, Docket 37499 Order 80-1-158.

SUMMARY: The Board is proposing to award nonstop air route authority between Norfolk and New York to USAir and any other fit, willing and able carrier, the fitness of which can be established by officially noticeable material.

DATES: Objections: All interested persons having objections to the Board issuing an order making final the tentative findings and conclusions shall file, by February 28, 1980, a statement of objections together with a summary of the testimony, statistical data, and other material expected to be relied upon to support the stated objections. Such filings should be served upon all parties listed below.

Additional Data: All further applicants are directed to file applications, motions to consolidate, illustrative service proposals, environmental evaluations, and estimates of fuel to be consumed in the first year no later than February 13, 1980.

ADDRESSES: Objections to the issuance of a final order, or additional data as described above, should be filed in Docket 37499, which we have entitled the *Norfolk-New York Show-Cause Proceeding*. They should be addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

In addition, copies of such filings should be served on National Airlines, Piedmont Aviation, USAir, the City of Norfolk, the City of New York, the

Norfolk Port and Industrial Authority, the Port Authority of New York and New Jersey, the New York State Department of Transportation, and the Virginia State Corporation Commission.

FOR FURTHER INFORMATION CONTACT:
Neil Whitehouse, Bureau of Domestic Aviation, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428, (202) 673-5328.

SUPPLEMENTARY INFORMATION: The complete text of Order 80-1-158 is available from our Distribution Section, Room 516, Civil Aeronautics Board, 1825 Connecticut Avenue, NW., Washington, D.C. 20428. Persons outside the metropolitan area may send a postcard request for Order 80-1-158 to that address.

By the Civil Aeronautics Board: January 24, 1980.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 80-2919 Filed 1-29-80; 8:45 am]

BILLING CODE 6320-01-M

[Dockets Nos. 33363, 34107, and 34108]

Former Large Irregular Air Service Investigation, Phase III and Applications of the Phoenix Corp.; Reassignment of Proceeding

This proceeding, insofar as it involves the applications of the Phoenix Corporation, Dockets 34107 and 34108, has been reassigned to Chief Judge Joseph J. Saunders.

Dated at Washington, D.C., January 24, 1980.

Joseph J. Saunders,
Chief Administrative Law Judge.

[FR Doc. 80-2924 Filed 1-29-80; 8:45 am]

BILLING CODE 6320-01-M

[Docket No. 32707; Order 80-1-160]

Lineas Aereas Costarricenses, S.A. (LACSA); Amendment of Permit

AGENCY: Civil Aeronautics Board.

ACTION: Notice of Order to Show Cause: Order 80-1-160.

SUMMARY: The Board proposes to approve the following application:

Applicant: Lineas Aereas Costarricenses, S.A. (LACSA).

Application Date: May 19, 1978; Docket: 32707.

Authority Sought: Amendment of permit to add the U.S. coterminal points New Orleans, Louisiana and Los Angeles, California.

OBJECTIONS: All interested persons having objections to the Board's tentative findings and conclusions that this authority should be granted as

described in the order cited above, shall file a statement of such objections no later than February 20, 1980 with the Civil Aeronautics Board (20 copies) and mail copies to the applicant, the Department of Transportation, the Department of State, and the Ambassador of Costa Rica in Washington, D.C. A statement of objections must cite the docket number and must include a summary of testimony, statistical data, or other such supporting evidence.

If no objections are filed, the Secretary of the Board will enter an order which will, subject to disapproval by the President, make final the Board's tentative findings and conclusions and issue the proposed permit.

ADDRESSES FOR OBJECTIONS:

Docket 32707, Docket Section, Civil Aeronautics Board, Washington, D.C. 20428.

Robert D. Papkin, Edward W. Sauer, Squire, Sanders & Dempsey, 21 Dupont Circle, N.W., Washington, D.C. 20036.

TO GET A COPY OF THE COMPLETE ORDER:

Request it from the C.A.B. Distribution Section, Room 516, 1825 Connecticut Avenue, N.W., Washington, D.C. 20428. Persons outside the Washington metropolitan area may send a postcard request.

FOR FURTHER INFORMATION: Contact the Regulatory Affairs Division, B-58, of the Bureau of International Aviation, Civil Aeronautics Board; (202) 673-5407.

By the Civil Aeronautics Board: January 24, 1980.

Phyllis T. Kaylor,
Secretary.

[FR Doc. 80-2918 Filed 1-29-80; 8:45 am]

BILLING CODE 6320-01-M

COMMISSION ON CIVIL RIGHTS

Alaska Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Alaska Advisory Committee (SAC) of the Commission will convene at 12:00 p.m. and will end at 4:00 p.m., on February 22, 1980, at 839 Federal Building, 709 West 9th Street, Juneau, Alaska 99801.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Northwestern Regional Office of the Commission, 915 Second Avenue, Room 2852, Seattle, Washington 98174.

The purpose of this meeting is the Alaskan employment study and program planning.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., January 23, 1980.

Thomas L. Neumann,
Advisory Committee Management Officer.

[FR Doc. 80-2939 Filed 1-29-80; 8:45 am]

BILLING CODE 6335-01-M

District of Columbia Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the District of Columbia Advisory Committee (SAC) of the Commission will convene at 8:30 a.m. and will end at 11:00 a.m., on February 26, 1980, at 2120 L Street, N.W., Washington, D.C. 20037.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Mid-Atlantic Regional Office of the Commission, 2120 L Street, N.W., Room 510, Washington, D.C. 20037.

The purpose of this meeting is to plan procedures for submitting and implementing project concepts for 1980 activity.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., January 24, 1980.

Thomas L. Neumann,
Advisory Committee Management Officer.

[FR Doc. 80-2942 Filed 1-29-80; 8:45 am]

BILLING CODE 6335-01-M

Indiana Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Indiana Advisory Committee (SAC) of the Commission will convene at 7:00 p.m. and will end at 9:00 p.m., on February 25, 1980, at the Indianapolis Hilton, 31 West Ohio Street, Indianapolis, Indiana 46204.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Midwestern Regional Office of the Commission, 230 South Dearborn Street, 32nd Floor, Chicago, Illinois 60604.

The purpose of this meeting is the review of the minutes by the chairperson; a report by staff on the employment project; and review of names of persons interviewed and

suggestions of additional persons to be interviewed.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., January 25, 1980.

Thomas L. Neumann,
Advisory Committee Management Officer.

[FR Doc. 80-2943 Filed 1-29-80; 8:45 am]

BILLING CODE 6335-01-M

Maryland Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Maryland Advisory Committee (SAC) of the Commission will convene at 6:30 p.m. and will end at 10:00 p.m., on February 20, 1980, at the Maryland State House, Hearing Room number 212, Annapolis, Maryland.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Mid-Atlantic Regional Office of the Commission, 2120 L Street, N.W., Room 510, Washington, D.C. 20037.

The purpose of this meeting is to discuss the planning of a statewide conference on civil rights issues.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., January 24, 1980.

Thomas L. Neumann,
Advisory Committee Management Officer.

[FR Doc. 80-2938 Filed 1-29-80; 8:45 am]

BILLING CODE 6335-01-M

Oklahoma Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights that a conference of the Oklahoma Advisory Committee (SAC) of the Commission will convene at 2:00 p.m. and will end at 6:00 p.m., on February 26, 1980, at Lincoln Plaza, Plaza 5, 4345 North Lincoln Blvd., Oklahoma City, Oklahoma.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Southwestern Regional Office of the Commission, 418 South Main, San Antonio, Texas 78204.

The purpose of this conference is the Affirmative Action Subcommittee meeting to discuss the affirmative action project.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., January 24, 1980.

Thomas L. Neumann,
Advisory Committee Management Officer.

[FR Doc. 80-2940 Filed 1-29-80; 8:45 am]
BILLING CODE 6335-01-M

Pennsylvania Advisory Committee; Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Pennsylvania Advisory Committee (SAC) of the Commission will convene at 12:30 p.m. and will end at 4:30 p.m., on February 21, 1980, at the William Penn Memorial Museum, Conference Room G-24, 3rd and North Streets, Harrisburg, Pennsylvania 17120.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Mid-Atlantic Regional Office of the Commission, 2120 L Street, N.W., Room 510, Washington, D.C. 20037.

The purpose of this meeting is to discuss plans concerning study on affirmative action in employment and update other civil rights developments in Pennsylvania.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., January 24, 1980.

Thomas L. Neumann,
Advisory Committee Management Officer.

[FR Doc. 80-2941 Filed 1-29-80; 8:45 am]
BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

University of California—Livermore Laboratory; Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. at 666 11th Street, N.W. (Room 735), Washington, D.C.

Docket No.: 79-00366. Applicant: University of California—Livermore Laboratory, P.O. Box 5012, Livermore, CA 94550. Article: Nanolab 7 Scanning Electron Microscope with Lanthanum Hexaboride (LaB₆) Emitter and Accessories. Manufacturer: Semco Instrument Company Ltd., Canada. Intended use of article: The article is intended to be used for performing research into the mechanisms of aging and cancer. Cancer experiments conducted involve the detection of changes that occur in cells and animals that have been exposed to cancer-promoting

3. Analysis of the metabolism of drugs.
 4. Chemical carcinogens and their metabolites.
 5. Protein sequencing.
 6. Lipid/sugar analysis in cell membranes.
 7. Rapid identification of bacterial infection.
 8. Environmental monitoring of possible carcinogens.
 9. Identification and structure proof of organic compounds.
 10. Structural identification of new biochemical compounds.
 11. Development of new ultrasensitive and ultra-specific methods of quantitative analysis.
- The article will also be used in the graduate Pharmacology course for graduate students titled Gas Chromatography-Mass Spectrometry in Biomedical Research.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a top access specimen chamber of nine inches diameter. The Department of Health, Education, and Welfare advises in its memorandum dated December 5, 1979 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 80-2900 Filed 1-29-80; 8:45 am]
BILLING CODE 3510-25-M

National Institutes of Health; Decision on Application for Duty Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. at 666-11th Street, N.W. (Room 735) Washington, D.C.

Docket No. 79-00418: Applicant: U.S. Department of Health, Education, and Welfare, Public Health Service, National Institutes of Health, 9000 Rockville Pike, Bethesda, Md. 20205. Article: Calibrator, 20 Microvolts. Manufacturer: Covington Computer Systems, Canada. Intended use of Article: The article is intended to be used for studies of human patients with neurological diseases affecting the movements of their eyes (patients who have such disease as Parkinson's disease, Progressive supranuclear palsy, Gaucher's disease). The objective of the investigation is to provide information which may be useful in the diagnosis of certain diseases, and in the study of the mechanisms of action of these diseases.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides operation at a very low frequency (7 herz) with a very low output signal (20 microvolts).

The National Bureau of Standards advises in its memorandum dated December 6, 1979 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use. The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article

is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 80-2898 Filed 1-29-80; 8:45 am]

BILLING CODE 3510-25-M

Research Foundation of SUNY; Decision on Application for Duty Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. at 666-11th Street, NW. (Room 735) Washington, D.C.

Docket No. 79-00359. Applicant: The Research Foundation of SUNY, Upstate Medical Center, 117 Monroe Street, Syracuse, NY 13210. Article: Cryogenic Probe. Manufacturer: Louis Rochon, France. Intended use of article: The article is intended to be used to explore systems of the brain that are related to the temporal lobe with animals trained on tasks that are used as measures of memory and that are sensitive to temporal lobe injury. An independent variable will be the different brain structure in which reversible lesions are placed by localized cooling.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to be foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides precise temperature control ($\pm 1^\circ\text{C}$ in the range of -20 to $+20$ degree Centigrade) and small cooled probe diameters (from 0.9 to 5 millimeters).

The Department of Health, Education, and Welfare advises in its memorandum dated December 5, 1979 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign

article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 80-2897 Filed 1-29-80; 8:45 am]

BILLING CODE 3510-25-M

Solar Energy Research Institute; Decision on Application for Duty Free Entry of Scientific Article

The following is a decision on an application for duty free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR 301).

A copy of the record pertaining to this decision is available for public review between 8:30 A.M. and 5:00 P.M. at 666-11th Street, N.W. (Room 735) Washington, D.C.

Docket No.: 79-00432. Applicant: Solar Energy Research Institute, 1536 Cole Boulevard, Golden, CO 80401. Article: Surface Analysis System Model LHS-10. Manufacturer: Leybold-Heraeus GmbH & Co., West Germany. Intended use of article: The article is intended to be used to determine the elemental composition and structural arrangements of the surface layers of surfaces, thin films, and interfaces of various elements and organic and inorganic compounds as a part of a program to improve the lifetime and reliability of solar energy materials. Experiments to be conducted include preparation and reaction of materials in selected atmospheres followed by a study using four different surface analysis techniques.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a mass range of zero to 500 amu with an extremely high detection sensitivity in the SIMS mode.

The National Bureau of Standards advises in its memorandum dated December 21, 1979 that (1) the capability of the foreign article described above is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

Richard M. Seppa,

Director, Statutory Import Programs Staff.

[FR Doc. 80-2896 Filed 1-29-80; 8:45 am]

BILLING CODE 3510-25-M

National Oceanic and Atmospheric Administration

New England Fishery Management Council's Scientific and Statistical Committee; Amended Public Meeting Notice

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The New England Fishery Management Council's Scientific and Statistical Committee has changed its February 13, 1980, meeting location from the Best Western Motel, Green Airport, Providence, Rhode Island, to the Sheraton Inn, 291 Jones Road, Falmouth, Massachusetts (FR Vol. 45, No. 17, dated January 24, 1980, page 5792).

FOR FURTHER INFORMATION CONTACT: New England Fishery Management Council, Peabody Office Building, One Newbury Street, Peabody, Massachusetts, telephone: (617) 535-5450.

Dated: January 25, 1980.

Winfred H. Meibohm,
Executive Director, National Marine
Fisheries Service.

[FR Doc. 80-2958 Filed 1-29-80; 8:45 am]

BILLING CODE 3510-22-M

Ruhr-Zoo Gelsenkirchen; Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

- Applicant:
 - Name Ruhr-Zoo Gelsenkirchen (P224).
 - Address Bleckstrasse 64; D 4650 Gelsenkirchen, West Germany.
- Type of Permit: Public Display.
- Name and Number of Animals: California sea lions (*Zalophus californianus*)—6.

As a request for a permit to take living marine mammals to be maintained in areas outside the jurisdiction of the

United States, this application has been submitted in accordance with National Marine Fisheries Service policy concerning such applications (40 FR 11614, March 12, 1975). In this regard, the application:

(a) Was submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, through the Stadt Veterinardirektor, Gelsenkirchen, that Department being responsible, among other things, for ensuring the suitable care of animals in captivity:

(b) Includes:

i. A verification from the Stadt Veterinardirektor, Gelsenkirchen of the information set forth in the application;

ii. A certification from the Stadt Veterinardirektor that the Government is prepared to monitor compliance with the terms and conditions of the permit, and will do so, if and when necessary; and

iii. A statement that the Stadt Veterinardirektor, will have no objection to a NMFS decision to amend, suspend, or revoke a permit.

In accordance with the above cited policy, the certification and statements of the Stadt Veterinardirektor, Gelsenkirchen have been found appropriate and sufficient to allow consideration of this permit application.

4. Type of Take: To hold beached/stranded animals for public display.
5. Location of Activity: California.
6. Period of Activity: 2 years.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Concurrent with the publication of this notice in the *Federal Register* the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, on or before February 29, 1980. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not

necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries,
National Marine Fisheries Service, 3300
Whitehaven Street, N.W., Washington,
D.C.; and

Regional Director, National Marine Fisheries
Service, Southwest Region, 300 South Ferry
Street, Terminal Island, California 90731.

Dated: January 25, 1980.

William Aron,

*Director, Office of Marine Mammals and
Endangered Species, National Marine
Fisheries Service.*

[FR Doc. 80-2959 Filed 1-29-80; 8:45am]

BILLING CODE 3510-22-M

University of Guelph, Ontario Veterinary College; Receipt of Application for Permit

Notice is hereby given that an Applicant has applied in due form for a permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR Part 216).

1. Applicant:
 - a. Name University of Guelph, Ontario Veterinary College (P34A).
 - b. Address Guelph, Ontario, Canada.
2. Type of Permit: Scientific Research.
3. Name and Number of Animals: Atlantic bottlenose dolphins (*Tursiops truncatus*)—4.
4. Type of Take: The applicant requests to capture and maintain these animals and conduct experiments for the assessment of the effects of oil on cetaceans.
5. Location of Activity: Melbourne, Florida.
6. Period of Activity: 2 years.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian, who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Concurrent with the publication of this notice in the *Federal Register* the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this application should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, on or before February 29, 1980. Those individuals requesting a hearing should

set forth the specific reasons why a hearing on this particular application would be appropriate. The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries.

All statements and opinions contained in this application are summaries of those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above application are available for review in the following offices:

Assistant Administrator for Fisheries,
National Marine Fisheries Service, 330
Whitehaven Street, N.W., Washington,
D.C.;

Regional Director, National Marine Fisheries
Services, Southeast Region, Federal
Building, 9540 Koger Boulevard, St.
Petersburg, Florida 33702.

Dated: January 18, 1980.

William Aron,

*Director, Office of Marine Mammals and
Endangered Species, National Marine
Fisheries Service.*

[FR Doc. 80-2860 Filed 1-29-80; 8:45 am]

BILLING CODE 3510-22-M

National Telecommunications and Information Administration

Emergency Medical Services Communications Interagency Work Group; Open Meeting

AGENCY: National Telecommunications and Information Administration, U.S. Department of Commerce.

ACTION: Notice.

SUMMARY: By this notice we announce the forthcoming meeting of the EMS Communications Interagency Work Group.

PURPOSE: To act on the following agenda:

1. Approval of summary minutes of the November 9, 1979 meeting.
2. Presentation by Mr. Darrell Wiemers, Ass't Commissioner of Public Safety, State of Oklahoma, on Statewide Radio Frequency Communication Systems Including "911".
3. Report on work of the "911 Task Force" (NTIA to report)
4. Report on work of the "TRSS Task Force" (NTIA to report)
5. Report on "Memorandum of Understanding" on full channel capability for EMS systems and other technical guidelines for joint-funded projects (NTIA, DOT and HEW).
6. NHTSA Petition to the FCC to amend its Rules pertaining to EMS Communications
7. National Symposium on EMS Communications scheduled for 16-18

June 1980 in Birmingham, Alabama (HEW to present)

8. Communications and Medical Control (Mr. Wood)

9. Other business.

TIME: Friday, February 1, 1980, 9:30 a.m.

PLACE: Department of Transportation Building, 400 7th Street, SW., Washington, D.C., Room 5332.

Additional information may be obtained from Roger W. Reinke, National Telecommunications and Information Administration, 1325 G Street, N.W., Washington, D.C. 20005 (Telephone (202) 724-3349).

Cloyd C. Dodson,

Director, Office of Administration.

[FR Doc. 80-2934 Filed 1-29-80; 8:45 am]

BILLING CODE 3510-60-M

CENTRAL INTELLIGENCE AGENCY

Privacy Act of 1974; Systems of Records; Annual Publication and Final Notice of Amended Systems

The Privacy Act of 1974 (5 U.S.C. 552a[e] [4]) requires agencies to publish annually in the *Federal Register* a notice of the existence and character of their systems of records. The Central Intelligence Agency last published the full text of its systems of records at 42 FR 48050, September 22, 1977. Through an oversight, however, an inadvertent omission of a change in record system CIA-42, Library Open Literature Ready Reference File, occurred and was not incorporated into that full text of records systems. This change was published at 40 FR 45325, October 1, 1975. The full text of CIA-42 is provided with this Annual Publication. The September 22, 1977 publication was updated by documents published at 44 FR 4518, January 22, 1979 and 44 FR 21057, April 9, 1979.

A notice of proposed Amended Records Systems was published at 44 FR 65797, November 15, 1979. The public was afforded the opportunity to submit written comments on these proposed amendments by January 7, 1980, but none was received. Therefore, this is the Final Notice of the adoption of the Amended Records Systems. Inasmuch as only the affected portions of the records systems were published in the notice of proposed amendment, the full text of these amended systems, as well as the full text of the new and amended systems published in the other aforementioned documents, appears below.

The full text of the Central Intelligence Agency systems of records as promulgated at 42 FR 48050,

September 22, 1977, also appears in Privacy Act Issuances, 1978 Compilation, Volume III, pg. 741. This volume may be ordered through the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The price of this volume is \$10.25.

Don I. Wortman,

Deputy Director for Administration.

CIA-42

SYSTEM NAME:

Library Open Literature Ready Reference File.

SYSTEM LOCATION:

Central Intelligence Agency, Washington, D.C. 20505.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals appearing in news media.

CATEGORIES OF RECORDS IN THE SYSTEM:

Articles concerning individuals of intelligence interest.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Security Act of 1949, as Amended—Public Law 80-253.

Central Intelligence Agency Act of 1949, as Amended—Public Law 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To provide traditional library reference service to CIA and other Government officials. It serves as an adjunct to standard published reference works and supplies information not otherwise readily available.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Hard copy file of media articles.

RETRIEVABILITY:

By subject, organization or personal name; some are retrievable by a manual or a computer index to the file.

SAFEGUARDS:

Requests for information are screened for appropriateness.

RETENTION AND DISPOSAL:

Articles and categories are discarded when no longer needed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Central Reference, Central Intelligence Agency, Washington, D.C. 20505.

NOTIFICATION PROCEDURE:

Individuals seeking to learn if this system of records contains information about them should direct their inquiries to: Information and Privacy Coordinator, Central Intelligence Agency, Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the *Federal Register* (32 CFR 1901.13). Individuals must comply with these rules.

RECORD ACCESS PROCEDURES:

Request from individuals should be addressed as indicated in the notification section above.

CONTESTING RECORD PROCEDURES:

The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the *Federal Register*.

RECORD SOURCE CATEGORIES:

Foreign and domestic news media.

CIA-62

SYSTEM NAME:

Office of Data Processing Security Clearance Records.

SYSTEM LOCATION:

Central Intelligence Agency, Washington, D.C. 20505.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Commercial contractors and vendors, persons in the private sector associated with the Agency, and individuals in other government agencies contacted for liaison purposes.

CATEGORIES OF RECORDS IN THE SYSTEM:

Biographic data (name, date and place of birth, Social Security Account Number), company name and security clearances held.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Security Act of 1947, as Amended—Pub. L. 80-253.

Central Intelligence Agency Act of 1949, as Amended—Pub. L. 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C. Section 3101).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by Staff employees in conducting Agency business with the commercial sector and liaison with other government agencies.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Magnetic disc. Paper product is stored in combination lock safes or vaulted areas.

RETRIEVABILITY:

By individual or company name, and Social Security Account Number.

SAFEGUARDS:

Access is limited to staff employees having a need-to-know and a coded password identifier.

RETENTION AND DISPOSAL:

Records destroyed by degaussing or pulping upon expiration of clearance. Clearances may be revalidated three years after initial approval.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Data Processing, Central Intelligence Agency, Washington, D.C. 20505.

NOTIFICATION PROCEDURE:

Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Information and Privacy Coordinator, Central Intelligence Agency, Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32 CFR Sec. 1901.13). Individuals must comply with these rules.

RECORD ACCESS PROCEDURE:

Request from individuals should be addressed as indicated in the notification section above.

CONTESTING RECORD PROCEDURES:

The Central Intelligence Agency's regulations for access to individual records, for disputing the contests thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

RECORD SOURCE CATEGORIES:

Information obtained from individual concerned and certification of clearance from Office of Security.

CIA-63**SYSTEM NAME:**

Security Access Records.

SYSTEM LOCATION:

Central Intelligence Agency, Washington, D.C. 20505.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Agency employees and other badged individuals accessing Agency buildings.

CATEGORIES OF RECORDS IN THE SYSTEM:

Badge number, building/entrance, year, Julian day, hour, entry or exit code.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Security Act of 1947, as Amended-Pub. L. 80-253.

Central Intelligence Agency Act of 1949, as Amended Pub. L. 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USERS:

For routine administrative, managerial and security purposes in order to: a. Determine the frequency of access to Agency buildings of certain badged individuals to facilitate administration of badge reissuance criteria; b. Provide selected Agency managers with statistical data on building access patterns for resource planning purposes; c. Ascertain whether a given badged individual has accessed a specific Agency building entrance, including the date and time of such access.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Paper and magnetic media.

RETRIEVABILITY:

Badge number, Julian date, time (hours/minutes), building/entrance, and entry or exit code.

SAFEGUARDS:

Records are maintained in a vault or combination lock safes. Access by Agency employees having a need-to-know and a coded password identifier.

RETENTION AND DISPOSAL:

Records on individuals are retained for a maximum of six years after date of access. Records are destroyed by degaussing, pulping or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Security Central Intelligence Agency, Washington, D.C. 20505.

NOTIFICATION PROCEDURE:

Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Information and Privacy Coordinator, Central Intelligence Agency, Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32 CFR Sec. 1901.13). Individuals must comply with these rules.

RECORD ACCESS PROCEDURES:

Request from individuals should be addressed as indicated in the notification section above.

CONTESTING RECORD PROCEDURES:

The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

RECORDS SOURCE CATEGORIES:

Agency's magnetically encoded badge system, after-hours building log and "Visitor-No-Escort" badge record cards.

CIA-64**SYSTEM NAME:**

Inquiries from Private Individuals about CIA and its Mission.

SYSTEM LOCATION:

Central Intelligence Agency, Washington, D.C. 20505.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of the general public who have written to CIA on matters of interest to the Office of Public Affairs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Correspondence from the general public and the Agency's letter of response.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To ensure responsiveness to legitimate public concerns about the mission and function of CIA.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Paper.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Files are stored in vaulted room or in combination lock safes; access is on a need-to-know basis.

RETENTION AND DISPOSAL:

Destroyed by pulping after two years.

SYSTEM MANAGER(S) AND ADDRESS:

Office of Public Affairs, Central Intelligence Agency, Washington, D.C. 20505.

NOTIFICATION PROCEDURE:

Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Information and Privacy Coordinator, Central Intelligence Agency, Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the *Federal Register* (32 CFR Sec. 1901.13). Individuals must comply with these rules.

RECORD ACCESS PROCEDURES:

Request from individuals should be addressed as indicated in the notification section above.

CONTESTING RECORD PROCEDURES:

The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or corrections of records, are promulgated in the CIA rules section of the *Federal Register*.

RECORD SOURCE CATEGORIES:

Correspondence from the general public for the Office of Public Affairs.

CIA-65

SYSTEM NAME:

Contact with the News Media and Index.

SYSTEM LOCATION:

Central Intelligence Agency, Washington, D.C. 20505.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Media representatives.

CATEGORIES OF RECORDS IN THE SYSTEM:

Written record of telephonic discussions with members of the press, radio, television or other news media. Includes daily memoranda to Director Central Intelligence—"Contacts with the Press." Cards 5" X 8" contain name and date of telephone call and index the written record of discussion.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Used by Agency officials to record the interests of journalists and to account for Agency information provided to them.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Paper.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Files stored in a vaulted room or combination lock safes; access upon request on a need-to-know basis.

RETENTION AND DISPOSAL:

Permanent.

SYSTEM MANAGER(S) AND ADDRESS:

Office of Public Affairs, Central Intelligence Agency, Washington, D.C. 20505.

NOTIFICATION PROCEDURE

Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Information and Privacy Coordinator, Central Intelligence Agency, Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the *Federal Register* (32 CFR Sec. 1901.13). Individuals must comply with these rules.

RECORD ACCESS PROCEDURES:

Requests from individuals should be addressed as indicated in the notification section above.

CONTESTING RECORD PROCEDURES:

The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or corrections of records, are promulgated in CIA rules section of the *Federal Register*.

RECORD SOURCE CATEGORIES:

Telephone inquires from news media representatives and response.

CIA-66

SYSTEM NAME:

Manuscript Review

SYSTEM LOCATION:

Central Intelligence Agency, Washington, D.C. 20505.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present and former employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Manuscripts submitted for review.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Review manuscripts of proposed publications or speeches authored or given by present or former employees to prevent unauthorized disclosure of classified information.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM.**STORAGE:**

Paper

RETRIEVABILITY:

By name.

SAFEGUARDS:

Files are stored in a vaulted room or combination lock safes; access is on a need-to-know basis.

RETENTION AND DISPOSAL:

Permanent.

SYSTEM MANAGER(S) AND ADDRESS:

Offices of Public Affairs, Central Intelligence Agency, Washington, D.C. 20505.

NOTIFICATION PROCEDURE:

Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Information and Privacy Coordinator, Central Intelligence Agency, Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the *Federal Register* (32 CFR Sec. 1901.13). Individuals must comply with these rules.

RECORD ACCESS PROCEDURES:

Request from individuals should be addressed as indicated in the notification section above.

CONTESTING RECORD PROCEDURES:

The Central Intelligence Agency's requirements for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or corrections of records, are promulgated in the CIA rules section of the *Federal Register*.

RECORD SOURCE CATEGORIES:

Present and former employees.

CIA-67

System name:
Publishing and Speaking Engagement Clearances.

SYSTEM LOCATION:

Central Intelligence Agency,
Washington, D.C. 20505.

CATEGORIES OF INDIVIDUAL COVERED IN THE SYSTEM:

Present and former employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Clearances for speeches and published works proposed for or in the public domain.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Used by Agency officials to review and provide clearance for external speaking and publishing activities and to be aware of information released into the public domain.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Paper.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Files are stored in a vaulted room or combination lock safes; access is on a need-to-know basis.

RETENTION AND DISPOSAL:

Destroyed by pulping after three years.

SYSTEM MANAGER(S) AND ADDRESS:

Office of Public Affairs, Central Intelligence Agency, Washington, D.C. 20505.

NOTIFICATION PROCEDURE:

Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Information and Privacy Coordinator,
Central Intelligence Agency,
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the *Federal Register* (32 CFR 1901.13). Individuals must comply with these rules.

RECORD ACCESS PROCEDURES:

Request from individuals should be addressed as indicated in the notification section above.

CONTESTING RECORD PROCEDURES:

The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or corrections of records, are promulgated in the CIA rules section of the *Federal Register*.

RECORD SOURCE CATEGORIES:

Current and former CIA employees.

CIA-68**SYSTEM NAME:**

CIA Personnel in Contact with Press.

SYSTEM LOCATION:

Central Intelligence Agency,
Washington, D.C. 20505.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Present and former CIA employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Card index of CIA employees who have reported a media contact.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

To maintain a record of employee press contacts.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Paper.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Files are stored in a vaulted room; access upon request on a need-to-know basis.

RETENTION AND DISPOSAL:

Permanent.

SYSTEM MANAGER(S) AND ADDRESS:

Office of Public Affairs, Central Intelligence Agency, Washington, D.C. 20505.

NOTIFICATION PROCEDURE:

Individuals seeking to learn if this system of records contains information about them should direct inquiries to:

Information and Privacy Coordinator,
Central Intelligence Agency,
Washington, D.C. 20505

Identification requirements are specified in the CIA rules published in the *Federal Register* (32 CFR Sec. 1901.13). Individual must comply with these rules.

RECORD ACCESS PROCEDURES:

Request from individuals should be addressed as indicated in the notification section above.

CONTESTING RECORD PROCEDURES:

The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or corrections of records, are promulgated in the CIA rules section of the *Federal Register*.

RECORD SOURCE CATEGORIES:

Present and former employees.

CIA-20**SYSTEM NAME:**

Logistics Security Clearance Records.

SYSTEM LOCATION:

Central Intelligence Agency,
Washington, D.C. 20505.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Commercial contractors and vendors, persons in the private sector associated with the Agency, and individuals in other government agencies contacted for liaison purposes.

CATEGORIES OF RECORDS IN THE SYSTEM:

Biographic data including name, address, position, *Social Security Account Number*, and security clearance held.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Security Act of 1947, as Amended—Pub. L. 80-253.

Central Intelligence Agency Act of 1949, as Amended—Pub. L. 81-110.

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by staff employees in conducting Agency business with the commercial sector and liaison with other government agencies.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Paper, *magnetic disk*.

RETRIEVABILITY:

By individual or company name, and Social Security Account Number.

SAFEGUARDS:

Paper product is stored in vaulted area or in combination lock safes. Access is on a need-to-know basis and coded password identifier.

RETENTION AND DISPOSAL:

Records destroyed by degaussing or pulping upon expiration of clearance. Clearances may be revalidated three years after initial approval.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Logistics, Central Intelligence Agency, Washington, D.C. 20505.

NOTIFICATION PROCEDURE:

Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Information and Privacy Coordinator, Central Intelligence Agency, Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32 CFR Sec. 1901.13). Individuals must comply with these rules.

RECORD ACCESS PROCEDURES:

Request from individuals should be addressed as indicated in the notification section above.

CONTESTING RECORD PROCEDURES:

The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

RECORD SOURCE CATEGORIES:

Information obtained from individual concerned and certification of clearance from Office of Security.

CIA-39**SYSTEM NAME:**

Publicity.

SYSTEM LOCATION:

Central Intelligence Agency, Washington, D.C. 20505.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Authors of articles, CIA employees, and other individuals mentioned in newspaper articles about CIA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Newspaper articles:

By-lined articles mentioning CIA.

Articles mentioning CIA.

Correspondence between media personalities and the Office of Public Affairs.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by Agency officials researching articles on the CIA.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Paper.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Files are stored in a vaulted room; access upon request on a need-to-know basis.

RETENTION AND DISPOSAL:

Permanent.

SYSTEM MANAGER(S) AND ADDRESS:

Office of Public Affairs, Central Intelligence Agency, Washington, D.C. 20505.

NOTIFICATION PROCEDURE:

Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Information and Privacy Coordinator, Central Intelligence Agency, Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32 CFR Sec. 1901.13). Individuals must comply with these rules.

RECORD ACCESS PROCEDURES:

Request from individuals should be addressed as indicated in the notification section above.

CONTESTING RECORD PROCEDURES:

The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or corrections of records, are promulgated in the CIA rules section of the Federal Register.

RECORD SOURCE CATEGORIES:

Newspaper articles and correspondence.

CIA-21**SYSTEM NAME:**

Privacy and Freedom of Information Acts Requesters.

SYSTEM LOCATION:

Central Intelligence Agency, Washington, D.C. 20505.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who make requests to CIA under provisions of the Privacy Act, the Freedom of Information Act, and Executive Order 11652.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain all correspondence and other documents related to the receipt, processing, and final disposition of requests received by the Agency for information under the Privacy Act, the Freedom of Information Act, and Executive Order 11652.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Privacy Act of 1974—Public Law 93-579, Freedom of Information Act of 1974, as Amended, and Executive Order 11652.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used by staff employees for reference purposes in formulating responses to Privacy Act, Freedom of Information Act, and Executive Order 11652 requests, and for reference in processing cases under appeal and litigation; to provide documentation for referral to other Federal agencies for their review pursuant to Executive Order 11652, and the Third Agency Rule; and, as a source of information for compiling reports required by the Acts.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Paper, electronic index and log.

RETRIEVABILITY:

By name, case number.

SAFEGUARDS:

Paper files are stored in combination lock safes; automatic data processing index and log files need coded identifier for activation. Access on need to know basis.

RETENTION AND DISPOSAL:

From the date of last entry, Freedom of Information Act requests are destroyed after two years, and Privacy Act requests are destroyed after five years. Records are destroyed by burning.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Information and Privacy
Division, Central Intelligence Agency,
Washington, D.C. 20505.

NOTIFICATION PROCEDURE:

Individuals seeking to learn if this system of records contains information about them should direct their inquiries to:

Information and Privacy Coordinator,
Central Intelligence Agency,
Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32 CFR 1901.13). Individuals must comply with these rules.

RECORD ACCESS PROCEDURES:

Request from individuals should be addressed as indicated in the notification section above.

CONTESTING RECORD PROCEDURES:

The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

RECORD SOURCE CATEGORIES:

Requests received pursuant to the Privacy Act, the Freedom of Information Act and Executive Order 11652.

CIA-30**SYSTEM NAME:**

Applicant Files.

SYSTEM LOCATION:

Central Intelligence Agency,
Washington, D.C. 20505.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who apply for employment with CIA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personal, medical and employment history statements, educational transcripts, personal references, interview reports, test results, correspondence, photographs, review comments, and processing records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Central Intelligence Agency Act of 1949, as Amended—Public Law 81-110.
Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3301).
National Security Act of 1947, As Amended—Public Law 90-253.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Used to review applicant's qualifications for CIA position; for security background investigation; and for medical screening for determination by authorized Agency official to offer employment.

A record from this system of records may be disclosed as a "routine use" to a Federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an Agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Paper.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Approved containers or area when not in use—controlled loans to authorized officials.

RETENTION AND DISPOSAL:

Applications rejected in the initial review because they do not meet requirements for Agency employment will be returned to the applicant without creating any record. Applications which appear to meet requirements for Agency employment, but which are subsequently rejected, are retained for two years and then destroyed by burning or pulping. Files on applicants who may be of interest at a later date are retained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Personnel, Central Intelligence Agency, Washington, D.C. 20505.

NOTIFICATION PROCEDURE:

Individuals seeking to learn if this system of records contains information about them should direct their inquiries to: Information and Privacy Coordinator, Central Intelligence Agency, Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32 CFR 1901.13). Individuals must comply with these rules.

RECORD ACCESS PROCEDURES:

Request from individuals should be addressed as indicated in the notification section above.

CONTESTING RECORD PROCEDURES:

The Central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

RECORD SOURCE CATEGORIES:

Applicant. Educational institutions. Physicians. Letters of Reference. Agency officials. Federal agencies.

CIA-37**SYSTEM NAME:**

Psychological Test Data Files.

SYSTEM LOCATION:

Central Intelligence Agency,
Washington, D.C. 20505.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants, CIA employees and dependents, detailees and dependents, retired or separated employees and dependents.

CATEGORIES OF RECORDS IN THE SYSTEM:

Results of psychological testing and assessment reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Security Act of 1947, as Amended—Public Law 80-253.
Central Intelligence Agency Act of 1949, as Amended—Public Law 81-110.
Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In the case of employees, dependents and detailees, to determine the individual's skills and aptitudes and suitability for a particular assignment or training as distinct from his general suitability for employment (Psychiatric screening).

Data developed to validate new tests and techniques as part of on-going research efforts.

To prepare reports which summarize test results and to assist Agency officials in selection of candidates for employment and career management planning for employees.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, SCREENING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Paper, microfilm, magnetic tape and punch cards.

RETRIEVABILITY:

By name.

SAFEGUARDS:

Medical files are stored in vaulted main file room. During periods when files are undergoing active processing they are secured in locked safes. Access to computer information is controlled by limiting the number of medical personnel approved for such access by an identifying password. Access to the main vault file room, locked safes and the Agency Records Center is controlled by limiting the number of personnel authorized such access.

RETENTION AND DISPOSAL:

Files on employees, dependents and detailees are retained in Headquarters until retirement or separation at which time they are retired to the Agency Records Center, where they are retained 30 years and then destroyed by the Records Center by burning. Successful applicants' files are treated the same as employees. Unsuccessful applicant files are retained for a period of three years and then destroyed by burning or pulping.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Medical Services,
Central Intelligence Agency,
Washington, D.C. 20505.

NOTIFICATION PROCEDURE:

Individuals seeking to learn if this system of records contains information about them should direct their inquiries to: Information and Privacy Coordinator, Central Intelligence Agency, Washington, D.C. 20505.

Identification requirements are specified in the CIA rules published in the Federal Register (32 CFR 1901.13). Individuals must comply with these rules.

RECORD ACCESS PROCEDURES:

Request from individuals should be addressed as indicated in the notifications section above.

The central Intelligence Agency's regulations for access to individual records, for disputing the contents thereof, and for appealing an initial determination by CIA concerning access to or correction of records, are promulgated in the CIA rules section of the Federal Register.

RECORD SOURCE CATEGORIES:

The individual through the completion of a variety of psychological tests and interview sessions with Agency medical officers.

[FR Doc. 80-2978 Filed 1-29-80; 8:45 am]

BILLING CODE 6310-02-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS**Announcing Import Restraint Levels For Certain Cotton, Wool, and Man-Made Fiber Textile Products From Macau**

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Establishing import restraint levels for certain cotton, wool, and man-made fiber textile products imported from Macau, effective January 1, 1980.

SUMMARY: The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of November 29 and December 18, 1979, between the Governments of the United States and Portugal establishes specific ceilings for cotton, wool and man-made fiber textile products from Macau in Categories 333/334/335, 338/339, 340, 341, 347/348, 445/446, 633/634/635, 641, and 647/648 during the agreement year which begins on January 1, 1980 and extends through December 31, 1980. The agreement also provides consultation levels for certain categories such as Category 659, which are not subject to specific ceiling and which may be increased upon agreement between the two governments. In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs, in accordance with the bilateral agreement, to prohibit entry into the United States for consumption, or withdrawal from warehouse for consumption, of textile products in the foregoing categories, produced or manufactured in Macau and exported during the twelve-month period which began on January 1, 1980 and extends through December 31, 1980, in excess of the designated levels of restraint. The level for Category 333/334/335 has been adjusted to account for the remaining 1978 overshipments which amount to 6,813 dozen.

(A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the Federal Register on January 4, 1978 (43 FR 884), as amended on January 25, 1978 (43 FR 3421), March 3, 1978 (43 FR 8828), June 22, 1978 (43 FR 26773), September 5, 1978 (43 FR 39408), January 2, 1979 (44 FR 94), March 22, 1979 (44 FR 17545),

April 12, 1979 (44 FR 21843), and December 20, 1979 (44 FR 75441))

This letter and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

EFFECTIVE DATE: February 1, 1980.

FOR FURTHER INFORMATION CONTACT:

Carl Ruths, International Trade Specialist, U.S. Department of Commerce, Office of Textiles, Washington, D.C. 20230 (202/377-5423).

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

January 25, 1980.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington,
D.C.

Dear Mr. Commissioner: Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of November 29 and December 18, 1979, between the Governments of the United States and Portugal; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on February 1, 1980 and for the twelve-month period beginning on January 1, 1980 and extending through December 31, 1980, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton, wool and man-made fiber textile products in the following categories, produced or manufactured in Macau, in excess of the indicated levels of restraint:

Category	12-mo level of restraint
333/334/335	80,854 dozen of which not more than 45,000 dozen shall be in Cat. 333/335.
338	114,755 dozen.
339	488,254 dozen.
340	110,000 dozen.
341	70,948 dozen.
347/348	262,000 dozen.
445/446	67,914 dozen.
633/634/635	183,458 dozen.
641	65,488 dozen.
647/648	200,152 dozen.
659	203,724 dozen.

In carrying out this directive entries of textile products in the foregoing categories, except Categories 339 and 659, which have been exported to the United States prior to January 1, 1980, shall to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the twelve-month period beginning on January 1, 1979 and extending through December 31, 1979. In the event that the levels of restraint established for that period have been exhausted by previous entries,

such goods shall be subject to the levels set forth in this letter. Textile products in Categories 339 and 659 which have been exported prior to January 1, 1980 shall not be subject to this directive.

Textile products in Categories 339 and 659 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1448(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

The levels of restrict set forth above are subject to adjustment in the future pursuant to the provisions of the bilateral agreement of November 29 and December 18, 1979, which provide, in part, that: (1) within the aggregate and applicable group limits, specific levels of restraint may be exceeded by designated percentages; (2) these same levels may be increased for carryover and carryforward up to 11 percent of the applicable category limit; (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Any appropriate adjustments under the provisions of the bilateral agreement referred to above will be made to you by letter.

A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the *Federal Register* on January 4, 1978 (43 FR 884), as amended on January 25, 1978 (43 FR 3421), March 3, 1978 (43 FR 8828), June 22, 1978 (43 FR 26773), September 5, 1978 (43 FR 39408), January 2, 1979 (44 FR 94), March 22, 1979 (44 FR 17545), April 12, 1979 (44 FR 21843), and December 20, 1979 (44 FR 75441).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The action taken with respect to the Government of Portugal and with respect to imports of cotton, wool and man-made fiber textile products from Macau have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the *Federal Register*.

Sincerely,

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 80-2495 Filed 1-29-80; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for Mitigation of Shore Damage Attributed to Federal Navigation Structures at Grand Marais, Mich.

AGENCY: U.S. Army Corps of Engineers DOD.

ACTION: Notice of intent to prepare a draft environmental impact statement (DEIS).

SUMMARY:

Proposed Actions

A non-structural shoreland regulation plan for mitigation of shore damage is proposed at Grand Marais Harbor, Alger County, Michigan. Studies have determined that the Federal navigation structures at Grand Marais Harbor have induced about 33 percent of the total erosion damage. Ambient erosion, or erosion which would have occurred had the navigation structures not been built, is responsible for about 67 percent of the total.

The proposed project has five basic elements requiring action by the Corps of Engineers. These are: (1) assist and give guidance to non-Federal agencies in the development of shoreland regulations which would preclude development of shoreland areas which are predicted to erode; (2) monitor the shoreline evolution and document shore damages on a periodic basis; (3) disperse the information collected by the monitoring program and educate the public on the status of current and anticipated erosion rates, patterns, and hazards; (4) utilize suitable dredged material taken in future maintenance dredging actions as beach nourishment material; (5) require any future development of the harbor to include reconsideration of sand bypassing and other works which might mitigate shore erosion as part of that development.

Alternatives

In addition to the proposed plan, eight alternatives plans were considered. These include: (1) Restoring the bay to pre-project conditions; (2) Constructing a continuous revetment; (3) Constructing protective beaches; (4) Establishing a sand bypassing program; (5) Utilizing a detached breakwater and replacing the pile dike; (6) Constructing a groin field;

(7) Utilizing headland protection; and (8) No mitigative action.

Scoping Process

a. Public Involvement—To encourage outside input on the project, a public workshop was held in Grand Marais on 30 October 1979.

Invitations for attendance were extended to township and county officials and local private citizens in the Grand Marais area. Corps of Engineers' personnel were in attendance at the workshop.

b. Significant Issues—Comments received at the October meeting helped to identify some of the principal environmental considerations. The erosion problem at Kahle Park will be investigated to determine whether Federal assistance can be provided under the authority of Section 14 of the Flood Control Act of 1946, as amended. Representatives of Burt Township and some local residents voiced preference for the rebuilding of the pile dike.

c. Other Environmental Review and Consultation Requirements—This project has been reviewed for compliance with the following: The Fish and Wildlife Act of 1956; Fish and Wildlife Coordination Act of 1958; National Historic Preservation Act of 1966; National Environmental Policy Act of 1969; Endangered Species Act of 1973; Water Resources Development Act of 1976; Executive Order 11990, Wetlands Protection, May 1977; Clean Air Act of 1977; Clean Water Act of 1977; Corps of Engineers, Department of the Army, 33 CFR, Part 230, Environmental Quality: Policy and Procedure for Implementing NEPA (ER 200-2-2); as well as the Congressional actions authorizing construction and maintenance of Federal recreational harbors.

Estimated Date of DEIS Release

It is anticipated that the DEIS will be available to the public in January 1980.

Address

Questions about the proposed action and DEIS can be answered by Mr. Les Weigum, Project Manager, Environmental Resources Branch, U.S. Army Corps of Engineers, Box 1027, Detroit, MI 48231.

Dated: January 18, 1980.

P. McCallister,

Chief, Engineering Division.

[FR Doc. 80-2911 Filed 1-29-80; 8:45 am]

BILLING CODE 3710-GA-M

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for the Proposed Shoreline Flood Protection in Upper Wayne and Macomb Counties, Mich.

AGENCY: U.S. Army Corps of Engineers, DOD.

ACTION: Notice of intent to prepare a draft environmental impact statement (DEIS).

SUMMARY: 1. Proposed Actions. The recommended plan of Lake St. Clair flood damage reduction in St. Clair Shores and Grosse Pointe Park consists of an inland seawall/levee system located on or adjacent to Jefferson Avenue (a principal arterial street) in St. Clair Shores and the raising of six low areas adjacent to the shoreline in Grosse Pointe Park. Additionally, provisions would be made to line the banks of a man-made channel (Milk River) with steel sheet piling and the installation of a pump station and other interior drainage facilities.

2. Alternatives. Viable alternatives considered are a shoreline seawall/levee of 200-year design and a Jefferson Avenue seawall/levee of 200-year design located in St. Clair Shores-South and in Grosse Pointe Park, a shoreline seawall/levee of 500-year design and a shoreline earth fill of 500-year design.

3. Scoping Process. a. Public Involvement—At the onset of this study a public meeting was held in St. Clair Shores to listen to citizen concern regarding flood problems. The meeting was held on 26 October 1976. Through the course of the preliminary study, ten public workshops in strategic sectors of the shoreline study area were held. Those attending public workshops and those personally contacted during field reconnaissance activities have voiced important concerns regarding the specific nature of the flooding problems and their desire for improvements.

b. Significant Issues—The two most adamantly supported opinions pertain to view/access obstruction and lake level regulation. Shoreline and canal residents expressed a common opinion that they would rather live with the risk of flood damage than live with a structural solution that nullified the amenities of living near the lake. This viewpoint was not expressed by those individuals living in interior areas of the flood plain. The view/access problem was considered a significant issue throughout the plan formulation and evaluation process. To relieve the flooding problem, many residents suggested lake level regulations.

c. Other Environmental Review and Consultation Requirements—This

project has been reviewed for compliance with the following: The Fish and Wildlife Act of 1956; Fish and Wildlife Coordination Act of 1958; National Historic Preservation Act of 1966; National Environmental Policy Act of 1969; Endangered Species Act of 1973; Water Resources Development Act of 1976; Clean Air Act of 1977; Clean Water Act of 1977; Corps of Engineers, Department of the Army, 33 CFR, Part 230, Environmental Quality: Policy and Procedure for Implementing NEPA (ER 200-2-2), Coastal Zone Management Act of 1972, Flood Plain Management (E.O. 11988).

4. Scope Meeting. A public meeting is currently scheduled for November 1980.

5. Estimated Date of DEIS Release. It is anticipated that the DEIS will be available to the public February 1980.

Address

Questions about the proposed action and DEIS can be answered by Mr. Ray Zomparelli, Project Manager, Environmental Resources Branch, U.S. Army Corps of Engineers, Box 1027, Detroit, MI 48231.

Dated: January 22, 1980.

P. McCallister,
Chief, Engineering Division.

[FR Doc. 80-2913 Filed 1-29-80; 8:45 am]
BILLING CODE 3710-GA-M

Department of the Army

Intent To Prepare Three Draft Supplements to the Final Environmental Impact Statement, Flood Control, Minnesota River, Minn., Mankato-North Mankato-Le Hillier, for the Proposed Alteration or Relocation of Bridges and Highway Approaches.

AGENCY: St. Paul District, U.S. Army Corps of Engineers.

ACTION: Notice of Intent to Prepare Three Draft Supplements to the Final Environmental Impact Statement (FEIS).

SUMMARY: The St. Paul District, U.S. Army Corps of Engineers is in the process of constructing a flood barrier system along the Minnesota and Blue Earth Rivers, to provide flood protection for the communities of Mankato, North Mankato, and Le Hillier, Minnesota. The FEIS for this project was filed on 18 January 1972. A supplement to the FEIS was filed in March 1979 and noted in the Federal Register on 26 March 1979. In order to complete construction of the authorized flood control project, alterations to three existing bridges are required. These alterations involve raising or replacing existing bridges and approaches for two highways and one

railroad. The three bridges under study, for which supplements will be prepared, are:

1. Trunk Highways (TH) 169 and 160, Bridges No. 9413 and No. 4952 over the Blue Earth River, connecting Mankato and Le Hillier.

2. Chicago and Northwestern Transportation Company (Railroad) Bridges No. M 1605 and No. 423 over the Blue Earth River, connecting Mankato and Le Hillier.

3. Trunk Highway (TH) 60 Bridge No. 411 (Main Street Bridge) over the Minnesota River Between Mankato and North Mankato.

The three bridges requiring replacement are independent in their environmental effects. Therefore, to assure clarity and continuity in the discussion of the alternative impacts, a separate draft supplement will be prepared for each of the three bridges under study.

The purpose of this project is to provide adequate replacement transportation services, while meeting requirements for clearance of flood barriers and the flood control project design water-surface elevations. Several reasonable alternatives are currently under consideration for each of the bridge allocations. The no action alternative will be discussed briefly, but is not being addressed as a reasonable option for any of the bridge relocations. Removal and replacement of the existing structures are necessary components of the flood control project currently authorized and under construction. Therefore, all alternatives presented are consistent with the requirements of the flood barrier system in satisfying existing Corps standards.

The alternatives under consideration for the TH 169 and 60 bridge relocations include:

1A. Replacement of existing twin bridges with a second pair of twin bridges along the same general alignment, and replacement of the present grade crossing in Mankato with grade-separated ramps to and from the south at Woodland Avenue and Minneopa Road. The northbound off-ramp would be depressed underneath TH 160. The approach grades for this alternative would extend to Carney Avenue in Mankato and to Hawley Street in Le Hillier.

1B. This alternative is identical to 1A, except that one bridge would be constructed approximately 50 feet upstream from the existing bridge, rather than twin bridges along the same alignment.

1C. This alternative is identical to 1B, except that the on- and off-ramps and approach grades in Mankato would

extend approximately 300 feet farther into the city, between Woodland Avenue and Carney Avenue.

2A. This alternative is identical to 1A, except that the northbound off-ramp in Mankato would exit at Sibley Street, about 200 feet south of the existing TH 169 alignment.

Four alternatives are currently being considered for the relocation of the existing twin Chicago and Northwestern Transportation Company railroad bridges. Only one of the existing bridges is currently being used for transport purposes. The remaining bridge is used as a storage track. The alternatives are as follows:

1. Replacement of the existing twin bridges with a raised pair of bridges along the same alignment. One bridge would carry the main track and the other the storage track, which would be continuous across the river. The existing Woodland Avenue underpass would be replaced with a new underpass about 400 feet east.

2. Raising and replacement of one bridge and elimination of the second. Storage facilities on the Le Hillier side would be retained. A new stubended storage track on the Mankato side would be constructed 20 feet to the south. The existing Woodland Avenue underpass would be retained, with modifications to the main track bridge.

3. Construction of a new bridge approximately 20 feet north of the existing downstream bridge, and removal of both twin bridges. Replacement of the Woodland Avenue underpass 400 feet to the west. Construction of two new stubended storage tracks 20 feet and 30 feet south of the new track alignment.

4. Construction of a new bridge approximately 20 feet north of the existing downstream bridge, and removal of both twin bridges (same as alternative 3). Reconstruction of one storage track adjacent to the existing track, and raising of one-half of the Woodland Avenue underpass. Construction of two new storage tracks, south of the existing storage tracks, extending from Woodland Avenue to Sibley Street.

Three main locations are being considered for the relocation of the TH 60 (Main Street) bridge. Of these three, alternative 1, Belgrade Avenue (North Mankato) to Mulberry Street (Mankato) has four separate sub-alignments. These will be described by type, as they provide minor variations from the primary alignment. The other two main locations will be discussed specifically. The alternatives are as follows:

1. Replace existing bridge with a new structure connecting in North Mankato

on Belgrade Avenue at Nicollet Avenue, and in Mankato on Mulberry Street between Second and Broad Streets. In Mankato, the on-ramp begins at Second Street and Plum Street, and the off-ramp connects at Second Street and Main Street. In North Mankato, the diamond interchange on- and off-ramps extend perpendicular to the bridge alignment, approximately 1,300 feet north and south, respectively. All four subalignments share these characteristics in common. The differences between these subalignments are as follows:

1AA. The new bridge is depressed underneath TH 169 in North Mankato. In Mankato, the bridge is aligned so as not to require the relocation of the Burton Hotel (52 full-time residents).

1AC. Same alignment in North Mankato as 1AA. In Mankato, the bridge alignment is centered on Mulberry Street, requiring relocation of the Burton Hotel.

1CA. Same alignment in Mankato as 1AA. The new bridge is aligned to pass over TH 169 in North Mankato.

1CC. Same alignment in North Mankato as 1CA. Same alignment in Mankato as 1AC.

2. Replace existing bridge with a new structure, touching down at grade in North Mankato on Range Street and Belgrade Avenue, and in Mankato at Warren Street and Pike Street. In North Mankato, modifications include: widening and improvement of Range Street near Belgrade Avenue, on- and off-ramps extending 1,200 feet north of the bridge alignment and connecting with TH 169. The on- and off-ramps to the south would extend 1,200 feet south of the bridge alignment, from Range Street, and connect with Lookout Drive. In Mankato, modifications include widening and traffic circulation improvements along Pike Street, from Cherry Street to a point 200 feet west of the Warren-Pike intersection.

3. Replace existing bridge with a new structure, connecting in North Mankato on Monroe Avenue and TH 169, and in Mankato on Madison Avenue at Front Street, extending to Broad Street. In North Mankato, the bridge would be aligned over TH 169, with new north and south service roads extending to Webster Avenue and Belgrade Avenue, respectively. In Mankato, modifications would be made on Front and Second Streets, extending 1 block east and west of Madison Avenue.

The scoping process for the draft supplements has already been initiated. Additional notification will be made to all affected Federal, State, and local agencies, affected Indian tribes, and private organizations and parties who

have expressed an interest in the project, but have not been contacted to this point. Any other party having an interest in participation in the scoping process and development of the draft supplements should contact the St. Paul District, Army Corps of Engineers as soon as possible.

Significant issues identified to date on one or all of the bridge relocations include:

1. Traffic service and safety.
2. Redevelopment areas in Mankato and North Mankato.
3. Displacements: Residential and business.
4. Neighborhood areas, noise, traffic safety, property values, aesthetics.
5. Existing business districts.
6. Effects upon the Honeymead Processing Plant.
7. Effects upon the operation of the Chicago and Northwestern Transportation Company (Railroad).
8. Environmental effects.

The public involvement program for the bridge relocation study has been underway over the past year. The program includes a public information office, located in Mankato, which has been open to the public at regularly scheduled hours; a periodic publication, *Bridge Relocation Newsletter*, which is mailed to interested parties and available to the general public; and a number of public information meetings in the local communities.

Our review of the project will be conducted in accordance with the requirements of the National Environmental Policy Act of 1969, Council on Environmental Quality Regulations (40 CFR Parts 1500-1508), Preliminary Draft Corps of Engineers ER 200-2-2, "Environmental Quality, Preparing and Processing Environmental Impact Statements," and all other applicable Corps of Engineers and Minnesota Department of Transportation regulations and guidance.

The Minnesota Department of Transportation is functioning as a cooperating agency with the Corps of Engineers for the TH 169 and TH 60 (Main Street) bridge relocations.

We hope to accomplish the scoping task by letter. Because of the considerable public interest in the project and the ample opportunity for information and participation provided by the public involvement program, we believe this approach to be both practical and efficient. If there is still sufficient interest in holding a scoping meeting at the culmination of the scoping process, we will do so, following announcements to all interested parties.

We estimate that the three draft supplements will be made available to the public by the third quarter (April through June) of Fiscal Year 1980. Questions concerning the proposed action and the draft supplements should identify the specific draft supplement and should be directed to:

William W. Badger, Colonel, Corps of Engineers, District Engineer, 1135 U.S. Post Office and Custom House, St. Paul, Minn. 55101.

Dated: January 22, 1980.

William W. Badger,
Colonel, Corps of Engineers, District Engineer.

[FR Doc. 80-2851 Filed 1-29-80; 8:45 am]
BILLING CODE 3710-CY-M

Office of the Secretary of Defense

Defense Intelligence Agency Advisory Committee; Meeting

Pursuant to the provisions of Subsection (d) of section 10 of Pub. L. 92-463, as amended by section 5 of Pub. L. 94-409, notice is hereby given that a closed meeting of a Panel of the DIA Advisory Committee will be held as follows:

Friday, February 29, 1980, Pomponio Plaza, Rosslyn, Virginia

The entire meeting, commencing at 0900 hours is devoted to the discussion of classified information as defined in section 552b(c)(1), Title 5 of the U.S. Code and therefore will be closed to the public. Subject matter will be used in a study on the feasibility and utility of a unique intelligence collection approach.

H. E. Lofdahl,

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

January 24, 1980.

[FR Doc. 80-2872 Filed 1-29-80; 8:45 am]
BILLING CODE 3810-70-M

Defense Science Board Task Force on Acquisition Policy; Advisory Committee Meeting

An aircraft subgroup under the Defense Science Board Task Force on Acquisition Policy will meet in closed session on February 26-27, 1980 in Los Angeles, California.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense.

The aircraft subgroup will review the management of evolving aircraft

technology in the February 26-27 meeting. The Task Force on Acquisition Policy is addressing specific issues in evolving DoD acquisition policy.

In accordance with 5 U.S.C. App. 1 section 10(d) (1976), it has been determined that this Defense Science Board Task Force meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1976), and that accordingly this meeting will be closed to the public.

H. E. Lofdahl,

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

January 24, 1980.

[FR Doc. 80-2873 Filed 1-29-80; 8:45 am]
BILLING CODE 3810-70-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. SA80-70]

Hydrocarbon Transfer, Inc.; Application for Adjustment

January 23, 1980.

On January 18, 1980, Hydrocarbon Transfer, Inc. filed with the Federal Energy Regulatory Commission an application for an adjustment under Section 502(c) of Title V of the Natural Gas Policy Act wherein Hydrocarbon Transfer, Inc., sought relief from the Commission's regulations governing transportation by intrastate pipelines as set forth in 18 CFR 284.123(b)(1)(ii). Hydrocarbon states that it is necessary for the Commission to grant this adjustment to remove major uncertainties associated with its performance of Section 311 transportation on behalf of an interstate pipeline in Texas. Hydrocarbon's application is on file with the Commission and is available for public inspection.

The procedures applicable to the conduct of this adjustment proceeding are found in Section 1.41 of the Commission Rules of Practice and Procedure, Order No. 24 issued March 22, 1979.

Any person desiring to participate in this adjustment proceeding shall file a petition to intervene in accordance with the provisions of Section 1.41. All petitions to intervene must be filed on or before February 14, 1980.

Lois D. Cashell,

Acting Secretary.

[FR Doc. 80-2885 Filed 1-29-80; 8:45 am]
BILLING CODE 6450-01-M

[Docket No. RA80-7]

Mac Hardy Oil Co.; Filing of Petition for Review under 42 U.S.C. 7194

Issued January 23, 1980.

Take notice that Mac Hardy Oil Company on January 8, 1980 filed a Petition for Review under 42 U.S.C. § 7194(b) (1977 Supp.) from an order of the Secretary of Energy.

Copies of the petition for review have been served on the Secretary, Department of Energy, and all participants in prior proceedings before the Secretary.

Any person desiring to be heard with reference to such filing should on or before February 11, 1980 file a petition to intervene with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8). Any person wishing to become a party or to participate as a party must file a petition to intervene. Such petition must also be served on the parties of record in this proceeding and the Secretary of Energy through Gaynell C. Methvin, Deputy General Counsel for Enforcement and Litigation, Department of Energy, 12th and Pennsylvania Ave., N.W., Washington, D.C. 20461. Copies of the petition for review are on file with the Commission and are available for public inspection at Room 1000, 825 North Capitol St., N.E., Washington, D.C. 20426.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 80-2886 Filed 1-29-80; 8:45 am]
BILLING CODE 6450-01-M

[Project No. 2964]

City of Sturgis, Michigan; Application for Minor Project License

January 23, 1980.

Take notice that an application was filed on August 28, 1979, under the Federal Power Act, 16 U.S.C. § 791(a)-§ 825(r), by the City of Sturgis for a license for a minor project. The project is located on the St. Joseph River in the County of St. Joseph, near the Town of Centreville, Michigan. Correspondence with the Applicant on this matter should be addressed to: Mr. R. Lennie Scott, Lawson-Fisher Associates, 101 JMS Building, South Bend, Indiana 46601.

Project Description—The City of Sturgis Dam Project, which affects navigable waters of the United States, would consist of: (1) An existing composite dam with a concrete section 300 feet long and 25 feet high, and an

earth section 500 feet long, with an average height of 12.5 feet, south of the concrete section; (2) a proposed powerhouse containing two generating units, each rated at 550 kW; (3) a reservoir with a surface area of 480 acres and a gross storage capacity of 6,550 acre-feet at normal pool elevation of 825.5 feet msl; and (4) appurtenant facilities. The estimated average annual output of the proposed project would be 4,000,000 kWh.

The project's existing recreational features include: boat docks, piers, boat launches, fishing, and picnicking. In addition, park and recreational areas are located around the reservoir.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before *March 27, 1980*, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than *July 25, 1980*. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c), (*as amended* 44 FR 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR, 4.33 (a) and (d), (*as amended*, 44 FR 61328, October 25, 1979).

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are requested to provide comments pursuant to the Federal Power Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the National Historic Preservation Act, the Historical and Archeological Preservation Act, the National Environmental Policy Act, Pub. L. No. 88-29, and other applicable statutes. No other formal requests for comments will be made.

Comments should be confined to substantive issues relevant to the issuance of a license. A copy of the application may be obtained directly from the applicant. If any agency does not file comments within the time set below, it will be presumed to have no comments.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR, § 1.8 or § 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate

action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before *March 27, 1980*. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 80-2887 Filed 1-29-80; 8:45 am]
BILLING CODE 6450-01-M

[Docket No. RP80-69]

Pacific Gas Transmission Co.; Notice of Rate Change

January 23, 1980.

Take notice that on January 21, 1980, Pacific Gas Transmission Company tendered for filing a "Notice of Rate Change to Reflect Increase in the Price of Canadian Gas in Cost of Service Charges and Request for Expedited Consideration."

PGT states that its filing is made in compliance with the Federal Power Commission's orders in Docket No. RP73-111 which require PGT to make filings pursuant to Section 4 of the Natural Gas Act before there is reflected in PGT's cost of service charges any increase in the cost of gas imposed or required by Canadian authorities.

PGT indicates that its filing will effect increases in rates charged under its PL-1 Rate Schedule which is applicable to sales of gas made by PGT to its one customer for sale, Pacific Gas and Electric Company.

The filed changes in rates will reflect in PGT's cost of service charges certain increases mandated by Canadian authorities in the price of gas imported from Canada, commencing February 17, 1980. PGT presently obtains more than 99% of its entire supply of gas from Canada at a border price which is the Canadian dollar equivalent of \$3.45 (U.S.) per Mcf of 1000 Btu gas. PGT recites that on January 18, 1980, it was notified by its Canadian supplier that existing National Energy Board (NEB) export licenses would be amended, effective February 17, 1980, to increase the border export price to the Canadian dollar equivalent of \$4.47 (U.S.) per Mcf of 1000 Btu gas payable in Canadian dollars in accordance with a monetary

exchange formula specified by the NEB. On the basis of expected volumes and Btu content, PGT estimates that the effect of the February 17, 1980 increase would be approximately \$385,400,000 (U.S.) on an annualized basis.

PGT advises that copies of its filing have been mailed to its customers and to interested state commissions, and to the Administrator of the Economic Regulatory Administration. PGT requests that expedited consideration be given to the instant filing and that the filing be allowed to become effective on less than 30 days notice.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before February 8, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 80-2888 Filed 1-29-80; 8:45 am]
BILLING CODE 6450-01-M

[Docket No. GP80-66]

Phillips Petroleum Co.; Application for Production Related Cost Allowance

Issued: January 23, 1980.

Take notice that on December 31, 1979, Phillips Petroleum Company (Phillips) filed an application with the Federal Energy Regulatory Commission (Commission) for a production related cost allowance pursuant to § 271.1105 of the Commission's regulations (18 CFR § 271.1105).

Phillips gathers the subject gas in its Sooner Gas Gathering System in Oklahoma and sells to Panhandle Eastern Pipe Line Company (Panhandle). Specifically, Phillips requests authorization to collect a production related cost allowance under a formula providing for recovery of compression and gathering costs plus the cost of fuel used in compression subject to the restraints of the Phillips/Panhandle gas sales contract dated March 6, 1979.

Any person desiring to be heard or to protest this proceeding should, on or before February 14, 1980, file with the

Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of Commission's Rules of Practice and Procedure (18 C.F.R. 1.8 or 1.10). All protests filed with the Commission will be considered but will not make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing must file a petition to intervene in accordance with the Commission's rules.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 80-2889 Filed 1-29-80; 8:45 am]
BILLING CODE 6450-01-M

[Project No. 2959]

City of Seattle; Application for Preliminary Permit

January 23, 1980.

Take notice that the City of Seattle (Applicant) filed on August 28, 1979, and supplemented on December 5, 1979, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C., Section 791(a)-825(r)] for a proposed water power project to be known as the Tolt River-South Fork Project, FERC No. 2959, located on the South Fork Tolt River in the County of King, Washington. Correspondence with the Applicant should be directed to: Mr. Robert Murray, Superintendent City Light Department, 1015 Third Avenue, Seattle, Washington 98104.

Project Description—The proposed Tolt River-South Fork Project would consist of: (1) an existing reservoir with a gross storage capacity of 57,900 acre-feet; (2) an existing 200-foot-high earthfill dam; (3) an existing concrete morning glory spillway; (4) a proposed 25,000-foot-long penstock, located on the existing Seattle Water Department's pipeline right-of-way; and (5) a new powerhouse containing a 26,800 horsepower turbine connected to a generator rated at 20 MW. The project would permit utilization of the waters of the South Fork Tolt River for both municipal and industrial water supply and power generation. The estimated average annual energy generation is 9.5 million kWh.

Purpose of Project—The power and energy developed by the project would be utilized by the Applicant to supply customers in its existing service area to meet the increasing loads of Applicant's 278,116 customers.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a

period of approximately 18 months, during which time it would perform geotechnical, engineering, economic, and environmental studies, do a feasibility study, prepare preliminary plans and exhibit drawings, and prepare a FERC license application. The estimated cost of the work to be performed under the preliminary permit is \$1,650,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other necessary information for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before March 31, 1980 either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than May 30, 1980. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c), (as amended 44 FR 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR, 4.33 (a) and (d), (as amended, 44 FR 61328, October 25, 1979).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR, Section 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in Section 1.10 for protests. In determining the

appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before March 31, 1980. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 80-2890 Filed 1-29-80; 8:45 am]
BILLING CODE 6450-01-M

[Docket No. RP79-5]

Texas Eastern Transmission Corp.; Informal Settlement Conference

January 23, 1980.

Take notice that on February 12, 1980, at 10:00 a.m., an informal conference of all interested persons will be convened in the above-referenced docket. The conference will be held in Hearing Room F of the Interstate Commerce Commission, 12th Street and Constitution Avenue, N.W., Washington, D.C.

Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene, attendance will not be deemed to authorize intervention as a party in these proceedings.

All parties will be expected to come fully prepared to discuss the merits of the issues in this proceeding and to make commitments with respect to such issues and any offers of settlement or stipulations discussed at the conference.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 80-2891 Filed 1-29-80; 8:45 am]
BILLING CODE 6450-01-M

[Project No. 2986]

Texon, Inc.; Application for Preliminary Permit

January 23, 1980.

Take notice that an application was filed on November 8, 1979, and revised on December 18, 1979, under the Federal Power Act, 16 U.S.C. § 791(a)-§ 825(r) by Texon, Inc. for a preliminary permit for a proposed waterpower project to be known as the Texon Hydroelectric Project, FERC No. 2986. The project would be located on the Westfield

River in Hampden County, Massachusetts. Correspondence with the Applicant should be directed to Irving A. Quimby, Senior Vice President, Texon, Inc., South Hadley, Massachusetts 01075; and Jack L. Halliwell, Halliwell Associates, Inc., East Providence, Rhode Island 02914.

Purpose of Project—Applicant proposes to use project power for industrial purposes at its adjacent industrial facilities.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would conduct surveys, environmental assessment studies, sub-surface explorations, materials testing, and market studies. The Applicant would decide whether to proceed with an application for license. Applicant estimates the cost of studies under the permit would be at least \$40,000.

Project Description—The proposed project would consist of: (1) a stone masonry dam to be built on a ledge, measuring 250 feet in length and having a maximum height of 30 feet; (2) a 3-acre reservoir with no usable storage capacity; (3) a powerhouse containing turbines and generators having a total installed capacity of 1,360 kW; and (4) appurtenant works. It is estimated that the average annual generation at the project would be 7,800,000 kWh.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other necessary information for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before March 28, 1980, either the

competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than May 27, 1980. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) (c), (as amended and, 44 FR 61328, October 25, 1979). A competing application must conform with the requirements of 18 CFR, 4.33 (a) and (d), (as amended, 44 FR 61328, October 25, 1979).

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Federal Energy Regulatory Commission, in accordance with the requirements of the Commission's Rules of Practice and Procedure, 18 CFR, Section 1.10 (1979). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in Section 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be filed on or before March 28, 1980. The Commission's address is: 825 North Capitol Street, N.E., Washington, D.C. 20426. The application is on file with the Commission and is available for public inspection.

Lois D. Cashell,
Acting Secretary.

[FR Doc. 80-2892 Filed 1-29-80; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPTS-51019; FRL 1402-3]

Receipt of Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA, or the Agency).

ACTION: Receipt of premanufacture notices.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import. Section 5(d)(2) requires EPA to publish a summary of each PMN in the *Federal Register*. This

Notice announces receipt of PMN's and provides a summary of each.

DATE: Persons who wish to file written comments on a PMN should submit their comments no later than 30 days before the applicable notice review period ends.

ADDRESS: Written comments should bear the PMN number of the Particular chemical substance, and should be submitted in triplicate, to the Document Control Officer (TS-793), Office for Pesticides and Toxic Substances, EPA, 401 M Street, SW., Washington, D.C. 20460.

Nonconfidential portions of the PMN's and other documents in the public record are available for public inspection from 8:00 a.m. to 4:00 p.m., Monday through Friday (excluding holidays), in Room E-447 at the address above.

FOR FURTHER INFORMATION CONTACT:

Notice manager	PMN No.	Telephone
Mr. Paul Wilson.....	5AHQ-0180-0032A...	202/426-3980
Ms. Ann Radosevich....	5AHQ-0180-0051A-	202/426-2601
Mr. George Bagley.....	5AHQ-0180-0105.....	202/426-3936

MAIL ADDRESS: Premanufacturing Review Division (TS-794), Office of Pesticides and Toxic Substances, EPA, Washington, D.C. 20460.

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA requires any person who intends to manufacture or import a new chemical substance to submit a PMN to EPA at least 90 days before manufacture of import. A "new" chemical substance is any substance that is not on the Inventory of existing substances compiled by EPA under Section 8(b) of TSCA. EPA first published the Initial Inventory on June 1, 1979. (Notice of availability of the initial Inventory was published in the *Federal Register* on May 15, 1979 (44 FR 28558)). The requirement to submit a PMN for new chemical substances manufactured or imported for a commercial purpose became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms (44 FR 2242, January 10, 1979). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy (44 FR 28564, May 15, 1979) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see the section entitled "Notice in the *Federal Register*" on p. 28567 of the Interim Policy.

A PMN must include the information listed in Section 5(d)(1) of TSCA. Under Section 5(d)(2) EPA must publish in the *Federal Register* nonconfidential

information on the identity and uses of the substances, as well as a description of any test data submitted under Section 5(b). In addition, EPA has decided to publish a description of any test data submitted with the PMN and EPA will publish the identity of the submitter unless this information is claimed confidential.

Publication of the section 5(d)(2) notice is subject to section 14 concerning disclosure of confidential information. A company can claim confidentiality for any information submitted as part of a PMN. If the company claims confidentiality for the specific chemical identity or use(s) of the chemical, EPA encourages the submitter to provide a generic use description, a nonconfidential description of the potential exposures from use, and a generic name for the chemical. EPA will publish the generic name, the generic use, and the potential exposure descriptions in the Federal Register.

If no generic use description or generic name is provided, EPA will develop one and after providing due notice to the submitter, will publish an amended Federal Register notice. EPA immediately will review confidentiality claims for chemical identity, chemical use, the identity of the submitter, and for health and safety studies. If EPA determines that portions of this information are not entitled to confidential treatment, the Agency will publish an amended notice and will place the information in the public file, after notifying the submitter and complying with other applicable procedures.

EPA has 90 days to review a PMN once the Agency receives it (Section 5(a)(1)). The section 5(d)(2) Federal Register notice indicates the date when the review period ends for each PMN. Under section 5(c), EPA may for good cause extend the review period for up to an additional 90 days. If EPA determines that an extension is necessary, it will publish a notice in the Federal Register.

Once the review period ends, the submitter may manufacture the substance unless EPA has imposed restrictions. When the submitter begins to manufacture the substance, he must report to EPA, and the Agency will add the substance to the Inventory. After the substance is added to the Inventory, any company may manufacture it without providing EPA notice under section 5(a)(1)(A).

(Sec. 5 of the Toxic Substances Control Act (90 Stat. 2012; 15 U.S.C. 2604))

Dated: January 24, 1980.

John P. DeKany,

Deputy Assistant Administrator for Chemical Control.

PMN No.: 5AHQ-0180-0032A.

Close of Review Period: April 15, 1980.

Manufacturer's Identity: Claimed confidential. The submitter has total annual sales of between \$100,000,000 and \$499,000,000 and intends to produce the new chemical substance at a plant in the eastern north-central region of the country. The submitter's 3-digit Standard Industrial Classification Code is 851.

Specific Chemical Identity: Neopentyl glycol-cyclohexane-dimethanol-trimethyl-propane-O-phthalate-adipate.

Use: Claimed confidential. The submitter states that the substance will be used in an open use that will release more than 50 kilograms but less than 5,000 kilograms of the substance to the environment per year. The manufacturer claims that the use will involve exposure to non-chemical and chemical industrial employees more than once a week, with potential skin and eye contact and that the substance will become a part of consumer and commercial articles, but will present no harmful exposure.

Data: Environmental test data were claimed confidential.

PMN No.: 5AHQ-0180-0051A.

Close of Review Period: April 15, 1980.

Manufacturer's Identity: Claimed confidential.

Specific Chemical Identity: Claimed confidential. Generic name: Dialkyl (C₁₂₋₁₄) substituted polycarboxylate.

Use: The manufacturer states that the chemical substance will be used as a

lubricant additive with commercial and consumer applications.

Data:

Health	
Test	Result
Estimated oral LD ₅₀ (rats).....	> 16.0 gm/kg of body weight (bw).
Primary skin irritation index.....	0.
Eye irritation score.....	0 (7 days).

Exposure/Environmental Release: The submitter claims that due to the chemical substance's high boiling point and low order of acute oral toxicity, it does not anticipate any occupational hazard in the manufacture of this substance nor any user or environmental hazard in its use and/or disposal.

PMN No.: 5AHQ-0180-0105.

Close of Review Period: April 15, 1980.

Manufacturer's Identity: Hercules Inc., 910 Market St., Wilmington, DE 19899.

Specific Chemical Identity: 1,4-Benzenedicarboxylic acid, dimethyl ester, manufacture from, byproduct of, polyester with dipropylene glycol.

Use: Hercules Inc. states that the chemical substance will be used for manufacture of rigid urethane foam.

Data:

Physical/Chemical Properties	
Description	Dark red-brown viscous liquid
Viscosity cps at 25° C.....	25,000 to 32,000.
Percent free dipropylene glycol.....	10 to 15.
Hydroxyl number.....	300.
Acid number.....	1.8.
Density g/ml at 25° C.....	1.15.
Flash point open cup (12 percent DPG).....	360° C.

Exposure/Environmental Release:

Activity and type of exposure	Exposure route	Maximum number persons exposed	Maximum duration		Concentration	
			Hour/day	Day/year	Average	Peak
During production:						
Occupational.....	Inhalation.....	10	.5	260	0-1 mg/m ³	0-1 mg/m ³
Environmental Release:						
Air—< 10 kg/yr.						
Water—< 10 kg/yr.						
Land—10—100 kg/yr.						
Physical states of the new chemical substance to which workers may be exposed: Fume. (Primarily to dipropylene glycol.)						
During processing: The submitter states that workers may be exposed to the raw material during board manufacture operations. However, since reaction with the isocyanate to form the urethane foam is extremely rapid, opportunity for exposure to the substance is minimal.						
Environmental Release:						
Air, land, and water—< 10 kg/yr.						
Physical states of the new chemical substance to which workers may be exposed: Liquid or fume.						

[FR Doc. 80-2893 Filed 1-29-80; 8:45 am]

BILLING CODE 6550-01-M

[FRL 1401-5]

**Science Advisory Board,
Environmental Measurements
Committee; Open Meeting**

As required by Public Law 92-463, notice is hereby given that a meeting of the Environmental Measurements Committee of the Science Advisory Board will be held on February 26-28, 1980, beginning at 8:30 am. The meeting will be held in the Conference Room of the EPA Environmental Monitoring and Systems Laboratory, 944 E. Harmon Avenue, Las Vegas, Nevada. The Committee is meeting to review programs at the Las Vegas facility, particularly those in the areas of hazardous waste monitoring, integrated exposure assessment, radiation monitoring, remote sensing, groundwater monitoring, and quality assurance.

The meeting is open to the public. Anyone wishing to attend, participate, or obtain information should contact Chuck Weger, Staff Assistant, or Dr. Douglas Seba, Executive Secretary, Environmental Measurements Committee, at (202) 472-9444, by February 19, 1980.

Richard M. Dowd,
Staff Director, Science Advisory Board.
January 22, 1980.

[FR Doc. 80-2904 Filed 1-29-80; 8:45 am]
BILLING CODE 6560-01-M

[FRL 1401-2]

**Water Programs; Determination of
Primary Enforcement Responsibility;
Puerto Rico**

This public notice is issued under section 1413 of the Safe Drinking Water Act of 1977, Pub. L. 95-190 (amending 42 U.S.C. 300f et seq.), and 40 CFR 142.10, National Interim Primary Drinking Water Regulations, published at 41 FR 2918 (January 20, 1976).

An application, dated November 30, 1979, has been received from Dr. Jaime Rivera Dueno, Secretary of Health, Commonwealth of Puerto Rico, requesting that the Department of Health be granted primary enforcement responsibility for public water systems in Puerto Rico, in accordance with the provisions of the Safe Drinking Water Act. Supplementing the Puerto Rico application was a letter from the Secretary of Health dated January 23, 1980, clarifying two provisions in the Puerto Rico regulations.

In response, I have determined as Acting Regional Administrator of the U.S. Environmental Protection Agency, Region II, that Puerto Rico's Department of Health has met all conditions of the

Safe Drinking Water Act and subsequent regulations for the assumption of primary enforcement responsibility for public water systems in Puerto Rico.

Puerto Rico

(1) Has adopted drinking water regulations which are no less stringent than the National Interim Primary Drinking Water Regulations.

(2) Has adopted and will implement adequate procedures for the enforcement of such regulations, including:

a. Maintenance of an inventory of public water systems.

b. A systematic program for conducting sanitary surveys of public water systems.

c. Availability to Puerto Rico of laboratory facilities certified by EPA and capable of performing analytical measurements of all contaminants specified in the regulations.

d. Establishment and maintenance of an activity to assure that the design and construction of new or substantially modified facilities will be capable of compliance with the regulations.

d. Establishment and maintenance of a State program for the certification of laboratories conducting analytical measurements of drinking water contaminants.

(3) Has adopted statutory or regulatory enforcement authority to compel compliance with the regulations.

(4) Will keep such records and make such reports as required.

(5) Will issue variances and exemptions in accordance with the provisions of the National Interim Primary Drinking Water Regulations, and

(6) Has adopted and can implement an adequate plan for the provision of safe drinking water under emergency circumstances.

All documents relating to this determination are available for public inspection during normal business hours, Monday through Friday, at the following offices:

Office of the Assistant Secretary for Environmental Health, Department of Health, Centro Medico, Rio Piedras, Puerto Rico.

Caribbean Field Office, U.S. Environmental Protection Agency, U.S. Public Health Service Outpatient Clinic, Fernandez Juncos Avenue, San Juan, Puerto Rico.
Water Supply Branch, U.S. Environmental Protection Agency, Region II, 26 Federal Plaza, New York, N.Y. 10007.

All interested parties are invited to submit written comments on this determination. Written comments must

be received on or before February 29, 1980.

Further information may be obtained by writing the Water Supply Branch of the U.S. Environmental Protection Agency, Region II or the Puerto Rico Department of Health or by calling Mr. Harry F. Smith, Jr., at (212) 264-1800 or Dr. Antonio Hernandez Torres at (809) 751-5777.

A public hearing may be requested by any interested person. Frivolous or insubstantial requests for a public hearing may be denied; however, if a substantial request is received within 30 days of publication of this notice, a public hearing will be held and notice given in the *Federal Register* and newspapers of general circulation. Such requests shall be addressed to: Dr. Richard T. Dewling, Acting Regional Administrator, U.S. Environmental Protection Agency, Region II, 26 Federal Plaza, New York, N.Y. 10007, and shall include the following information:

(1) The name, address, and telephone number of the individual, organization or other entity requesting a hearing.

(2) A brief statement of the requesting person's interest in the Acting Regional Administrator's determination and of information that the requesting person intends to submit at such hearing.

(3) The signature of the individual making the request; or if the request is made on behalf of an organization or other entity, the signature of a responsible official of the organization or other entity.

If no timely requests for a hearing is received, my determination shall become effective February 29, 1980.

If there is a substantial request for a hearing this notice shall not become effective until after such hearing, at which time I shall issue an order affirming or rescinding my determination. If the determination is affirmed it shall become effective as of the date of that order.

Please bring this notice to the attention of any persons known by you to have an interest in this determination.

Dated: January 24, 1980.

Richard T. Dewling,
Acting Regional Administrator, U.S.
Environmental Protection Agency, Region II.

[FR Doc. 80-2903 Filed 1-29-80; 8:45 am]

BILLING CODE 6560-01-M

FEDERAL MARITIME COMMISSION

[Docket No. 80-5]

Dynamic International Freight Forwarders, Inc., Independent Ocean Freight Forwarder License Application and Possible Violation of Section 44, Shipping Act, 1916; Order of Investigation and Hearing

Dynamic International Freight Forwarders, Inc. (Dynamic) has filed with the Commission an application for a license as an independent ocean freight forwarder.

Evelyn Siegel, President of the applicant, disclosed during the course of a telephone interview with the Commission's Office of Freight Forwarders that she had forwarded four shipments in the name of the corporation between January 8, 1979 and January 18, 1979. Mrs. Siegel further stated that she did so under the impression that the performance of ocean freight forwarding services was permissible without a license as long as compensation was not received from the ocean carrier. In a subsequent letter to the Commission, Mrs. Siegel stated that after she had been warned during the above telephone conversation that forwarding without a license was prohibited that she had ceased performing any ocean freight forwarding and would not do so until a license had been received by the company.

The applicant had previously been advised by the Commission, in a letter dated August 31, 1978, conveying application forms and instructions for filing an application, that section 44 of the Shipping Act, 1916, prohibits any person from engaging in the business of forwarding unless such a person holds an independent ocean freight forwarder's license.

Although Mrs. Siegel indicated that the company discontinued freight forwarding activity, the commission has recently received information which indicates that the applicant apparently continued to carry on the business of ocean freight forwarding in at least ten instances.

Section 44(b) of the Shipping Act, 1916, requires that applicants be found fit, willing and able properly to carry on the business of forwarding and to conform to the provisions of the shipping Act, 1916, and the requirements, rules and regulations of the Commission issued thereunder. otherwise, such application shall be denied.

The applicant's above conduct would appear to reflect adversely upon the fitness of the applicant.

By letter December 10, 1979 the Commission notified Dynamic of its intent to deny its application for a license unless the applicant requests a hearing on the grounds that such denial is not warranted.

In a letter dated December 20, 1979 the applicant requested that it be given an opportunity to show at a hearing that such a denial is unwarranted.

Now therefore, it is ordered, That pursuant to sections 22, 32 and 44 (46 U.S.C. 821, 831 and 841(b)) of the Shipping Act, 1916, and § 510.8 of the Commission's General Order 4 (46 CFR 510.8), a proceeding is hereby instituted to determine:

1. Whether Dynamic International Freight Forwarders, Inc. violated section 44(a), Shipping Act, 1916 by engaging in unlicensed forwarding activities:

2. Whether civil penalties should be assessed against Dynamic International Freight Forwarders, Inc. pursuant to 46 U.S.C. 831(e), for violations of the Shipping Act, 1916, and, if so, the amount of any such penalty which should be imposed taking into consideration factors in possible mitigation of such a penalty;

3. Whether, in light of the evidence adduced pursuant to the first issue, together with any other evidence adduced, Dynamic International Freight Forwarders, Inc. and its corporate officers, possess the requisite fitness, within the meaning of section 44(b), Shipping Act, 1916, to be licensed as an independent ocean freight forwarder.

It is further ordered, That Dynamic International Freight Forwarders, Inc. be named Respondent in this proceeding;

It is further ordered, That this proceeding be assigned for public hearing before an Administrative Law Judge of the Commission's Office of Administrative Law Judges and that the hearing be held at a date and place to be determined by the Presiding Administrative Law Judge, but in any event, shall commence on or before June 20, 1980. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents, or that the nature of the matters in issue are such that an oral hearing and cross-examination are necessary for the development of an adequate record;

It is further ordered That notice of this order be published in the Federal Register and a copy thereof and notice of hearing be served upon respondent, Dynamic International Freight Forwarders, Inc.;

It is further ordered, That any person other than respondents and Hearing Counsel having an interest and desiring to participate in this proceeding shall file a petition for leave to intervene in accordance with Rule 72 (46 CFR 502.72) of the Commission's Rules of Practice and Procedure; and

It is further ordered, That all future notices issued by or on behalf of the Commission, including notice of time and place of hearing, or prehearing conference, shall be mailed directly to all parties of record.

By the Commission.
Francis C. Hurney,
Secretary.

[FR Doc. 80-2870 Filed 1-29-80; 8:45 am]
BILLING CODE 6730-01-M

[Agreement No. 10209]

The Shipping Corp. of India Ltd.; Cancellation

Filing party: E. M. Sorenson, Vice President, Norton, Lilly & Co., Inc., 90 West Street, New York, New York 10006.

Summary: The Shipping Corporation of India, Ltd. has given notice of its termination of Agreement No. 10209, to the other party, Scindia Steam Navigation Co., Ltd. in accordance with the provisions of the agreement. Accordingly, Agreement No. 10209 is cancelled effective November 5, 1979.

By Order of the Federal Maritime Commission.

Dated: January 23, 1980.
Francis C. Hurney,
Secretary.

[FR Doc. 80-2869 Filed 1-29-80; 8:45 am]
BILLING CODE 6730-01-M

FEDERAL TRADE COMMISSION

Transmittal Rules; Early Termination of the Waiting Period of the Premerger Notification Rules

January 22, 1980.

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Life Investors, Inc. is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of additional shares by Vereniging AGO. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in

response to requests for early termination submitted by Life Investors, Inc. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: January 21, 1980.

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 Title II of the Hart-Scott-Radino 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. 80-2833 Filed 1-29-80; 8:45 am]

BILLING CODE 6750-01-M

GENERAL SERVICES ADMINISTRATION

[GSA Bulletin FPR 37 Federal Procurement Supplement 3]

Companies Not in Compliance With the Voluntary Wage and Price Standards

January 18, 1980.

To: Heads of Federal agencies.

1. *Purpose.* This supplement adds additional companies to the list of companies that have been determined to be in noncompliance with the Voluntary Wage and Price Standards formulated under Executive Order 12092.

2. *Expiration date.* This bulletin contains information of a continuing nature and will remain in effect until canceled.

3. *Substance.* The following companies are added to the companies listed in paragraph 4 of GSA Bulletin FPR 37, dated August 17, 1979; Supplement 1, dated September 14, 1979; and Supplement 2, dated November 16, 1979:

Effective November 27, 1979

The Eureka Company, 1201 East Bell Street, Bloomington, IL 61701.
Portland Association of Plumbing, Heating and Cooling Contractors (two

noncomplying agreements), 0612 SW. Idaho, Portland, OR 97201.
Sheetmetal Association, Inc., c/o 3434 SW. Water Avenue, Portland, OR 97201.
San Diego Contracting Lathers Association, 7855 Ostrow Street, San Diego, CA 92111.

Effective December 27, 1979

Gifford-Hill & Company, Inc., ("All other" compliance unit), 8435 Stimmans Freeway, P.O. Box 47127, Dallas, TX 75247.

Gerald McBride,

Assistant Administrator for Acquisition Policy.

[FR Doc. 80-2844 Filed 1-29-80; 8:45 am]

BILLING CODE 6820-61-M

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

Advisory Committee on Accreditation in Institutional Eligibility, Policy Review Subcommittee; Public Meeting

AGENCY: Department of Health, Education, and Welfare, Office of Education.

ACTION: Notice of Public Meeting of the Policy Review Subcommittee of the Advisory Committee on Accreditation and Institutional Eligibility.

DATE: February 26, 1980, 9 a.m. to 4 p.m., local time, and February 27, 1980, 9 a.m. to 3 p.m. Requests for oral presentations before the Policy Review Subcommittee must be received on or before February 15, 1980. All written material which a party wishes to file may be submitted at any time and will be considered by the Subcommittee.

ADDRESS: Washington Hilton Hotel, 1919 Connecticut Avenue, NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: John R. Proffitt, Director, Division of Eligibility and Agency Evaluation, Office of Education, Room 3030, ROB #3, 400 Maryland Avenue, SW., Washington, D.C. 20202 (202/245-9873).

Notice is hereby given that the Policy Review Subcommittee of the Advisory Committee on Accreditation and Institutional Eligibility will meet on February 26, in the Monroe Room of the Washington Hilton Hotel, Washington, D.C., and on February 27, in the State Room of the Washington Hilton. Notice of these meetings is required under the Federal Advisory Committee Act (5 U.S.C. Appendix 1, 10(a)(2)). The Advisory Committee on Accreditation and Institutional Eligibility is established pursuant to section 253 of the Veterans' Readjustment Assistance Act (Chapter 33, Title 38, U.S. Code). The Committee advises the

Commissioner of Education regarding the Commissioner's responsibilities related to institutional eligibility for funding, including statutory obligations to publish lists of nationally recognized accrediting agencies and associations; State agencies recognized for approval of public postsecondary vocational education; and accrediting and State agencies recognized for the approval of nurse education. The Committee also advises the Commissioner on policy affecting institutional eligibility and accreditation.

The Policy Review Subcommittee is established under the authority of the Advisory Committee's Charter. The Subcommittee identifies policy and procedural issues affecting accreditation and institutional eligibility and establishes priorities and schedules for their review by the Advisory Committee. The meeting on February 26 and 27 will be open to the public. The Policy Review Subcommittee will:

Review the status of the Educational Testing Service's Evaluation of U.S. Office of Education Criteria for Recognition of National Accrediting Bodies and State Agencies;

Examine proposed pre-screening process for agencies seeking initial recognition;

Review selected criteria of the Criteria for Recognition;

Examine proposed appeals procedures for accrediting and State approval agencies subject to negative actions of the Commissioner of Education;

Discuss developments regarding accreditation and institutional eligibility aspects of the proposed reauthorization of the Higher Education Act of 1965, the Department of Education Act and the organization of the new Department;

Review data pertaining to the Federal purpose served by agencies recognized by the Commissioner of Education since 1952; and

Review orientation materials for new members regarding the recognition process.

The Subcommittee will reserve two hours, from 1 p.m. to 3 p.m. on February 26, for presentations on these subjects from members of the general public. Requests for oral presentations before the Subcommittee should be submitted in writing to the Director, Division of Eligibility and Agency Evaluation, U.S. Office of Education, Room 3030, ROB 3, 400 Maryland Avenue, SW., Washington, D.C. 20202. Requests should include the names of all persons seeking an appearance, the party or parties which they represent (if applicable), and the subject to be discussed. Requests must be received by the Division of Eligibility and Agency Evaluation on or before February 15, 1980. Each individual or group will be allowed fifteen minutes for an oral presentation, on a first come, first

served basis, until all fifteen-minute segments of the two-hour period are filled. All written materials which a party wishes to file will be considered by the Subcommittee.

Records shall be kept of all Subcommittee proceedings and shall be available for public inspection at the Division of Eligibility and Agency Evaluation.

Signed at Washington, D.C., on January 23, 1980.

John R. Proffitt,

Director, Division of Eligibility and Agency Evaluation, Office of Education.

[FR Doc. 80-2830 Filed 1-29-80; 8:45 am]

BILLING CODE 4110-02-M

Commission on the Review of the Federal Impact Aid Program

AGENCY: Commission on the Review of the Federal Impact Aid Program.

ACTION: Notice of site visit.

SUMMARY: Notice is hereby given that the Commission on the Review of the Federal Impact Aid Program will hold a site visit in Omaha, Nebraska on March 6, 1980 for the purpose of gathering evidence on the operation and administration of the program authorized by Public Law 874, Eighty-first Congress. At this site visit, the Commission is to take evidence from representatives of local educational agencies. The site visit will be open to the general public, and all interested persons are invited to attend. Notice of the site visit is given in accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix 1).

DATE: March 6, 1980.

ADDRESS: International Command Post, Strategic Air Command, Omaha, Nebraska 60065.

FOR FURTHER INFORMATION CONTACT: Richard Dallas Smith, Executive Director, Commission on the Review of the Federal Impact Aid Program, 1832 M Street NW., Suite 837, Washington, D.C. 20036.

AUTHORITY AND FUNCTION: The Commission on the Review of the Federal Impact Aid Program is established under section 1015 of the Education Amendments of 1978 (Pub. L. 95-961). The Commission is to conduct a review and evaluation of the administration and operation of the Impact Aid Program, authorized under the Act of September 30, 1950 (Pub. L. 874, 81st Congress), and report its recommendations on that program to the President and Congress not later than December 1, 1980. Such recommendations are to include

proposed legislation to accomplish the recommendations. Public Law 874 requires that the Commissioner make payments to the local educational agencies in accordance with a formula designed to compensate such agencies for the financial burden carried by them by reason of Federal activities—the loss of revenue because of the Federal ownership of real property and provision of education services for federally-connected children—or by reasons of sudden or substantial increases in the school attendance resulting from Federal activities.

Signed at Washington, D.C. on the 24th day of January, 1980.

Richard Dallas Smith,

Executive Director, Commission on the Review of the Federal Impact Aid Program.

[FR Doc. 80-2906 Filed 1-29-80; 8:45 am]

BILLING CODE 4110-02-M

Commission on the Review of the Federal Impact Aid Program

AGENCY: Commission on the Review of the Federal Impact Aid Program.

ACTION: Notice of hearing.

SUMMARY: Notice is hereby given that the Commission on the Review of the Federal Impact Aid Program will hold a hearing in Denver, Colorado on March 6, 1980 for the purpose of gathering evidence on the operation and administration of the program authorized by Public Law 874, Eighty-first Congress. At the hearing, the Commission is to take evidence from representatives of local educational agencies in Colorado, Kansas, North Dakota, South Dakota, Utah, and Wyoming. The hearing will be open to the general public, and all interested persons are invited to attend. Those interested in presenting their views should submit a request to testify including: the person testifying, their affiliation, their organization's address and telephone number, the subject matter of testimony, preferred time of day for testifying, and need for an English translator or a qualified interpreter and/or signer for the deaf. The request should be received by the Commission no later than February 7, 1980. Those unable to attend the hearings who wish to submit written testimony may do so by forwarding the text to the Commission no later than March 6, 1980. Notice of the hearing is given in accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix 1).

DATE: March 6, 1980. The Commission will meet at 9:30 a.m. and continue until 4:30 p.m.

ADDRESS: Old Supreme Court Room, State Capitol Building, Denver, Colorado 80203.

FOR FURTHER INFORMATION CONTACT: Richard Dallas Smith, Executive Director, Commission on the Review of the Federal Impact Aid Program, 1832 M Street, NW., Suite 837, Washington, D.C. 20036.

AUTHORITY AND FUNCTION: The Commission on the Review of the Federal Impact Aid Program is established under section 1015 of the Education Amendments of 1978 (Pub. L. 95-961). The Commission is to conduct a review and evaluation of the administration and operation of the Impact Aid Program, authorized under the Act of September 30, 1950 (Public Law 874, 81st Congress), and report its recommendations on that program to the President and Congress not later than December 1, 1980. Such recommendations are to include proposed legislation to accomplish the recommendations. Public Law 874 requires that the Commissioner make payments to the local educational agencies in accordance with a formula designed to compensate such agencies for the financial burden carried by them by reason of Federal activities—the loss of revenue because of the Federal ownership of real property and provision of education services for federally-connected children—or by reasons of sudden or substantial increases in the school attendance resulting from Federal activities.

RECORDS: Records of all proceedings of the Commission will be kept in accordance with law and will be available for inspection by the public at the offices of the Commission, located at 1832 M Street, NW., Suite 837, Washington, D.C. 20036.

Signed at Washington, D.C. on the 24th day of January, 1980.

Richard Dallas Smith,

Executive Director, Commission on the Review of the Federal Impact Aid Program.

[FR Doc. 80-2907 Filed 1-29-80; 8:45 am]

BILLING CODE 4110-02-M

Commission on the Review of the Federal Impact Aid Program

AGENCY: Commission on the Review of the Federal Impact Aid Program.

ACTION: Notice of hearing.

SUMMARY: Notice is hereby given that the Commission on the Review of the Federal Impact Aid Program will hold a hearing in Chicago, Illinois on March 7, 1980 for the purpose of gathering evidence on the operation and

administration of the program authorized by Public Law 874, Eighty-first Congress. At the hearing, the Commission is to take evidence from representatives of local educational agencies in Illinois, Indiana, Iowa, Michigan, Missouri, Minnesota, Nebraska, Ohio, and Wisconsin. The hearing will be open to the general public, and all interested persons are invited to attend. Those interested in presenting their views should submit a request to testify including: the person testifying, their affiliation, their organization's address and telephone number, the subject matter of testimony, preferred time of day for testifying, and need for an English translator or a qualified interpreter and/or signer for the deaf. The request should be received by the Commission no later than February 8, 1980. Those unable to attend the hearings who wish to submit written testimony may do so by forwarding the text to the Commission no later than March 7, 1980. Notice of the hearing is given in accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix 1).

DATE: March 7, 1980. The Commission will meet at 9:30 a.m. and continue until 4:30 p.m.

ADDRESS: Center for Urban Education, Room 101, 160 West Wendell Street, Chicago, Illinois 60630.

FOR FURTHER INFORMATION CONTACT: Richard Dallas Smith, Executive Director, Commission on the Review of the Federal Impact Aid Program, 1832 M Street, N.W., Suite 837, Washington, D.C. 20036.

AUTHORITY AND FUNCTION: The Commission on the Review of the Federal Impact Aid Program is established under section 1015 of the Education Amendments of 1978 (Pub. L. 95-961). The Commission is to conduct a review and evaluation of the administration and operation of the Impact Aid Program, authorized under the Act of September 30, 1950 (Public Law 874, 81st Congress), and report its recommendations on that program to the President and Congress not later than December 1, 1980. Such recommendations are to include proposed legislation to accomplish the recommendations. Public Law 874 requires that the Commissioner make payments to the local educational agencies in accordance with a formula designed to compensate such agencies for the financial burden carried by them by reason of Federal activities—the loss of revenue because of the Federal ownership of real property and provision of education services for federally-connected children—or by

reasons of sudden or substantial increases in the school attendance resulting from Federal activities.

RECORDS: Records of all proceedings of the Commission will be kept in accordance with law and will be available for inspection by the public at the offices of the Commission, located at 1832 M Street, N.W., Suite 837, Washington, D.C. 20036.

Signed at Washington, D.C. on the 25th Day of January, 1980.

Richard Dallas Smith,

Executive Director, Commission on the Review of the Federal Impact Aid Program.

[FR Doc. 80-2908 Filed 1-29-80; 8:45 am]

BILLING CODE 4110-02-M

Commission on the Review of the Federal Impact Aid Program

AGENCY: Commission on the Review of the Federal Impact Aid Program.

ACTION: Notice of hearing.

SUMMARY: Notice is hereby given that the Commission on the Review of the Federal Impact Aid Program will hold a hearing in Seattle, Washington on March 7, 1980 for the purpose of gathering evidence on the operation and administration of the program authorized by Public Law 874, Eighty-first Congress. At the hearing, the Commission is to take evidence from representatives of local educational agencies in Alaska, Idaho, Montana, Oregon, and Washington. The hearing will be open to the general public, and all interested persons are invited to attend. Those interested in presenting their views should submit a request to testify including: the person testifying, their affiliation, their organization's address and telephone number, the subject matter of testimony, preferred time of day for testifying, and need for an English translator or a qualified interpreter and/or signer for the deaf. The request should be received by the Commission no later than February 8, 1980. Those unable to attend the hearings who wish to submit written testimony may do so by forwarding the text to the Commission no later than March 7, 1980. Notice of the hearing is given in accordance with section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. Appendix 1).

DATE: March 7, 1980. The Commission will meet at 9:30 a.m. and continue until 4:30 p.m.

ADDRESS: North Auditorium, Federal Building, Seattle, Washington, 98174.

FOR FURTHER INFORMATION CONTACT: Richard Dallas Smith, Executive Director, Commission on the Review of

the Federal Impact Aid Program, 1832 M Street, N.W., Suite 837, Washington, D.C. 20036.

AUTHORITY AND FUNCTION: The Commission on the Review of the Federal Impact Aid Program is established under section 1015 of the Education Amendments of 1978 (Pub. L. 95-961). The Commission is to conduct a review and evaluation of the administration and operation of the Impact Aid Program, authorized under the Act of September 30, 1950 (Public Law 874, 81st Congress), and report its recommendations on that program to the President and Congress not later than December 1, 1980. Such recommendations are to include proposed legislation to accomplish the recommendations. Public Law 874 requires that the Commissioner make payments to the local educational agencies in accordance with a formula designed to compensate such agencies for the financial burden carried by them by reason of Federal activities—the loss of revenue because of the Federal ownership of real property and provision of education services for federally-connected children—or by reasons of sudden or substantial increases in the school attendance resulting from Federal activities.

RECORDS: Records of all proceedings of the Commission will be kept in accordance with law and will be available for inspection by the public at the offices of the Commission, located at 1832 M Street, N.W., Suite 837, Washington, D.C. 20036.

Signed at Washington, D.C. on the 25th day of January, 1980.

Richard Dallas Smith,

Executive Director, Commission on the Review of the Federal Impact Aid Program.

[FR Doc. 80-2908 Filed 1-29-80; 8:45 am]

BILLING CODE 4110-02-M

Office of the Assistant Secretary for Education

Data Acquisition Activities

AGENCY: Office of the Assistant Secretary for Education, Department of Health, Education, and Welfare.

ACTION: Notice of data acquisition activities involving educational agencies and institutions.

SUMMARY: The paperwork control requirements in Section 400A of the General Education Provisions Act, added by Pub. L. 95-561, require public announcement of certain data requests that Federal agencies address to educational agencies and institutions. The Education Division of HEW

proposes to collect the data described below from educational agencies or institutions during School Year 1979-80.

FOR FURTHER INFORMATION CONTACT: Mrs. Elizabeth M. Proctor, FEDAC Staff, 400 Maryland Avenue SW., Washington, D.C. 20202. Phone (202) 245-1022.

SUPPLEMENTARY INFORMATION: Under the Paperwork Control Amendments of 1978, section 400A of the General Education Provisions Act, the Secretary of Health, Education, and Welfare is responsible for reviewing and approving collection of information and data acquisition activities of all Federal agencies (1) whenever the respondents are primarily educational agencies or institutions; and

(2) whenever the purpose of the activities is to request information needed for the management of, or the formulation of, policy related to Federal education programs or research or evaluation studies related to the implementation of Federal education programs. The Secretary has delegated authority to the Assistant Secretary for Education.

We published interim FEDAC review procedures on August 8, 1979 (44 FR 46535), which are now effective. One requirement is that "no information or data will be requested of any educational agency or institution unless that request has been approved and publicly announced by February 15 immediately preceding the beginning of the new school year, unless there is an urgent need for this information or a very unusual circumstance exists regarding it." I determine an unusual circumstance exists regarding the data activities listed below because of the newness of the review requirements.

Descriptions of proposed data acquisition activities for School Year 1979-80 are being published for comment. Most of these data acquisition activities were also listed—but not described in as much detail—in the Federal Register of February 15, 1979. Other activities previously approved were also on that list.

Each agency or institution subject to the request for data, its representative organizations, or any member of the public, may comment on the proposed data acquisition activity. The Federal Education Data Acquisition Council staff accepts comments at the above address. Comments should refer to the specific sponsoring agency and form number and they must be received on or before February 29, 1980.

I ask the affected educational agencies and institutions to cooperate in the following data collection activities that are being reviewed by the Federal

Education Data Acquisition Council (FEDAC) staff.

Dated: January 25, 1980.

Mary F. Berry,
Assistant Secretary for Education.

The proposed data collection activities are:

Description of a Proposed Collection of Information and Data Acquisition Activity

(a) Title of Proposed Activity

Survey to Determine Uses of Higher Education General Information Survey (HEGIS) Data.

(b) Agency/Bureau/Office

National Center for Education Statistics, Division of Postsecondary and Vocational Education Statistics, System Design and Analysis Branch.

(c) Agency Form Number

NCES 2420.

(d) Legislative Authority for the Activity

Section 406(b)(1)(2) of the General Education Provisions Act, as amended. "The purpose of the Center shall be to collect and disseminate statistic and other data related to education in the United States and in other nations. The Center shall collect, collate, and from time to time, report full and complete statistics on the condition of education in the United States; conduct and publish reports on specialized analyses of the meaning and significance of such statistics; * * * 2 U.S.C. 1221e-1, Pub. L. 93-380.

(e) Concise Description of the Proposed Activity

Survey to collect data to evaluate uses of Higher Education General Information Survey in order to develop recommendations for its improvement.

(f) Voluntary/Obligatory Nature of Response

Voluntary.

(g) Justification of How Information Collected Will Be Used

The information collected from the survey will be used in conjunction with other sources to assess and evaluate the uses of HEGIS data and to develop recommendations concerning the frequency and sample size of HEGIS. Other recommendations will be made concerning the needs for various data and how the uses of HEGIS might be improved.

(h) Data Acquisition Plan

- (1) Method of Collection: Mail.
- (2) Time of Collection: Spring, 1980.

(3) Frequency: One-time.

(4) Method of Analysis: Tabulation of descriptive data.

(i) Timetable for Dissemination

August 1979.

(j) Respondents

(1) Type: State Higher Education Agencies.

(2) Estimated Number: Sample, 20.

(3) Estimated average person-hours per respondent: 0.5 hours.

(1) Type: College and Universities.

(2) Estimated number: Sample, 200.

(3) Estimated average person-hours per respondent: 0.5 hours.

(k) Cost to Respondent in Dollars and Person-Hours

110 Hours X \$8.00.

(l) Cost to the Federal Agency To Collect, Process, and Analyze the Data

\$40,000.

(m) List of Specific Data To Be Collected

I. Frequency of use of HEGIS data.

II. Types of use.

III. Purpose of use.

IV. Need for universe data.

V. Preferred frequency of data collection.

(n) Name and Address of Individual or Office From Which Copies of the Data Instrument(s) May Be Obtained

Gerald Malitz, NCES/DPVES/SDAB, 400 Maryland Avenue SW., FOB-6 Room 3073, Washington, D.C. 20202.

Description of a Proposed Collection of Information and Data Acquisition Activity

(a) Title of proposed activity: State-Administered Vocational Education Program Improvement Contracts: Abstracts

(b) Agency/bureau office: Office of Education, Bureau of Occupational and Adult Education

(c) Agency form number: OE Form 590

(d) Legislative authority for the activity: "Section 171(a)(2)(E)(i) [NCRVE shall] act as a clearinghouse for information on contracts made by the States pursuant to section 131, section 132, and section 133 * * *." Pub. L. 94-482, (20 U.S.C. 2401)

(e) Concise description of the proposed activity: Subpart 3 of Pub. L. 94-482 authorizes Federal Funds to States to assist them in improving their vocational education programs for use in accordance with the five-year State plans and annual program plans. By developing a standardized reporting system for use by the States,

improvement in the completeness and comprehensiveness of the data can be secured. The reporting format includes three question groupings which address project identification, project description, and project results. The emphasis is on program information rather than administrative details. States would be required to submit the abstract reporting form along with the abstract for each project funded.

(f) Voluntary/obligatory nature of response: Obligatory

(g) Justification how information collected will be used: States are required to send their program improvement project abstracts to the National Center Clearinghouse which then includes them in the bi-monthly publication *Resources in Vocational Education (RIVE)* and the Annual Report of State Administered Vocational Education projects. Copies of *RIVE* are distributed to all State Departments of Vocational Education and to many universities and colleges involved in teacher education and research and development. The data submitted from the States is the source of information for preparation of congressional testimony and is used by management and evaluation teams during review and evaluation of individual State programs. Information about funds expended by the States under sections 131, 132, and 133 is needed to assure accountability and to assess accomplishments.

(h) Data acquisition plan:

- (1) Method of Collection—Mail.
- (2) Time of collection—30 days after award of contract.
- (3) Frequency—Continuous throughout the year.
- (4) Method(s) of analysis—Because of the massive amount of data needed for analysis, it is essential that the data base be computerized. By January 31, 1980 bibliographic and descriptive data may be prepared on all FY 1979 Section 130 projects, so information can be accessed by subject, amount of funds, Congressional district, type of product, use of product, target audience, and national priority addressed.

(i) Timetable for dissemination of the collected data: *RIVE* is published bi-monthly. Elapsed time between collection and publication may average two months.

(j) Respondents: The 57 State Vocational Research Coordinating Unit Directors.

(k) Estimated cost and person-hours to the respondents: It is estimated that ¼ hour would be required on the average to process each abstract. The number of contracts reported will vary from none to over 50, depending on the allotment

(based on formula) made available to the States. States would average 16 project abstracts per year. It is also anticipated that many States will have the abstracts prepared as part of the contract.

(l) Estimate of cost to Federal Government:

S&E funds.....	\$500.00
Processing abstracts in States: 228 hours × \$10 per hour.....	2,280.00
Resources in Vocational Education: \$45 per abstract × 1000 abstracts per year.....	45,000.00
	47,780.00

(m) A list of the specific data to be collected, from each type of respondent:

(1) Project identification (title, type of contract, funding sources, amount, recipient, performance, public to be served)

(2) Project description (objectives, procedures, BOAE national priority addressed)

(3) Project results (expected contribution and/or expected impact, products to be delivered)

(n) Name and address of the individual or office, from which copies of the data instrument may be obtained: Dr. Paul Manchak, RCU Liaison Officer, Room 5018, ROB #3, 7th & D St., S.W., Washington, D.C. 20202.

Description of a Proposed Collection of Information and Data Acquisition Activity

(a) Title of proposed activity—Follow-up Survey of WEEA Project Directors.

(b) Agency/bureau/office—National Advisory Council on Women's Educational Programs, Office of Education

(c) Agency form number—OE-624.

(d) Legislative authority for the activity—"Sec. 937. The Commissioner is directed, not later than September 30, 1980, 1982, and 1984, to submit to the President and the Congress and to the Council a report setting forth the programs and activities assisted under this part, and to provide for the distribution of this report to all interested groups and individuals, including the Congress, from funds authorized under this part. After receiving the report from the Commissioner, the Council shall evaluate the program and projects assisted under this part and include such evaluation in its annual report." (Pub. L. 95-561)

(e) Concise description of the proposed activity—The Women's Educational Equity Act Program Staff has, as its first thrust, the development and dissemination of materials and products to improve educational equity for women and girls. The National

Advisory Council on Women's Educational Programs will use the information collected through this questionnaire in determining whether this thrust would be continued and to make recommendations to the Secretary to that effect.

(f) Voluntary/obligatory nature of response—Voluntary.

(g) Justification of how information collected will be used—The Women's Educational Equity Act (Pub. L. 95-561) authorizes the U.S. Commissioner of Education to award grants and contracts for projects designed to help women and girls overcome inequities in the American educational system. The Act will fund such activities as the development of nonsexist textbooks and curricula, preservice and inservice training for educational personnel, nonsexist guidance and counseling programs, expansion and improvement of educational programs for women and girls in vocational, career and physical education, and in educational administration and activities which increase educational and employment opportunities for adult women. In the first two years of the administration of this Act, the emphasis has been on the development of materials and products. In the second and third years the emphasis was expanded to include the dissemination of materials and products developed under the Act.

Although the Women's Program Staff, U.S. Office of Education administers the grants and contracts awarded to individuals, public or private nonprofit organizations for the purpose of carrying out these activities, the National Advisory Council on Women's Educational Programs has responsibility for evaluating the program administered under the Women's Educational Equity Act (WEEA). Based on its evaluation, the Council makes recommendations concerning the allocation of funds and criteria for the establishment of priorities. Additionally, the Council uses evaluation information to advise the Commissioner of Education on general policy matters related to the administration of Sec. 937.

The first Council evaluation effort occurred during the first funding cycle (FY 76) when the Council undertook a process evaluation of the WEEA program's administration. This evaluation examined the operations of the Women's Program Staff which administers the WEEA grant and contracts program. Also undertaken was a round of site visits to nine selected projects in an effort to obtain more in-depth information about their activities, anticipated outcomes, desired impacts,

and potential effects on the status of equity at all educational levels.

The results, derived from this process evaluation and the case studies of the selected projects, indicated a need to expand the Council's data collection activities to include all of the funded projects in the next evaluation study. The evaluation of the WEEA program for FY 1977 saw an initiation of site visits by members of the Advisory Council, and a more detailed analysis of grantee activities through application review and the analysis of information from an internal questionnaire for Women's Program Staff members and an external questionnaire completed by project directors whose projects had terminated in 1976 and 1977. The purpose of this questionnaire is to collect information relevant to the first phase of the program—the development and beginning dissemination of materials and products.

The survey is designed to provide information which cannot be obtained from project reports and available documentation. The questionnaire, entitled "Follow-up Survey of WEEA Project Directors," addresses the operational problems and successes, the needs for technical assistance, and the grantees' effectiveness in contributing to educational equity. Information derived will aid the Council in formulating recommendations concerning the regulations and subsequent implementation of the expanded Women's Educational Equity Act Program. This survey will take place approximately six months after the completion of the grants. The questionnaire is included as Appendix A. By gathering information related to determining whether or not the initial emphasis on the development of materials and products should continue, the Council will be aided in fulfilling its legislative responsibility to:

1. Advise the Commissioner of Education with respect to general policy matters relating to the administration of the Act;
2. Advise and make recommendations to the Assistant Secretary for Education concerning the improvement of educational equity for women;
3. Advise and make recommendations to the Commissioner with respect to the allocation of any funds pursuant to the Act, including criteria developed to insure an appropriate geographical distribution of approved programs and projects throughout the nation;
4. Develop criteria for the establishment of program priorities;
5. Make such reports as the Council determines appropriate to the President

and the Congress on the activities of the Council; and

6. Disseminate information concerning the activities of the Council under this Section.

In addition, responses to the questionnaire will provide information useful in answering the following questions:

1. Are the materials and products consistent with legislative goals?
2. What is the potential for replication, dissemination and capacity building and how will this affect achievement of WEEA goals?
3. What improvements or changes can be made in program mandates and/or administration to enhance WEEA's success potential?

Data collected by this questionnaire will be used in conjunction with information obtained from other sources, such as grant applications, budgets and status reports. The aggregate data will allow the Council to carry out its legislative mandate by providing an overview of WEEA program efforts in its first three years of funding. Appendix B is an Evaluation Matrix which shows objectives, success criteria, types of information required, information sources and use of information collected by the various methods being used by the Council in its long- and short-range evaluative efforts.

(h) Data acquisition plan—(1) Method of collection: Mail.

- (2) Time of collection: Winter.
- (3) Frequency: Annually.
- (4) Methods of analysis: Data aggregation—National Tabulations of descriptive data only.

(i) Timetable for dissemination of the collected data—Data is to be available 9/80. Dissemination by publication in report—*Evaluation of WEEA Program*.

(j) Respondents—(1) Type: Colleges and Universities, Individuals, Local Education Agencies, Nonprofit, Public elementary/secondary schools, Public Junior Colleges, State Education Agencies.

(2) Estimated number by type: Type of Respondents—Universe; Number of Respondents—63.

(3) Estimated average person-hours response time per type of respondent: 0.5 hours.

(k) Estimated costs and person-hours to the respondents (Total) 31 hours; \$472.50.

(l) Estimated costs to the Federal agency to collect, process and analyze the data: \$5,650.

(m) A list of the specific data to be collected from each type of respondent—(1) Internal and external factors which can facilitate or hinder project performance and outcomes.

(2) Changes in scope of work for project related to: management; validation/evaluation of products and/or activities; and budget.

(3) Recommended changes to Federal Regulations.

(4) Project's contribution toward attainment of educational equity goals.

(5) Recommended program changes in administration of WEEAP.

(n) Name and address of individual or office from which a copy of the full plan and the data instrument(s) may be obtained—Janice H. Wilcox, Program Analyst, National Advisory Council on Women's Educational Programs, 1832 M Street NW., Suite 821, Washington, D.C. 20036.

Description of a Proposed Collection of Information and Data Acquisition Activity

(a) Title of proposed activity—An evaluation of Title I of the Library Services and Construction Act.

(b) Agency/bureau/office—Department of Health, Education and Welfare, U.S. Office of Education, Office of Evaluation and Dissemination.

(c) Agency form number—OE 644.

(d) Legislative authority for this activity—Planning and evaluation activities are authorized under the General Education Provisions Act which states in part: " * * * the Secretary shall transmit to [appropriate Congressional committees] an annual evaluation report which evaluates the effectiveness of applicable programs * * * such report shall * * * contain information on progress being made * * * describe the costs and benefits of the applicable program * * * identify which sectors of the public receive the benefits of such program * * * " (20 U.S.C. 1226C.) Sec. 417. (A)(1), Pub. L. 93-380.

(e) Concise description of the proposed activity—The data acquisition activity is being undertaken in response to a broad need for a comprehensive evaluation of the LSCA Title I program. This program provides funds to the states on a formula basis to assist the states in the extension and improvement of public library services in areas of the states which are without such services or in which such services are inadequate, and with public library construction, and in the improvement of such other state library services as library services for physically handicapped, institutionalized, and disadvantaged persons, in strengthening State library administrative agencies. Data will be collected from state library agencies and LSCA Title I projects through site visits and personal interviews. A mail survey of a sample of public libraries will also be conducted.

(f) Voluntary obligatory nature of response—Voluntary.

(g) How information to be collected will be used—The information will be used to meet the following evaluation objectives:

1. How has LSCA Title I affected the coverage, accessibility, and adequacy of public library services?

2. How are LSCA Title I funds used by the States? What effects have these uses had? How responsive have these uses been to the needs of special client groups?

3. How are the objectives of LSCA Title I constrained by and affected by State and local library structure?

4. What effects has LSCA Title I had upon the organization and support of public library services at the State and local level?

Information obtained from this survey will: (1) Provide an empirically based description of the structure and process that characterizes the LSCA Title I system of organizations and funding channels; (2) provide a detailed account of how LSCA Title I funds and collateral State and local funds are used to address the emphases of the legislation; (3) determine the extent to which LSCA Title I has resulted in systematic changes in the delivery of public library services and to mainstream of public library development of which LSCA Title I is part; and (4) relate findings to the development of policy alternatives and explore the implications that those policy alternatives have for current and future role(s) of Federal involvement in, and assistance to, public libraries.

(h) Data acquisition plan—(1) Method of collection: Data will be collected through personal interview and mail survey.

(2) Time of collection: Fall 1979 through Spring 1980

(3) Frequency: Single time

(i) Timetable for dissemination of the collected data—Data will be available in the form of a final report and magnetic tape by October 1, 1980.

(j) Respondents—(1) Type: Chief administrative officers of state library agencies

(2) Number: Universe 52.

(3) Estimated average manhours per respondent: .75.

(1) Type: LSCA Title I coordinators.

(2) Number: Universe 52.

(3) Estimated average manhours per respondent: 2.0.

(1) Type: State library agency staff.

(2) Number: Sample 104.

(3) Estimated average manhours per respondent: .50.

(1) Type: State advisory council on libraries chairpersons.

(2) Number: Universe 52.

(3) Estimated average manhours per respondent: .50.

(1) Type: State legislative staff members.

(2) Number: Universe 52.

(3) Estimated average manhours per respondent: .50.

(1) Type: LSCA Title I project directors.

(2) Number: Sample 100.

(3) Estimated average manhours per respondent: 2.0.

(1) Type: LSCA Title I project staff.

(2) Number: Sample 200.

(3) Estimated average manhours per respondent: .50.

(1) Type: Public library directors in LSCA Title I project sites.

(2) Number: Sample 100.

(3) Estimated average manhours per respondent: .50.

(1) Type: Public librarians in LSCA Title I project sites.

(2) Number: Sample 400.

(3) Estimated average manhours per respondent: .33.

(1) Type: Public library directors.

(2) Number: Sample 575.

(3) Estimated average manhours per respondent: .50.

(k) Estimated costs and person-hours to the respondents (total)—Total respondent burden is 1013.5 person-hours. There are no dollar costs to respondents.

(l) Estimated costs to the Federal agency to collect, process, and analyze the data—Total estimated cost is \$559,660.00.

(m) A list of the specific data to be collected from each type of respondent.

Chief Administrative Officers of State Library Agencies

- Program planning, administration and policy-making;

- Effectiveness of LSCA Title program in achieving priority areas of the Act;

- Changes in the areas of emphasis of the program at the state level;

- Current and projected needs for LSCA Title I;

- Historical trends in the administration and implementation of the LSCA Title I program at the state level;

- Problems and constraints affecting the program at the state level;

LSCA Title I Coordinators

- Effectiveness of the program in achieving priority areas of the Act;

- Changes in the areas of emphasis of the program at the State level;

- Current and projected needs for LSCA Title I;

- Historical trends in the administration and implementation of

the LSCA Title I program at the State level;

- Problems and constraints affecting the program at the state level;

State Library Agency Staff

- Effectiveness of LSCA Title I program in achieving priority areas of the Act;

- Current and projected needs for LSCA Title I;

- Problems and constraints affecting the program at the state level;

State Advisory Council on Libraries Chairperson

- Role of the Advisory Council;

- Effectiveness of LSCA Title I program in achieving priority areas of the Act;

- Current and projected needs for LSCA Title I;

- Historical trends in the administration and implementation of the LSCA Title I projects;

State Legislative Staff Members

- Current state legislative emphasis regarding the priority areas of the Act;

- Effectiveness of the LSCA Title I program in achieving the priority areas of the Act;

- Current and projected needs for LSCA Title I;

- Problems or constraints experienced in the administration or implementation of LSCA Title I projects;

LSCA Title I Project Directors

- Characteristics of project services and operation;

- Planning and administrative practices;

- Characteristics of the target populations of projects (where appropriate);

- Staffing characteristics of projects;

- Current and projected needs for LSCA Title I;

LSCA Title I Project Staff

- Effectiveness of the LSCA Title I program in achieving priority areas of the Act;

- Problems encountered in implementing projects;

- Effectiveness of projects in achieving the priority areas of the Act;

- Effects of projects upon the local library organization and services;

- Trends in the use of LSCA Title I funds;

Public Library Directors of LSCA Title I Project Sites

- Effect of the projects on the operation of the public library;

- Effect of the projects on library services offered;

- Effect of the projects on patrons of library;
- Problems in implementing projects;
- Trends in use of LSCA Title I funds;

Librarians in LSCA Title I Project Site

- Effect of the projects on the operation of the library;
- Effect of the projects on library services offered;
- Effect of the projects on patrons of library;
- Problems in implementing projects;
- Trends in use of LSCA Title I funds;

Public Library Directors

- Characteristics of LSCA Title I fund usage since 1965;
- Characteristics of public services responding to the priority areas of the Act;
- Effects of LSCA Title I projects on serving priority areas of the Act;
- Trends in the use of LSCA Title I funds at the local level.

(n) Name and address of individual or office from which a copy of the full plan and the data instrument(s) may be obtained—Dorothy Shuler, Education Evaluation Officer, Division of Occupational, Handicapped, and Developmental Programs, Office of Evaluation and Dissemination, U.S. Office of Education, Room 4083, FOB #6, 400 Maryland Avenue S.W., Washington, D.C. 20202.

Description of a Proposed Collection of Information and Data Acquisition Activity

(a) Title of proposed activity—Application for Commissioner's Discretionary Programs of Bilingual Education (Title VII, ESEA, New Awards)

(b) Agency/bureau/office—U.S. Office of Education, Office of Bilingual Education

(c) Agency form number—OE Form 4561.

(d) Legislative authority for this activity—Section 721(a): "Funds available for this grant shall be used for—

(1) The establishment, operation and improvement or programs of bilingual education * * *;

(2) Auxiliary and supplementary, community and educational activities * * *;

(3)(A) The establishment, operation and improvement of training programs * * * and

(B) Auxiliary and supplementary training programs * * *; and

(4) Planning, and providing technical assistance for, and taking other steps leading to the development of, such

programs." (20 U.S.C. 3231) Pub. L. 95-561.

Section 721(b)(1): "A grant may be made under this section only upon application * * * by one or more local educational agencies or by an institution of higher education, including a junior or community college, applying jointly with one or more local educational agencies * * *. Each such application shall be made to the Commissioner at such time, in such manner, and containing such information as the Commissioner deems necessary * * *." (20 U.S.C. 3231) Pub. L. 95-561.

Section 721(b)(5)(A): "Upon an application from a State educational agency, the Commissioner shall make provision for the submission and approval of a State program for the coordination * * * of technical assistance to programs * * * in such State * * *." (20 U.S.C. 3231) Pub. L. 95-561.

Section 723(a)(1): "In carrying out the provisions * * * of section 721, with respect to training, the Commissioner shall, through grants to, and contracts with, eligible applicants, * * * provide for—

(A)(i) Training * * * designed (I) to prepare personnel * * * (II) to train teachers, administrators, counselors, paraprofessionals, teacher aides, and parents * * * and (III) to train persons to teach and counsel such persons * * *

(A)(ii) Special training programs * * * the operation of short-term training institutes * * *. (20 U.S.C. 3233) Pub. L. 95-561.

Section 723(a)(2): "In addition, the Commissioner is authorized to award fellowship * * *." (20 U.S.C. 3233) Pub. L. 95-561.

Section 751(a)(1): "The Commissioner * * * shall carry out a program to meet the needs of minority group children * * * who are from an environment in which a dominant language is other than English and who, because of language barriers and cultural differences, do not have equality of educational opportunity * * *." (20 U.S.C. 3261) Pub. L. 95-561.

(e) Concise description of the proposed activity—Application for new awards for bilingual education programs.

(f) Voluntary/obligatory nature of response—Required to obtain or maintain benefits.

(g) Justification of how information collected will be used—The Office of Bilingual Education will review the applications that will be submitted based on this form to determine whether the applicant—

(1) Is eligible for assistance.

(2) Has satisfied legislative, agency and programmatic requirements.

(3) Has submitted the required assurances.

(4) Has submitted a quality proposal meriting Federal funding.

(5) Has submitted an application proposing to serve priority areas or groups, as defined in legislation.

(6) Has submitted budget data and requests that support the objectives of the project.

(h) Data acquisition Plan—(1) Method of collection: Mail.

(2) Time of collection: Spring.

(3) Frequency: Annually.

(i) Timetable for dissemination of the collected data—Not Applicable.

(j) Respondents—(1) Type: Colleges and universities.

(2) Estimated number: 410.

(3) Estimated average person-hours response time per respondent: 40.

(1) Type: Local educational agencies.

(2) Estimated number: 265.

(3) Estimated average person-hours response time per respondent: 40.

(1) Type: Non-profit organizations.

(2) Estimated number: 35.

(3) Estimated average person-hours response time per respondent: 40.

(1) Type: State education agencies.

(2) Estimated number: 50.

(3) Estimated average person-hours response time per respondent: 40.

(k) Estimated costs and person-hours to the respondents (total)—30,000 person-hours; \$350,000.

(l) Estimated costs to the Federal agency to collect, process and analyze the data (Contract, S & E)—Contract: \$0 S & E: \$150,000.

(m) A list of the specific data to be collected from each type of respondent—From all respondents:

Information required on OMB standard form 424 and OMB No. 29-R0218 (Part II—Project Approval Information, Part III—Budget Information), as amended by specific program instructions. Standard assurances to be submitted by all HEW grant applicants.

From all joint applicants: Certification signatures.

From all local educational agencies: Certification that applicant has held an open public meeting on the application prior to its submission.

On LEA Supplementary Questionnaire: School District Enrollment Data (numbers of limited English proficient (LEP) never before served by Title VII funding).

Project School Data (numbers of LEP, low income, students not previously served; languages and grade levels served).

On BESC (Bilingual Education Service Center) Supplementary Questionnaire:

Numbers and characteristics of participants to be served by the BESC.

From all colleges and universities: Same information required for BESC Supplementary Questionnaire as required from LEAs.

On Training Supplementary Questionnaire: Numbers and characteristics of the training program activities and trainees.

From all non-profit organizations: Same information required from colleges and universities.

(n) Name and address of individual or office from which a copy of the full plan and the data instrument(s) may be obtained—Mr. Charles E. Hansen, U.S. Office of Education, 400 Maryland Avenue SW., Washington, D.C. 20202.

Description of a Proposed Collection of Information and Data Acquisition Activity

a. Title of proposed activity—Study to Evaluate the Fund for the Improvement of Postsecondary Education—Survey of the Field.

b. Agency/Bureau/Office—Office of the Assistant Secretary for Planning and Evaluation (ASPE, Department of Health, Education, and Welfare).

c. Agency form number—OS 22-79.

d. Legislative authority for the activity—Sec. 416. "Sums appropriated * * *, for (1) planning for the succeeding year for any such programs, and (2) evaluation of such programs." (20 U.S.C. 1226b) Pub. L. 93-380.

e. Concise description of the proposed activity—The evaluation activity is a telephone survey of a sample of postsecondary educational institutions and organizations. The sample will include 1,000 respondents and will be administered by trained staff during regular business hours. Approximately 90 percent of the questions are closed ended, and questionnaire administration will require less than 25 minutes.

f. Voluntary/obligatory nature of response—Although authorized by legislation, response is voluntary.

g. Justification of how information collected will be used—The proposed survey of the field is one component of a comprehensive evaluation of the Fund conducted by NTS for ASPE. The evaluation is being conducted to determine the extent to which the Fund is accomplishing its mission to improve postsecondary education.

As part of this study, it is essential that data be gathered from the field of postsecondary education concerning the field's awareness of the Fund and its perception of how well the Fund has met its legislation mandate. The field includes all institutions and organizations which provide or sponsor

educational activities beyond the high school. The data from this survey will be used to answer two broad questions:

- How aware is the field of the Fund and its mandate?
- Does the field perceive the Fund and the projects it chooses to support as having met (and continuing to meet) the needs of the field? That is, the Fund field responsive?

From data NTS has collected in previous tasks (primarily the review of program files and the grantee survey, FEDAC S-22), it can be suggested that the field is aware of the Fund and that the needs of the field have been and are being met. Those interviewed view the Fund as a source which provides funds, unavailable elsewhere, for innovative and improvement-oriented projects. Further, a Fund grant enhances a project's prestige, visibility, and legitimacy. The generalizability of findings such as these, which were derived using the data collected previously, can be rejected or supported by a survey of the field.

The main purpose of this data collection effort is to provide information that will be of direct use to Congress in deliberating about the Fund's reauthorization. In addition, the data collected from this task will be useful to ASPE for purposes of policy, program development, and planning in the area of postsecondary education, as well as to the Fund in terms of program operations.

h. Data acquisition plan—a. Method of Collection Telephone.

b. Time of collection—From January 21, 1980, to February 28, 1980.

c. Frequency—Once.

d. Method(s) of analysis—Analysis of the data will involve development of descriptive and analytic reports which will permit the audience for this study to learn: (1) The field's awareness of the Fund; (2) the field's impression of the agency's grant submission process; (3) the field's perception of the agency compared to other funding sources; (4) the extent to which the field is acquainted with Fund projects; (5) the field's perception of the Fund's contribution to the improvement of postsecondary education; and (6) the success with which the Fund is meeting the needs of the field.

i. Timetable for dissemination of the collected data—The results of this survey will be reported in a final report for this task to the Office of the Assistant Secretary for Planning and Evaluation by January 31, 1980. The results will also be incorporated into the final report on the evaluation of the Fund due March 15, 1980.

j. Respondents—a. Type.

The respondent population will be the faculty, administrators, and staff of postsecondary educational institutions and organizations. Three categories of persons will be contacted: unsuccessful applicants to the Fund, persons named by Fund grantees who have replicated Fund projects or whose projects have been extensively influenced by Fund projects; and a stratified random sample of persons in institutions and organizations upon whom the Fund grantees have indicated that they would like to have had influence.

b. Estimated Number by Type:

100	Unfunded FIPSE applicants.
200	Replication respondents.
200	Extensively influenced respondents.
500	Field respondents.
1,000	Total respondents.

c. Estimated Average Person-Hours Respondent Time Per Type of Respondent 25 minutes for each type.

k. Estimated Costs and Person-Hours to the Respondents (Total) 25 minutes \times 1,000 respondents = 25,000 minutes (416 hours) \$3.20 time associated cost per respondent \times 1,000 respondents = \$32,000.00.

Estimated cost is based upon an estimated annual salary of \$20,000. No costs will be required outside the respondents' time.

l. Estimated Costs to the Federal Agency to Collect, Process, and Analyze \$71,275.

m. A List of the Specific Data to be Collected From Each Type of Respondent.

No specific quantitative data will be required from the respondents.

The following is a brief description of the qualitative data (respondent perceptions) which will be obtained.

All groups of respondents will be administered the core group of questions. The core questions address three substantive areas. The first area of focus is the field's awareness of the Fund's impact on postsecondary education. The data collected includes the field's awareness of the agency as a Federal funding source, its awareness of the Fund's activities in a number of areas, and the field's perception of the number and quality of these activities. The second area concerns the dissemination activities of the Fund and the sources which provide the field with information about the Fund and its projects. The last area is the field's perception of the agency's guidelines and proposed submission procedures compared to other Federal agencies as well as the reasons that institutions or organizations did or did not apply to the Fund.

Two groups, the unfunded applicants and the replication and extensively

influenced, will be asked additional questions. The unfunded applicants will be asked questions about their perception of the proposal review process and about the history of their proposed project's funding. The replication and extensively influenced respondents will be asked a series of questions to determine the direct impacts of their programs, their awareness of similar Fund projects, and the extent to which these Fund projects influenced their project.

n. Name and Address of Individual or Office from which a Copy of the Data Instrument(s) may be Obtained: Dr. Keith Baker, Room 403E, H. H. Humphrey Building, 200 Independence Avenue NW., Washington, D.C. 20201.

[FR Doc. 80-2880 Filed 1-29-80; 8:45 am]

BILLING CODE 4110-89-M

Public Health Service Health Resources Administration

Allied Health Project Grants; Application Announcement

The Bureau of Health Manpower, Health Resources Administration, announces that competitive applications for Allied Health Project grants will be accepted under the authority of section 796 of the Public Health Service Act, as amended. Application materials are expected to be available on January 21, 1980.

Section 796 authorizes the Secretary to award grants to (a) States, political subdivisions of States, or regional and other public bodies representing States, (b) junior colleges, colleges, or universities located in a State, or State higher educational systems, (c) public or nonprofit private entities located in a State, which provide health services and have an affiliation with a junior college, college, or university, and (d) other public or nonprofit entities capable, as determined by the Secretary, of carrying out projects under this authority, for purposes of:

(1) "Establishment of regional or State systems for the coordination and management of education and training at various levels for allied health personnel and nurses within and among educational institutions and their clinical affiliates for the purpose of assuring that the needs of such region or State for allied health personnel and nurses are substantially met."

(2) "Establishment or improvement of programs of recruitment, training, and retraining of allied health personnel."

(3) "Establishment of meaningful career ladders and programs of

advancement for practicing allied health personnel."

Awards are limited to the program areas listed. For FY 1980, in determining the priority for funding of approved competitive applications, additional preference will be accorded to the following types of projects:

1. Within training centers for allied health professions, as defined below, projects which improve those training center functions set forth in section e(2) through e(6) of the definition;

2. Projects which extend or expand opportunities for minorities and disadvantaged persons to obtain training in designated allied health disciplines.

"Minorities" means individuals whose race/ethnicity is classified as American Indian or Alaskan Native, Asian or Pacific Islander, Black, or Hispanic. (OMB-Designations of race/ethnic categories found in Federal Register, Vol. 42, No. 64, April 4, 1977, and implementing OMB Circular No. A-46 Revised Transmittal Memorandum No. 6, dated May 12, 1977.)

"Disadvantaged person" means an individual who:

(a) comes from an environment that has inhibited the individual from obtaining the knowledge, skills, and abilities required to enroll in and graduate from an allied health program, or

(b) comes from a family with an annual income below a level based on low income thresholds according to family size, published by the U.S. Bureau of the Census, adjusted annually for changes in the Consumer Price Index, and adjusted by the Secretary for use in all health manpower programs.

The following income figures are to be used to determine what constitutes a low-income family for purposes of Allied Health Project grants for fiscal year 1980:

Adjusted Gross Income for Calendar Year 1978

Size of parents' family ¹	Income level ²
1.....	\$4,400
2.....	5,700
3.....	6,800
4.....	8,700
5.....	10,200
6.....	11,500

¹Includes only dependents listed on Federal income tax returns.

²Rounded to \$100.

A training center for allied health professionals for purposes of section 796 of the Act means a junior college, college, or university which:

a. provides educational programs leading to an associate, baccalaureate, or higher degree needed to practice as one of the following:

Doctoral Degree

Clinical Psychologist

Master's Degree

Speech Pathologist/Audiologist

Bachelor's Degree

Dietitian ¹

Community Health Educator
Health Service Administrator
Medical Record Administrator
Medical Technologist
Occupational Therapist
Physical Therapist
Primary Care Physician Assistant
Sanitarian

Associate Degree

Clinical Dietetic Technician
Cytotechnologist
Dental Assistant
Dental Hygienist
Dental Laboratory Technician
Medical Assistant
Medical Laboratory Technician
Medical Record Technician
Occupational Therapy Assistant
Ophthalmic Medical Assistant
Optometric Technician
Physical Therapy Assistant
Radiologic Technologist
Respiratory Therapist
Sanitarian Technician

b. provides training for no fewer than 20 persons in the substantive health portion (including clinical experience required for employment) in three or more of the designated allied health disciplines and has a minimum of six full-time students in that portion of each curriculum by October 15 of the fiscal year of application.

c. has a teaching hospital as part of the grantee institution or is affiliated with a teaching hospital by means of a written agreement meeting the requirements of § 58.404 of the program regulations when published.

d. is accredited institutionally and programmatically (if programmatic accreditation is required for graduates to be licensed or certified) by a recognized body or bodies approved for this purpose by the Commissioner of Education or provides assurance satisfactory to the Secretary from the appropriate accrediting body that reasonable progress is being made toward accreditation; and

e. has a single administrative unit with an identified budget and faculty which is responsible for:

- (1) all allied health education programs offered by the center;
- (2) allied health curriculum development;
- (3) allied health student recruitment and counseling;
- (4) development of appropriate clinical affiliations;

¹ Coordinated undergraduate program.

(5) placement of students for the clinical portion of the program; and
(6) standards of student performance in technical portions of the program.

f. counts only students enrolled in the professional or technical portion² of educational programs leading to an associate, baccalaureate, or higher degree in any of the designated allied health disciplines.

Applications which do not address these preferences will be reviewed and given consideration for funding. Each preference which is met will enhance the competitive position of an approved applicant in determining the order of funding of approved applications.

Requests for application materials and questions regarding grants policy should be directed to:

Grants Management Officer (D-12), Bureau of Health Manpower, Health Resources Administration, Center Building, Room 4027, 3700 East-West Highway, Hyattsville, Maryland 20782, Telephone (301) 436-7360.

Questions concerning the programmatic aspects of these grants should be directed to:

Mr. Charles Munn, Education Development Branch, Division of Associated Health Professions, Bureau of Health Manpower, Health Resources Administration, Center Building, Room 5-27, East-West Highway, Hyattsville, Maryland 20782, Telephone: (301) 436-6800.

To be considered for fiscal year 1980 funding, applications must be received by the Grants Management Officer, Bureau of Health Manpower, at the address above no later than March 7, 1980. It is estimated that between \$500,000 to \$750,000 will be available for competitive awards in fiscal year 1980.

Dated: January 25, 1980.

Henry A. Foley,
Administrator.

[FR Doc. 80-2899 Filed 1-29-80; 8:45 am]
BILLING CODE 4110-83-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

"Open Season" for Commercial Permit Applications on the Upper Missouri National Wild and Scenic River

AGENCY: Bureau of Land Management, Department of the Interior.

ACTION: Notice.

SUMMARY: This notice establishes an "open season" for applying for Special Recreation Use Permits on the Upper

² May not exceed the third and fourth years of bachelor's program or the second or final year of associate degree program.

Missouri National Wild and Scenic River in Montana required of all commercial float boating operations. Applications must be sent to the Lewistown District, Bureau of Land Management, Lewistown, Montana between January 28-March 3, 1980. Other requirements of commercial outfitting and guiding operations remain as outlined in the Federal Register, Vol. 44, No. 62, Thursday, March 29, 1979, entitled "Establishment of Recreation Use Permit System for the Upper Missouri National Wild and Scenic River".

John F. Fields,

District Manager.

[FR Doc. 80-2846 Filed 1-29-80; 8:45 am]

BILLING CODE 4310-84-M

Alabama; Intent To Hold a Public Hearing, To Conduct a Public Meeting for Preparation of an EIS, and To Receive Public Comments on Proposed Federal Coal Leasing

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: Pursuant to 43 CFR 3420.3-2(f), the regional coal team for the Southern Appalachian Federal Coal Production Region, Alabama Subregion, will hold a public hearing and will accept written comments and/or recommendations on a Federal coal leasing target which will be established for the subregion by the Secretary of the Interior. The information received during the comment period and at the public hearing will aid the Secretary in making his decision on a final Federal coal leasing target for the Alabama Subregion.

Following the public hearing on the leasing target, a public meeting will be conducted by the Bureau of Land Management in order to gather information and seek assistance in defining the range of issues and concerns for the preparation of a regional lease sale environmental impact statement (EIS) for the proposed sale of Federal coal beginning in Mid-1981. The proposed leasing will be carried out in accordance with the Federal coal management program as announced by the Secretary on June 4, 1979.

DATES: Written comments will be received through March 17, 1980. The public hearing on the leasing target followed by the public meeting on the preparation of the EIS will be held on February 14, 1980.

ADDRESSES: The public hearing and public meeting will be held at the Ramada Inn—Airport, Meeting Room No. 1, 5216 Airport Highway, Birmingham, Alabama, (205) 591-7900. Comments on the regional leasing target should be sent to H. Robert Moore, Chairperson, Southern Appalachian Regional Coal Team, Bureau of Land Management (141), 18th and C Streets, NW., Washington, D.C. 20240. Comments and suggestions for the preparation of the EIS should be addressed to Doug Blankenship, Regional Coal EIS Team Coordinator, Bureau of Land Management, Eastern States Office, 350 South Pickett Street, Alexandria, Virginia 22304.

FOR FURTHER INFORMATION CONTACT:

H. Robert Moore, (202) 343-4636, concerning the Federal coal leasing target; or Doug Blankenship, (703) 235-2866, concerning the preparation of the regional coal EIS.

SUPPLEMENTARY INFORMATION: As part of his announcement of a new Federal coal management program on June 4, 1979, the Secretary of the Interior directed that an EIS be prepared for the Alabama Subregion so as to allow the Bureau of Land Management to hold a competitive lease sale in mid-1981 if the Secretary decides that such a sale is desirable. However, the Secretary did not select a leasing target for the Alabama Subregion as he did for the three other Federal coal production regions that were discussed in his June 4 decision.

The public hearing and the public meeting are being held to carry out the Secretary's decision and are in accordance with the Federal coal management regulations (43 CFR 3420.3-2(f)) and the regulations of the Council on Environmental Quality (40 CFR 1501.7). The combined session will be held on February 14, 1980, beginning at 10:00 a.m., at the Ramada Inn—Airport, Meeting Room No. 1, 5216 Airport Highway, Birmingham, Alabama.

The public is invited to present comments on the leasing target at the public hearing. Those individuals wishing to speak at the public hearings are asked to provide written copies of their remarks. Written comments and/or recommendations on the leasing target will also be accepted. These comments should be received by the regional coal team chairperson, at the address provided above, by March 17, 1980.

At the public hearing and in the written comments concerning the leasing target, the public is asked to provide information on factors that could be used in determining a Federal regional leasing target for the Alabama

Subregion; make a recommendation for a regional leasing target; and comment on the information/data provided below.

The public is also invited to participate in the public meeting to discuss the range of issues and concerns that could be addressed in the regional lease sale EIS (known as "scoping") for the proposed sale of Federal coal beginning in mid-1981. Written comments on the scope of the EIS and the alternatives listed below will also be accepted. These comments should be received by the EIS team coordinator, at the address provided above, by March 17, 1980.

Potential Lease Tract and General Location

Underground

1. Windham Springs, 14 miles north of Tuscaloosa.
2. Rock Springs Church, 22 miles north of Tuscaloosa.
3. North River, 20 miles north of Tuscaloosa.
4. Jess Creek, 2 miles southeast of Carbon Hill.
5. Upper North River, 2 miles south of Berry.

Surface

1. Pendley No. 1, 6 miles northeast of Berry.
2. Dividing Ridge, 8 miles east of Berry.
3. Bagwell Road, 8 miles southeast of Berry.
4. Goodwin Creek, 6 miles northwest of Carbon Hill.
5. Flatwoods, 5 miles east of Berry.
6. Wolf Creek, 2 miles south of Carbon Hill.
7. Poplar Hollow, 5 miles southeast of Berry.
8. Little Tyro Creek, 4 miles southeast of Berry.
9. Upper Sulfur Springs Church, 7 miles southeast of Berry.
10. Crabbe Road, 20 miles north of Tuscaloosa.
11. Willis Chapel, 8 miles northeast of Berry.
12. Harris Cemetery, 4 miles southwest of Carbon Hill.
13. Piney Woods Church, 17 miles north of Tuscaloosa.
14. Dry Creek South, 18 miles north of Tuscaloosa.
15. Watermelon Road, 14 miles northeast of Tuscaloosa.
16. Yellow Creek East, 13 miles northeast of Tuscaloosa.
17. Elm Grove, 3 miles southeast of Carbon Hill.
18. Dry Creek North, 19 miles north of Tuscaloosa.
19. Boxes Creek, 2 miles southwest of Carbon Hill.
20. North Rock Springs Church, 11 miles southeast of Berry.

Information is not yet available on the precise boundaries, acreage, or tonnage of the tracts being considered for possible lease sale in mid-1981. More specific information will be available at the combined public hearing and public meeting. An information map may be obtained from the Tuscaloosa Office, Bureau of Land Management, 1315 McFarland Boulevard East, Tuscaloosa,

Alabama 35401. This map will also be available at the target hearing and scoping meeting. Information depicted on the map includes the known recoverable coal resource area, lands under lease, and the location of the delineated tracts (to the extent that the information is currently available).

The EIS may examine one or more of the following: (1) alter the timing of lease sales within a 2-year period beginning in mid-1981; (2) alter the combinations and number of tracts; (3) delay or defer lease sales; and (4) offer no Federal coal lease tracts for competitive sale. Preliminary analysis indicates that, if further coal development in the Alabama Subregion does occur, possible major issues will generally be social and economic in nature.

Prior to the preparation of the EIS, the tracts identified in accordance with the Federal coal management regulations will be ranked, selected, and scheduled by the regional coal team for possible sale as provided in 43 CFR 3420.4, and recommendations will be made by the team through the Director of the Bureau of Land Management to the Secretary of the Interior.

One of the factors to be considered by the regional coal team in ranking and selecting tracts and proposing sale schedules for analysis in the EIS is a Federal coal leasing target for the subregion. Although the Secretary did not establish a tentative leasing target for the Alabama Subregion, the regional coal team is gathering data to formulate its recommendation to the Secretary so that a leasing target may be set by the Secretary.

The following information/data has been gathered and analyzed for the purpose of recommending a leasing target to the Secretary. The public is asked to provide additional information or comment on the analysis set forth below.

In his decision on the new program in June 1979, the Secretary did not set a tentative leasing target for the Alabama Subregion because he felt that the projections of regional coal production formulated by the Department of Energy (DOE) did not adequately consider the regional effects of demand for export and metallurgical coal mined in Alabama.

Although the Department normally uses DOE's production goals as a basis for deriving a regional Federal coal leasing target, the Department obtained additional information that it has used to formulate a tentative leasing target. Future targets, however, will be based on DOE's projections.

The following table contains information for the four-county area that was used to derive the tentative leasing target for the subregion.

Total Annual Production Rate

(Million tons)

	Surface mining	Underground mining
1979 coal production.....	9.8	7.8
Projected production, 1985 (Source: Geological Survey, State of Alabama)	13.0	17.1
Projected production, 1990 (Extrapolated from 1979-1985 projection trends)	15.2	25.7
Average production, 1970-79.....	8.8	7.4

Coal production patterns in Alabama are not dependent on Federal coal since there is only one Federal producing lease in the State. However, it now appears that Federal coal should be made available for future production and to encourage industry growth at its projected rate. If Federal coal is offered for sale in mid-1981 and subsequently leased, surface mines could begin production by 1985; underground mines would take longer to come into full production.

The following additional data and assumptions were used to convert an annual production rate for coal from all sources to an *in place* quantity of Federal coal.

1. Based on the data contained in table 2-5 of the final environmental impact statement on the Federal coal management program, the Federal government owns approximately 12 percent of the coal in the Alabama Subregion. Concentrations of Federal coal ownership vary from area to area.

2. The average mine life in the area is approximately 20 years.

3. Recovery rates are assumed to be 90 percent for surface mines and 50 percent for underground mines.

4. The average coal production level of the past 10 years could be maintained without full-scale Federal leasing. (This does not include leases that may be issued in response to applications. Leases issued in response to applications are not included in the calculations for the leasing target.) However, increased production will require production of Federal coal to supplement the non-Federal sources of coal.

The leasing target which would permit projected growth between 1985 and 1990 has been calculated using the following formula:

Percent of Federal Coal multiplied by Future Production Level Less Average Production Level divided by Recovery Factor multiplied by Average Mine Life equals Leasing Target.

Based on this formula, the data in the above table, and combining the separate calculations for underground and surface mines, a tentative leasing target of 105 million tons results. Since the methodology is not exact and it is possible that some tracts offered for sale might not go into production, it may be desirable to have a contingency reserve to add to the leasing target.

The agenda for the combined public hearing and public meeting is as follows:

A. Public hearing on the leasing target.

1. Opening remarks and introduction.
a. Purpose of holding the public hearing and obtaining comments on the leasing target.

2. Statement on Federal coal leasing.
a. Description of the relationship of this process with the National Environmental Policy Act.

b. Brief description of the Federal coal management program.

c. Description of the role of the regional coal team in the leasing process.

d. Description of the derivation of the preliminary or tentative leasing target.

3. Testimony on leasing target levels.

a. Obtain public comments and recommendations on the Federal coal leasing target for the Southern Appalachian Federal Coal Production Region, Alabama Subregion.

4. Conclusion of public hearing.

B. Break for lunch.

C. Public meeting on EIS scoping.

1. Opening remarks and introduction.

a. Purpose and intent of the meeting.

b. Description of previously defined issues identified during pre-analysis to be considered in the EIS.

c. Alternatives which will include, among others, the proposed action as presently considered in the EIS process and not offering Federal coal lease tracts for competitive sale.

d. Information available from BLM offices for the use of the public in commenting, including names and addresses where information and comments can be submitted.

2. Discussion and public comments on the scope of the regional EIS.

a. Solicitation of public comment, recommendations, and issues of major concern to be considered and addressed in the ranking, selection, scheduling, and EIS impact analysis process.

3. Conclusion of the public meeting.

Date: January 25, 1980.

Ed Hastey,

Associate Director.

[FR Doc. 80-2926 Filed 1-29-80; 8:45 am]

BILLING CODE 4310-84-M

Wyoming and Montana; Powder River Regional Coal Team Briefing

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: In accordance with the responsibilities outlined in the Federal coal management regulations (43 CFR 3400.4, 44 FR 42609, July 19, 1979), the regional coal team for the Powder River Federal Coal Production Region will hold an organizational briefing on February 21, 1980. Public attendance at the briefing is welcome.

DATES: The regional coal team will meet at 8:30 a.m. on February 21, 1980.

ADDRESSES: The briefing will be held in the 6th floor conference room of the Montana State Office, Bureau of Land Management, 222 North 32nd Street, Billings, Montana 59107.

FOR FURTHER INFORMATION CONTACT: Robert O. Buffington, Regional Coal Team Chairperson, (208) 384-1401.

Dated: January 25, 1980.

Ed Hastey,

Associate Director.

[FR Doc. 80-2925 Filed 1-29-80; 8:45 am]

BILLING CODE 4310-84-M

[U-23166]

Utah; Opportunity for Public Hearing and Republication of Notice of Proposed Withdrawal

The Bureau of Land Management, U.S. Department of the Interior, on March 13, 1975, filed application Serial No. U-23166 for a protective withdrawal of the following described lands in Daggett County, Utah.

Salt Lake Meridian, Utah

T. 2 N., R. 23 E.,

Sec. 13, lots 10 to 15 inclusive, N $\frac{1}{2}$ SW $\frac{1}{4}$;

Sec. 14, lots 9 to 12 inclusive, N $\frac{1}{2}$ S $\frac{1}{2}$,

SW $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 15, lots 10, 11, and 12, SE $\frac{1}{4}$ SE $\frac{1}{4}$.

T. 2 N., R. 24 E.,

Sec. 13, lot 2;

Sec. 18, lots 16 and 17;

Sec. 19, lots 3, 4, 12, 14, 15, 18, 19, 22, 24, 25,

26;

Sec. 20, lots 1, 4, 6, 7, 8, 9, 10, NE $\frac{1}{4}$ SW $\frac{1}{4}$,

NW $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 21, lots 1 to 6 inclusive;

Sec. 22, lots 11 to 21 inclusive, NE $\frac{1}{4}$ NE $\frac{1}{4}$,

SE $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 23, lots 10 to 18 inclusive, NW $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 24, lots 6, 19, 20, 21, 22, 24, 25, 26;

Sec. 25, lots 9, 10, 14, 15;

Sec. 28, lots 1 to 5 inclusive, NE $\frac{1}{4}$ NE $\frac{1}{4}$,

S $\frac{1}{2}$ NW $\frac{1}{4}$;

Sec. 29, lot 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$,

N $\frac{1}{2}$ NW $\frac{1}{4}$;

Sec. 30, N $\frac{1}{2}$ NE $\frac{1}{4}$.

T. 2 N., R. 25 E.,

Sec. 18, SW $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 19, lots 3 and 4, NW $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 30, lots 6 and 7, E $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 31, lots 1, 3, 6, 8, 9, 10, 11, 12, 13, 14, NE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$.

T. 1 N., R. 25 E.,

Sec. 3, lots 13 to 17 inclusive, SE $\frac{1}{4}$ NE $\frac{1}{4}$,

SW $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 4, SW $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 5, lot 5, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 6, lots 1 to 12 inclusive, SW $\frac{1}{4}$ NE $\frac{1}{4}$,

W $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 7, lots 1 and 2, NW $\frac{1}{4}$ NE $\frac{1}{4}$,

N $\frac{1}{2}$ S $\frac{1}{2}$ NE $\frac{1}{4}$;

Sec. 8, lots 1 to 8 inclusive, N $\frac{1}{2}$ S $\frac{1}{2}$ NW $\frac{1}{4}$;

Sec. 9, lots 10 to 16 inclusive, N $\frac{1}{2}$ S $\frac{1}{2}$ NW $\frac{1}{4}$;

N $\frac{1}{2}$ of lots 17 and 18;

Sec. 10, lots 4 to 6 inclusive, N $\frac{1}{2}$ of lots 7

and 8;

Sec. 11, lots 10 to 14 inclusive, W $\frac{1}{2}$ SE $\frac{1}{4}$.

The areas described aggregate 4,999.62

acres.

The applicant desires that the lands be withdrawn from location and entry under the General Mining laws, and reserved for the protection of recreational purposes of the Green River Corridor. The withdrawal will be to protect the natural beauty and outdoor recreation qualities from activities which could damage, impair or otherwise make the corridor unsuitable for general public enjoyment. The lands have high value for outdoor recreation, fisheries management and wildlife habitat, and possess unusual scenic beauty. Some of the activities include boating, fishing, hunting, hiking and sightseeing. The corridor would vary from a quarter mile to one mile in width. The proposed withdrawal borders a section of the Green River which is under interagency study for designation under the Wild and Scenic Rivers Act. An estimated 30,000 visitor days a year are spent along this stretch of the Green River. A notice of the proposed withdrawal was published in the Federal Register on March 13, 1975, Volume 40, page 11759.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754, notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing with the State Director, Bureau of Land Management, at the address shown below, on or before March 10, 1980. Notice of the public hearing will be published in the Federal Register, giving the time and place of such hearing. The hearing will be scheduled and conducted in accordance with BLM Manual Sec. 2351.16B. All previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu of or in addition to the attendance at a scheduled public hearing, written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Management on or before March 10, 1980. The above described lands are temporarily segregated from location and entry under the mining laws, but not the mineral leasing laws, subject to valid existing rights, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. In accordance with section 204(g) of the Federal Land Policy and Management Act of 1976, the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications in connection with this pending withdrawal application should be addressed to the undersigned officer, Bureau of Land Management, Department of the Interior, University Club Building, 136 East South Temple, Salt Lake City, Utah 84111.

Dated: December 26, 1979.

Gerald E. Magnuson,
Acting State Director.

[FR Doc. 80-2855 Filed 1-29-80; 8:45 am]

BILLING CODE 4310-84-M

National Park Service

Fort Pulaski National Monument Land Acquisition Plan; Public Forum

In accordance with guidelines issued by the Director of the National Park Service in the Federal Register (Vol. 44, No. 82) on April 26, 1979, the Superintendent of Fort Pulaski National Monument announces an open house for the purpose of providing a public forum to receive oral and written comment on a draft land acquisition plan for the park.

The draft plan will outline, in general terms, the overall goals and strategy for the park land acquisition program and identify specific land acquisition priorities within existing statutory limitations.

The open house will be held as follows:

Wednesday, February 20, 1980, 1:00 to 5:00 p.m.

Park Headquarters, Fort Pulaski National Monument, Highway 80 East, Tybee Island, Georgia.

Persons desiring further information about the open house can write or call the Superintendent, Fort Pulaski National Monument, P.O. Box 98, Tybee Island, Georgia 31328, (912) 786-5787. In addition, copies of the draft plan are available from the Superintendent.

Following the open house, the record will remain open for 30 days to receive additional written comment. A land acquisition plan will then be completed and transmitted to the Regional Director, Southeast Region for approval.

Dated: January 18, 1980.

Neal G. Guse, Jr.,

Acting Regional Director Southeast Region,
National Park Service.

[FR Doc. 80-2852 Filed 1-29-80; 8:45 am]

BILLING CODE 4310-70-M

Moore's Creek National Military Park Land Acquisition Plan; Public Forum

In accordance with guidelines issued by the Director of the National Park Service in the Federal Register (Vol. 44, No. 82) on April 26, 1979, the Superintendent of Moore's Creek National Military Park announces an open house for the purpose of providing a public forum to receive oral and written comment on a draft land acquisition plan for the park.

The draft plan will outline, in general terms, the overall goals and strategy for the park land acquisition program and identify specific land acquisition priorities within existing statutory limitations.

The open house will be held as follows:

Tuesday, February 19, 1980, 1:00 to 5:00 p.m.

Moore's Creek National Military Park (one mile west of Currie, North Carolina along SR 210), Currie, North Carolina.

Persons desiring further information about the open house can write or call the Superintendent, Moore's Creek National Military Park, P.O. Box 69, Currie, North Carolina 28435, (919) 283-5591. In addition, copies of the draft plan are available from the Superintendent.

Following the open house, the record will remain open for 30 days to receive additional written comment. A land acquisition plan will then be completed and transmitted to the Regional Director, Southeast Region for approval.

Dated: January 18, 1980.

Neal G. Guse, Jr.,

Acting Regional Director, Southeast Region,
National Park Service.

[FR Doc. 80-2851 Filed 1-29-80; 8:45 am]

BILLING CODE 4310-70-M

Natchez Trace Parkway Land Acquisition Plan; Public Meetings

In accordance with guidelines issued by the Director of the National Park Service in the Federal Register (Vol. 44, No. 82) on April 26, 1979, the Superintendent of Natchez Trace Parkway announces three public meetings for the purpose of providing a public forum to receive oral and written comment on a draft land acquisition plan for the park.

The draft plan will outline, in general terms, the overall goals and strategy for the park land acquisition program and identify specific land acquisition priorities within existing statutory limitations.

The public meetings will be held as follows:

Tuesday, March 18, 1980, 7:00 p.m.

Natchez Trace Parkway Office at Meriwether Lewis, Lewis County, Tennessee.

Thursday, March 20, 1980, 7:00 p.m.

Natchez Trace Parkway Office at Kosciusko, Attala County, Mississippi.

Friday, March 21, 1980, 7:00 p.m.

Park Headquarters, Natchez Trace Parkway, Tupelo, Mississippi.

Persons desiring further information about the public meetings can write or call the Superintendent, Natchez Trace Parkway, Rural Route 1, NT-143, Tupelo, Mississippi 38801, (601) 842-1572. In addition, copies of the draft plan are available from the Superintendent.

Following the public meetings, the record will remain open for 30 days to receive additional written comment. A land acquisition plan will then be completed and transmitted to the Regional Director, Southeast Region for approval.

Dated: January 18, 1980.

Neal G. Guse, Jr.,

Acting Regional Director, Southeast Region,
National Park Service.

[FR Doc. 80-2854 Filed 1-29-80; 8:45 am]

BILLING CODE 4310-70-M

Vicksburg National Military Park Land Acquisition Plan; Public Forum

In accordance with guidelines issued by the Director of the National Park Service in the Federal Register (Vol. 44, No. 82) on April 26, 1979, the Superintendent of Vicksburg National Military Park announces an open house for the purpose of providing a public forum to receive oral and written comment on a draft land acquisition plan for the park.

The draft plan will outline, in general terms, the overall goals and strategy for the park land acquisition program and

identify specific land acquisition priorities within existing statutory limitations.

The open house will be held as follows:

Friday, February 15, 1980, 1:00 to 4:30 p.m.
Visitor Center, Vicksburg National Military Park, Clay Street, Vicksburg, Mississippi.

Persons desiring further information about the open house can write or call the Superintendent, Vicksburg National Military Park, P.O. Box 349, Vicksburg, Mississippi 39180, (601) 636-0583. In addition, copies of the draft plan are available for the superintendent.

Following the open house, the record will remain open for 30 days to receive additional written comment. A land acquisition plan will then be completed and transmitted to the Regional Director, Southeast Region for approval.

Dated: January 18, 1980.

Neal G. Guse, Jr.,

Acting Regional Director, Southeast Region,
National Park Service.

[FR Doc. 80-2853 Filed 1-29-80; 8:45 am]

BILLING CODE 4310-70-M

INTERSTATE COMMERCE COMMISSION

[Ex Parte 241; Rule 19; 78th Revised
Exemption 241]

Aberdeen & Rockfish Railroad Co., et al.; Exemption Under Mandatory Car Service Rules

To all Railroads:

It appearing, That the railroads named below own numerous 50-ft. plain boxcars; that under present conditions there are substantial surpluses of these cars on their lines; that return of these cars to the owners would result in their being stored idle; that such cars be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of these cars, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, 50-ft. plain boxcars described in the Official Railway Equipment Register, ICC RER 6410-C, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "XM," and bearing reporting marks assigned to the railroads named below, shall be exempt from provisions of Car Service Rules 1, 2(a) and 2(b).

Aberdeen and Rockfish Railroad Company
Reporting Marks: AR
The Ahnapee & Western Railway Company

Reporting Marks: AHW
Ann Arbor Railroad System, Michigan
Interstate Railway Company, Operator
Reporting Marks: AA
Apalachicola Northern Railroad Company
Reporting Marks: AN
The Arcata and Mad River Railroad
Company
Reporting Marks: AMR
Atlanta & Saint Andrews Bay Railway
Company
Reporting Marks: ASAB
Bath and Hammondsport Railroad Company
Reporting Marks: BH
Burlington Northern Inc.
Reporting Marks: BN-CBQ-GN-NP-SPS
Cadiz Railroad Company
Reporting Marks: CAD
Camino, Placerville & Lake Tahoe Railroad
Company
Reporting Marks: CPLT
City of Prineville
Reporting Marks: COP
The Clarendon and Pittsford Railroad
Company
Reporting Marks: CLP
Columbus and Greenville Railway Company
Reporting Marks: CAGY
Delta Valley & Southern Railway Company
Reporting Marks: DVS
Detroit, Toledo and Ironton Railroad
Company
Reporting Marks: DT&I-DTI
Duluth, Missabe and Iron Range Railway
Company
Reporting Marks: DMIR
East Camden & Highland Railroad Company
Reporting Marks: EACH
East St. Louis Junction Railroad Company
Reporting Marks: ESLJ
Galveston Wharves
Reporting Marks: GWF
Genessee and Wyoming Railway Company
Reporting Marks: GNWR
Green Mountain Railroad Corporation
Reporting Marks: GMRC
Greenville and Northern Railway Company
Reporting Marks: GRN
The Hutchinson and Northern Railway
Company
Reporting Marks: HN
Helena Southwestern Railroad Company
Reporting Marks: HSW
Illinois Terminal Railroad Company
Reporting Marks: ITC
Indiana Eastern Railroad and Transportation,
Inc. d.b.a. The Hoosier Connection
Reporting Marks: HOSC
Lake Erie, Franklin & Clarion Railroad
Company
Reporting Marks: LEF
Lake Superior & Ishpeming Railroad
Company
Reporting Marks: LSI
Lamoille Valley Railroad Company
Reporting Marks: LVRC
Lancaster and Chester Railway Company
Reporting Marks: LC
Lenawee County Railroad Company, Inc.
Reporting Marks: LCRC
Longview, Portland & Northern Railway
Company
Reporting Marks: LPN
Louisiana Midland Railway Company
Reporting Marks: LOAM
Louisville and Wadley Railway Company

Reporting Marks: LW
Louisville, New Albany & Corydon Railroad
Company
Reporting Marks: LNAC
Manufacturers Railway Company
Reporting Marks: MRS
Maryland and Delaware Railroad Company
Reporting Marks: MDDE
McCloud River Railroad Company
Reporting Marks: MR
Middletown and New Jersey Railway
Company, Inc.
Reporting Marks: MNJ
Mississippian Railway
Reporting Marks: MISS
Missouri-Kansas-Texas Railroad Company
Reporting Marks: MKT-BKTY
New Hope and Ivyland Railroad Company
Reporting Marks: NHIR
New Orleans Public Belt Railroad
Reporting Marks: NOPB
New York, Susquehanna and Western
Railroad Company
Reporting Marks: NYSW
North Louisiana & Gulf Railroad Company¹
Reporting Marks: NL&G
Octararo Railway, Inc.
Reporting Marks: OCTR
Oregon & Northwestern Railroad Co.
Reporting Marks: ONW
Pearl River Valley Railroad Company
Reporting Marks: PRV
Peninsula Terminal Company
Reporting Marks: PT
Pittsburgh, Allegheny & McKees Rocks
Railroad Company
Reporting Marks: PA&M
Port Huron and Detroit Railroad Company
Reporting Marks: PHD
Port of Tillamook Bay Railroad
Reporting Marks: POTB
Providence And Worcester Company
Reporting Marks: PW
Raritan River Rail Road Company
Reporting Marks: RR
St. Lawrence Railroad
Reporting Marks: NSL
St. Louis Southwestern Railway Company
Reporting Marks: SSW
St. Marys Railroad Company
Reporting Marks: SM
Sandersville Railroad Company
Reporting Marks: SAN
Savannah State Docks Railroad Company
Reporting Marks: SSDK
Sierra Railroad Company
Reporting Marks: SERA
Southern Pacific Transportation Company
Reporting Marks: SP
Southern Railway Company
Reporting Marks: SOU
Terminal Railway, Alabama State Docks
Reporting Marks: TASD
The Texas Mexican Railway Company
Reporting Marks: TM
Toledo, Peoria & Western Railroad Company
Reporting Marks: TPW
Union Railroad of Oregon
Reporting Marks: UO
Vermont Railway, Inc.
Reporting Marks: VTR
The Virginia and Maryland Railroad
Company¹
Reporting Marks: VAMD

¹ Additions.

Virginia Central Railway
Reporting Marks: VC
Wabash Valley Railroad Company
Reporting Marks: WVRC
WCTU Railway Company
Reporting Marks: WCTR
Youngstown & Southern Railway Company
Reporting Marks: YS
Yreka Western Railroad Company
Reporting Marks: YW

Effective January 15, 1980, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., January 14, 1980.

Interstate Commerce Commission.

Joel E. Burns,

Agent.

[FR Doc. 80-2878 Filed 1-29-80; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Applications

[Notice No. 231]

December 18, 1979.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the Federal Register publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the Federal Register. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also

in the ICC Field Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

MC 2934 (Sub-52TA), filed October 12, 1979. Applicant: AERO MAYFLOWER TRANSIT CO., INC., 9998 North Michigan Road, Carmel, IN 46032. Representative: James L. Beattley, 130 E. Washington St., Suite 1000, Indianapolis, IN 46204. Kitchen cabinets from Jasper, IN to points and places in the States of AR, CT, FL, LA, KS, MD (except points in the counties of Hartford, Cecil, Kent, Queen Annes, Talbot, Caroline, Dorchester, Wicomico, Somerset, and Worcester, MD), MO, NY, PA (except points in the counties of Lancaster, Berks, Custer, Philadelphia, Montgomery, Bucks, Lehigh, Monroe, and Pike, PA) and DC, via irregular routes for 180 days. Supporting shipper(s): Aristokraft, P.O. Box 420, 1 Aristokraft Square, Jasper, IN 47546. Send protests to: Beverly J. Williams, ICC, 429 Federal Bldg., 46 E. Ohio St., Indianapolis, IN 46204.

MC 9325 (Sub-80TA), filed November 8, 1979. Applicant: K LINES, INC., P.O. Box 1348, Lake Oswego, OR 97034. Representative: John A. Anderson, Suite 1440, 200 S. W. Market Street, Portland, Oregon 97201. Barite ore, in bulk, from points in Stevens and Pend Oreille Counties, WA to points in Missoula County, MT. An underlying ETA seeking 90 days authority was granted 11/1/79. Request for 180 days. Supporting shipper(s): Herb Bakie, East 1814 Francis, Spokane, WA. Send protests to: A. E. Odoms, DS, ICC, 114 Pioneer Courthouse, Portland, OR 97204.

MC 20824 (Sub-43TA), filed October 10, 1979. Applicant: COMMERCIAL MOTOR FREIGHT, INC. OF INDIANA, 2141 South High School Road, Indianapolis, IN 46241. Representative: Alki E. Scopelitis, 1301 Merchants Plaza, Indianapolis, IN 46204. General commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving all points in Indiana as off-route points in connection with applicant's otherwise authorized regular-route operations. Applicant intends to serve the commercial zones of all points requested and will tack with existing authority in No. MC-20824. Applicant also intends to interline with other carriers for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): 21 supporting shippers. Send

protests to: Beverly J. Williams, ICC, 429 Federal Bldg., 46 E. Ohio Street, Indianapolis, IN 46204.

MC 30844 (Sub-662TA), filed October 29, 1979. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial St., Waterloo, IA 50702. Representative: John P. Rhodes, P.O. Box 5000, Waterloo, IA 50704. Paper and pulpboard cores and tubes and such materials and supplies as are used in the manufacture of paper cores and tubes between Boone, IA, on the one hand, and, on the other, points in IL, KS, MN, MO, NE, ND, SD, and WI, restricted to shipments originating at or destined to the facilities of Sonoco Products Co. located at or near Boone, IA, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Sonoco Products Co., Hartsville, SC 29550. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 46054 (Sub-81TA), filed November 7, 1979. Applicant: BROWN EXPRESS, INC., 428 South Main Avenue, San Antonio, TX 78285. Representative: Phillip Robinson, Attorney, 1806 Rio Grande (P.O. Box 2207), Austin, TX 78768. Automotive parts, material, supplies, tools and equipment used in the manufacture, production and assembly of motor vehicles between Detroit, MI (and commercial zone) and Laredo, TX (and commercial zone) for 180 days. Underlying ETA for 90 days has been filed. Applicant will interline with others carriers at Detroit, MI. Supporting Shipper(s): General Motor Corporation, GM Assembly Div., 30009 Van Dyke, Warren, MI 48090. Send protests to: Opal M. Jones, TCS, ICC, 9A27 Federal Bldg., 819 Taylor St., Ft Worth, TX 76102.

MC 52704 (Sub-253), filed October 16, 1979. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., P.O. Drawer "H", LaFayette, AL 36862. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. Such commodities as are dealt in by retail or wholesale grocery or discount stores (except commodities in bulk) between the facilities of Southeastern Bonded Warehouse, Inc., at or near Atlanta, GA, on the one hand, and on the other, points in AL, FL, NC, SC and TN, for 180 days. Supporting Shipper(s): Southeastern Bonded Warehouse, Inc., 5180 Phillip Lee Drive SW., P.O. Box 44126, Atlanta, GA 30336. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616, 2121 Building, Birmingham, AL 35203.

MC 63485 (Sub-3TA), filed November 9, 1979. Applicant: BLACK RIVER TRANSPORTATION, INC., RR 2, Box

126, Sullivan, MO 63080. Representative: Herman W. Huber, Atty., 101 E. High St., Jefferson City, MO 65101. *Boots, shoes, shoe factory materials and supplies* between St. Louis and Piedmont, MO, serving Piedmont as an intermediate point on applicant's regular route between Grandin and St. Louis, MO over Hwy 67 and MO State Hwy 34, for 180 days. An underlying ETA seeks 90 days authority. Applicant will interline with others carriers at St. Louis, MO. Supporting Shipper(s): Brown Shoe Co., 4327 Gustine Ave., St. Louis, MO 63116. Send protests to: P. E. Binder, DS, ICC, Rm. 1465, 210 N. 12th St., St. Louis, MO 63101.

MC 66124 (Sub-11TA), filed October 18, 1979. Applicant: PACIFIC NORTHWEST MOTOR FREIGHT LINES, INC., 600 South Edmunds Street, Seattle, WA 98108. Representative: Henry C. Winters, 525 Evergreen Building, Renton, WA 98055. *General commodities, (except Classes A & B explosives, and household goods as defined by the Commission), in containers or trailers having an immediately prior or subsequent movement by water; and empty trailers used in the transportation of containers,* between Seattle, WA and Port Townsend, WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Hanjin Container Lines, Ltd., 157 Yesler Way, Suite #207, Seattle, WA 98104. Matson Agencies, Inc., 720 Third Ave., Seattle, WA 98104. Send protests to: Shirley M. Holmes, T/A, ICC, 858 Federal Building, Seattle, WA 98174.

MC 106274 (Sub-29TA), filed November 2, 1979. Applicant: RAEFORD TRUCKING COMPANY, P.O. Box 219, Sanford, NC 27330. Representative: R. B. Guthrie, (same as above). *Lumber* (1) from Columbia, SC to points in IN and (2) from Akron, IN to Savannah, GA and Trinity, NC, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Gilbert Hardwood Centers, Inc., P.O. Box 129, Trinity, NC 27370. Colwood, P.O. Box 192, Columbia, SC 29202. Send protests to: Sheila Reece, T/A, 800 Briar Creek Rd-Rm CC516, Charlotte, NC 28205.

MC 107295 (Sub-948TA), filed October 16, 1979. Applicant: PRE-FAB TRANSIT CO., P.O. Box 146, Farmer City, IL 61842. Representative: DUANE ZEHR (same address as applicant). *Materials, accessories and supplies used in the manufacture of plumbing,* from Pomona, CA, to Abingdon and Robinson, IL for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Briggs Manufacturing, 1500 N. Dale Mabry, Tampa, FL 33607. Send protests

to: Annie Booker, TA, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 107605 (Sub-26TA), filed October 15, 1979. Applicant: ADVANCE-UNITED EXPRESSWAYS, INC., 2601 Broadway Road N.E., Minneapolis, MN 55413. Representative: James E. Ballenthin, 630 Osborn Building, St. Paul, MN 55102. *Common carrier: regular route: General commodities (except commodities in bulk, household goods as defined by the Commission, classes A and B explosives, and commodities of unusual value)* between Milwaukee and Madison, WI, serving no intermediate points: From Milwaukee over Interstate Hwy 94 to Madison, and return over the same route. Between Chicago, IL and Madison, WI serving no intermediate points: From Chicago over Interstate Hwy 90 to Madison, and return over the same route. Between Delavan and Madison, WI serving the junction of U.S. Hwy 14 and Interstate Hwy 90 for purpose of joinder only: From Delavan over U.S. Hwy 14 to junction Interstate Hwy 90, then over Interstate Hwy 90 to Madison, and return over the same route. Between Manitowoc and Madison, WI serving no intermediate points: From Manitowoc over U.S. Hwy 151 to Madison and return over the same route. Serving the commercial zones of all service points for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): There are 7 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: Judith L. Olson, TA, ICC 414 Fed. Bldg., 110 S. 4th St., Mpls., MN 55401.

MC 109324 (Sub-46TA), filed November 8, 1979. Applicant: GARRISON MOTOR FREIGHT, INC., P.O. Box 1278, Harrison, AR 72601. Representative: Francis W. McInerny, Suite 502, 1000 16th St., NW., Washington, D.C. 20036. *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 St. Louis, MO and points in its commercial zone, and Springfield, MO and points in its commercial zone, serving no intermediate points: from St. Louis over Interstate Hwy 44 to Springfield, and return over same route, for 180 days. Underlying ETA seeks 90 days authority. Applicant intends to tack and interline. Supporting Shipper(s): Approximately 15 shippers. Send protests to: William H. Land, DS, 3108 Federal Building, Little Rock, AR 72201.

MC 112014 (Sub-27TA), filed October 5, 1979. Applicant: SKAGIT VALLEY TRUCKING CO., INC., P.O. Box 400, Mount Vernon, WA 98273. Representative: Milton R. Egbers (same as above). *Potato products, frozen,* between Othello, Warden and Wheeler, WA on the one hand, and, on the other, Seattle, WA commercial zone; restricted to traffic having a prior or subsequent movement by water, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Carnation Co., 5045 Wilshire Blvd., Los Angeles, CA 90036. Send protests to: Shirley M. Holmes, T/A, ICC, 858 Federal Building, Seattle, WA 98174.

MC 114284 (Sub-84TA), filed November 7, 1979. Applicant: FOX-SMYTHE TRANSPORTATION CO., P.O. Box 82307, 1700 S. Portland, Oklahoma City, OK 73148. Representative: M. W. Thompson (same address as applicant). *Meats, meat products, meat by-products and articles distributed by meat packinghouses,* as described in Sections A and B and C of Appendix I to the Report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, (except hides and commodities in bulk), from the facilities utilized by John Morrell & Co., at or near East St. Louis, IL, to points in AR, & TX, for 180 days. Supporting Shipper(s): John Morrell & Co., 208 S. LaSalle St., Chicago, IL 60604. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 121525 (Sub-7TA), filed September 21, 1979. Applicant: SNIDER TRUCKING SERVICE, INC., 110 E. 5th Street, Ritzville, WA 99169. Representative: Boyd Hartman, P.O. Box 3641, Bellevue, WA 98004. *Dry bulk fertilizer,* from points in Kootenai and Shoshone Counties, ID to points in WA in and east of Okanogan, Chelan, Kittitas, Yakima and Klickitat Counties, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Wheatland Div. of Western Farm Service, Inc., P.O. Box 1228, Walla Walla, Ritzville Chemicals, Inc., 107 North Adams, Ritzville, WA 99619. Tekoa Fertilizer & Chemical Co., Box 299, Tekoa, WA 99033. Send protests to: Shirley M. Holmes, T/A, ICC, 858 Federal Building, Seattle, WA 98174.

MC 121805 (Sub-7TA), filed October 26, 1979. Applicant: ARKANSAS EXPRESS, INC., 1200 Arkansas Ave., North Little Rock, AR 72114. Representative: James M. Duckett, 927 Pyramid Life Bldg., Little Rock, AR 72201. *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 Harrison, AR; from Little Rock over Interstate Hwy 40 to Conway, then over U.S. Hwy 65 to Harrison, and return over the same route serving all intermediate points, (2) Between Harrison, AR and Gateway, AR; from Harrison over U.S. Hwy 65 to its junction with U.S. Hwy 62, then over U.S. Hwy 62 to Gateway, and return over the same route, serving all intermediate points, (3) Between Harrison, AR and Mountain Home, AR; from Harrison over U.S. Hwy 65 to its junction with U.S. Hwy 62, then over U.S. Hwy 62 to Mountain Home, and return over the same route, serving all intermediate points, (4) Between Harrison, AR and Jasper, AR; from Harrison over Arkansas Hwy 7 and return over the same route, serving all intermediate points, for 180 days. Underlying ETA seeks 90 days authority. All routes to be tacked at common points of joinder and with existing authority. Applicant intends to interline with other carriers at West Memphis, AR and Little Rock, AR. Supporting shipper(s): Approximately 20 shippers. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 121805 (Sub-8TA), filed November 5, 1979. Applicant: ARKANSAS EXPRESS, INC., 1200 Arkansas Ave., North Little Rock, AR 72114. Representative: James M. Duckett, 927 Pyramid Life Bldg., Little Rock, AR 72201. 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 Ft. Smith, AR; from Little Rock over Arkansas Hwy 10 to Williams Junction, then over Arkansas Hwy 9 to Perry, then over Arkansas Hwy 10 to Greenwood, then over Arkansas Hwy 10 S to its junction with U.S. Hwy 71, then over U.S. Hwy 71 to Ft. Smith, and return over the same route, serving all intermediate points, in connection with the carrier's presently authorized regular route operations, with service in the Ft. Smith commercial zone restricted to points within the State of AR, and restricted against service to intermediate points on Interstate 40 between Morrilton and Ft. Smith, pursuant to the Commission's Superhighway Rule; (2) Between Arkansas River and Plainview, AR; from the Arkansas River over Arkansas Hwy 60 to Plainview, and return over the same route, serving all intermediate

points, (3) Between Ola, AR and the junction of Arkansas Hwys 7 and 60; from Ola over Arkansas Hwy 7 to junction of AR Hwy 60, and return over the same route, serving all intermediate points, (4) Between Ola, AR and Rover, AR; from Ola over AR Hwy 28 to Rover, and return over the same route, serving all intermediate points, and the off-route point of Kingston, AR; (5) Between Rover, AR and Danville, AR; from Rover over AR Hwy 27 to Danville, and return over the same route, serving all intermediate points; (6) Between Booneville, AR and State Sanatorium, AR; from Booneville over AR Hwy 116 to junction with AR Hwy 23, then over AR Hwy 23 to State Sanatorium, and return over the same route, serving all intermediate points, for 180 days. Underlying ETA seeks 90 days authority. Applicant intends to tack all routes at common points of joinder and with existing authority. Applicant intends to interline with other carriers at West Memphis, AR and Little Rock, AR. Supporting shipper(s): Approximately 20 shippers. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 124174 (Sub-162TA), filed November 2, 1979. Applicant: MOMSEN TRUCKING CO., 13811 "L" Street, Omaha, NE 68137. Representative: Karl E. Momen, same address as applicant. *Iron and steel articles* from Rock Falls and Sterling, IL to points in MO, IA and SD for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Northwestern Steel and Wire Company, L. J. Munz, Asst. Manager, 121 Wallace Street, Sterling, IL 61081. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 124735 (Sub-22TA), filed September 14, 1979. Applicant: R. C. KERCHEVAL, JR., 2214 Fourth S., Seattle, WA 98134. Representative: George R. LaBissoniere, 1100 Norton Building, Seattle, WA 98104. *Contract carrier: irregular routes: General commodities, except Class A and B explosives, household goods as defined by the Commission, commodities in bulk, articles of unusual value, and commodities which, because of their size or weight, require the use of special equipment*, from Seattle, WA to points in MN, WI, IL, IN, OH, MI, MO, CO, ND, SD, NE, IA and KS, restricted to traffic moving from the facilities of Sea-Tac International Warehouse Inc, at Seattle, WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Sea-Tac International Warehouse, Inc., 22 South Idaho, Seattle, WA 98134. Send protests to:

Shirley M. Holmes, T/A, ICC, 858 Federal Building, Seattle, WA 98174.

MC 127705 (Sub-101TA), filed October 10, 1979. Applicant: KREVEDA BROS. EXPRESS, INC., P.O. Box 68, Gas City, IN 46933. Representative: Donald W. Smith, 9000 Keyston Crossing, Suite 945, Indianapolis, IN 46240. *Paper and paper products* from Union Camp Corporation's plants at or near Richmond, VA to points in DE, DC, IL, IN, KY, MD, MI, NJ, NY, OH, PA, and WV for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Union Camp Corporation, 1600 Valley Road, Wayne, NJ 07470. Send protests to: Beverly J. Williams, ICC, 429 Federal Bldg., 46 E. Ohio Street, Indianapolis, IN 46204.

MC 133095 (Sub-284TA), filed October 19, 1979. Applicant: TEXAS CONTINENTAL EXPRESS, INC., P.O. Box 434, Euless, TX 76039. Representative: Ron Duncan, P.O. Box 434, Euless, TX 76039. *Paint and paint products* from Houston, TX to OK, AL, MS, LA, CA, and FL, for 180 days. No underlying ETA filed. Applicant intends to tack this authority. Supporting shipper: Devoe & Reynolds Paint Co., 6767 Kirbyville Rd., Houston, TX 77033. Send protests to: Marianne Minnich, TCS, ICC, Rm 9A27 Federal Bldg., 819 Taylor St., Fort Worth, TX 76102.

MC 133655 (Sub-191TA), filed November 8, 1979. Applicant: TRANS-NATIONAL TRUCK, INC., P.O. Box 31300, Amarillo, TX 79120. Representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, WI 54306. *Anti-freeze and fuel additives, and equipment, materials, and supplies used in the manufacture and distribution of anti-freeze and fuel additives between Weatherford, TX on the one hand, and, on the other, points in KY, VA, WV, DE, DC, MD, CT, NC, SC, GA, FL, AL, MS, TN, and RI, for 180 days. Supporting shipper: Power Service Products, Inc., P.O. Box 459, Weatherford, TX 76086. Send protests to: Marianne Minnich, TCS, ICC, Rm. 9A27 Federal Bldg., 819 Taylor St., Fort Worth, TX 76102.*

MC 134105 (Sub-80TA), filed November 5, 1979. Applicant: CELERYVALE TRANSPORT, INC., 208 East 28th Street, Chattanooga, TN 37410. Representative: Danile O. Hands, Suite 200, 205, West Touhy Ave., Park Ridge, IL 60068. *Frozen foods, foodstuffs and ingredients used and useful in the manufacture of frozen foods*, (1) between Russellville and Searcy, AR, on the one hand, and on the other, Crozet, VA; (2) from Russellville and Searcy, AR, to AL; GA; IL; IN; IA; KY; KS; MO; MS; NE; OK; TN; TX and WI, and (3) from Crozet, VA, to DE, and the District

of Columbia; GA; KY; MD; NJ; NY; NC; OH; PA; SC; and WV, for 180 days. Supporting shipper(s): Morton Frozen Foods, 1 Morton Drive, P.O. Box 7547, Charlottesville, VA 22906. Send protests to: Glenda Kuss, TA, ICC, Suite A-422, U.S. Courthouse, 801 Broadway, Nashville, TN 37203.

MC 134404 (Sub-56TA), filed November 7, 1979. Applicant: AMERICAN TRANS-FREIGHT, INC., P.O. Box 796, Manville, NJ 08835. Representative: Eugene M. Malkin, Suite 1832, 2 World Trade Center, New York, NY 10048. *Contract carrier*, irregular routes. (1) *Tin* in bars, slabs, billets, pigs, ingots, and plates; solder and solder residue; and *equipment, materials and supplies* used in the manufacture and distribution thereof (except commodities in bulk and those requiring special equipment): Between New York, NY and points in the commercial zone thereof, on the one hand, and, on the other, Meriden and New Haven, CT; Chicago, East Alton, Skokie and Summit, IL; Indianapolis, Kokomo, Mooresville and Portage, IN; Carrolton KY; Taft, LA; Baltimore and Sparrows Points, MD; Allston and Worcester, MA; Detroit and Port Huron, MI; St. Louis, MO; Auburn, NE; Laurenburg and Winston Salem, NC; Cincinnati, Cleveland, Lima and Yorkville, OH; Tulsa, OK; Aliquippa, Altoona, Mars, Meadville, Philadelphia and Pittsburgh, PA; Providence, RI; Greenback, TN; Eagle Pass, TX; Weirton, WV; Appleton, Grafton, Menominee Falls and Waukesha, WI; and (2) *Iron and steel wire rods*, (a) from the facilities of Raritan River Steel Co. at or near Perth Amboy, NJ to points in DE, MD and PA; and (b) from Perth Amboy, NJ to points in NJ. Restricted in (2)(b) above to shipments having a prior or subsequent movement by water, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Raritan River Steel Co., P.O. Box 300, Perth Amboy, NJ 08862; Philipp Brothers, Division of Englehard Minerals, 1221 Avenue of the Americas, New York, NY 10020; Alpha Metals, Inc., 600 Route 440, Jersey City, NJ, 07304. Send protests to: Irwin Rosen, TS, ICC, 744 Broad Street, Room 522, Newark, NJ 07102.

MC 134755 (Sub-213), filed November 6, 1979. Applicant: CHARTER EXPRESS, INC., P.O. Box 3772, Springfield, MO 65804. Representative: Raymond P. Keigher, 1400 Gerard St., Rockville, MD 20850. *Foodstuffs (except in bulk)*. From Marietta, OK to points in the United States (except AK, FL, HI, ND and SD), for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Little Brownie Bakers, Div. of Beatrice

Foods, P.O. Box 249, Marietta, Ok 73448. Send protests to: Vernon Coble D/S, 600 Fed. Bldg., 911 Walnut St., Kansas City, MO 64106.

MC 135895 (Sub-74TA), filed November 1, 1979. Applicant: B & R DRAYAGE, INC., P.O. Box 8534, Battlefield Sta., Jackson, MS 39204. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701. (1) *Paper and paper products produced or distributed by manufacturers or processors of paper; and (2) equipment, material and supplies used in the manufacture of commodities named in (1) above* (except commodities in bulk and those requiring special equipment) between the plant sites of Boise Cascade Corp. at or near DeRidder and Elizabeth, LA, on the one hand, and, on the other, points in the United States in and east of the states of NM, CO, NE, ND, and SD, for 180 days. Supporting shipper(s): Boise Cascade Corp., P.O. Box 7747, Boise, Idaho 83707. Send protests to: Alan Tarrant, D/S, ICC, Fed. Bldg., Suite 1441, Jackson, MS 39201.

MC 135895 (Sub-73TA), filed October 29, 1979. Applicant: B & R DRAYAGE, INC., P.O. Box 8534, Battlefield Sta., Jackson, MS 39204. Representative: Douglas C. Wynn, P.O. Box 1295, Jackson, MS 38701. *Foodstuffs, and equipment, materials and supplies used in the manufacture, distribution, packaging, warehousing and sale of foodstuffs* (except commodities in bulk and those requiring special equipment) between points in AL, AR, FL, GA, LA, MS, MO, NC, OK, SC, TN and TX, for 180 days. Note: Restricted to the transportation of traffic originating at or destined to the facilities of Uncle Ben's, Inc. An underlying ETA seeks 90 day authority. Supporting shipper(s): Uncle Ben's, Inc., P.O. Box 1752, Houston, TX 77001. Send protests to: Alan Tarrant, D/S, ICC, Fed. Bldg., Suite 1441, Jackson, MS 39201.

MC 135945 (Sub-8TA), filed September 14, 1979. Applicant: BOB HILDEBRANDT, Prescott, WI 54021. Representative: Stanley C. Olsen, Jr., 4601 Excelsior Blvd., Minneapolis, MN 55416. *Feed and feed ingredients, in bulk*, from the Minneapolis-St. Paul, MN Commercial Zone to points in WI, restricted to traffic originating at the facilities of Cargill, Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Cargill, Inc., Dept. 17, P.O. Box 9300, Minneapolis, MN 55440. Send protests to: Judith L. Olson, TA, ICC, 414 Fed. Bldg., 110 S. 4th St., Minneapolis, MN 55401.

MC 138824 (Sub-31TA), filed October 15, 1979. Applicant: REDWAY CARRIERS, INC., P.O. Box 104,

Waukegan, IL 60085. Representative: Paul J. Maton, 10 S. LaSalle St., Suite 1620, Chicago, IL 60603. *Contract carrier*; irregular routes: *Food products, dry or liquid, in containers; materials and supplies incidental to, and used in the processing, canning and bottling of said food products; Restricted against transportation of commodities in bulk*, between points and places in the states in and east of the states of ND, SD, NE, CO, OK and TX for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Ocean Spray Cranberries, Inc., 7800 S. 60th Ave., Kenosha, WI 53142. Send protests to: Annie Booker, TA, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 128837 (Sub-14TA), filed October 22, 1979. Applicant: TRUCKING SERVICE, INC., P.O. Box 229, Carlinville, IL 62856. Representative: Michael W. O'Hara, 300 Reisch Building, Springfield, IL 62701. *Plastic sheets or plates n.o.i. flat or corrugated self-supporting (rigid), not exceeding 9' 6" in more than one dimension*, from the facilities of Filon Silmar, Division of Vistron, located at Covington, KY to Sterling and Montgomery, IL and Little Shoe, WI (restricted to movements originating at the facilities of Filon Silmar, Division of Vistron, located at Covington, KY) for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Filon Silmar, Division of Vistron, 3535 Latonia Avenue, Covington, KY 41011. Send protests to: Cheryl Livingston, TA, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 140094 (Sub-2TA), filed October 9, 1979. Applicant: LATIN EXPRESS SERVICE, INC., 4 N.W. 19th Ave., Miami, FL 33125. Representative: Jose Raul Espinosa, 433 South Royal Poinciana Blvd., Miami Springs, FL 33166. *Common carrier*: regular route: *Passengers and their baggage* from Miami, FL to Union City, NJ with stop-off in Miami Beach, FL, Orlando, FL, Washington, DC and Elizabeth, NJ and return: From Miami Beach, FL, west to the McArthur Causeway to Miami, from Miami, FL to the Florida Sunshine State Parkway to Orlando, from Orlando east on I-4 to take I-95 in Daytona Beach to go north to Washington, DC, then I-95 again to the Delaware Memorial Bridge to take the New Jersey Turnpike to Elizabeth, NJ and then again the New Jersey Turnpike to exit 16 to take route 3 to Union City, NJ and return by the same route for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are 72 statements in support attached to this application which may be examined at the ICC in

Washington, DC or the field office named below. Send protests to: Donna M. Jones, T/A, ICC, Suite 101, 8410 N.W. 53rd Ter., Miami, FL 33166.

MC 140465 (Sub-10TA), filed October 22, 1979. Applicant: UNITED TRUCKING, INC., 100 Stoffel Dr., Tallapoosa, GA 30176. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328. *Contract carrier, irregular routes. Such general merchandise as is dealt in by wholesale and retail grocery-houses, retail chain department stores and drugstores; from the facilities of Colgate-Palmolive Company, Inc., at or near Jeffersonville, IN, to Atlanta, GA; Birmingham, AL; and Jacksonville, FL, and points in their commercial zones, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Colgate-Palmolive Company, Inc., State and Warner Streets, Jeffersonville, IN 47130. Send protests to: Sara K. Davis, ICC, 1252 W. Peachtree St., N.W., Rm. 300, Atlanta, GA 30309.*

MC 140484 (Sub-63TA), filed October 19, 1979. Applicant: LESTER COGGINS TRUCKING, INC., 2671 E. Edison Ave., P.O. Box 69, Fort Myers, FL 33902. Representative: Frank T. Day, same address as applicant. *Electric motors, electric welders, and parts and accessories for electric motors and electric welders, welding supplies and hand truck parts (except commodities because of their size and weight require the use of special equipment) from the facilities of the Lincoln Electric Company located in Cuyahoga and Lake Counties, OH to points in the states of IL, IN, MI, PA and WI for 180 days. Supporting shipper(s): The Lincoln Electric Company, 22801 St. Clair Ave., Cleveland, OH 44117. Send protests to: Donna M. Jones, T/A, ICC, Suite 101, 8410 N.W. 53rd Ter., Miami, FL 33166.*

MC 140665 (Sub-72TA), filed November 5, 1979. Applicant: PRIME, INC., Rte #1, Box 115-B, Urbana, MO 65767. Representative: Clayton Geer, P.O. Box 786, Ravenna, OH 44266. *Cleaning compounds, ice melting compounds, polishing compounds, deodorants and disinfectants, materials and supplies used in the manufacturing or marketing of the above commodities (except in bulk). Between points in Summit County, OH, on the one hand, and, on the other, points in the United States in and west of MS, TN, MO, IA, and MN. Supporting shipper(s): Malco Products, Inc., P.O. Box 892, Barberton, OH 44203. Send protests to: Vernon Coble D/S, 600 Fed. Bldg., 911 Walnut St., Kansas City, MO 64106.*

MC 140744 (Sub-15TA), filed November 9, 1979. Applicant: ARCTIC

AIR TRANSPORT, INC., 103 N. Eau Claire St., Mondovi, WI 54755. Representative: Stanley C. Olsen, Jr., 7400 Metro Blvd., Suite 411, Edina, MN 55435. *Foodstuffs, except in bulk, in tank vehicles, from the facilities of Aunt Jane's Foods, Inc. at or near Crosswell, MI to points in IL, IN, IA and OH, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Aunt Jane's Foods, Inc., 55 E. Sanborn, Crosswell, MI 48422. Send protests to: Judith L. Olson, TA, ICC, 414 Fed. Bldg., 110 S. 4th St., Minneapolis, MN 55401.*

MC 141774 (Sub-29TA), filed November 6, 1979. Applicant: R & L TRUCKING CO., INC., 105 Rocket Avenue, Opelika, AL 36801. Representative: Robert E. Tate, P.O. Box 517, Evergreen, AL 36401. *Paper and plastic bags; rolls of wrapping paper and materials and supplies used in the manufacture and packaging and distribution of paper bags (except commodities in bulk) from the facilities of International Paper Co. at or near Jackson, TN to points in the states of FL and GA., for 180 days. Supporting shipper(s): International Paper Company, 220 East 42nd St., New York, NY 10017. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616—2121 Building, Birmingham, AL 35203.*

MC 141774 (Sub-30TA), filed October 30, 1979. Applicant: R & L TRUCKING CO., INC., 105 Rocket Avenue, Opelika, AL 36801. Representative: Robert E. Tate, P.O. Box 517, Evergreen, AL 36401. *Fuel wood and compressed logs, from Pochontas, AR and Memphis, TN to AL, GA, MS, TN, AR and FL, for 180 days. Supporting shipper(s): Agnew Environmental Products, Inc., 211 SE 10th, P.O. Box 1168, Grants, Pass, OR 97526. Send protests to: Mabel E. Holston, T/A, ICC, Room 1616—2121 Building, Birmingham, AL 32503.*

MC 141804 (Sub-284TA), filed November 5, 1979. Applicant: WESTERN EXPRESS, Div. of Interstate Rental, Inc., P.O. Box 3488, Ontario, CA 91761. Representative: Frederick J. Coffman, P.O. Box 3488, Ontario, CA 91761. *Insulating materials and items and materials used in the manufacture of same, from Willow, CA to all points in the states of OR, WA and ID, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): Johns-Manville Sales Corp., 2600 Campus Dr., San Mateo, CA 94403. Send protests to: Irene Carlos, T/A, I.C.C., 300 N. Los Angeles St., Rm. 1321, Los Angeles, CA 90012.*

MC 141804 (Sub-287TA), filed November 9, 1979. Applicant: WESTERN EXPRESS, Div. of Interstate Rental, Inc., P.O. Box 3488, Ontario, CA 91761.

Representative: Frederick J. Coffman, (same address as applicant). *Television chassis and electronic components and parts for television sets and chassis, from Los Angeles, CA and its commercial zone to McAllen, TX and from McAllen, TX to Chicago, IL and its commercial zone, for 180 days. Restricted to traffic moving to or from the facilities of Zenith Radio Corporation. An underlying ETA seeks up to 90 days operating authority. Supporting shipper: Zenith Radio Corporation, 1900 North Austin Avenue, Chicago, IL 60639. Send protests to: Irene Carlos, TA, ICC, Room 1321 Federal Bldg., 300 North Los Angeles St., Los Angeles, CA 90012.*

MC 141914 (Sub-69TA), filed November 5, 1979. Applicant: FRANKS AND SON, INC., Route 1, Box 108A, Big Cabin, OK 74332. Representative: Kathrena J. Franks (same address as applicant). *Candies and confectionery, from the facilities of Schrafft Candy Company, at or near Woburn and Boston, MA, to points in AR, CA, FL, KS, MO, OH, OK, OR, TX, & WA, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Schrafft Candy Company, Sullivan Square, Boston, MA 02129. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.*

MC 141914 (Sub-68TA), filed November 1, 1979. Applicant: FRANKS & SON, INC., Route 1, Box 108A, Big Cabin, OK 74332. Representative: Kathrena J. Franks (same address as applicant). *Refrigerant jell, cooler boxes, athletic & gymnasium equipment, athletic dressings, freezers, and refrigerators, from the facilities of Divajex Company, at Tustin, CA, to points in WA, TX, KS, MN, OR, MD, GA, OH, NY, NE, NJ, & FL, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Divajex Company, 15551 Redhill Avenue, Tustin, CA 92680. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.*

MC 141914 (Sub-70TA), filed November 1, 1979. Applicant: FRANKS & SON, INC., Route 1, Box 108A, Big Cabin, OK 74332. Representative: Kathrena J. Franks (same address as applicant). *Refrigerant jell, cooler boxes, athletic & gymnasium equipment, athletic dressings, freezers and refrigerators, between the facilities of Divajex Company, at or near Tustin, CA, on the one hand, and, on the other, points in the United States, except WA, TX, KS, MN, OR, MD, GA, OH, NY, NE, NJ, & FL, for 180 days. Supporting shipper(s): Divajex Company, 15551 Redhill Avenue, Tustin, CA 92680. Send*

protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 141914 (Sub-71TA), filed November 13, 1979. Applicant: FRANKS AND SON, INC., Route 1, Box 108A, Big Cabin, OK 74332. Representative: Kathrena J. Franks (same address as applicant). *Candies and confectionary*, from the facilities of Schrafft Candy Company, at or near Woburn and Boston, MA, to points in the United States, except AR, CA, FL, KS, MO, OH, OK, OR, TX, & WA, for 180 days. Supporting shipper(s) Schrafft Candy Company, Sullivan Square, Boston, MA 02129. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W., 3rd, Oklahoma City, OK 73102.

MC 141914 (Sub-72TA), filed September 24, 1979. Applicant: FRANKS & SON, INC., Route 1, Box 108A, Big Cabin, OK 74332. Representative: Kathrena J. Franks (same address as applicant). *Automotive fluids, (except in bulk), and new containers used in the transportation and storage of automotive fluids*, between the facilities of General Texas Corporation, at or near Roanoke, TX, on the one hand, and, on the other, points in the United States, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): General Texas Corporation, Rt. 1, Box 24B, Roanoke, TX 76262. Send protest to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 142315 (Sub-3TA), filed June 14, 1979. Applicant: MEISLER CARTAGE, INC., 1103 East Franklin Street, Evansville, IN 47711. Representative: Warren C. Moberly, Harrison, Moberly & Gaston, 777 Chamber of Commerce Bldg., 320 N. Meridian Street, Indianapolis, IN 46204. *Freight all kinds, having a prior or subsequent movement by rail*, (1) Between points in IL, IN, and KY within a 75 mile radius of Vanderburgh County, IN, and (2) between Evansville, IN and St. Louis, MO, for 180 days. Supporting shippers: There are seven (7) supporting shippers. Send protest to: Beverly J. Williams, ICC 46 E. Ohio St., Rm 429, Indianapolis, IN 46204.

MC 142364 (Sub-23TA), filed November 14, 1979. Applicant: KENNETH SAGELY d.b.a. SAGELY PRODUCE, 2802 Kibler Rd., Van Buren, AR 72956. Representative: Don Garrison, P.O. Box 1065, Fayetteville, AR 72701. *Such merchandise as is dealt in by wholesale, retail and chain grocery and food business houses (except frozen and commodities in bulk)*, (1) from the facilities of the Clorox Company at or near Forest Park, GA to points in KY; and (2) from the facilities of the Clorox

Company at or near Kansas City, MO, to points in AR, for 180 days. Underlying ETA seeks 90 days authority. Supporting shipper(s): The Clorox Company, 1221 Broadway St., Oakland, CA 94612. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 143775 (Sub-118TA), filed October 22, 1979. Applicant: PAUL YATES, INC., 6601 W. Orangewood, Glendale, AZ 85301. Representative: Michael R. Burke (same address as applicant). *Rubber, in temperature controlled equipment*, from Kent and Barberton, OH to Sparks, NV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Hamilton-Kent Mfg., 1650 Linda Way, Sparks, NV 89431. Send protests to: Ronald R. Mau, District Supervisor, 2020 Federal Bldg., 230 N. 1st Ave., Phoenix, AZ 85025.

MC 144305 (Sub-3TA), filed November 6, 1979. Applicant: McCAIN TRANSPORT, INC., 5 Wade Rd., Washburn, ME 04786. Representative: John C. Lightbody, 30 Exchange St., Portland, ME 04101. *Contract: Irregular: Fertilizer, fertilizer ingredients and chemicals in bags and bulk* between Presque Isle, ME and ports of entry on the International Boundary Line between the U.S./Canada in ME, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): McCain Fertilizer, Division of Thomas Equipment Ltd., P.O. Box 155, Florenceville, New Brunswick. Send protests to: Donald G. Weiler, District Supervisor, ICC, 76 Pearl St., Rm. 303, Portland, ME 04101.

MC 145204 (Sub-4TA), filed October 12, 1979. Applicant: TVF SECURITY CO., INC., P.O. Box 815, Warsaw, IN 46580. Representative: Donald W. Smith, 9000 Keystone Crossing, Suite 945, Indianapolis, IN 46240. *Contract Carrier: Irregular routes: Paper and plastic disposable cups, plates, bowls, containers, with or without lids, and ice cream cones* between the facilities of Sweetheart Cup Corp. and Northwest Cone at Chicago, IL, on the one hand, and on the other, points in IN on and north of U.S. Highway 40 for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Sweetheart Cup Corp., Northwest Cone, 7575 South Kostner, Chicago, IL 60652. Send protests to: Beverly J. Williams, ICC, 429 Federal Bldg., 46 E. Ohio Street, Indianapolis, IN 46204.

MC 145544 (Sub-3TA), filed October 29, 1979. Applicant: W. & M., INC., P.O. Box 2237, East Chicago, IN 46312. Representative: William H. Towle, 180 North LaSalle Street, Chicago, IL 60601. *Contract Carrier: Irregular routes: Air moving control equipment, materials*

and supplies used in the manufacture of air moving control equipment for the account of New York Blower Co., between LaPorte, IN, on the one hand, and, on the other, points in the U.S. over irregular routes. Restricted to transportation for New York Blower Co. for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): New York Blower Co., 171 Factory St., LaPorte, IN. Send protests to: Cheryl Livingston, TA, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 145544 (Sub-4TA), filed October 18, 1979. Applicant: W. & M., INC., 901 South Lake, Gary, IN 46406. Representative: Samuel Ruff, 2109 Broadway, East Chicago, IN 46312. *Contract Carrier: Irregular routes: Blower, fans of all types used in air pollution*, between Glendale Heights, on the one hand and on the other, points in the United States over irregular routes. Restricted to transportation for Chicago Blower Corporation for 180 days. Supporting shipper(s): Chicago Blower Corporation, 1675 Glen Ellyn Road, Glendale Heights, IL 60137. Send protests to: Annie Booker, TA, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 145895 (Sub-4TA), filed October 31, 1979. Applicant: STATE TRANSPORTATION, INC., P.O. Box 1349, Portsmouth, NH 03801. Representative: Robert G. Parks, 20 Walnut St., Suite 101, Wellesley Hills, MA 02181. *Contract Carrier: Irregular routes: Malt beverages, in containers*, from points in Onondaga and Oswego Counties, NY to points in NH, for 180 days. Supporting shipper(s): Silver Bros. Co., Inc., P.O. Box 4060, Manchester, NH 03108. Send protests to: Ross J. Seymour, DS, ICC, Rm. 3, 6 Loudon Rd., Concord, NH 03301.

MC 145904 (Sub-20TA), filed October 17, 1979. Applicant: SOUTH WEST LEASING, INC., P.O. Box 152, Waterloo, IA 50704. Representative: Jack H. Blanshan, Suite 200, 205 West Touhy Ave., Park Ridge, IL 60068. *Abrasives, iron shot, and iron grit (except in bulk)* from Adrian, MI, and points in its commercial zone to Mapleton and Moline, IL, and Keokuk, IA, and points in their commercial zones, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): The Marthens Company, 204, 38th St., Moline, IL 61265. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 145914 (Sub-4TA), filed October 10, 1979. Applicant: COASTAL TRUCK LINE, INC., How Lane, New Brunswick, NJ 08903. Representative: Herbert Burstein, Esq., 2373 One World Trade

Center, New York, NY 10048 *Contract carrier*, irregular routes for 180 days. *Plastic articles*, other than expanded 2-4 #P.C.F. (Plastic emptyware bottles) NMFC 156600 between the facilities of the Bercon Company located at Berwick, PA and the Clorox Company facilities at Jersey City, NJ, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Clorox Company, 1221 Broadway, Oakland, CA 94612. Send protests to: Irwin Rosen, TS, ICC, 744 Broad Street, Room 522, Newark, NJ 07102.

MC 145954 (Sub-3TA), filed October 18, 1979. Applicant: FOUR TRUCKERS, INC., P.O. Box 1211, Morganton, NC 28655. Representative: William P. Farthing, Jr., 1100 Cameron-Brown Building, Charlotte, NC 28204. *New furniture* from points in Burke County, NC to points in the states of CO, TX, AR, AZ, NY, OK, MO, PA, NJ and NE, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Frederick Edwards, Inc., P.O. Box 922, Morganton, NC 28655. Send protests to: Sheila Reece, T/A, 800 Briar Creek Rd., Rm. CC516, Charlotte, NC 28205.

MC 146465 (Sub-5TA), filed September 18, 1979. Applicant: LAWRENCE PILGRIM, d.b.a. PILGRIM TRUCKING COMPANY, P.O. Box 77, Cleveland, GA 30528. Representative: Jeffrey Kohlman, 1447 Peachtree St., Suite 508, Atlanta, GA 30309. *Lumber* from the facilities of Woodkraft, Wood Products Division of Georgia Kraft Company at Greenville, GA to points in the U.S. in and east of TX, OK, KS, MO, IA, and WI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Woodkraft Wood Products Division of Georgia Kraft Company, P.O. Box 2489, Peachtree City, GA 30269. Send protests to: Sara K. Davis, T/A, ICC, 1252 W. Peachtree St., NW., Room 300, Atlanta, GA 30309.

MC 146495 (Sub-1TA), filed November 5, 1979. Applicant: DAILY OIL COMPANY, 2201 W. Main Street, Greenfield, IN 46140. Representative: Donald W. Smith, 9000 Keystone Crossing, Room 945, Indianapolis, IN 46240. *Petroleum and petroleum products, in bulk, in tank vehicles* from Indianapolis, IN to Louisville, KY and St. Louis, MO for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper: Young Oil Supply, 24 W. Washington Street, Shelbyville, IN 46176. Send protests to: Beverly J. Williams, ICC, 429 Federal Bldg., 46 East Ohio Street, Indianapolis, IN 46204.

MC 146874 (Sub-3TA), filed October 11, 1979. Applicant: PALWOOD TRANSPORTATION, INC., 4017 Sunnyside Rd., Woodstock, IL 60098.

Representative: Abraham A. Diamond, 29 South LaSalle Street, Chicago, IL 60603. *Sand, gravel, limestone and limestone products, building materials and contractors' supplies*, from points in IN, MI, OH, and WI to points in IL, for 180 days. Supporting shipper(s): H. J. Mohr & Sons Co., 915 S. Maple, Oak Park, IL 60030. Send protests to: Cheryl Livingston, TA, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 146964 (Sub-3TA), filed October 23, 1979. Applicant: RELIABLE TRUCK LINES, INC., 1451 Spahn Ave., York, PA 17403. Representative: Michael Valencik (same as applicant). *Canned goods*, from the facilities of K. M. C. Foods, Inc. at or near Queen Anne, MD; Milton, DE and Cheriton, VA to point in NJ, NY, AL, CT, DC, DE, GA, FL, IL, IN, KY, LA, MA, ME, MI, MD, MS, MO, NC, NH, OH, PA, RI, SC, TN, TX, VT, VA and WV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): KMC Foods, Inc., P.O. Box 298, Queen Anne, MD 21657. Send protests to: I.C.C., Fed. Res. Bank Bldg., 101 N. 7th St., Room 620, Philadelphia, PA 19106.

MC 147254 (Sub-1TA), filed July 16, 1979. Applicant: JAWING TRUCKING, LTD., 15284 Columbia Ave., White Rock, B.C., V4B 1J6. Representative: J. Anthony Wilson (same as above). *Contract carrier: irregular routes: (1) Roofing and building materials and supplies, including shakes, shingles, insulation and roofing paper*, from the Port of Entry on the U.S./Canada border at or near Blaine or Sumas, WA, to points in CA and TX; (2) *Paper products and scrap paper*, from the Port of Entry on the U.S./Canada border at or near Blaine or Sumas, WA, to points in CA, and return; (3) *Fireplaces, parts, accessories and related material, including sheet and plate metal, glass products and doors, wire and mesh, screens and firebricks*, from the Port of Entry on the U.S./Canada border at or near Blaine or Sumas, WA, to points in CA; and (4) *Waterbeds, parts, accessories and related materials, including bedding, wood, plastic and/or metal furniture, heaters, vibrators, pumps and chemicals*, from the Port of Entry on the U.S./Canada border at or near Blaine or Sumas, WA, to points in CA, and return, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Teal Cedar Products (1977) Ltd, 17835 Trigg Rd, Surrey, B.C.; Justesen Manufacturing Ltd, 20785 Langley Bypass, Langley, B.C.; Belkin Paperboard Ltd, 8255 Wiggins Ave, Burnaby, B.C.; and Deltawave Mfg. & Sales Ltd, #201-1271 Howe St., Vancouver, B.C. Send protests to:

Shirley M. Holmes, T/A, ICC, 858 Federal Building, Seattle, WA 98174.

MC 147694 (Sub-3TA), filed October 12, 1979. Applicant: HEX, INC., d.b.a. ELLIOTT BAY SERVICE TRANSFER, 1701 First Avenue South, Seattle, WA 98134. Representative: Jack R. Davis, 1100 IBM Building, Seattle, WA 98101. *General commodities (except Class A & B explosives)*, between points within the Tacoma, WA commercial zone and within the Seattle, WA commercial zone, restricted to shipments having a prior or subsequent movement by water, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Totem Ocean Trailer Express, Inc., P.O. Box 24908, Seattle, WA 98124. Send protests to: Shirley M. Holmes, T/A, ICC, 858 Federal Building, Seattle, WA 98174.

MC 148165 (Sub-1TA), filed November 2, 1979. Applicant: G. F. DISTRIBUTING CO., 13101 East Rosecrans Ave., Santa Fe Springs, CA 90670. Representative: George Kuiphof, Owner, 13101 East Rosecrans Ave., Santa Fe Springs, CA 90670. *Contract: Irregular: Tubing, plastic or copper; Fittings, plastic, brass or iron or steel; Adhesives, cement; and cast iron valves*, from origins in the Los Angeles, CA commercial zone to points and places in Arizona and Nevada, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): Piping Products West, 2430 East 49th St., Vernon, CA 90058. Send protests to: Irene Carlos, T/A, ICC, 300 N. Los Angeles St., Rm. 1321, Los Angeles, CA 90012.

MC 148335 (Sub-1TA), filed October 11, 1979. Applicant: RAIL FLITE TRANSPORTATION, INCORPORATED, 7718 Stevens, Darien, IL 60559. Representative: Romalda M. Schwed (same address as applicant). (A) *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, restricted to shipments in containers or railroad piggyback trailers having a prior or subsequent movement by rail or air, between airport terminals or piggyback railroad ramps*, between all points within an approximate 200 mile radius of Des Moines, IA, approximately 200 air mile radius of Des Moines, IA. This includes between all points in the state of IA and the following counties in the states of KS, MO, and NE. KS: Franklin, Miami, Douglas, Johnson, Wyandotte, Leavenworth, Jefferson, Atchison, Doniphan, and Brown. MO: Platte, Ray, Carroll, Chariton, Randolph, Monroe, Ralls, Buchanan, Clinton, Caldwell,

Livingston, Linn, Makon, Shelby, Marrion, Lewis, Knox, Adar, Sullivan, Grundy, Daviess, De Kalb, Andrew, Holt, Atchison, Nodaway, Gentry, Worth, Harrison, Mercer, Puttnam, Schuyler, Scotland, and Clark. NE: Pawnee, Richardson, Johnson, Nemaha, Otoe, Cass, Sarpy, Douglas, Washington, Burt, Thurston, and Dakota for 180 days. An underlying ETA seeks 90 days authority. Applicant does intend to interline with other carriers. Supporting shipper(s): There are eight supporting shippers. Their applications can be reviewed at the address below or headquarters. Send protests to: Annie Booker, TA, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 148345 (Sub-TA), filed October 29, 1979. Applicant: H & S PACKAGE DELIVERY, INC., 3620 Bullock Road, Medford, Oregon 97501. Representative: Jo Ann Robinson, 625 Dakota, Medford, OR 97501 (503-773-6799). (1) General commodities, except class A and B explosives having a prior or subsequent movement by air freight; (2) general commodities except class A and B explosives, household goods defined by the Commission, and machinery, in packages not exceeding 1,000 pounds per each package (1) between Medford, Oregon, on the one hand, and points in Jackson, Josephine, Douglas and Klamath Counties, Oregon, on the other; (2) from Medford, Oregon to points in Jackson and Josephine Counties, Oregon from Klamath Falls, Oregon to points in Klamath County, Oregon, for 180 days. Supporting shipper(s): United Airlines, Inc., 3650 Biddle Road, Medford-Jackson County Airport, Medford, Oregon 97501; and Amway Corporation, 7250 South 228th, Kent, WA 98031. Send protests to: A. E. Odoms, DS, ICC, 114 Pioneer Courthouse, Portland, OR 97204.

MC 148354 (Sub-2TA), filed November 1, 1979. Applicant: TWIN CITY DISTRIBUTING, INC., 611 8th Street, P.O. Box 637, Greeley, Colorado 80631. Representative: Wm. Fred Cantonwine, Commerce Consultants, Inc., 6785 E. 50th Avenue, Suite 201, Commerce City, Colorado 80022. Contract Carrier: irregular routes, Meat and Meat By-Products used as or in the manufacture of animal feed and feed ingredients (except hides and commodities in bulk, in tank vehicles), from facilities owned or utilized by J. R. Nysten, Ltd. at Greeley and Denver, CO, to Jefferson, WI, for 180 days. Authority sought for underlying 90-day ETA. Supporting shipper(s): J. R. Nysten, Ltd., P.O. Box 594, Sioux City, Iowa 51102. Send protests to: District Supervisor R. L. Buchanan, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

MC 148365 (Sub-2TA), filed September 28, 1979. Applicant: STARLITE BUS SERVICE, INC., 808 Kippley, Memphis, TN 38111. Representative: John P. Jones, P.O. Box 3140, Front St. Station, 189 Jefferson Ave., Memphis, TN 38103. Passengers and their baggage in round-trip charter service, between Memphis, TN on the one hand, and, on the other, AL, AR, DC, FL, GA, IL, IN, KY, LA, MS, MO, NY, NC, OH, OK, SC, TN, TX, WV, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Applicant six (6) supporting shippers. Send protests to: Floyd A. Johnson, Room 2006, 100 N. Main St., Memphis, TN 38103.

MC 148404 (Sub-1TA), filed November 7, 1979. Applicant: UNITED CHEMICAL CARRIERS, INC., 15812 LaMonde, Hacienda Heights, CA 91745. Representative: Jack R. Cobb (same address as applicant). Meats, meat products and meat by-products and articles distributed by meat packinghouses as described in Sections A and C to the report in Descriptions in Motor Carrier Certificates 61 MCC 209 and 766 (except commodities in bulk, and hides), (1) Between points in CA on the one hand, and, on the other, points in AL, AR, AZ, CO, FL, GA, ID, IL, IA, IN, KS, KY, LA, MD, MA, MS, MN, MO, NE, NJ, NM, NY, NC, ND, OH, OK, OR, PA, SC, SD, TN, TX, UT, VA, WA and WI, and (2) from points in FL to points in CA, GA, IL, LA, MD, MA, NJ, NY, NC, OH, SC, TN and VA, for 180 days. Supporting shipper(s): There are six supporting shippers. Their statements may be examined at the office listed below and at Headquarters. Send protests to: Irene Carlos, TA, ICC, Room 1321, Federal Bldg., 300 North Los Angeles St., Los Angeles, CA 90012.

MC 148415 (Sub-2TA), filed October 10, 1979. Applicant: TRI-LAKES TRANSPORT, INC., P.O. Box 1093, Oxford, MS 38655. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701. Passengers, and baggage and express freight moving in the same vehicles with passengers, in scheduled and charter operations, between Oxford, MS and Memphis TN, serving all intermediate points: from Oxford to Batesville, MS via MS Hwy No. 6 thence to Memphis via U.S. Hwy 51 and I-55 and return over the same route for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Applicant has fifteen supporting shippers. Send protests to: Floyd A. Johnson, Rm. 2006, 100 N. Main St., Memphis, TN 38103.

Note.—Applicant does intend to interline with other carriers.

MC 148455 (Sub-1TA), filed November 1, 1979. Applicant: BAR S TRUCKING, Route No. 1, Gracemont, OK 73042. Representative: Bud Stevens (same address as applicant). Contract Carrier: Irregular Route: (1) Carpet, from Anadarko, OK, to points in TX, GA, VA, AL, SC, LA, CO, AR, NM, and MO; and (2) yarn and all other raw materials to manufacture carpeting, from points in TX, GA, VA, AL, SC, LA, CO, AR, NM, and MO, to the facilities of Hollytex Carpet in Anadarko, OK, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Hollytex Carpet Mills, 505 N.E. 7th, Anadarko, OK 73005. Send protests to: Connie Stanley, ICC, Rm. 240, 215 N.W. 3rd, Oklahoma City, OK 73102.

MC 148464 (Sub-1TA), filed October 24, 1979. Applicant: JACK HATT ENTERPRISES, INC., P.O. Box 2141, Cedar Rapids, IA 52406. Representative: Richard P. Moore, P.O. Box 1943, Cedar Rapids, IA 52406. Contract carrier—irregular routes, foamed automotive parts from Iowa City, IA, to Lansing, Wayne, Niles, Detroit, Saline, and Wixom, MI; Norwood, Lorain, and Lordstown, OH; and Kansas City and St. Louis, MO, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Sheller Globe Corporation, 611 3rd Ave., Iowa City, IA 52240. Send protests to: Herbert W. Allen, DS, ICC, 518 Federal Bldg., Des Moines, IA 50309.

MC 148474 (Sub-1TA), filed November 6, 1979. Applicant: BRENNAN AIR FREIGHT, INC., Municipal Airport, Clintonville, WI 54929. Representative: Leonard Lewensohn, 6801 S. 13th St., Milwaukee, WI 53221. General commodities, restricted to shipments having prior or subsequent movement by air, between all points in WI in or on a line, from Lake Michigan west along the IL-WI border to Hwy I-90, then north on Hwy I-90 to Hwy 23 then east on Hwy 23 to Hwy 13 then north on Hwy 13 to Hwy 64, then east on Hwy 64 to Lake Michigan and serving Menomonee, MI, for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are six shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: Gail Daugherty, TA, ICC, 517 E. Wisconsin Ave., Rm. 619, Milwaukee, WI 53202.

Note.—Applicant does intend to interline with other carriers at Milwaukee, WI.

MC 148484 (Sub-1TA), filed November 14, 1979. Applicant: REID HOT SHOT SERVICE, INC., 23182 Mindanao Circle, Laguna Niguel, CA 92677. Representative: I. Robert Reid Jr., 23182 Mindanao Circle, Laguna Niguel, CA 92677. Contract: Irregular: Empty

cylinders for compressed glass, iron or steel, including components and supplies thereof, between the U.S. Boundry at Calexico, CA, and points in Los Angeles County, CA, for 180 days. An underlying ETA seeks up to 90 days operating authority. Supporting shipper(s): Greer Hydraulics, 6500 E. Slauson Ave., City of Commerce, CA 90040. Send protests to: Irene Carlos, T/A, I.C.C., 300 N. Los Angeles St., Rm. 1321, Los Angeles, CA 90012.

MC 148494 (Sub-1TA), filed October 23, 1979. Applicant: QUALITY READY MIX CONCRETE CO., 1415 14th Avenue, Fulton, IL 61252. Representative: Michael W. O'Hara, 300 Reisch Building, Springfield, IL 62701. *Fertilizer and Fertilizer ingredients*, from points in IL to points in IA and WI for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): FS Services, Inc., 1701 Towanda Avenue, Bloomington, IL 61710; and Fulton River Terminal, 110 Eleventh Avenue, Fulton, IL 61252. Send protests to: Annie Booker, TA, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 148495 (Sub-1TA), filed October 25, 1979. Applicant: Kenneth S. Ramsey, d.b.a. K. S. RAMSEY TRUCKING, 210 Bridge Street, Danville, IL 61832. Representative: Michael W. O'Hara, 300 Reisch Building, Springfield, IL 62701. *Sand and gravel*, from Covington, IN to points in Vermillion County, IL for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Dinsmore Excavating; R. R. No. 1, Oakwood, IL 61858; and McDowell Construction Co., Inc., 106 Commercial Street, Catlin, IL 61817. Send protests to: Annie Booker, TA, ICC, 219 S. Dearborn, Room 1386, Chicago, IL 60604.

MC 148514 (Sub-1TA), filed November 6, 1979. Applicant: PRENTISS WARE, JR., INC., d.b.a. W W TRUCKING, 2740 Old Country Club Rd., Pearl, MS 39208. Representative: Harold Leon Miller, 515 North Bierdeman, Pearl, MS 39208. *Contract carrier*; irregular routes; *Lumber and plywood* from Flora, MS to points in TX, OR, CA, WA, & OK, for the account of Pickens Bros. Lumber Co., Inc., for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): Pickens Bros. Lumber Co., Inc., P.O. Box 70, Flora, MS 39071. Send protests to: Alan Tarrant, D/S, ICC, Fed. Bldg. Suite 1441, 100 W. Capitol St., Jackson, MS 39201.

MC 148515 (Sub-1TA), filed October 29, 1979. Applicant: PORT CITY TRUCKING, INC., 3280 Highway 82 East, Greenville, MS 37801. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701. *Freight, all kinds, in water carrier or shipper*

owned trailers or containers and empty water carrier or shipper owned trailers or containers between Mobile, AL, New Orleans and Baton Rouge, LA, and Greenville, MS, for 180 days. Supporting shipper(s): Uncle Ben's, Inc., P.O. Box 1752, Houston, TX 77001. Send protests to: Alan C. Tarrant, D/S, ICC, Fed. Bldg., Suite 1441, Jackson, MS 39201.

Note.—Restricted to the transportation of traffic having a prior or subsequent movement by water. An underlying ETA seeks 90 day authority. Applicant does intend to interline with other carriers.

MC 148524 (Sub-1TA), filed October 29, 1979. Applicant: C & M DELIVERY, INC., 22 Lakeville Street, Petaluma, CA 94952. Representative: Eldon M. Johnson, (415) 986-8696, 650 California Street, Suite 2808, San Francisco, CA 94108. *General commodities, except commodities in bulk, class A explosives, and articles of unusual value*, between points in Alameda County and San Francisco on the one hand, and on the other hand, points in Lake, Marin, Mendocino, and Sonoma County; restricted to shipments having a prior or subsequent movement by motor carrier, rail or freight forwarder, for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): There are nine shippers. Their statements may be examined at the office listed below and Headquarters. Send protests to: A. J. Rodriguez, 211 Main Street, Suite 500, San Francisco, CA 94105.

Note.—Applicant does intend to interline with other carriers.

MC 148564 (Sub-1TA), filed September 17, 1979. Applicant: G. KAY, INC., P.O. Box 222, Geneva, NE 68361. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501. *Fertilizer compounds* from the facilities of Eagle-Picher Industries, Inc. at or near Fairbury, NE to points in CO, IL, IA, KS, MN, SD and WI for 180 days. Supporting Shipper(s): Eagle-Picher Industries, Inc., W. Rand Gilmore, Vice President of Traffic, P.O. Box 550, Joplin, MO 64801. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 148604 (Sub-1TA), filed October 3, 1979. Applicant: FALCON MOTOR TRANSPORT, INC., 1250 Kelly Ave., Akron, OH 44216. Representative: Michael L. Moushey, 275 E. State St., Columbus, OH 43215. *General commodities (except commodities in bulk)*; (1) between points in OH and WV, on the one hand, and, on the other, Chicago, IL and (2) between points in WV, on the one hand, and, on the other Cincinnati, OH, for 180 days. *Restricted* to transportation having a prior or a subsequent movement by rail and

further restricted to shipments moving on a bill of lading of Westransco Freight Company. Supporting Shipper(s): Westransco Freight Company, 1448 Dalton St., Cincinnati, OH 45214. Send protests to: I.C.C., 101 N. 7th St, Rm. 620, Phila, PA 19106.

MC 148605TA, filed September 12, 1979. Applicant: UNTCO, INC., 850 E. Luzerne St., Phila., PA 19124. Representative: Richard A. Mehley, 1000 16th St., NW, Suite 502, Washington, DC 20036. *Contract*; irregular; *general commodities, except commodities in bulk, under a continuing contract or contracts with Carribean Worldwide, Inc.*, between points in PA, MD, DE, VA, WV, NJ, CT, DC, and New York, NY and points in Westchester, Nassau and Suffolk Counties, NY, restricted to the transportation of shipments having a prior or subsequent movement by water or air for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Caribbean Worldwide, Inc., 850 E. Luzerne St., Phila., PA 19124. Send protests to: I.C.C., 101 North 7th Street, Room 620, Philadelphia, PA 19106.

MC 148694 (Sub-1TA), filed November 5, 1979. Applicant: JAMES R. ANDERS, Route 1, Box 93, Warren, AR 71671. Representative: Lewellyn & Lewellyn, CPA's, P.O. Box 945, Warren, AR 71671. *Wood and wood products*, from Warren, AR to all points in AZ, AR, CA, IL, IA, KS, KY, LA, MS, MO, NM, OK, TN and TX, for 180 days. Underlying ETA seeks 90 days authority. Supporting Shipper(s): Branwood, Inc., P.O. Box 950, Warren, AR 71671. Send protests to: William H. Land, DS, 3108 Federal Bldg., Little Rock, AR 72201.

MC 148695 (Sub-1TA), filed November 7, 1979. Applicant: BOB BENNETT ENTERPRISES, INC. d.b.a., BOB BENNETT TRUCKING CO., 936 Ashby Street, Atlanta, GA 30318. Representative: Frank J. Shannon, III, Ste. 601, Flatiron Bldg., 84 Peachtree St., Atlanta, GA 30357. *Contract carrier*; Irregular routes: *Newly manufactured furniture* from Rome, GA to all points in the states of TX, OK, KS, NE, IA, MO, AR, LA, NM, IL, IN and OH for 180 days. An underlying ETA seeks 90 days authority. Supporting Shipper(s): Fox Manufacturing Co., P.O. Drawer A, Rome, GA 30161. Send protests to: Sara K. Davis, T/A, ICC, 1252 W Peachtree St., N.W., Rm 300, Atlanta, GA 30309.

MC 148734 (Sub-1TA), filed November 9, 1979. Applicant: TUMLIN TRUCKING & WAREHOUSE, INC., P.O. Box 412, Cartersville, GA 31402. Representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd. N.E., Atlanta, GA 30326. *General commodities (except commodities in bulk, those requiring special equipment*

because of size or weight, Classes A and B explosives, and household goods defined by the Commission) between all points in GA on and north of US Interstate Hwy 20, including Atlanta, GA, and its commercial zone, restricted to the transportation of traffic having a prior or subsequent movement by rail for 180 days. An underlying ETA seeks 90 days authority. Supporting shipper(s): There are 15 statements of support. Send protests to: Sara K. Davis, ICC, 1252 W. Peachtree St. N.W., Rm. 300, Atlanta, GA 30309.

MC 116254 (Sub-266TA), filed May 15, 1979, and published in *Federal Register* issue of June 7, 1979, and republished as corrected this issue. Applicant: CHEM-HAULERS, INC., 118 East Mobile Plaza, Florence, AL 35630. Representative: M. D. Miller (same address as applicant). Aluminum and aluminum articles, from the facilities of Martin-Marietta Aluminum at Hancock County, KY to points in AL, AR, CO, CT, DE, FL, GA, IL, IN, IA, KY, LA, ME, MD, MA, MI (Lower Peninsula), MN, MS, MO, NE, NH, NJ, NY, NC, OH, PA, RI, SC, TN, TX, VA, VT, WV, WI, KS, OK and the District of Columbia, for 180 days. The purpose of this republication is show the state NY as a destination point. Supporting shipper(s): Martin-Marietta Aluminum, Inc., 6801 Rockledge Drive, Bethesda, MD 20034. Send protests to: Mabel E. Holston, T/A, ICC, Suite 1616—2121 Building, Birmingham, AL 35203.

MC 124174 (Sub-155TA), filed August 1, 1979, and published in *Federal Register* issue of September 12, 1979, and republished as corrected this issue. Applicant: MOMSEN TRUCKING CO., 13811 "L" Street, Omaha, NE 68137. Representative: Karl E. Momsen (same address as applicant). *Antimony oxide and antimony metal* from Laredo, TX to points in MA, GA, NJ, IL, RI, MI, CT and North Hollywood, Menlo Park and San Leandro, CA for 180 days. An underlying ETA seeks 90 days authority. The purpose of this republication is to show San Leandro, CA as a destination point in lieu of San Leandro, CA. Supporting shipper(s): Anzon American, Inc., 20 Gibson Place, Freehold, NJ 07728. Send protests to: D/S Carroll Russell, ICC, Suite 620, 110 North 14th St., Omaha, NE 68102.

MC 134574 (Sub-36TA), filed March 14, 1979, and published in *Federal Register* issue of April 25, 1979, and published as corrected this issue. Applicant: FIGOL DISTRIBUTORS LIMITED, P.O. Box 6298, Station "C", Edmonton, AB, Canada T5B 5K6. Representative: Ray F. Koby, 314 Montana Bldg., Great Falls, MT 59401.

Beer and malt liquor, in containers, from points in WA to the U.S.-Canada International Boundary line, restricted to foreign commerce, from points in Washington to ports of entry on the United States-Canada boundary line located in WA, ID and MT, for 180 days. An underlying ETA seeks 90 days authority. The purpose of this republication is to show the territorial description. Supporting shipper(s): Alberta Liquor Control Board, P.O. Box 2360, Edmonston, AB, Canada T5J 2R4. Send protests to: Paul J. Labane, DS, 2602 First Avenue North, Billings, MT 59101.

MC 135364 (Sub-34TA), filed March 12, 1979, and published in *Federal Register* issue of June 1, 1979, and republished as corrected this issue. Applicant: MORWALL TRUCKING, INC., Box 76C—R. D. 3, Moscow, PA 18444. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. Contract Carrier: irregular routes: *Such commodities as are manufactured, processed, sold, used, distributed, or dealt in by manufacturers and converters of paper and paper products (except commodities in bulk), between the facilities of the Paper, Printing and Forms Group of Litton Business Systems, Inc., at Fitchburg, MA, on the one hand, and, on the other, Fresno and Los Angeles, CA; Atlanta and Tucker, GA; Charleston Decatur, and Chicago, IL; Detroit, MI; St. Louis, MO; Riegelswood, Fletcher, and Hickory, NC; Sayreville, NJ; Cincinnati, Cleveland and Obetz, OH; Hanover, Mountville, Philadelphia, Reading, and York, PA; Lexington, SC; and Arlington, Temple, Fort Worth, Dallas, and Houston TX, and Edgemore, DE, for 180 days. An underlying ETA seeks 90 days authority. The purpose of this republication is to add Edgemore, DE to the territorial description. Supporting shipper(s): Paper, Printing and Forms Group of Litton Business Systems, Inc., 601 River Street, Fitchburg, MA 01420. Send protests to: ICC, 101 N. 7th St., Philadelphia, PA 19106.*

MC 146305 (Sub-1TA), filed February 20, 1979, and published in *Federal Register* issue of April 25, 1979, and republished as corrected this issue. Applicant: MOBILE PRE-MIX TRANSIT, INC., P.O. Box 5183 T.A., Denver, CO 80217. Representative: Truman A. Stockton, Jr., 1650 Grant St. Bldg., Denver, CO 80203. Contract carrier: irregular routes: *Concrete admixtures* (1) between points in CO, (2) between points in CO, on the one hand, and, on the other, points in CA and TX (3) between points in CA, CO, TX, on the one hand, and, on the other, points in KS, MT, NE, NM, OK, UT, WY, AZ and

ID, for 180 days. An underlying ETA seeks 90 days authority. The purpose of this republication is to correct territorial description. Supporting shipper(s): Mobile Premix Concrete, Inc., Box 5183 T.A., 1500 W. 12th Ave., Denver, CO 80217. Send protests to: Roger L. Buchanan, DS, Interstate Commerce Commission, 721 19th St., 492 U.S. Customs House, Denver, CO 80202.

MC 146335 (Sub-1TA), filed March 6, 1979, and published in *Federal Register* issue of June 1, 1979, and republished as corrected this issue. Applicant: JACK ELLIOTT PROCTOR d.b.a. PROCTOR TRUCKING CO., 4717 Bethany Drive, Garland, TX 75040. Representative: William D. White, Jr., 4200 Republic National Bank Tower, Dallas, TX 75201. Contract carrier, irregular routes, *Zero-clearance, pre-fabricated sheet metal fireplaces and accompanying flue pipe used in the installation thereof in truckload quantities on shipper-owned trailers*, from plantsite of National Fireplace at Richardson, TX to points in TX, LA, MS, OK, MO, AR, and AL, under continuing contract(s) with National Fireplace Corporation, for 180 days. An underlying ETA seeks 90 days authority. The purpose of this republication is to add the states of AR and AL to the origin points. Supporting shipper(s): National Fireplace Corporation, 1260 International Parkway, Richardson, TX 75080. Send protests to: Opal M. Jones, TA, I.C.C., 1100 Commerce Street, Room 13C12, Dallas, TX 75242.

MC 135364 (Sub-32TA), filed March 12, 1979, and published in *Federal Register* issue of April 25, 1979, and republished as corrected this issue. Applicant: MORWALL TRUCKING, INC., Box 76C, R. D. 3, Moscow, PA 18444. Representative: J. G. Dail, Jr., P.O. Box LL, McLean, VA 22101. Contract carrier: irregular routes: (1) *Air, gas, and liquid conditioning and handling equipment; turbines, and parts and materials thereof, in containers or in trailers, having an immediately prior or subsequent movement by water, and (2) empty containers, trailers, and chassis*, between the facilities of the Trane Company at LaCrosse, WI, Clarksville, TN, Lexington and Wilder, KY, and Rushville, IN, on the one hand, and, on the other, Chicago, IL, Minneapolis, MN, Milwaukee, WI, and piers, wharves, container freight stations, and steamship facilities located at or near Wilmington, DE, Baltimore, MD, Jacksonville and Miami, FL, New Orleans, LA, Camden, NJ, New York, NY, Newark, NJ, Norfolk, VA, Oakland, and San Francisco, CA, and Philadelphia, PA, for 180 days. An underlying ETA seeks 90 days authority.

The purpose of this republication is to correct the territorial description. Supporting shipper(s): The Trane Company, 3600 Pammel Creek Road, LaCrosse, WI 54601. Send protests to: ICC, 101 N. 7th St., Philadelphia, PA 19106.

MC 146715 (Sub-TA), filed March 30, 1979, and published in *Federal Register* issue May 10, 1979, and republished as corrected this issue. Applicant: AUTO INN, INC., 240 North Broadway, Wichita, KS 67202. Representative: Ronald K. Badger, 350 R. H. Garvey Bldg., Wichita, KS 67202. *Wrecked, disabled or repossessed vehicles and trailers for such wrecked or disabled vehicles, in wrecker service only*, restricted, however, against trailers designed to be drawn by passenger automobiles, mobile homes, buildings in sections traveling on their own or removable undercarriages, unless they are wrecked, between points in Kansas, on the one hand, and, on the other, points in Arkansas, Colorado, Iowa, Nebraska, Oklahoma, Louisiana, Missouri, New Mexico, Texas, and Wyoming, for 180 days. The purpose of this republication is to correct the territorial description. Supporting shipper(s): Ryder Truck Rental-One-Way, Inc., 310 N. Handley, Wichita, KS; M. Bruenger & Co., Inc., 6250 N. Broadway, Wichita, KS; Saunders Leasing Systems, Inc., 3305 South West St., Wichita, KS. Send protests to: M. E. Taylor, DS, ICC, 101 Litwin Bldg., Wichita, KS 67202.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 80-2874 Filed 1-29-80; 8:45 am]
BILLING CODE 7035-01-M

Agricultural Cooperative; Commission of Intent To Perform Interstate Transportation for Certain Nonmembers

January 25, 1980.

The following Notices were filed in accordance with section 10526 (a)(5) of the Interstate Commerce Act. These rules provide that agricultural cooperatives intending to perform nonmember, nonexempt, interstate transportation must file the Notice, Form BOP 102, with the Commission within 30 days of its annual meetings each year. Any subsequent change concerning officers, directors, and location of transportation records shall require the filing of a supplemental Notice within 30 days of such change. The name and address of the agricultural cooperative, the location of the records, and the name and address of the person to

whom inquiries and correspondence should be addressed, are published here for interested persons. Submissions of information that could have bearing upon the propriety of a filing should be directed to the Commission's Bureau of Investigations and Enforcement, Washington, D.C. 20423. The Notices are in a central file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C.

Complete Legal Name Of Cooperative Association Or Federation Of Cooperative Associations: Cal-Northern, Inc.

Principal Mailing Address (Street No., City, State, and Zip Code) 605 Matmor Rd., Woodland, CA 95695.

Where Are Records Of Your Motor Transportation Maintained (Street No., City, State and Zip Code): 605 Matmor Rd., Woodland, CA 95695.

Person To Whom Inquiries And Correspondence Should Be Addressed (Name and Mailing Address): Donna Murray, 605 Matmor Rd., Woodland, CA 95695.

Complete Legal Name Of Cooperative Association Or Federation Of Cooperative Associations: International Marketing & Distributing, Inc.

Principal Mailing Address (Street No., City, State, and Zip Code): Box 87, Declo, ID 83323.

Where Are Records Of Your Motor Transportation Maintained (Street No., City, State and Zip Code): Junction of Idaho Hwys. 81 and 77, Declo, ID 83323.

Person To Whom Inquiries And Correspondence Should Be Addressed (Name and Mailing Address): Deloss Stoker, Box 87, Declo, ID 83323.

Complete Legal Name Of Cooperative Association Or Federation Of Cooperative Associations: Transport Express Inc.

Principal Mailing Address (Street No., City, State, and Zip Code): 3512 Rockville Rd. Bldg. 122E, Indianapolis, IN 46222.

Where Are Records Of Your Motor Transportation Maintained (Street No., City, State and Zip Code): 3512 Rockville Rd. Bldg. 122E, Indianapolis, IN 46222.

Person To Whom Inquiries And Correspondence Should Be Address (Name and Mailing Address): Ramona Coan, 3512 Rockville Rd. Bldg. 122E, Indianapolis, IN 46222.

Complete Legal Name Of Cooperative Association Or Federation Of Cooperative Associations: Union Gap Farm Co-Op.

Principal Mailing Address (Street No., City, State, and Zip Code): P.O. Box 3003, Union Gap, WA 98903.

Where Are Records Of Your Motor Transportation Maintained (Street No., City, State and Zip Code): Rt. 9, Box 223, Yakima, WA 98901.

Person To Whom Inquiries And Correspondence Should Be Address (Name

and Mailing Address): Karl O. Murphey, P.O. Box 3003, Union Gap, WA 98903.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 80-2875 Filed 1-29-80; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 29082]

Green Bay & Western Railroad Co.—Control—Ahnapee & Western Railway Co.—Exemption Under 49 U.S.C. 10505 From 49 U.S.C. 11343-11347

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Exemption in Finance Docket No. 29082.

SUMMARY: Green Bay and Western Railroad Company (Green Bay) a subsidiary of IteI Corporation (IteI), intends to acquire the stock of the Ahnapee and Western Railway Company (Ahnapee), from the McCloud River Railroad Company (McCloud), Ahnapee's parent company. McCloud is also a subsidiary of IteI. Pursuant to 49 U.S.C. 10505 the Commission is exempting the transaction from 49 U.S.C. 11343-11347, thereby eliminating the requirement for prior Commission approval.

DATE: This decision should be effective on January 30, 1980.

FOR FURTHER INFORMATION CONTACT: Michael Erenberg, 202-275-7245.

SUPPLEMENTAL INFORMATION: On June 1, 1979, Green Bay filed a petition under 49 U.S.C. 10505 to exempt from the provisions of 49 U.S.C. 11343 the acquisition of the stock by it of the Ahnapee from McCloud, Ahnapee's parent company.

In response to this petition we published a notice in the *Federal Register* on August 27, 1979, 44 Fed. Reg. 50133 (1979) requesting comments on the proposed exemption. Comments were due September 24, 1979. Two comments in opposition were received, both on September 26, 1979. The first was by the Safe Deposit Company of New York (Safe Deposit); the second was by Ripple & Co. (Ripple).

A motion to strike these two late filed comments has been filed by Green Bay. Green Bay has also filed a reply in the alternative to these comments.

The *Federal Register* notice required service of comments only upon the Commission's Section of Finance. It appears that both of the parties that commented were unaware of the *Federal Register* Notice; just that an exemption petition was before the Commission. The comments were late by only a few days. Our acceptance of

the late-filed comments will not materially prejudice the petitioners.

The notice of the proposed exemption set forth the basic facts regarding this proceeding. Protestants do not challenge these facts. Accordingly, we adopt the facts presented in the notice and will refer to them only as needed in our discussion.

Safe Deposit states that only because of Itel's and McCloud's financial difficulties do they seek to transfer the financially troubled Ahnapee to Green Bay. Safe Deposit alleges that because of Itel's financial difficulties it has borrowed money from Green Bay and that this might be the start of a pattern of corporate abuse.

Ripple states that the acquisition by Green Bay would benefit Itel at the detriment of Green Bay's debenture holders.

Both protestants request that these matters be set for hearings.

Petitioners reply that protestant's arguments have no place in the instant proceeding because their main concern is over Itel's control of Green Bay already approved by the Commission. The issue at hand is to which subsidiary of Itel Ahnapee will belong. Petitioners state that the dollar sums referred as being borrowed by Itel have been fully repaid with interest, and that Green Bay under Itel's control is prospering. Green Bay would benefit by its control over the operations of its long-time Ahnapee connection rather than having Ahnapee controlled by McCloud, a California subsidiary of Itel.

Discussion and Conclusions

As pertinent here, 49 U.S.C. 10505 provides that we shall exempt a rail carrier transaction because of its limited scope when we find that application of a provision of Subtitle IV of Title 49, *United States Code*, (1) is not necessary to carry out the national transportation policy, (2) would place an unreasonable burden on a person, class of persons, or interstate and foreign commerce, and (3) would serve little or no useful public purpose. We may act under 49 U.S.C. 10505 only after an opportunity for a proceeding. The notice and request for comments on the petition for exemption provided that opportunity. We must now determine whether the proposed exemption meets the statutory requirements.

Scope of the transaction. The threshold inquiry is whether the transaction is limited in scope.

The Ahnapee is a Wisconsin corporation, and constitutes a small 13.75 mile line of railroad which has been operated as a division of McCloud. Control of McCloud is, in turn, exercised

by Itel, pursuant to authority granted by the Commission in Finance Docket No. 28371, *SSI Rail Corporation and Itel Corporation—Control—McCloud River Railroad Company*, (not printed, decided April 1, 1977). McCloud and its division, the Ahnapee, were acquired from U.S. Plywood, Champion Papers, Inc., which in turn, had acquired the Ahnapee a number of years ago pursuant to authorization of the Commission in Finance Docket No. 26329, *U.S. Plywood, Champion Papers, Inc. and McCloud River Railroad Company—Purchase—The Ahnapee & W Ry. Company*, (not printed, decided November 2, 1970). The Ahnapee at all times has operated and has been treated by the Commission, the courts, and other railroads as a common carrier in a distinct and identifiable sense both prior to its 1978 incorporation and subsequent thereto.

By order served January 5, 1979, in Finance Docket No. 28813, *The Ahnapee and Western Railway Company Stock*, the Ahnapee, as newly incorporated in Wisconsin, was authorized to issue 1000 shares of common stock \$1 par value. As the stock application indicated, the McCloud owns all of the capital stock of Ahnapee except for five shares which are held by named directors. The Ahnapee is shown for purposes of rates as a separate carrier and it is regarded as such by the appropriate legal authorities. None of these factors will change as a result of the stock purchases.

By decision served October 12, 1978, in Finance Docket No. 28654 (Sub-No. 1), *Itel Corporation—Control—Green Bay and Western Railroad Company*, the Commission approved the application of Itel under 49 U.S.C. 11343 to acquire control of the Green Bay. That decision recognized the control by Itel of the McCloud, the Ahnapee, and the Hartford and Slocomb Railroad Company (which operates in Alabama).

The scope of this transaction is limited. Green Bay would acquire the stock of a 14 mile short-line carrier to whom it, and only it, physically connects, with whom it interchanges traffic. From an operational and economic point of view it appears to be more reasonable to have Green Bay control the Ahnapee, rather than McCloud, a California operation. This is a business judgment made by Green Bay that appears to be rationally made.

The record demonstrates that the proposal would be without operational import, competitive effect, or employee impact. We conclude that the acquisition of control by Green Bay, a subsidiary of Itel, of Ahnapee from

McCloud, a subsidiary of Itel is a transaction of limited scope.

National Transportation Policy. To insure the development, coordination and preservation of a transportation system that meets the transportation needs of the United States, Congress has declared that it is the policy of the United States Government to provide for the impartial regulation of the modes of transportation subject to Subtitle IV of Title 49 *United States Code*. 49 U.S.C. 10101. In regulating those modes, the transportation policy is to (1) recognize and preserve the inherent advantage of each mode; (2) promote safe, adequate, economic, and efficient transportation; (3) encourage sound economic conditions in transportation, including conditions among carriers; (4) encourage reasonable rates without unreasonable discrimination or unfair or destructive competitive practices; (5) cooperate with each State and its officials on transportation matters; and (6) encourage fair wages and working conditions in the transportation industry.

We believe that advance scrutiny of this transaction is not necessary to carry out the national transportation policy. The proposed transaction should have no effect on any of the policy considerations since the only change involves the transfer of control of Ahnapee from one subsidiary of Itel to another.

Burden. Our consolidation procedures require the filing of a complete application so that we might reach a decision within the time constraints imposed by 49 U.S.C. 11345. Compilation of the necessary material is a time-consuming task, however, since much information must be presented in great detail to be useful. The two protests of the debenture holders as discussed above, do not change our findings that the transaction is of limited scope and minimal transportation importance, and that the development of a massive record on which to base a decision would place a grave strain on scarce resources. We believe that requiring Itel, Green Bay, McCloud, and Ahnapee to prosecute an application under 49 U.S.C. 11343-11347 would place an unreasonable burden on them and on interstate and foreign commerce. We do not believe that further hearings are required and accordingly, the request of protestants for further hearings is denied.

Public Purpose. Our function under 49 U.S.C. 11343-11347 is to determine whether a proposed transaction is consistent with the public interest. Having found that the instant proposal is of limited scope, and that our

regulation of it would be both unnecessary and unreasonably burdensome, we conclude that our review of the matter would serve little or no useful public purpose.

Waiver. An alternative to exemption under 49 U.S.C. 10505, is a request for waiver of certain provisions of our consolidation procedures. By notice dated August 22, 1979, we held petitioner's request for waiver in abeyance pending a decision on the petition for exemption. Petitioners state that waiver had not been requested. In view of our determination regarding exemption the issue of waiver is moot.

We find: The application of the requirements of 49 U.S.C. 1143-1147 to the proposed acquisition of the stock of the Ahnapee from the McCloud by Green Bay is of a limited scope and (a) is not necessary to carry out the transportation policy of section 10101, (b) would be an unreasonable burden on petitioners and (c) would serve little or no useful public purpose. This decision is not a major Federal action significantly affecting energy consumption or the quality of the human environment.

It is ordered: (1) The request for further hearings is denied. The late-filed comments of Safe Deposit Company of New York and Ripple & Co. are accepted for filing and the motion to strike is denied.

(2) Green Bay, McCloud and Ahnapee are exempted under 49 U.S.C. 10505 from the requirements of 49 U.S.C. 11343-11347 for the limited purposes of the acquisition of the stock of Ahnapee by Green Bay from McCloud.

(3) If the authority is exercised within 60 days after consumation of the transaction Green Bay shall submit three copies of a sworn statement showing all general entries required to record the transaction.

(4) Public notice of our action shall be given to the general public by delivery of a copy of this decision to the Director, Federal Register, for publication.

(5) This exemption will only continue in effect for 90 days from the effective date of this decision.

(6) This decision shall be effective on January 30, 1980.

Dated: January 17, 1980.

By the Commission, Chairman O'Neal, Vice Chairman Stafford, Commissioners Gresham, Clapp, Christian, Trantum, Gaskins and Alexis; Chairman O'Neal did not participate and Commissioner Christian was absent and did not participate.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-2877 Filed 1-29-80; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 374]

Increased Freight Rates and Charges Western Railroads, 2 Percent; Authority To File Master Tariff

January 24, 1980.

By petition and verified statement filed January 21, 1980, United States railroads in the Western District seek authority to increase freight rates and charges by 2 percent within the Western Territory. This increase is preparatory to a request for a 4 percent nationwide increase which the railroads are preparing to submit on February 1, 1980. That increase would absorb the Western Railroads' proposed 2 percent interim rate increase requested here. The proposed increase is exclusive of the fuel cost pass-through authorized in Ex Parte No. 311. A copy of the petition and verified statement may be obtained from the Committee of Counsel for Western Railroads, Room 527, American Railroads Building, 1920 L Street, NW, Washington, D.C. 20036.

Petitioners seek permission to make the proposed increase effective February 3, 1980, subject to the condition that refunds shall be made in the event that, after any investigation that the Commission deems necessary, no increase or a lesser increase than that requested is authorized. Petitioners also seek entry of a decision modifying all outstanding Commission decisions to the extent necessary to enable the railroads to file and make effective the proposed increased rates and charges. The railroads further request that the Commission allow the entry of appropriate decisions under former sections 4 and 6 of the Interstate Commerce Act (49 U.S.C. 10726 and 10761-65).

The verified statement of Harvey A. Levine, Vice President in charge of the Economics and Finance Department of the Association of American Railroads, reveals that the amount of the wage increases which the Western Railroads are seeking to recover was determined by the change in the Consumer Price Index-Urban Wage Earners and Clerical Workers (CPI-W) between March and September 1979. The railroads knew, or should have known by October of last year, the amount of wage increase they would be facing on January 1, 1980. It was their duty to come to us with a properly documented petition before they began to incur these costs instead of asking for extraordinary relief after the wage increases went into effect.

The railroads have submitted one verified statement which constitutes their evidential case pursuant to the requirements set forth in Ex Parte No.

290, *Procedures Governing Rail Carrier General Increase Proceedings*, 49 CFR Part 1102. They have requested us to waive that part of Section 1102 which requires the filing of Schedules C, F, G, H, I, J, and K.

They have also requested that we:

(a) Waive the base period year requirement contained in § 1102.4(c) to permit use of a base period year ending September 30, 1979; and

(b) Waive the reporting requirements of § 1106.7(a).

The reason given by the railroads in support of their requested exceptions is that all of this material will shortly be presented to us in the forthcoming petition for a 4-percent increase nationwide. It may be examined then.

The Western Railroads' request for immediate relief is premised upon the need to meet labor cost increases which went into effect on January 1, 1980 and are now being incurred at a rate in excess of \$470,500 per day.

Petitioners have given notice to the public and have submitted information of the type called for in Ex Parte No. 55 (Sub-No. 4), *Revised Guidelines for the Implementation of the National Environmental Policy Act of 1969*, 352 I.C.C. 451 and 49 CFR Part 1108, namely a supplemental evaluation of environmental considerations with regard to the petitioners' increased rate proposal. The petitioners contend that the requested increases will have no significant adverse effects upon the movement of the traffic or transportation of recyclable commodities by rail. Any person or persons believing that the requested increases, if authorized, would have a significant impact upon the quality of the human environment are invited to comment upon this matter in verified statements authorized to be filed pursuant to this decision. Environmental matters and the requirements of the National Environmental Policy Act of 1969 will be considered in any subsequent action on the merits of the requested general increases.

Although the petitioners maintain that their labor cost increases are "uncontrollable", they do not say to what extent the requested increase does or does not comply with the President's voluntary wage and price guidelines. We regard this as an important issue in this proceeding. Parties are invited to comment upon this matter in their verified statements, and we will consider it in our subsequent decision on the merits of the requested increases.

Among the filings the carriers seek to have waived are Schedules F&G required by Section 1102. Schedule F provides data on present and expected

health and welfare costs, payroll taxes for old age benefits, unemployment insurance and pension plans. Schedule G summarizes direct and indirect labor costs, and provides a measure of past, present and future productivity.

The sole justification for the requested rate increase is increased labor costs. Schedules F and G provide data important to the accurate determination of labor cost increases. Accordingly, we decline to waive the requirement for their filing. The railroads will file these schedules when they file their proposed 2-percent interim increase tariff.

We find that the railroads have justified an authorization to file their tariff and an expedited procedural schedule for considering the proposed interim increase. Because the delay in filing the proposal is of their own making, we are unwilling to adopt their proposed procedural schedule. We will not unduly limit the time for filing protests or compress the time between our suspension decision and the effective date of the increase, if any.

It is ordered: 1. All common carriers by railroad are made respondents to this proceeding.

2. Under the special permission authority granted in conjunction with this decision, the tariff schedules shall be published and filed upon not less than 30 days' notice effective not earlier than February 27, 1980, nor later than February 29, 1980, *subject to protest and possible suspension*. These schedules are to contain an appropriate refund provision.

3. Any person opposing or wishing to comment on the proposed increase in rates and charges shall file and serve verified statements, as provided below, on or before February 8, 1980.¹

(a) The verified statements shall contain all relevant evidence which the parties desire to have considered by the Commission as a basis for a decision on the merits. Any submissions on asserted environmental and energy impacts shall be segregated under an appropriate subheading.

(b) Verified statements may include arguments in support of an affiant's position, but arguments shall be segregated in a separate section of the document containing the verified statement or contained in a separate document simultaneously filed and served.

(c) Each verified statement shall be signed in ink by affiant and verified (notarized) in the manner provided by Rule 48 and Form No. 6 of the

Commission's rules of practice (See 49 CFR 1100.48 and Appendix B, Form No. 6, to 49 CFR Part 1000). The post office address of affiant or his counsel shall be shown.

(d) Verified statements and arguments shall be filed and served as follows: The original and 24 copies of each document of the use of the Commission shall be addressed to the Secretary, and sent to the Office of Proceedings, Room 5340, Interstate Commerce Commission, Washington, DC 20423, except that a lesser number of copies may be filed upon a showing of good cause. All documents filed with the Commission in this matter shall contain the following notation on the envelope: Ex Parte No. 374. One copy shall be served upon the Committee of Counsel for Western Railroads, Room 527, American Railroads Building, 1920 L Street, NW, Washington, DC 20036, which service shall constitute service upon all respondents. However, all parties able to do so shall serve 20 copies upon the railroads' representative. In all cases, where service is made by mail, the document shall be mailed in time to be received by the respective due dates.

(e) Each verified statement shall contain a certificate of service stating that it has been timely served on opposing parties.

(f) Verified statements and arguments by persons opposed to the proposed increase in rates and charges shall include all matters which they desire the Commission to consider with respect to statutory suspension of the rates pending completion of the investigation, as well as evidence relevant to the ultimate decision.

4. On or after February 12, 1980, the respondents shall file with the Commission and serve upon opposing parties their replies to protests or other pleadings and rebuttal evidence. Rebuttal evidence shall be filed in accordance with the regulations published in 49 CFR Part 1102, governing opening statement, except that replies and rebuttal evidence need be served only upon the party (and his counsel if known) to whose evidence the reply or rebuttal is directed. However, replies or rebuttal statements proposing changes in the tariff shall be served on all parties. All such statements shall be furnished to interested parties upon requests.

5. The Commission will endeavor to issue its decision by February 15, 1980 so that the shipping public will have adequate time to adjust its pricing system to the Commission's action.

6. The request for fourth-section relief will be considered following the filing of verified statements and replies.

By special Permission Order No. 80-1290 served in conjunction with this decision, the Commission is authorizing the filing of tariff schedules increasing rates and charges sought in the petition. These tariff schedules are to become effective upon not less than 30 days' notice to the Commission and the general public, subject to protest and possible suspension as provided by the Interstate Commerce Act. All documents filed with the Commission in this matter shall contain the following notation on the envelope: Ex Parte No. 374.

Special Permission No. 80-1290

It is ordered: 1. All Western Railroads of the United States, and water and motor carriers to the extent they have joint rates with the railroads, and their tariff-publishing agents are authorized to depart from the Commission's tariff publishing rules in Part 1300 of Title 49 of the Code of Federal Regulations when publishing and filing tariffs and tariff amendments to become effective upon not less than 30 days' notice to the Commission and to the public, but not earlier than February 27, 1980, nor later than February 29, 1980, providing for increased rates and charges as set forth in the petition.

(a) By publishing and filing a master tariff of increased rates and charges, and supplements to the master tariff, providing increases by means of conversion tables of rates and charges, which shall include, and maintain in effect, a refund provision reading as follows:

In the event any increases resulting from the application of this tariff exceed the increases subsequently approved or prescribed by the Interstate Commerce Commission, the carriers will refund the difference between the increases resulting from the application thereof and any increases which may subsequently be approved or prescribed by the Interstate Commerce Commission with — percent interest.²

In the event any increase resulting from the application of the tariff is disapproved by the Commission and no increase is authorized, the carriers will refund the full amount of the increase collected with — percent interest.³

The master tariff shall be conditioned to expire with May 1, 1980, and all relief granted in this decision expires with that date, which may not be extended or cancelled except upon specific

²The interest rate to be inserted in the refund provision shall be equal to the average yield (on the date such schedule is filed) of marketable securities of the United States which have a duration of 90 days. See Section 10707(d) of the Interstate Commerce Act.

³See footnote 2.

¹Section 10707(c) of the Interstate Commerce Act specifically requires the filing of *verified complaints* seeking suspension of proposed rate changes.

authorization of this Commission. Respondents are placed on notice that they must comply with the regulations in 49 CFR 1300.32 governing the transfer of railroad general increases from master tariffs. The master tariff must initially contain all provisions necessary to permit application of every aspect of this proposal. Subsequently, provisions other than those of a general character may be cancelled and transferred to the particular tariff affected upon a common effective date with appropriate notation to that effect in the master tariff.

(b) By publication and filing of a connecting link supplement to each tariff to be made subject to the master tariff, connecting such tariffs with the master. Such supplements may be blanket supplements (a common supplement issued to two or more tariffs).

(c) The master tariff and connecting link supplements issued and filed under this decision shall not provide for nonapplication on interstate traffic competitive with intrastate traffic between the same points unless the interstate rates and routes are specifically identified in the connecting link supplements or other amendments to the tariffs.

(d) By publication and filing of tariffs or amendments to tariffs effective concurrently with the master tariff and upon the same notice which provide specifically increased rates and charges but which do not result in an increase in charges for transportation and other services greater than those specified in the petition, provided all such publication is identified in the tariffs and made subject to a refund clause worded substantially as in paragraph 1(a) above.

2. (a) The master tariff, as amended, and all other tariffs and amendments to tariffs, that employ the shortform methods authorized here shall bear the notation:

Form of publication authorized, I.C.C. permission No. 80-1290.

(b) Tariffs or amendments to tariffs publishing specifically increased rates or charges shall provide a notation reading:

Publication made in accordance with I.C.C. permission No. 80-1290.

3. Connecting-link supplements authorized here shall be exempted from the Commission's tariff-publishing rules governing the number of supplements and the volume of supplemental matter permissible.

4. The master tariff filed under this decision shall not be amended, except to correct errors and to comply with findings and orders of the Commission,

without specific authorization. The terms of rule 9(e) (40 CFR 1300.9(e)) are not waived as to supplements to the master tariff.

5. Tariff publishing agents must furnish a copy of the master tariff to subscribers of all tariffs which are governed by the master tariff. This must be done not later than the date that copies are sent to the Commission. When there is more than one tariff of a subscriber governed by the master tariff, only one copy of the master tariff need be furnished to the subscriber unless additional copies are requested.

6. Outstanding decisions of the Commission are modified only to the extent necessary to permit the filing of tariff publications containing the proposed increase, and all tariff publications filed shall be subject to protest and possible suspension and rejection. In that regard, we direct petitioners' attention to our admonitions in prior general increase proceedings concerning maintenance and preservation of existing port relationships. See, for example, *Increased Freight Rates and Charges, 1972*, 341 I.C.C. 288, 336, and *Increased Freight Rates, 1970 and 1971*, 339 I.C.C. 125, 188.

Notice of the filing of a railroad general increase petition will be given by sending a copy of this decision to each party to the Ex Parte No. 368 proceeding, to the Governor and public utility regulatory body of each State, the Environmental Protection Agency, the Special Assistant to the President for Consumer Affairs, and by depositing a copy in the Office of the Secretary of the Commission at Washington, DC, and by filing a copy with the Director, Office of The Federal Register for publication in the *Federal Register*.

7. The requirements of Section 1102 for the filing of Schedules C, H, I, J, and K are waived.

8. The base period year requirement contained in § 1102.4(c) is waived. Petitioners may use a base period year ending September 30, 1979.

9. Reporting requirements of § 1106.7(a) are waived.

10. This Special Permission is contingent upon the prompt filing of the anticipated request for a 4 percent increase which meets all of the evidentiary requirements of Ex Parte 290, *Procedures Governing Rail Carrier General Increase Proceedings*, and will be fully supported in accordance with Section 1102 and which will include the present requested 2 percent increase.

11. This Special Permission will expire with May 1, 1980.

12. Volume coal rates which already include a factor for future labor wage

increases shall not be subject to this increase. The proposed tariff will be amended to exempt all such tariffs if they have not already been excluded from this increase.

By the Commission, Chairman Gaskins, Vice Chairman Gresham, Commissioners Stafford, Clapp, Trantum, and Alexis

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-2276 Filed 1-29-80; 8:45 am]

BILLING CODE 7035-01-M

Motor Carrier Temporary Authority Applications

Correction

In FR Doc. 80-1813, appearing at page 3997 in the issue of Monday, January 21, 1980, on page 4027, in the first column, immediately above the paragraph "MC 144188 (Sub. 13TA)", insert the heading "Notice No. 249".

BILLING CODE 1505-01-M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

Deputy Administration and Assistant Administrators; Delegation of Authority

Pursuant to the authority delegated to me by IDCA Delegation of Authority No. 1 from the Director of the International Development Cooperation Agency (44 FR 57521) and in accordance with the provisions of section 624(b) of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2384), it is directed as follows:

In the event of the absence, death, resignation, or disability of the Administrator, the following designated officers of the Agency for International Development shall, in the order of succession indicated, act as Administrator:

- (1) Deputy Administrator,
- (2) Assistant Administrator, Bureau for Program and Policy Coordination,
- (3) Assistant Administrator, Bureau for Program and Management Services.

This Delegation of Authority amends and supersedes Delegation of Authority No. 98 of March 1, 1978 (43 FR 10663, March 14, 1978).

This Delegation of Authority is effective immediately.

Dated: January 15, 1980.

Douglas J. Bennet, Jr.,
Administrator.

[FR Doc. 80-2945 Filed 1-29-80; 8:45 am]
BILLING CODE 4710-02-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-71]

Certain Anaerobic Impregnating Compositions and Components Thereof; Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference previously scheduled for February 19, 1980, is cancelled and rescheduled for February 25, 1980, at 9:30 a.m. in Room 610, Bicentennial Building, Washington, D.C.

The hearing previously scheduled for February 25, 1980 is cancelled and rescheduled for March 3, 1980, at 9:30 a.m. in Room 610, Bicentennial Building, Washington, D.C.

The Secretary shall publish this notice in the *Federal Register*.

Issued: January 22, 1980.

Janet D. Saxon,
Administrative Law Judge.

[FR Doc. 80-2937 Filed 1-29-80; 8:45 am]
BILLING CODE 7020-02-M

[Investigation No. 337-TA-77]

Certain Computer Forms Feeding Tractors and Components Thereof; Notice of Investigation

Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on December 19, 1979, and amended on January 9 and 10, 1980, under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), on behalf of Precision Handling Devices, Inc., 63 South Main Street, Assonet, Massachusetts 02702, alleging that unfair methods of competition and unfair acts exist in the importation into the United States of certain computer forms feeding tractors, or in their sale, because such computer forms feeding tractors are allegedly covered by claim 5 of U.S. Letters Patent No. 3,825,162. The complaint alleges that the effect or tendency of the unfair methods of competition and unfair acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

Complainant requests that the Commission order temporary exclusion from entry into the United States of the imports in question during the pendency of the investigation, and permanent

exclusion and a cease and desist order after a full investigation has been conducted.

Having considered the complaint, the Commission on January 15, 1980, ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, (19 U.S.C. 1337), an investigation be instituted to determine whether there is reason to believe there is a violation and whether there is a violation of subsection (a) of this section in the unlawful importation of certain computer forms feeding tractors, or their components, or devices utilizing such tractors into the United States, or in their sale, because of the alleged infringement by such computer forms feeding tractors of claim 5 of U.S. Letters Patent No. 3,825,162, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

(2) For the purpose of this investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is—

Precision Handling Devices, Inc., 63 South Main Street, Assonet, Massachusetts 02702.

(b) The respondents are the following companies alleged to be engaged in the unauthorized importation of certain computer forms feeding tractors into the United States, or in their sale, and are parties upon which the complaint is to be served:

Shinshu Seike Co., 80 Hirooka, Shiojiri-shi, Nagano-ken, Japan.

Epson America, Inc., 23844 Hawthorne Boulevard, Torrance, California 90505.

(c) Wilhelm A. Zeitler, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, is hereby named Commission investigative attorney, a party to this investigation; and

(3) For the investigation so instituted, Chief Administrative Law Judge, Donald K. Duvall, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, shall designate the presiding officer.

Responses must be submitted by the named respondents in accordance with § 210.21 of the Commission's rules of practice and procedure (19 CFR 210.21). Pursuant to §§ 201.16(d) and 210.21(a) of the rules, such responses will be considered by the Commission if received not later than 20 days after the date of service of the complaint. Extensions of time for submitting a response will not be granted unless good and sufficient cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the presiding officer and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter both a recommended determination and a final determination containing such findings.

The complaint is available for inspection by interested persons at the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, and in the Commission, New York Office, 6 World Trade Center, New York, New York 10048.

By order of the Commission.

Issued: January 25, 1980.

Kenneth R. Mason,
Secretary.

[FR Doc. 80-2936 Filed 1-29-80; 8:45 am]
BILLING CODE 7020-02-M

Notice of Change in Due Date for Prehearing Statements in Investigation No. 701-TA-2 (Final), Pig Iron from Brazil

AGENCY: United States International Trade Commission.

ACTION: Change in the due date for prehearing statements in investigation No. 701-TA-2 (Final), Pig Iron from Brazil, from January 30, 1980 to January 31, 1980.

FOR FURTHER INFORMATION CONTACT: Daniel Leahy 523-1369.

SUPPLEMENTARY INFORMATION: In accordance with section 207.22 of the Commission's Rules of Practice and Procedure (44 F.R. 76458) prehearing statements must be submitted by parties to an investigation within 15 days after the date of service by the Commission of a public portion of its staff report. The staff report in the subject investigation was served to parties on January 17, 1980, therefore prehearing statements must be submitted on or before January 31, 1980.

By Order of the Commission.

Issued: January 28, 1980.

Kenneth R. Mason,
Secretary.

[FR Doc. 80-2996 Filed 1-29-80; 8:45 am]
BILLING CODE 7020-02-M

DEPARTMENT OF JUSTICE

[AAG/A Order No. 42-80]

Privacy Act of 1974; Deletion of System of Records

Notice previously published in the Federal Register pursuant to the Privacy Act relating to the system of records maintained by the Law Enforcement Assistance Administration (LEAA), entitled "General Investigative System (JUSTICE/LEAA-003)" is being rescinded. The notice was most recently published on September 30, 1977, in the Federal Register and again in a Federal Register document identified as the Privacy Act Issuances, 1978 Compilation, Volume III. It was originally published in the Federal Register on August 27, 1975. On that date (August 27, 1975) a proposed rule was published in the Proposed Rules Section to exempt this system from subsections (d), (e)(4)(G) and (H), and (f) of the Privacy Act.

These records were at that time included as a system of records under the Privacy Act because they were indexed by name or other personal identifier of individuals. Recent review of the records system indicates that the records are now filed according to geographical location and fiscal year and that information on individuals is not retrievable by any personal identifier.

Section 16.100(a), (b), and (c) of Title 28 of the Code of Federal Regulations, which exempted JUSTICE/LEAA-003 from provisions of the Privacy Act, is also being revoked by separate order on rulemaking being published in today's Federal Register.

The subject records will continue to be maintained at the LEAA Office of Audit and Investigation. Requests under the Freedom of Information Act for these records should be addressed to: Public Information Office, Law Enforcement Assistance Administration, 633 Indiana Avenue NW., Washington, D.C. 20531.

Dated: January 22, 1980.

Kevin D. Rooney,
Assistant Attorney General for
Administration.

[FR Doc. 80-2980 Filed 1-29-80; 8:45 am]

BILLING CODE 4410-18-M

Drug Enforcement Administration

[Docket No. 79-12]

A G Pharmacy, Inc., d.b.a. Berson Pharmacy; Denial of Registration

On June 15, 1979, the Administrator of the Drug Enforcement Administration

(DEA) directed to A G Pharmacy, Inc., d.b.a. Berson Pharmacy (Respondent), of Hartford, Connecticut, an Order to Show Cause proposing to deny the Respondent's pending application for registration under the Controlled Substances Act. The Respondent, through counsel, filed a request for a hearing on the issues raised by the Order to Show Cause and, following the completion of prehearing procedures, the hearing in this matter was held in Springfield, Massachusetts, on October 12, 1979. Administrative Law Judge Francis L. Young presided.

On January 10, 1980, pursuant to 21 CFR § 1316.65, Judge Young certified the record of these proceedings to the Administrator. The record included, *inter alia*, the hearing transcript; all of the exhibits placed in the record; the Administrative Law Judge's report or opinion, including his recommended ruling, decision, findings of fact and conclusions of law; the Respondent's exceptions; and the Government's response thereto.

After considering the record of these proceedings in its entirety, and pursuant to 21 CFR 1316.67, as amended, the Administrator hereby issues his final order based upon the following findings of fact and conclusions of law.

The Administrative Law Judge found that in June, 1972, David Silverstein, a fifty percent shareholder, president, and registered pharmacist-manager of the Respondent pharmacy, was convicted in Connecticut State court of felony offenses relating to controlled substances. The record clearly shows that in 1971 and 1972, Mr. Silverstein was a heroin dealer. He also sold methadone, and possibly other drugs, illegally, from the pharmacy he then owned or operated. The Administrator adopts the findings of fact of the Administrative Law Judge in their entirety.

The Respondent's half-owner, president and key employee has been convicted of felony offenses relating to controlled substances. The Administrator concludes, as did the Administrative Law Judge, that the Respondent's application may lawfully be denied. The Respondent would have the Administrator conclude that he has no discretion to deny the Respondent's application. The Respondent reads 21 U.S.C. 823(f) as requiring the registration of any State-licensed practitioner applicant, without regard to the fact that there are grounds extant for the revocation of such a registration. The Administrator disagrees.

The Administrator of the Drug Enforcement Administration and his predecessors have consistently held that where there are grounds for the revocation of a registration under 21 U.S.C. 824(a), those grounds also provide a lawful basis for the denial of an application for such registration. To conclude otherwise would mean that this agency would be required to grant a registration on one day only to revoke it on the next. The Administrator cannot conclude that the law requires such a useless act. See, for example, *Serling Drug Co.*, Docket No. 74-12, 40 Fed. Reg. 11918 (1975), affirmed without written opinion, 524 F.2d 1406 (6th Cir. 1975); *Norman Bridge Drug Co., Inc.*, 41 Fed. Reg. 3108 (1976); and *Rafael C. Cilento, M.D.*, Docket No. 79-2, 44 FR 30466 (1979).

The Administrator is fully aware of the considerable period of time which has passed since Mr. Silverstein's conviction. Likewise, he has considered the fact that Mr. Silverstein's licenses have been restored by Connecticut State authorities, as well as other factors noted in the Respondent's exceptions. Nevertheless, the Administrator finds that the public interest would not be served if Mr. Silverstein were to be entrusted with the responsibilities of a controlled substances registrant.

Therefore, the Administrator adopts the conclusions of law recommended by the Administrative Law Judge and concludes, as he did, that the Respondent's application must be denied.

Accordingly, pursuant to the authority vested in the Attorney General by sections 303 and 304 of the Controlled Substances Act, 21 U.S.C. 823 and 824, and redelegated to the Administrator of the Drug Enforcement Administration, the Administrator hereby orders that the Respondent's application for registration be, and it hereby is, denied.

Dated: January 24, 1980.

Peter B. Bensinger,
Administrator, Drug Enforcement
Administration.

[FR Doc. 80-2915 Filed 1-29-80; 8:45 am]

BILLING CODE 4410-09-M

Law Enforcement Assistance Administration

National Advisory Committee for Juvenile Justice and Delinquency Prevention; Meeting

Notice is hereby given that the National Advisory Committee for Juvenile Justice and Delinquency Prevention (the Committee) and its subcommittees will meet Thursday,

Friday and Saturday, February 21-23 1980, at the Carolina Townhouse, Columbia, South Carolina. The meetings will be open to the public.

On Wednesday, February 20, preceding the full Committee meeting, the Executive Committee will meet at 6:00 p.m. The meeting of the full Committee is scheduled to convene at 9:00 a.m. on Thursday, February 21. The session will begin with an address by Richard Riley, Governor of the State of South Carolina, and reports from the Executive Committee and the Associate Administrator of the Office of Juvenile Justice and Delinquency Prevention (OJJDP). At 10:45 a.m., following a brief recess, there will be a presentation by the Chairperson of the National Criminal Justice Association. At 11:00 a.m. the full Committee will discuss reauthorization, Committee Assessment, OJJDP Program Plan for Fiscal Year 1981, and recommendations to the OJJDP. From 12:00 noon to 1:30 p.m. there will be a luncheon for the Committee members and invited guests; Mr. Norman Gross of the Law Related Education Project will be the speaker. Following the luncheon, the four subcommittees, Advisory Committee for the National Institute for Juvenile Justice and Delinquency Prevention, Advisory Committee to the Administrator on Standards for Justice, Advisory Committee to the Administrator of the Office, and Advisory Committee on the Concentration of Federal Effort, will meet until 3:30 p.m. Following a short recess the subcommittees will reconvene for the remainder of the day.

On Friday, February 22 at 1:30 p.m., the full Committee will reconvene, following a juvenile institution visitation and lunch, to review the recommendations arising from the previous day's meetings of the subcommittees. The first report will be from the Subcommittee to Advise the Administrator of the Office, followed by the Subcommittee on the Concentration of Federal Effort at 2:15 p.m. At 3:00 p.m. the Subcommittee to Advise the National Institute will report on recommendations concerning current controversial research. This will be followed by a short recess. At 4:00 p.m. the Subcommittee on Standards will report on the process for implementation. The remainder of the afternoon will be devoted to public commentary.

Following a meeting of the Executive Committee at 7:30 a.m., the full Committee will reconvene on Saturday, February 23, at 8:30 a.m., to continue the discussions of subcommittee recommendations on reauthorization of

the JJDP Act. This will be followed by a report from the Executive Committee on the workplan, organization and election of the Vice-Chair for the Committee. The Committee will discuss the Serious Offender and the NAC portion of the Runaway Youth Act. This will be followed by a review of plans for the June meeting and joint meeting with the Coordinating Council on Juvenile Justice and Delinquency Prevention. The Committee will adjourn at 12:30 p.m.

For further information, contact Mr. James C. Shine, Executive Assistant and Special Counsel, Office of Juvenile Justice and Delinquency Prevention, Law Enforcement Assistance Administration, Department of Justice, 633 Indiana Avenue, NW, Washington, D.C. 20531.

Ira M. Schwartz,

Associate Administrator, Office of Juvenile Justice and Delinquency Prevention.

[FR Doc. 80-2910 Filed 1-29-80; 8:45 am]

BILLING CODE 4410-18-M

National Institute of Justice

Competative Resarch Grant/ Cooperative Agreement; Solicitation of Proposals

The National Institute of Justice announces a competitive research grant/cooperative agreement to support a study of the probable role of corrections in the United States in the final two decades of this century. The study must focus on identifying the historical antecedents and emerging social conditions that will shape correctional goals and practices, and must attempt to indentify the critical decisions like to be encountered by policy makers during the next twenty years.

The solicitation requests submissions of draft proposals rather than full, formal proposals. Full proposals will be requested from those applicants receiving favorable review by a peer review panel. In order to be considered, a draft proposal must be received by the National Institute of Justice no later than April 15, 1980. One grant-cooperative agreement is expected to be awarded under this announcement. A maximum of \$100,000 will be awarded for a project with an expected duration of 15 months. To maximize competition, both profit makers and non-profit organizations may apply.

Additional information and copies of the solicitation may be obtained by writing: Solicitation Request, The Changing Role of Correction, National Criminal Justice Reference Service, Box 600, Rockville, Maryland.

Dated: January 18, 1980.

Harry M. Bratt,

Primary and Principal Assistant to the Acting Director, National Institute of Justice.

[FR Doc. 80-2849 Filed 1-29-80; 8:45 am]

BILLING CODE 4410-18-M

Notice of Solicitation

The National Institute of Justice announces a competitive research solicitation aimed at examining the Role of Private Counsel in Indigent Defense.

The solicitation asks for proposals to be submitted for peer review in accordance with the criteria set forth in the solicitation. In order to be considered, all proposals must be postmarked no later than March 28, 1980. A grant or cooperative agreement for a 21 month research project is planned, with funding support not to exceed \$275,000. To maximize competition for this award, both profit-making and non-profit organizations are eligible to apply.

Copies of the solicitation may be obtained by sending a mailing label to: Solicitation Request, Role of Private Counsel in Indigent Defense, National Criminal Justice Reference Service, Box 6000, Rockville, Maryland 20850.

For questions pertaining to this request for proposals, contact the Adjudication Division, Office of Research Programs, NIJ, 633 Indiana Avenue, NW., Washington, D.C. 20531, (301) 492-9114.

Dated: January 21, 1980.

Harry M. Bratt,

Primary and Principal Assistant to the Acting Director, NIJ.

[FR Doc. 80-2847 Filed 1-29-80; 8:45 am]

BILLING CODE 4410-18-M

LEGAL SERVICES CORP.

Central Massachusetts Legal Services, Inc., of Worcester, Mass; Grants and Contracts

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355a, 88 Stat. 378, 42 U.S.C. 2996-2996f, as amended, Pub. L. 95-222 (December 28, 1977). Section 1007(f) provides: "At least thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly . . . such grant, contract, or project. . ."

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by:

Central Massachussets Legal Services, Inc., of Worcester, Mass., to serve the remaining unserved areas of Worcester County.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at: Legal Services Corporation, Boston Regional Office, 84 State Street, Room 520, Boston, Mass. 02109.

Antone G. Singsen III,
Vice President—Finance and Management.

[FR Doc. 80-2966 Filed 1-29-80; 8:45 am]

BILLING CODE 6820-35-M

Connecticut Legal Services, Inc., of Cromwell, Conn.; Grants and Contracts

January 25, 1980.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355a, 88 Stat. 378, 42 U.S.C. 2996-2996f, as amended, Pub. L. 95-222 (December 28, 1977). Section 1007(f) provides: "At least thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly . . . such grant, contract, or project . . ."

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by:

Connecticut Legal Services, Inc., of Cromwell, Connecticut to serve the towns of Avon, Bristol, Burlington, Farmington, Glastonbury, Marlborough, Rocky Hill, West Hartford, and Wethersfield.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at: Legal Services Corporation, Boston Regional Office, 84 State Street, Room 520, Boston, MA. 02109.

Antone G. Singsen III,
Vice President—Finance and Management.

[FR Doc. 80-2971 Filed 1-29-80; 8:45 am]

BILLING CODE 6820-35-M

Greater Boston Legal Services of Boston, Mass.; Grants and Contracts

January 25, 1980.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355a, 88 Stat. 378, 42 U.S.C. 2996-2996f, as amended, Pub. L. 95-222 (December 28, 1977). Section 1007(f)

provides: "At least thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly . . . such grant, contract, or project . . ."

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by:

Greater Boston Legal Services of Boston, Mass., to serve the towns of Newton and Canton.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at: Legal Services Corporation, Boston Regional Office, 84 State Street, Room 520, Boston, Ma. 02109.

Antone G. Singsen III,
Vice President—Finance and Management.

[FR Doc. 80-2970 Filed 1-29-80; 8:45 am]

BILLING CODE 6820-35-M

Legal Services Corp. of Indiana, in Indianapolis; Grants and Contracts

January 25, 1980.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355a, 88 Stat. 378, 42 U.S.C. 2996-2996f, as amended, Pub. L. 95-222 (December 28, 1977). Section 1007(f) provides: "At least thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly . . . such grant, contract, or project . . ."

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by:

Legal Services Organization of Indiana, Inc., in Indianapolis, Indiana, to serve Blackford, Clay, Crawford, Daviess, Dearborn, Dubois, Hamilton, Jay, Jefferson, Knox, Martin, Ohio, Parke, Putnam, Ripley, Sullivan, Switzerland, Vermillion and Washington Counties.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at: Legal Services Corporation, Chicago Regional

Office, 310 South Michigan Avenue, 24th Floor, Chicago, Illinois 60604.

Antone G. Singsen III,
Vice President—Finance and Management.

[FR Doc. 80-2965 Filed 1-29-80 8:45 am]

BILLING CODE 6820-35-M

Legal Services Corp. of Iowa, in Des Moines Iowa; Grants and Contracts

January 25, 1980.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355a, 88 Stat. 378, 42 U.S.C. 2996-2996f, as amended, Pub. L. 95-222 (December 28, 1977). Section 1007(f) provides: "At least thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly . . . such grant, contract, or project . . ."

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by:

Legal Services Corporation of Iowa in Des Moines, Iowa, to serve Adair, Adams, Audubon, Carroll, Clarke, Crawford, Decatur, Greene, Grundy, Guthrie, Hardin, Lucas, Ringgold, Sac, Shelby, Taylor, Union and Wayne Counties.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at: Legal Services Corporation, Chicago Regional Office, 310 South Michigan Avenue, 24th Floor, Chicago, Illinois 60604.

Antone G. Singsen III,
Vice President—Finance and Management.

[FR Doc. 80-2964 Filed 1-29-80 8:45 am]

BILLING CODE 6820-35-M

Legal Services for Cape Cod and Islands, Inc., of Hyannis, Mass.; Grants and Contracts

January 25, 1980.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355a, 88 Stat. 378, 42 U.S.C. 2996-2996f, as amended, Pub. L. 95-222 (December 28, 1977). Section 1007(f) provides: "At least thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly . . . such grant, contract, or project . . ."

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by:

Legal Services for Cape Cod and Islands, Inc., of Hyannis, Mass., to serve the towns of Carver, Duxbury, Halifax, Hanson, Kingston, Lakeville, Marshfield, Marion, Middleborough, Pembroke, Plymouth, Plympton and Rochester.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at: Legal Services Corporation, Boston Regional Office, 84 State Street, Room 520, Boston, Mass. 02109.

Antone G. Singsen III,
Vice President—Finance and Management.

[FR Doc. 80-2962 Filed 1-29-80; 8:45 am]

BILLING CODE 6820-35-M

Merrimack Valley Legal Services of Lowell, Mass.; Grants and Contracts

January 25, 1980.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355a, 88 Stat. 378, 42 U.S.C. 2996-2996f, as amended, Pub. L. 95-222 (December 28, 1977). Section 1007(f) provides: "At least thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly . . . such grant, contract, or project . . ."

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by:

Merrimack Valley Legal Services of Lowell, Mass., to serve the towns of Burlington, North Reading, Reading and Wilmington.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at: Legal Services Corporation, Boston Regional Office, 84 State Street, Room 520, Boston, Mass. 02109.

Antone G. Singsen III,
Vice President—Finance and Management.

[FR Doc. 80-2969 Filed 1-29-80; 8:45 am]

BILLING CODE 6820-35-M

South Dakota Legal Services in Mission, S. Dak.; Grants and Contracts

January 25, 1980.

The Legal Services Corporation was established pursuant to the Legal

Services Corporation Act of 1974, Pub. L. 93-355a, 88 Stat. 378, 42 U.S.C. 2996-2996f, as amended, Pub. L. 95-222 (December 28, 1977). Section 1007(f) provides: "At least thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly * * * such grant, contract, or project * * *"

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by:

South Dakota Legal Services in Mission, South Dakota, to serve Campbell, Corson, Haakon, Hughes, Jones, Potter, Stanley, Sully and Walworth Counties.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at: Legal Services Corporation, Chicago Regional Office, 310 South Michigan Avenue, 24th Floor, Chicago, Ill. 60604.

Antone G. Singsen III,
Vice President—Finance and Management.

[FR Doc. 80-2966 Filed 1-29-80; 8:45 am]

BILLING CODE 6820-35-M

South Middlesex Legal Services of Framingham, Mass.; Grants and Contracts

January 25, 1980.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355a, 88 Stat. 378, 42 U.S.C. 2996-2996f, as amended, Pub. L. 95-222 (December 28, 1977). Section 1007(f) provides: "At least thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly * * * such grant, contract, or project * * *"

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by:

South Middlesex Legal Services of Framingham, Mass., to serve the towns of Weston and Sharon.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at: Legal Services Corporation, Boston Regional

Office, 84 State Street, Room 520, Boston, MA. 02109.

Antone G. Singsen III,
Vice President—Finance and Management.

[FR Doc. 80-2967 Filed 1-29-80; 8:45 am]

BILLING CODE 6820-35-M

Southeastern Massachusetts Legal Assistance Corp. of New Bedford, Mass.; Grants and Contracts

January 25, 1980.

The Legal Services Corporation was established pursuant to the Legal Services Corporation Act of 1974, Pub. L. 93-355a, 88 Stat. 378, 42 U.S.C. 2996-2996f, as amended, Pub. L. 95-222 (December 28, 1977). Section 1007(f) provides: "At least thirty days prior to the approval of any grant application or prior to entering into a contract or prior to the initiation of any other project, the Corporation shall announce publicly * * * such grant, contract, or project * * *"

The Legal Services Corporation hereby announces publicly that it is considering the grant application submitted by:

Southeastern Massachusetts Legal Assistance Corporation of New Bedford, Mass., to serve the remaining unserved area of Bristol County and the towns of Abington, Hanover, Rockland and Whitman in Plymouth County.

Interested persons are hereby invited to submit written comments or recommendations concerning the above application to the Regional Office of the Legal Services Corporation at: Legal Services Corporation, Boston Regional Office, 84 State Street, Room 520, Boston, MA. 02109.

Antone G. Singsen III,
Vice President—Finance and Management.

[FR Doc. 80-2963 Filed 1-29-80; 8:45 am]

BILLING CODE 6820-35-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (80-8)]

NASA Advisory Council (NAC)

Aeronautics Advisory Committee (AAC); Meeting

A meeting of the Informal Subcommittee on Research of the NAC Aeronautics Advisory Committee will be held February 21-22, 1980 in Room 625, NASA Headquarters, 600 Independence Avenue, SW, Washington, DC 20546. The meeting will be open to the public up to the seating capacity of the room (about 40 persons

including committee members and participants).

The purpose of the Subcommittee on Research is to review the research components of NASA's aeronautics programs, particularly, the long range activities and plans. The Chairperson is Dr. Robert G. Loewy. There are 7 members on the Subcommittee. Following is the approved agenda for the meeting.

Agenda

February 21, 1980

8:30 a.m.—NASA Research Overview
 9:30 a.m.—Center Overview;
 • Langley Research Center
 • Lewis Research Center
 • Ames Research Center
 • Dryden Flight Research Center
 12:30 p.m.—Research Designee Reports
 5:00 p.m.—Adjourn

February 22, 1980

8:30 a.m.—Discussion of Future Plans
 11:00 a.m.—General Discussion
 12:00 Noon—Adjourn

For further information, contact Mr. Ellis Whiting, Executive Secretary, (202/755-2488), NASA Headquarters, Code RT, Washington, DC 20546.

Russell Ritchie,

Deputy Associate Administrator for External Relations.

January 21, 1980.

[FR Doc. 80-2863 Filed 1-29-80; 8:45 am]

BILLING CODE 7510-01-M

[Notice (80-9)]

NASA Advisory Council (NAC) Aeronautics Advisory Committee (AAC); Meeting

The Informal Subcommittee on Aerodynamics and Vehicle Systems of the NAC AAC will meet February 27-29, 1980, in Room 180, Building 1209 (Engineering Building), NASA Langley Research Center, Hampton, Virginia. The meeting will be open to the public up to the seating capacity of the room (approximately 50 persons including the Subcommittee members and participants).

The Subcommittee was established to assist the NASA in identifying specific needs and objectives for improving aircraft aerodynamics and overall configurations, and to advise the NASA on the appropriateness and adequacy of its current and planned research and technology programs in this area. The Chairperson is Dr. Joseph J. Cornish. There are currently 14 Subcommittee members. Following is the approved agenda for the meeting:

Agenda

February 27, 1980

8:30 a.m.—Introductory Remarks
 9:00 a.m.—NASA Presentation on Current and Planned Propulsion/Airframe Integration Programs
 10:30 a.m.—Questions and Answers
 11:00 a.m.—Presentation by Informal Ad Hoc Advisory Subcommittee on Propulsion/Airframe Integration
 1:30 p.m.—Subcommittee Discussions of NASA Programs and Ad Hoc Subcommittee Conclusions and Recommendations
 3:30 p.m.—NASA Presentation on Aerodynamics-Related Facilities Planning

February 28, 1980

8:00 a.m.—4:30 p.m.—Langley Research Center Presentations on Fundamental and Vehicle-Class Oriented Aerodynamics Research and Technology Programs

February 29, 1980

8:00 a.m.—Subcommittee Discussions Aerodynamics Programs, Preparation of Conclusions and Recommendations

February 29, 1980

11:30 a.m.—Adjourn

For further information contact Mr. Gerald G. Kayten, Executive Secretary of the Subcommittee, Code RJ, NASA Headquarters, Washington, DC 20546. Telephone 202/755-3227.

Russell Ritchie,

Deputy Associate Administrator for External Relations.

January 23, 1980.

[FR Doc. 80-2864 Filed 1-29-80; 8:45 am]

BILLING CODE 7510-01-M

[Notice (80-7)]

NASA Advisory Council (NAC) Historical Advisory Committee; Meeting

The above named committee will meet from 8:45 a.m. to 4:00 p.m. February 22, 1980, at Ames Research Center, Moffett Field, California (bldg. 200, rm. 213). Except for the closed session (1:30 to 2:45 p.m.), the public will be admitted up to the seating capacity of the room, which is about 20 persons.

The committee will review NASA historical activities of the past nine months, status of projects, and possible future projects. The Ames history project will be discussed.

During the closed session, the committee will consider and make recommendations on candidates for undertaking various NASA historical activities. The committee will also recommend individuals to fill an anticipated vacancy on the committee. The personal and professional qualifications of the candidates, who are not members of the committee, will be

candidly discussed and appraised. Public discussion of these matters would invade the privacy of the candidates and other individuals involved. Since this committee session will be concerned throughout with matters listed in 5 U.S.C. 552b(c)(6), it has been determined that the session will be closed to the public.

For further information, call Monte D. Wright, (202) 755-3612.

Following is the approved agenda for the meeting.

22 February 1980

8:45 a.m.—Opening remarks.
 8:55 a.m.—The history program since May 1979.
 10:30 a.m.—Status of projects.
 11:15 a.m.—Ames history project.
 1:30 p.m.—Evaluation of current and potential authors. Recommendations for appointment to committee. Executive (closed) session.
 2:45 p.m.—Preparation of committee report.
 4:00 p.m.—Adjourn.

Russell Ritchie,

Deputy Associate Administrator for External Relations.

January 21, 1980.

[FR Doc. 2862 Filed 1-29-80; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL COMMISSION ON UNEMPLOYMENT COMPENSATION

Meeting

The Twenty-Second meeting of the National Commission on Unemployment Compensation is scheduled to be held at the Hyatt Regency Nashville, Nashville, Tennessee. The meeting will begin at 9:00 A.M. on Thursday, February 28, and conclude at 5:30 P.M. on Sunday, March 2. The full agenda will be completed and published in the *Federal Register* at least two week prior to the meeting.

Telephone inquiries and communications concerning this meeting should be directed to: James M. Rosbrow, Executive Director, National Commission on Unemployment Compensation, 1815 Lynn Street, Room 440, Rosslyn, Virginia 22209, (703) 235-2782.

Signed at Washington, D.C. this 25th day of January, 1980.

James M. Rosbrow,

National Commission on Unemployment Compensation.

[FR Doc. 80-3104 Filed 1-29-80; 8:45 am]

BILLING CODE 4510-27-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards, Subcommittees on Emergency Core Cooling Systems and Reactor Fuels; Meeting

The ACRS Subcommittees on Emergency Core Cooling Systems and Reactor Fuels will hold a joint meeting on February 14, 1980 in Room 1046, 1717 H St., NW., Washington, DC 20555. Notice of this meeting was published January 22, 1980.

In accordance with the procedures outlined in the Federal Register on October 1, 1979, (44 FR 56408), 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: *Thursday, February 14, 1980, 8:30 a.m. until the conclusion of business each day.*

The Subcommittee may meet in Executive Session, with any of its consultants who may be present, to explore and exchange their preliminary opinions regarding matters which should be considered during the meeting.

At the conclusion of the Executive Session, the Subcommittee will hear presentations by and hold discussions with representatives of the NRC Staff, Westinghouse, and other interested persons regarding: (1) proposed changes in the fuel clad rupture models for Appendix K to 10 CFR 50.54 and the effect of these changes on vendor evaluation models, (2) the effects of externally mounted thermocouples on LOFT fuel, (3) the results of the L3-1 Test, and (4) the analysis of small break LOCAs in Westinghouse UHI reactors.

In addition, it may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring matters involving proprietary information. I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463), that, should such sessions be required, it is necessary to close these sessions to protect proprietary information. See 5 U.S.C. 552b(c)(4).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the

Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Dr. Andrew L. Bates (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., EST.

Background information concerning items to be discussed at this meeting can be found in documents on file and available for public inspection at the NRC Public Document Room, 1717 H Street, NW., Washington, DC 20555.

Dated: January 24, 1980.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 80-2778 Filed 1-29-80; 8:45 am]

BILLING CODE 7590-01-M

Study of NRC's Appellate System; Request for Public Comment

The Nuclear Regulatory Commission's Office of the General Counsel has prepared a study of the NRC's administrative appellate system. The study is entitled, "The Nuclear Regulatory Commission's Appellate System," NUREG-0648. The study is divided into five sections: (1) the history and capabilities of the present system; (2) a discussion of general administrative law including a study of the practices of a number of other agencies; (3) a statistical analysis of the Atomic Safety and Licensing Appeal Panel's workload (which draws upon data compiled by the Panel's staff); (4) a discussion and evaluation of the options available to the Commission; and (5) a conclusion which provides some recommendations for change.

The Commission wishes to receive comments on the study from interested members of the public before taking any further action. Any comments should be forwarded to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, by March 17, 1980.

A related study of the Commission's immediate effectiveness rule allowing nuclear power plant construction to begin after a favorable licensing decision but before completion of the Commission's appellate review has also been completed. This study is entitled "Report of the Advisory Committee on Construction During Adjudication," and is dated December 12, 1979. Interested persons might want to consider the options for change presented in this latter study in connection with their comments on the appellate system study.

Copies of both studies are available for public inspection in the

Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. Single copies of the studies may be obtained by written request addressed to: Director, Division of Technical Information and Document Control, Nuclear Regulatory Commission, Washington, D.C. 20555.

Dated at Washington, D.C. this 23rd day of January 1980.

For the Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 80-2774 Filed 1-29-80; 8:45 am]

BILLING CODE 7590-01-M

PRESIDENT'S COMMISSION FOR THE STUDY OF ETHICAL PROBLEMS IN MEDICINE AND BIOMEDICAL AND BEHAVIORAL RESEARCH

Privacy Act of 1974; Systems of Records

AGENCY: President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research.

ACTION: Proposed Systems of Records.

SUMMARY: Pursuant to the provisions of the Privacy Act of 1974, Public Law 93-579, 5 U.S.C. 552a, the President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research, hereafter known as the Commission, hereby publishes for comment those systems of records subject to the Privacy Act of 1974 which are maintained by the Commission. Any person interested in commenting on the routine use portions of the system notices may do so by submitting comments in writing to the Executive Director of the Commission, 2000 K Street, N.W., Suite 555, Washington, D.C. Comments should be submitted on or before March 1, 1980. The Commission's procedures for access to records in the systems are contained in 1 CFR Part 482.

DATE: Comments are due on or before March 1, 1980. These systems will become effective on March 1, 1980 unless the Commission publishes notice to the contrary.

ADDRESS: Send comments to the Executive Director, President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research, 2000 K Street, N.W., Suite 555, Washington, D.C. 20006.

FOR FURTHER INFORMATION CONTACT: Mary Ann Orlando, (202) 653-8051.

Signed this 22nd day of January 1980.

Barbara Mishkin,
Acting Director.

General Policy: It is the policy of the Commission to make records and documents in its possession available to the public to the greatest extent possible. All records of the Commission are available for public inspection and copying in accordance with this section except those records or portions of records as to which the Executive Director or his designee specifically determines that (1) they fall within a particular exemption in section 552(b) of the Freedom of Information Act; (2) disclosure would not be consistent with the national interest or the efficient conduct of Commission business; and (3) disclosure would violate individual rights as protected by the Privacy Act of 1974. The following recordkeeping procedures are proposed to implement the provisions of the Privacy Act as they affect Commission records.

SME-01

SYSTEM NAME:

Payroll records—President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research.

SYSTEM LOCATION:

General Services Administration, National Payroll Center; copies held by the Commission. (GSA holds records for the Commission.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees and members of the Commission.

CATEGORIES OF RECORDS MAINTAINED IN THE SYSTEM:

Varied payroll records, including, among other documents, time and attendance cards; payment vouchers; comprehensive listing of employees; health benefits records, requests for deductions; tax forms, W-2 forms, overtime requests; leave data; retirement records. Records are used by the Commission and GSA employees to maintain adequate payroll information for the Commission employees, and otherwise by the Commission and GSA employees who have a need for the record in the performance of their duties.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. "Money and Finance," generally.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Appendix. Records also are disclosed to GAO for audits; to the Internal Revenue Service for investigation; and to private attorneys, pursuant to a power of attorney.

A copy of an employee's Department of the Treasury Form W-2, Wage and Tax Statement, also is disclosed to the State, city, or other local jurisdiction which is authorized to tax the employee's compensation. The record will be provided in accordance with a withholding agreement between the State, city, or other local jurisdiction and the Department of the Treasury pursuant to 5 U.S.C. 5516, 5517, or 5520, or, in the absence thereof, in response to a written request from an appropriate official of the taxing jurisdiction to the Executive Director, President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research, 2000 K Street, N.W., Suite 555, Washington, D.C. 20006. The request must include a copy of the applicable statute or ordinance authorizing the taxation of compensation and should indicate whether the authority of the jurisdiction to tax the employee is based on place of residence, place of employment, or both.

Pursuant to a withholding agreement between a city and the Department of the Treasury (5 U.S.C. 5520), copies of executed city tax withholding certificates shall be furnished the city in response to written request from an appropriate city official to the Executive Director.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper and microfilm.

RETRIEVABILITY:

Social Security number.

SAFEGUARDS:

Stored in guarded building; released only to authorized personnel, including among others, GSA liaison staff and finance personnel; and the Commission administrative staff.

RETENTION AND DISPOSAL:

Disposition of records shall be in accordance with the HB GSA Records Maintenance and Disposition System (OAD P 1820.2).

SYSTEM MANAGER(S) AND ADDRESS:

Executive Director, President's Commission for the Study of Ethical Problems in Medicine and Biomedical

and Behavioral Research, 2000 K Street, N.W., Suite 555, Washington, D.C. 20006.

NOTIFICATION PROCEDURE:

Contact Executive Director or refer to the Commission access regulations contained in 1 CFR Part 482.

RECORD ACCESS PROCEDURES:

Contact Executive Director or refer to the Commission access regulations contained in 1 CFR Part 482.

CONTESTING RECORDS PROCEDURES:

Contact Executive Director or refer to the Commission access regulations contained in 1 CFR Part 482.

RECORD SOURCE CATEGORIES:

The subject individual; the Commission.

SME-02

SYSTEM NAME:

General Financial Records—President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research.

SYSTEM LOCATION:

General Services Administration, Central Office; copies held by the Commission. (GSA holds records for the Commission under contact.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of the Commission.

CATEGORIES OF RECORDS MAINTAINED IN THE SYSTEM:

SF-1038, Application and account for advance of funds; Vendor register and vendor payment tape. Information is used by accounting technicians to maintain adequate financial information and by other officers and employees of GSA and the Commission who have a need for the record in the performance of their duties.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

31 U.S.C. "Money and Finance," generally.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Appendix. Records also are released to GAO for audits; to the IRS for investigation; and to private attorneys, pursuant to power of attorney.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper and tape.

RETRIEVABILITY:

Manual and automated by name.

SAFEGUARDS:

Stored in guarded building; released only to authorized personnel, including among others, GSA liaison staff and finance personnel; and the Commission administrative staff.

RETENTION AND DISPOSAL:

Disposition of records shall be in accordance with the HB GSA Records Maintenance and Disposition.

SYSTEM MANAGER(S) AND ADDRESS:

Executive Director, President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research, 2000 K Street, N.W., Suite 555, Washington, D.C. 20006.

NOTIFICATION PROCEDURE:

Contact Executive Director or refer to the Commission access regulations contained in 1 CFR Part 482.

RECORDS ACCESS PROCEDURES:

Contact Executive Director or refer to the Commission access regulations contained in 1 CFR Part 482.

CONTESTING RECORDS PROCEDURES:

Contact Executive Director or refer to the Commission access regulations contained in 1 CFR Part 482.

RECORD SOURCE CATEGORIES:

The subject individual; the Commission.

SME-03**SYSTEM NAME:**

General Informal Personnel Files—President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research.

SYSTEM LOCATION:

President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The Commission members, staff and consultants, past and present.

CATEGORIES OF RECORDS MAINTAINED IN THE SYSTEM:

Biographic information; correspondence with members of the Commission.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5, U.S.C. "Government Organization and Employees," generally.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

See Appendix.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Paper.

RETRIEVABILITY:

Manual.

SAFEGUARDS:

Stored in lockable file cabinets, released only to authorized personnel, including among others, GSA liaison staff and the Commission administrative staff.

RETENTION AND DISPOSAL:

Retained until no longer needed, then discarded.

SYSTEM MANAGER(S) AND ADDRESS:

Executive Director, President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research, 2000 K Street, N.W., Suite 555, Washington, D.C. 20006.

NOTIFICATION PROCEDURE:

Contact Executive Director or refer to the Commission access regulations contained in 1 CFR Part 482.

RECORD ACCESS PROCEDURES:

Contact Executive Director or refer to the Commission access regulations contained in 1 CFR Part 482.

CONTESTING RECORDS PROCEDURES:

Contact Executive Director or refer to the Commission access regulations contained in 1 CFR Part 482.

RECORD SOURCE CATEGORIES:

The subject individual; the Commission.

[FR Doc. 80-2982 Filed 1-29-80; 8:45 am]

BILLING CODE 6820-AV-M

SMALL BUSINESS ADMINISTRATION

[License No. 01/01-0299]

Boston Hambro Capital Co.; Issuance of License To Operate as a Small Business Investment Company

On March 16, 1979, a notice was published in the *Federal Register* (44 FR 16058) stating that Boston Hambro Capital Company, One Boston Place, Boston, Massachusetts 02106 had filed an Application with the Small Business Administration, pursuant to Section 107.102 of the Regulations governing small business investment companies

(13 CFR 107.102(1979)), for a license to operate as a small business investment company.

Interested parties were given until the close of business on April 2, 1979, to submit written comments on the Application to the SBA.

Notice is hereby given that no written comments were received, and having considered the Application and all other pertinent information, the SBA approved the issuance of License No. 01/01-0299 on January 4, 1980, to Boston Hambro Capital Company pursuant to Section 107.301(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: January 24, 1980.

Peter F. McNeish,

Deputy Associate Administrator for Finance and Investment.

[FR Doc. 80-2883 Filed 1-29-80; 8:45 am]

BILLING CODE 8025-01-M

[License No. 06/06-0220]

Livingston Capital Ltd.; Issuance of License To Operate as a Small Business Investment Company

On June 27, 1979, a notice was published in the *Federal Register* (44 F.R. 37571) stating that an application had been filed by Livingston Capital Limited, 5701 Woodway, Suite 332, Houston, Texas 77057, with the Small Business Administration (SBA) pursuant to Section 107.102 of the Regulations governing small business investment companies (13 C.F.R. 107.102 (1979)), for a license to operate as a limited partnership small business investment company (SBIC).

Interested parties were given until the close of business July 12, 1979, to submit their written comments to SBA. No comments were received.

Notice is hereby given that, pursuant to Section 301(c) of the Small Business Investment Act of 1958, as amended, and after having considered the application and all other information, SBA issued License No. 06/06-0220, on January 7, 1980, to Livingston Capital Limited to operate as a limited partnership SBIC.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: January 24, 1980.

Peter F. McNeish,

Deputy Associate Administrator for Finance and Investment.

[FR Doc. 80-2884 Filed 1-29-80; 8:45 am].

BILLING CODE 8025-01-M

National Advisory Council; Public Meeting

The Small Business Administration National Advisory Council will hold a public meeting from 3:00 p.m., on Monday, February 25, 1980, to 5:00 p.m., on Wednesday, February 27, 1980, at the International Inn, Number 10 Thomas Circle, N.W., Washington, D.C. 20005, to discuss such business as may be presented by members, the staff on the Small Business Administration, and others attending.

For further information, call or write Michael B. Kraft, Deputy Advocate for Advisory Councils, U.S. Small Business Administration, 1441 L Street, N.W., Washington, D.C. 20461—(202) 653-6748.

Dated: January 24, 1980.

Michael B. Kraft,

Deputy Advocate for Advisory Councils.

[FR Doc. 80-2882 Filed 1-29-80; 8:45 am]

BILLING CODE 8025-01-M

Region V Advisory Council; Public Meeting

The Small Business Administration Region V Advisory Council, located in the geographical area of Madison, Wisconsin, will hold a public meeting from 9:30 a.m. until noon, Wednesday, March 12, 1980, in the Board Room of the First Wisconsin Bank of Mayfair, 2300 N. Mayfair Road, Wauwatosa, 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, Madison District Office, Room 213, 212 East Washington Avenue, Madison, Wisconsin 53703—(608) 364-5268.

Dated: January 24, 1980.

Michael B. Kraft,

Deputy Advocate for Advisory Councils.

[FR Doc. 80-2881 Filed 1-29-80; 8:45 am]

BILLING CODE 8025-01-M

[License No. 01/01-5301]**Mesbic Venture Capital of Connecticut, Inc.; Issuance of a License To Operate as a Small Business Investment Company**

On September 28, 1979, a notice was published in the Federal Register (44 FR 190), stating that MESBIC Venture Capital of Connecticut, Inc., located at Hitchcock Corner, P.O. Box 816, 06426, has filed an application with the Small Business Administration pursuant to 13 CFR 107.102 (1979), for a license to operate as a small business investment

company under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended.

Interested parties were given until the close of business October 13, 1979, to submit their comments to SBA. No comments were received.

Notice is hereby given that having considered the application and other pertinent information, SBA has issued License No. 01/01-5301 to MESBIC Venture Capital of Connecticut, Inc., on January 10, 1980.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: January 24, 1980.

Peter F. McNeish,

Deputy Associate Administrator for Finance and Investment.

[FR Doc. 80-2928 Filed 1-29-80; 8:45 am]

BILLING CODE 8025-01-M

[Proposed License No. 05/05-5144]**Mutual Investment Co., Inc.; Application for License To Operate as a Small Business Investment Company**

An application for a license to operate as a small business investment company under the provisions of Section 301(b) of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 *et seq.*), has been filed by Mutual Investment Company, Inc. (MIC), with the Small Business Administration (SBA), pursuant to 13 CFR 107.102 (1979).

The officers, directors and principal stockholders of MIC are as follows:

Jack Najor, 3440 Lone Pine, W. Bloomfield, MI 48033; President, Gen. Manager, Director—100% Stockholder.

Richard Najor, 3440 Lone Pine, W. Bloomfield, MI 48033; Vice Pres., Director.
Raymond Najor, 27735 Cordoba Dr., Farmington Hills, MI 48018; Secretary, Director.

Robert Huhn, 31170 Lahser Road, Birmingham, MI 48008; Treasurer, Director.

MIC, a Michigan corporation, with its principal place of business located at 20101 James Couzens, Detroit, Michigan 48235, will begin operations with \$602,000 of net combined paid-in capital and paid-in surplus derived from the sale of 602 shares of common stock to Jack Najor, President and Director, and Dorothy Najor, to hold said stock as joint tenants with full rights of survivorship. The Board of Directors of MIC are the same as set forth above.

MIC will conduct its activities primarily in the tri-county areas of Wayne County, Macomb County and Oakland County in the State of Michigan.

As a small business investment company under Section 301(d) of the

Act, the applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Small Business Investment Act of 1958, as amended, from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operation of the applicant under this management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the SBA Rules and Regulations.

Notice is hereby given that any person may, not later than February 14, 1980, submit to SBA written comments on the proposed applicant. Any such communication should be addressed to the Deputy Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Detroit, Michigan.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies)

Dated: January 22, 1980.

Peter F. McNeish,

Deputy Associate Administrator for Finance and Investment.

[FR Doc. 80-2929 Filed 1-29-80; 8:45 am]

BILLING CODE 8025-01-M

[Proposal No. 10/10-0170]**Washington Trust Equity Corp.; Application for a License as a Small Business Investment Company**

Notice is hereby given of the filing of an application with the Small Business Administration pursuant of § 107.102 of the SBA Regulations (13 CFR 107.102 (1979)), by Washington Trust Equity Corporation, Washington Trust Financial Center, West 707 Sprague Avenue, Spokane, Washington 99204 for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958 (the Act), as amended (15 U.S.C. 661 *et seq.*).

The proposed officers, directors and sole shareholder are:

Name and Address, Title and Relationship, and Percent of Ownership
 Washington Trust Bank, P.O. Box 2127, Spokane, Washington 99210; Sole Stockholder—100% Stockholder.
 Thomas L. Perko, 1021 Comstock Court, Spokane, Washington 99203; Chairman of the Board, Director.
 Alan Bradley, 3930 Chrystal Springs Drive, Bainbridge Island, Washington; President, Director, 98110.
 Walker H. Collins, East 1415 Rockwood Boulevard, Spokane, Washington 99203; Secretary-Treasurer, Director.
 Philip H. Stanton, East 1114 Christmas Tree Lane, Spokane, Washington 99203; Vice President, Director.
 William K. Scammell, Jr., South 2058 Onieda Place, Spokane, Washington 99203; Vice President, Director.
 John W. Pearce, South 2616 Madison, Spokane, Washington 99203; Vice President, Director.
 Robert E. Brandon West 1314 20th Avenue, Spokane, Washington 99203; Director.

The Applicant proposes to begin operations with a capitalization \$700,000 and will be a source of equity capital and long term loan funds for qualified small business concerns. The Applicant may render management consulting services to small business concerns.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed owners and management, and the probability of successful operations of the new company under their management, including adequate profitability and financial soundness, in accordance with the Act and Regulations.

Notice is further given that any person may, not later than 15 days from the date of publication of the Notice, submit written comments on the proposed SBIC to the Deputy Associate Administrator for Finance and Investment, Small Business Administration, 1441 "L" Street, NW., Washington, D.C. 20416.

A copy of this notice will be published in a newspaper of general circulation in Spokane, Washington.

(Catalog of Federal Domestic Assistance Program 59.011, Small Business Investment Companies)

Dated: January 14, 1980.

Peter F. McNeish,

Deputy Associate Administrator for Finance and Investment.

[FR Doc. 80-2930 Filed 1-29-80; 8:45 am]

BILLING CODE 8025-01-M

[License No. 09/09-0184]

Grocers Capital Co., Inc.; Filing of Application for Approval of Conflict of Interest Transaction Between Associates

Notice is hereby given that Grocers Capital Company, Inc. (Grocers) 2601 S. Eastern Avenue, Los Angeles, California 90040, a Federal Licensee under the Small Business Investment Act of 1958, as amended, has filed an application with the Small Business Administration pursuant to § 107.1004 of the regulations governing small business investment companies (13 CFR 107.1004(1980)) for approval of a conflict of interest transaction.

Grocers proposes to loan \$18,000 to Kaelin's Valley Center, Inc., d/b/a Kaelin's Valley Center (Valley), 1435 E. Main Street, El Cajon, California 92021. The proceeds of the loan will be used to purchase either capital goods or inventory from Grocers Equipment Company (G.E.C.).

All of Grocer's stock is owned by subsidiaries of Certified Grocers of California, Ltd. (Certified), a retail-owned grocery cooperative. G.E.C. a subsidiary of Certified, is a 41 percent shareholder of Grocers and is defined as an Associate of the Licensee by § 107.3 of the SBA Regulations. As a result, Grocers financing of Valley falls within the purview of § 107.1004(b)(5) of the SBA Regulations. In addition, Since 50 or more percent of the funds are to be used to purchase goods or services from an Associate of Grocers, the transaction also falls within the restrictions of § 107.1001(g) of the SBA Regulations. Grocers loan to Valley requires the prior written approval of SBA.

Notice is hereby given that any person may, not later than February 14, 1980, submit written comments to the Deputy Associate Administrator for Finance and Investment, Small Business Administration, 1441 "L" Street, N.W. Washington, D.C. 20416.

A copy of this Notice shall be published in newspapers of general circulation in the San Diego and Los Angeles Areas.

(Catalog of Federal Assistance Programs No. 95.011, Small Business Investment Companies)

Dated: January 24, 1980.

Peter F. McNeish,

Deputy Associate Administrator for Finance and Investment.

[FR Doc. 80-2938 Filed 1-28-80; 8:45 am]

BILLING CODE 8025-01-M

DEPARTMENT OF STATE

[Public Notice 703]

State Department Performance Review Board; Appointment of Members

In accordance with Section 4314(d)(1) through (5) of the Civil Service Reform Act of 1978 (Public Law 95-454), the Executive Resources Board of the Department of State has appointed the following persons to the State Department Performance Review Board Register, effective November 13, 1979:

Ronald D. Palmer, Deputy Assistant Secretary of Personnel, Bureau of Personnel
 William I. Bacchus, Director, Office of Program Coordination, Bureau of Personnel
 James R. Atwood, Deputy Legal Adviser, Office of the Legal Adviser
 Mark B. Feldman, Deputy Legal Adviser, Office of the Legal Adviser
 James B. Michel, Deputy Legal Adviser, Office of the Legal Adviser
 Stephen M. Schwebel, Deputy Legal Adviser, Office of the Legal Adviser
 William McAfee, Deputy Director for Coordination, Bureau of Intelligence and Research
 Martin Packman, Deputy Director for Research, Bureau of Intelligence and Research
 Carol Baumann, Deputy Director for Programming, Bureau of Intelligence and Research
 Robert H. Baraz, Deputy Director, Office of Research and Analysis for the Soviet Union and Eastern Europe, Bureau of Intelligence and Research
 Virginia Schafer, Deputy Assistant Secretary for Operations, Bureau of Administration
 W. W. Francis, Deputy Assistant Secretary for Information Systems, Bureau of Administration
 Robert B. Mantel, Director, Office of Security Assistance Special Projects, Bureau of Politico-Military Affairs
 Charles J. Henkin, Deputy Director, Office of Disarmament and Arms Control, Bureau of Politico-Military Affairs
 Wreatham E. Gathright, Member, Policy Planning Staff
 Jenonne Walker, Member, Policy Planning Staff
 Ruth B. Phillips, Deputy Assistant Secretary, Bureau of Economic and Business Affairs
 William A. Root, Director, Office of East-West Trade, Bureau of Economic and Business Affairs
 Ralph C. Guzman, Deputy Assistant Secretary, Bureau of Inter-American Affairs
 Sharon E. Ahmad, Deputy Assistant Secretary, Bureau of European Affairs
 William D. Blair Jr., Deputy Assistant Secretary, Bureau of Public Affairs
 Roger B. Feldman, Comptroller
 Kelly C. Kammerer, Deputy General Counsel, Office of the General Counsel, Agency for International Development
 Richard F. Weber, Director, Office of South American Affairs, Bureau of Latin America and the Caribbean, Agency for International Development

Alfredo Perez, Washington Consultant, former President, Experiment in International Living

C. Payne Lucas, Executive Director, Africare

Members will serve for three years from the date of appointment unless circumstances such as status of employment warrant termination of membership by the State Department Executive Resources Board. Members will be drawn from the Performance Review Board Register to serve on Performance Review Boards as necessary. Performance Review Boards will be responsible for making recommendations to the Director General of the Foreign Service and Director of Personnel relating to performance appraisal, awards and ranks, compensation, and adverse actions with respect to Department of State Members of the Senior Executive Service.

Dated: January 15, 1980.

Robert S. Gershenson,

Acting Director General of the Foreign Service and Director of Personnel.

[FR Doc. 80-2850 Filed 1-29-80; 8:45 am]

BILLING CODE 4710-15-M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

Disabilities Incurred by Conviction; Granting of Relief

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

ACTION: Notice of Granting of Relief from Disabilities Incurred by Conviction.

SUMMARY: The persons named in this notice have been granted relief by the Director, Bureau of Alcohol, Tobacco and Firearms, from their disabilities imposed by Federal laws. As a result, these persons may lawfully acquire, transfer, receive, ship, and possess firearms if they are in compliance with applicable laws of the jurisdiction in which they live.

FOR FURTHER INFORMATION CONTACT: Special Agent in Charge Michael L. Hall, Firearms Enforcement Branch, Investigations Division, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20026, (202-566-7457).

SUPPLEMENTARY INFORMATION: In accordance with 18 U.S.C. 925(c), the persons named in this notice have been granted relief from disabilities imposed by Federal laws with respect to the acquisition, transfer, receipt, shipment, or possession of firearms incurred by reason of their convictions of crimes punishable by imprisonment for a term exceeding one year.

It has been established to the Director's satisfaction that the circumstances regarding the convictions

and each applicant's record and reputation are such that the applicants will not be likely to act in a manner dangerous to public safety, and that the granting of the relief will not be contrary to the public interest.

The following persons have been granted relief:

Bloom, Leo, 346 Nottingham Boulevard, West Palm Beach, Florida, convicted on March 6, 1973, in the United States District Court for the Eastern District of Pennsylvania.

Brown, Cleveland H., Route 3, Box 267B, Waynesboro, Virginia, convicted on June 19, 1970, in Circuit Court, August County, Virginia.

Brown, James R., RD #1, Ligonier, Pennsylvania, convicted on December 23, 1974, in the United States District Court for the Western District of Pennsylvania.

Brown, Robert G., Route 1, Box 646-A, Coden, Alabama, convicted on January 14, 1972, in United States District Court, Eastern District of Michigan, Southern Division.

Browning, Larry D., 29 Rosaria Road, Springfield, Illinois, convicted on October 21, 1970 and on January 17, 1972, in the Circuit Court of the 7th Judicial District, Sangamon County, Springfield, Illinois.

Buckowitz, Melvin D., 7-A Sage Court, Pikesville, Maryland, convicted on March 12, 1974, in United States District Court for the District of Maryland.

Burdick, Anson P., 2808 West Chandler Boulevard, Burbank, California, convicted on May 28, 1945, in State of New York County Court, Wyoming County.

Burgess, Thomas A., 4531 Lancaster, Hudsonville, Michigan, convicted on July 29, 1974, in the Circuit Court for the County of Kent, State of Michigan.

Burwell, Donna May, 896 Oakwood Terrace, Antioch, Tennessee, convicted on February 16, 1951, in the District Court of Wayandotte County, Kansas.

Butcher, Joseph N., Route 1, Box 149-AA, Traphill, North Carolina, convicted on November 7, 1967, in Federal District Court, Winston-Salem, North Carolina.

Caldwell, Theodore J. S., 2101 Cherry Avenue, Huntington, West Virginia, convicted on September 19, 1975, in United States District Court, Charleston, West Virginia.

Cardwell, Ronald L., 4905 Columbus Avenue, S. Minneapolis, Minnesota, convicted on March 13, 1975, in the District Court for the 4th Judicial District, Minnesota.

Carpenter, Lonnie J., Jr., 4200 Danek, Crosby, Texas, convicted on May 17, 1976, in the 178th District Court of Harris County, Texas.

Clark, Clem M., 3604 Brenda Avenue, Birmingham, Alabama, convicted on January 15, 1974, in Circuit Court, Criminal Division, 10th Judicial District, Alabama.

Clemons, Fred A., Box 86, Baxter, Tennessee, convicted on December 17, 1971, in United States District Court for Middle District of Tennessee.

Coffin, Fred C., 431 South La Salle Street, Aurora, Illinois, convicted on February 7, 1973, in 7th Judicial Circuit Court, Sangamon County, Springfield, Illinois.

Coleman, Donald H., Route 1, Box 85, Moxee, Washington, convicted on July 16, 1952, in Superior Court of the State of Washington for Yakima County.

Cooper, James T., 428 Spaulding Road, Jacksonville, Florida, convicted in 1930 in United States District Court, Middle Judicial District of Florida; and in 1933 in Superior Court of Fulton County, Georgia.

Crain, Bobbie L., Box 73, Elk Mills, North Dakota, convicted on January 28, 1958, in Court of Common Pleas, New Castle County, Delaware.

Crema, David R., 5816 56th Avenue, Kenosha, Wisconsin, convicted on June 18, 1974, in Circuit Court, Kenosha County, Wisconsin.

DeFrancisco, Caesar, 164 W. Bruceton, Pittsburgh, Pennsylvania, convicted on April 16, 1962, and on November 5, 1969, in Allegheny County Pennsylvania Criminal Court.

Deihl, Walter W., 420 Valley Road, Twin Terrace, Bloomsburg, Pennsylvania, convicted on June 18, 1947, in Maryland Criminal Court, Baltimore; and on April 24, 1961, in Pennsylvania State Court.

DeJean, Ricky G., 425 West D'Amour, Chalmette, Louisiana, convicted on September 13, 1976, in the 25th Judicial District Court of Louisiana.

DeMars, Steven H., 4180 Libuse Drive, Baton Rouge, Louisiana, convicted on February 2, 1973, in the 19th Judicial District Court, Parish of East Baton Rouge, Louisiana.

Driver, Robert E., Lot 1, Benbrook, RFD 3, Nashville, North Carolina, convicted on January 27, 1976, in Superior Court, Nash County, Nashville, North Carolina.

Dutton, Willis D., 1105 Garfield Avenue, Venice, California, convicted on April 11, 1957, in Los Angeles County Superior Court, Los Angeles, California.

Edwards, Howard E., 212 East 5th Street, Ogallala, Nebraska, convicted on March 7, 1974, in Keith County District Court, Keith County, Nebraska.

Edwards, Robert A., 917 South Empire Boulevard, Coos Bay, Oregon, convicted on October 14, 1969, in Circuit Court of Coos County, Coquille, Oregon.

Ellis, Earl R., 333 Briscoe Road, Chubbuck, Idaho, convicted on December 3, 1962, in United States District Court, Eastern District, Ohio.

Elwood, Clayton C., 2255 Orobangor Highway, Cabin G, Oroville, California, convicted on March 14, 1974, in Modoc County Superior Court, California.

Fine, Colbert C., 949 Buena Capri, Fallbrook, California, convicted on June 13, 1961, Los Angeles County Superior Court, Los Angeles, California.

Fisher, Arthur L., Sr., 1814 Pringle Street, Jackson, Mississippi, convicted on August 7, 1959, in 4th Judicial Circuit Court for the County of Jackson, Michigan.

Foley, Glenn E., Route 2, Box 166A, Ferrum, Virginia, convicted on May 5, 1975, in United States District Court for the Western Judicial District of Virginia.

Foster, Donald R., 520 E. Staat Street, Fortville, Indiana, convicted on April 17, 1970, in Orange County Superior Court, California.

Fouts, Edward E., 318 W. South Mountain Avenue, Phoenix, Arizona, convicted on

March 3, 1945, in Superior Court of the State of Arizona, County of Pima.

Fraleigh, Richard F., 223 East J Street, Shelton, Washington, convicted on September 8, 1966, in Superior Court of the State of Washington for Thurston County; and on June 16, 1971, in the Circuit Court of the State of Oregon for Douglas County.

Fresh, Russell T., Jr., 76 Chrislaur Street, Harahan, Louisiana, convicted on October 16, 1973, in the 1st Parish Court, Jefferson Parish, Louisiana.

Friday, Kevin L., 1008 North 4th Street, Yakima, Washington, convicted on April 19, 1976, in the United States District Court for the Eastern District of Washington.

Frye, Joseph E., 612 South "T", Muskogee, Oklahoma, convicted on July 9, 1971, in District Court in and for Cherokee County, State of Oklahoma.

Funderburk, James E., P.O. Box 171, Warm Springs, Georgia, convicted on February 26, 1975, in Superior Court, Meriwether County, Georgia.

Galizia, Nicholas, Box 281, Oneida, New York, convicted on February 28, 1977, in the United States District Court, Northern District, New York.

Glassford, Frederick J., 8355 Rickie Drive, Westland, Michigan, convicted on June 21, 1971, in Van Buren County Circuit Court, Paw Paw, Michigan.

Goodwin, Richard Q., Route 5, Box 479, Gaffney, South Carolina, convicted on March 17, 1969, in United States District Court, Western District of North Carolina.

Gray, Frederick C., Jr., RFD #1, Box 261A, Charlestown, New Hampshire, convicted on February 11, 1974, in Vermont District Court, Windham Circuit, Brattleboro, Vermont.

Griffin, Edward N., Route 4, Box 270, Breeze Hill Farm, Danville, Virginia, convicted on May 24, 1973, in the General Court of Justice, Superior Court Division, County of Caswell, State of North Carolina, Yanceyville, North Carolina.

Haas, Gerald K., 716 Ashbourne Avenue, Lancaster, Pennsylvania, convicted on September 22, 1967, in Lancaster County Court, Lancaster County, Pennsylvania.

Halt, Fred T., 2445 Robinhood Place, Orange, California, convicted on December 30, 1965, in Superior Court in and for the County of Sacramento, State of California, Department Two, Sacramento, California.

Hanson, Craig F., 6301 Colony Way, Edina, Minnesota, convicted on December 21, 1977, in United States District Court for the Southern District of New York.

Harris, Gainer, 6147 Lansdowne Avenue, Philadelphia, Pennsylvania, convicted on or about February 24, 1933, in Court of Common Pleas, Philadelphia, Pennsylvania.

Harvey, William M., Sr., 1604 Batchelor Street, West Columbia, South Carolina, convicted on October 8, 1975, in the United States District Court, District of South Carolina, Columbia Division.

Hawkins, Timothy E., 3713 East Spann Avenue, Indianapolis, Indiana, convicted on May 12, 1975, in Shelby County Superior Court, Indiana.

Hellmeyer, Herman R., E. Ralston, R.R. #5, Lot #1, Centralia, Illinois, convicted on October 8, 1962, in Marion County Circuit Court, Salem, Illinois.

Hoover, David L., Route 3, Box 171, Dayton, Virginia, convicted on July 16, 1968, in Circuit Court of Rockingham County, Harrisonburg, Virginia.

Hudson, Billy W., route 1, Box 11C, Gladstone, Virginia, convicted on September 5, 1969, in Circuit Court, Appomattox County, Virginia.

Iverson, Lenard C., Route 3, Box 131, Black River Falls, Wisconsin, convicted on April 28, 1972, in United States District Court, Madison, Wisconsin; and on May 31, 1977, in United States District Court for the Western District of Wisconsin.

Jamsgard, Richard V., 17205 3rd Avenue, NE., Seattle, Washington, convicted on December 3, 1973, in Superior Court of the State of Washington, County of King.

Jones, Vernon L., Route 3, Box 48W, Ridgeville, South Carolina, convicted on February 19, 1974, in Court of General Sessions, Dorchester County, South Carolina.

Jordan, Michael D., 1106 Lakeview Boulevard, East, Seattle, Washington, convicted on August 3, 1977, in United States District Court, Western Judicial District of Washington, Seattle, Washington.

Jordan, Walter, General Delivery, Garrard, Kentucky, convicted on November 9, 1959, in United States District Court for the Eastern District of Kentucky.

Jurras, Stephen A., 6 Bluebird Drive, Colchester, Vermont, convicted on April 30, 1962, in Barre Municipal Court, State of Vermont, Washington County; on September 25, 1962, in Washington County Superior Court, State of Vermont; on January 30, 1963, in Chittenden County Superior Court, State of Vermont; on January 17, 1966, in Federal District Court, Houston, Texas; on November 3, 1969, in District Court of Vermont, Orange Circuit; and on December 15, 1969, in District Court of Vermont, Washington Circuit.

Kaye, Cabot, 120 Hillview Drive, Sullivan, Wisconsin, convicted on July 14, 1935, in Milwaukee County Court, Milwaukee, Wisconsin.

Kerr, James L., 1823 Opolika Road, Auburn, Alabama, convicted on August 23, 1962, in United States District Court for the Middle District of Alabama; and on June 8, 1966, in Circuit Court, Criminal Division, Lee County, Alabama.

Kirk, Dale W., 401 South Kentucky, Space 72, E. Wenatchee, Washington, convicted on April 30, 1975, in Butte County Superior Court, Butte County, California.

Kosko, Robert M., 1417 Mifflin Street, Homestead, Pennsylvania, convicted on August 28, 1967, in Northampton County Criminal Court, Easton, Pennsylvania.

Kozfkay, Lawrence J., 1940 Lakeville Road, Oxford, Michigan, convicted on April 18, 1975, in Circuit Court for the County of Huron, Michigan.

Kunkel, Don C., 6306 E. Scaroscan, SE., Lacy, Washington, convicted on April 26, 1973, in the Superior Court of the State of Washington for the County of Cowlitz, Kelso, Washington.

Ladner, Garvis J., Route 2, Box 235-X, Gulfport, Mississippi, convicted on December 12, 1972, in United States District Court for the Southern District of Mississippi, Southern Division.

Landry, Gerald F., 2901 Hawthorne Street, Stuart, Florida, convicted on September 8,

1970, in Florida State Court, Stuart, Martin County, Florida.

Latraille, Robert F., 121 Eastern, Grafton, North Dakota, convicted on January 8, 1976, in United States District Court, 2nd Judicial District, Walsh County, North Dakota.

Leonard, Sammy L., 529 Alfa Drive, Frankfort, Kentucky, convicted on June 10, 1966, in Jefferson County Circuit Court, Kentucky.

Lockman, Charles B., Route 5, 5 Pinto Lane, Montgomery, Alabama, convicted on March 2, 1976, in United States District Court for the Middle District of Alabama.

Loehr, James M., Route 1, Box 144, Slaughters, Kentucky, convicted on March 22, 1976, in United States District Court for the Western District of Kentucky.

Lowe, Alfred A., 43 East 49th Place, North, Tulsa, Oklahoma, convicted on June 15, 1971, in United States District Court, Central District of California, Los Angeles, California.

Lowman, Larry L., Route 4, Dawsonville, Georgia, convicted on June 11, 1974, in Superior Court, Fulton County, Georgia.

Luiten, Jeffrey J., East 12509 Main Street, Spokane, Washington, convicted on or before November 23, 1976, in the Superior Court of the State of Washington for Lincoln County.

Lyon, Steven G., Sr., Route 2, Box 389, Wilkesboro, North Carolina, convicted on May 9, 1939, in United States District Court, Winston-Salem, North Carolina; and on July 20, 1940, in United States District Court, Wilkesboro, North Carolina.

Maleti, Salvatore J., 126 Burton Drive, Santa Cruz, California, convicted on January 12, 1965, in Superior Court, County of Santa Clara, California.

Malone, Kenneth J., P.O. Box 1511, Forks, Washington, convicted on May 9, 1975, in Superior Court, Pacific County, Washington.

Marko, Robert, Jr., Route 2, Bishop Road, Elk Mound, Wisconsin, convicted on December 4, 1975, in County Court, Eau Claire County, Wisconsin.

Masteron, James L., S. 2605 Inland Empire Way, Spokane, Washington, convicted on April 13, 1972, in District Court, 14th Judicial District, Wheatland County, Montana.

McKeever, Robert P., 4517 Woodland, Apt. 4, West Des Moines, Iowa, convicted on January 4, 1962, in the District Court of Iowa in and for Polk County, Iowa.

Meyer, Raymond J., 17818 East 6th Avenue, Greenacres, Washington, convicted on May 23, 1975, in Spokane County Superior Court, Spokane, Washington.

Miller, William G., III, Route 1, Box 98-C, Leesburg, Virginia, convicted on June 26, 1972, in Circuit Court, Loudon County, Virginia.

Montgomery, James K., Jr., 964 Wrens Roost Circle, Memphis, Tennessee, convicted on July 23, 1976, in United States District Court for the Western District of Tennessee.

Moore, Nathaniel A., 26820 Penn, Inkster, Michigan, convicted on December 17, 1963, in United States District Court, Eastern District of Michigan.

Morawski, Joseph A., Route 1, Box 297-A, Morrisville, North Carolina, convicted on May 3, 1973, in Wake County Superior Court, Raleigh, North Carolina.

Murphy, William T., 200 Armour Drive, Apt. 120, Houma, Louisiana, convicted on

June 11, 1975, in United States District Court, Eastern District of Louisiana, New Orleans, Louisiana.

Nail, Jerry E., 2804 Noble Street, Anniston, Alabama, convicted on August 20, 1962, in Circuit Court, Calhoun County, Alabama.

Nichols, Stephen J., P.O. Box 555, Vernon, Alabama, convicted on March 18, 1975, in Circuit Court, Lamar County, Alabama.

Oritz, Victor R., 3508 Seminary Road, Oakland, California, convicted on February 23, 1972, in Superior Court, State of Wisconsin.

Osgood, Robert L., 3413 53rd Avenue, North, Apartment 106, Brooklyn Center, Minnesota, convicted on February 5, 1975, in Anoka County District Court, 10th Judicial District, State of Minnesota.

Owens, John R., 146 Moonlight Terrace, San Antonio, Texas, convicted on May 23, 1975, in 104th Judicial District Court, Dallas County, Texas.

Packard, Kenny A., 4-5 Murray Place, Elma, Washington, convicted on August 22, 1975, in Superior Court of Washington County of Grays Harbor, Montesano, Washington.

Parker, William C., Jr., 1424 Richmond, Houston, Texas, convicted on September 10, 1976, in 176th District Court, Harris County, Houston, Texas.

Patterson, Aaron L., Perryville, Kentucky, convicted on January 3, 1933, on April 18, 1940, on April 12, 1943, in Boyle County Circuit Court, Danville, Kentucky; on January 25, 1952, in Franklin County Circuit Court, Frankfort, Kentucky; and on February 9, 1955, in Mercer County Circuit Court, Harrodsburg, Kentucky.

Pavy, Wayne D., Route 2, Box 473, Parma, Missouri, convicted on November 24, 1969, in Dunklin County Circuit Court, Kennett, Missouri.

Pfeffer, Randy, 17630 Evan Fall Avenue, Box 335, Farmington, Minnesota, convicted on September 19, 1973, and on August 13, 1975, in First Judicial District Court, Dakota County, Hastings, Minnesota.

Pipes, George H., 5917 East 45th Street, Indianapolis, Indiana, convicted on or about June 30, 1960, in Marion County, Indiana.

Porter, Robert W., 2717 Westside Drive, Pasadena, Texas, convicted on January 9, 1975, in District Court, Harris County, Texas.

Quackenbush, Thomas W., 825 E. 58th Street, Tacoma, Washington, convicted on November 17, 1961, in Superior Court of the State of Washington.

Rinier, Jack L., R.D. #1, Box 219, Bainbridge, Pennsylvania, convicted on January 8, 1965, in Court of Quarter Sessions, Criminal Division, Lancaster County, Pennsylvania.

Robinson, Donald E., 1607 Macon Road, Savannah, Tennessee, convicted on September 23, 1970, in Hardin County Circuit Court, Hardin County, Tennessee.

Rogers, Robert A., 5913 N. Michigan Place, Gladstone, Missouri, convicted on June 27, 1975, in Circuit Court of Platte County, Missouri.

Sandage, Larry E., 73 Lilac Lane, Springfield, Illinois, convicted on February 2, 1961, and on April 10, 1964, in Circuit Court of Montgomery County, Hillsboro, Illinois; and on March 20, 1969, in Circuit Court of Macoupin County, Carlinville, Illinois.

Saunders, Darrel W., 6425 93rd Street, Tacoma, Washington, convicted on February 7, 1962, in United States District Court, Portland, Oregon.

Schmidt, Terry L., 119 Marion Street, Leavenworth, Kansas, convicted on December 5, 1977, in United States District Court for the District of Kansas.

Schroder, Jerry W., Route 1, Box 546, Ranier, Washington, convicted on May 5, 1975, in District Court of the Fourth Judicial District, Idaho.

Scott, William R., Pike Street, Sadieville, Kentucky, convicted on April 4, 1974, Scott County Circuit Court, Kentucky.

Severns, Kenneth R., 962 W. Mathews Road, French Camp, Georgia, convicted on June 5, 1967, in Superior Court, San Joaquin County, California.

Shackelford, James M., 1000 N. Hollywood Drive, Middlesboro, Kentucky, convicted on February 27, 1976, in United States District Court for the Eastern District of Kentucky.

Simmons, Leroy H., 3009 Huntsville Avenue, Kennesaw, Louisiana, convicted on November 30, 1943, in Superior Court, Judicial Township #2, El Centro, California.

Simon, David M., 5991 Caminito Yucatan, San Diego, California, convicted on October 25, 1976, in Superior Court of California, County of San Diego.

Smith, Kenneth E., 514 West 12th, Coffeyville, Kansas, convicted on October 13, 1976, in District Court, Montgomery County, Kansas.

Solvie Adolph L., 216 S. Michigan, Conrad, Montana, convicted on November 28, 1967, in District Court of the 18th Judicial District for the State of Montana.

Spencer, Arnel C., Rural Route #1, Oakwood, Illinois, convicted on July 28, 1958, in United States District Court, Eastern District of Illinois.

Staebell, Michael C., 13900 Albrook Drive, Apt. 702, Denver, Colorado, convicted on March 11, 1977, in United States District Court, Madison, Wisconsin.

Stephenson, William C., Route 5 Box 542-A, Dunn, North Carolina, convicted on February 19, 1974, in United States District Court, Northern District of Alabama, Birmingham, Alabama.

Stoddart, Glen M., 2472 Oak Trail, Idaho Falls, Idaho, convicted on June 3, 1977, in United States District Court, Central District of Utah.

Sult, David H., 78 Monroe Street, Wilkes Barre, Pennsylvania, convicted on September 4, 1975, in Court of Common Pleas, County of Luzerne, Pennsylvania.

Sylvester, Cheryl L., 2921 Aberdeen Avenue, Hoquiam, Washington, convicted on April 12, 1976, in Superior Court, Judicial Township #2, El Centro, California.

Teschendorf, Lee R., 2612 Stevens Street, Madison, Wisconsin, convicted on September 14, 1971, in United States District for the Western District of Texas in El Paso, Texas, and on November 20, 1972, in United States District Court for the District of Arizona in Phoenix, Arizona.

Thompson, Keith M., 2285 F Street, Springfield, Oregon, convicted on April 9, 1970, in Circuit Court, State of Oregon, Lane County.

Titus, Daniel, 119 Morlyn Avenue, Bryn Mawr, Pennsylvania, convicted on October

10, 1961, in the Court of Quarter Sessions of the Peace of the County of Philadelphia, Commonwealth of Pennsylvania.

Toft, Kent S., R.R. #1, New Richmond, Minnesota, convicted on August 8, 1977, in District Court, Third Judicial District, County of Waseca, Wisconsin.

Traylor, Jack G., Magnolia Oaks Apartments, 1205 Dubarry Street, Gautier, Mississippi, convicted on July 17, 1954, in the 4th Judicial District Court, Parish of Morehouse, State of Louisiana; on October 28, 1957, in the 4th Judicial District Court Parish of Ouachita, State of Louisiana, and on December 4, 1974, in City Court, City of Pascagoula, State of Mississippi.

Voorhees, Michael G., 8 Martin Drive, Umatilla, Oregon, convicted on February 16, 1970, in the Circuit Court of the State of Oregon for Umatilla County at Pendleton, Oregon.

Waddell, Thomas W., 3606 Sheffield Road, Springfield, Illinois, convicted on July 6, 1973, in United States District Court for the Southern District of Illinois, Southern Division.

Wagner, Jerome R., 127 Guilford Avenue, Sheboygan Falls, Wisconsin, convicted on September 8, 1976, in County Court, Branch #2 Court, Sheboygan County, Wisconsin.

Wallen, Edward D., Jr., 1005 N. Penn Street, Aberdeen, South Dakota, convicted on February 21, 1966, in Circuit Court of South Dakota for the Fifth Judicial Circuit.

Weinand, Dennis R., 19018 Rockport, Roseville, Michigan, convicted on May 28, 1968, in Circuit Court, Macomb County, Michigan.

Whipple, Donald E., General Delivery, Kootenai, Idaho, convicted on October 13, 1967, and April 5, 1974, in Stevens County, Washington Superior Court.

White, Cornelius B., Route 2, Box 580, Montross, Virginia, convicted on July 7, 1975, in the Circuit Court of Westmoreland County, Commonwealth of Virginia.

Wilcox, David E., 1825 S. Moorland Road, New Berlin, Wisconsin, convicted on May 13, 1958, in Municipal Court, Waukesha County, Wisconsin.

Wilcox, Glenn F., Greenwood Trailer Park #5, Whitefish, Montana, convicted on February 3, 1976, in District Court for Flathead County, Montana.

Wile, Harry L., Fir Street, Mon Alto, Pennsylvania, convicted on April 7, 1961, and on October 25, 1963, in Court of Quarter Sessions, Franklin County, Chambersburg, Pennsylvania.

Williams, Lawrence, White Star Section, Dayhoit, Kentucky, convicted on April 6, 1965, in United States District Court, London, Kentucky.

Williams, William M., Route 3, Box 435, North Wilkesboro, North Carolina, convicted on November 20, 1951, and on May 20, 1960, in United States District Court, Wilkesboro, North Carolina; and on October 7, 1965, in United States District Court, Charlotte, North Carolina.

Wilson, Price, 627 N. Cedar Street, Salisbury, North Carolina, convicted on November 19, 1974, in United States District Court, Middle District of North Carolina.

Wittbrodt, Arthur J., 253 N. Jackson, Bay City, Michigan, convicted on July 23, 1977, in

Circuit Court for the County of Bay, Michigan.

Wright, Don C. 6240 East 116th Street, Tulsa, Oklahoma, convicted on May 8, 1959, in District Court of Tulsa County, Oklahoma.

Wyatt, Terry N. 2120 16th Street, Rock Island, Illinois, convicted on or about May 11, 1956, in Circuit Court, Madison County, Michigan; and on or about May 31, 1961, in District Court, Denver County, Colorado.

Compliance With Executive Order 12044

This notice of granting of relief does not meet the Department's criteria for significant regulations as set forth in the Federal Register of November 8, 1978.

Signed: January 17, 1980.

G. R. Dickerson,

Director.

[FR Doc. 80-2865 Filed 1-29-80; 8:45 am]

BILLING CODE 4810-31-M

Customs Service

[062391/521265]

Receipt of American Manufacturer's Petition Requesting the Reclassification of Footwear Known as Moon Boots

AGENCY: United States Customs Service, Department of the Treasury.

ACTION: Notice of Receipt of American manufacturer's petition.

SUMMARY: The Customs Service has received a petition from an American manufacturer of waterproof footwear requesting that importations of certain footwear known as moon boots be reclassified as other footwear which is over 50 percent by weight of rubber or plastics under item 700.60, Tariff Schedules of the United States (TSUS), or, in the alternative, as other protective footwear under item 700.53, TSUS. It is currently the position of Customs that the particular moon boots in question, as well as footwear of the same class or kind, are classifiable as other footwear which is over 50 percent by weight of rubber or plastics and having uppers of which over 90 percent of the exterior surface area is rubber or plastics under item 700.58, TSUS.

DATES: Interested parties may comment on this petition. Comments (preferably in triplicate) must be received on or before March 31, 1980.

ADDRESS: Comments should be addressed to the Commissioner of Customs, Attention: Regulations and Research Division, Room 2335, 1301 Constitution Avenue NW., Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Donald F. Cahill, Classification and Value Division, U.S. Customs Service,

1301 Constitution Avenue NW., Washington, D.C. 20229 (202-566-8181).

SUPPLEMENTARY INFORMATION:

Background

A petition has been filed under section 516 of the Tariff Act of 1930, as amended (19 U.S.C. 1516), by an American manufacturer of waterproof footwear requesting that importations of certain footwear known as moon boots be reclassified under the provision for other footwear which is over 50 percent by weight of rubber or plastics (except footwear having uppers of which over 50 percent of the exterior surface area is leather) in item 700.60, Tariff Schedules of the United States (TSUS), dutiable at the rate of 20 percent ad valorem and subject to an American selling price (ASP) basis of valuation. Headnote 3(b), Schedule 7, Subpart 1A, TSUS. In the alternative, the petition argues for reclassification under the provision for other protective footwear which is over 50 percent by weight of rubber or plastics and having soles and uppers of which over 90 percent of the exterior surface area is rubber or plastics (except footwear with uppers of nonmolded construction formed by sewing the parts thereof together and having exposed on the outer surface a substantial portion of functional stitching) in item 700.53, TSUS, dutiable at the rate of 37.5 percent ad valorem. In Headquarters letter dated September 14, 1979, file No. 062391, the Customs Service held that moon boots of the kind in question were classifiable under the provision for other footwear which is over 50 percent by weight of rubber or plastics and having uppers of which over 90 percent of the exterior surface area is rubber or plastics (except footwear having uppers of which over 50 percent of the exterior surface area is leather or footwear having foxing or a foxing-like band applied or molded at the sole and overlapping the upper) in item 700.58, TSUS, dutiable at the rate of 6 percent ad valorem.

According to the American manufacturer's petition, the imported moon boot, which extends above the ankle and is designed to be worn over, or in lieu of, other footwear as a protection against water, cold, or inclement weather, is over 50 percent by weight of rubber or plastics, has soles and uppers of which over 90 percent of the exterior surface area is rubber or plastics, and has a pre-molded rubber/plastic shell bottom the sides of which extend upward from the bottom of the boot to above the insole of the boot. The sides of the pre-molded shell bottom are sewn to, and overlap by approximately

½ inch, the polyurethane top portion of the boot. Further, the petition states that the polyurethane portion of the boot is lined with material other than polyvinyl chloride.

The basic issue is whether the subject moon boot has a foxing or foxing-like band applied or molded at the sole which overlaps the upper and which would preclude classification under item 700.58, TSUS.

The petitioner argues that the effect of Customs letter of September 14, 1979, is to rule that in order to constitute foxing or foxing-like band, the overlapping must occur at the insole. The petitioner insists that the statute does not require that overlapping of the upper occur at the insole.

It is pertinent to note that the portion of the pre-molded shell, i.e., that portion beginning just below the insole and extending upward about four inches, forms part of the upper of the boot inasmuch as the upper is defined as that part of the boot beginning just below the insole. The insole is that part which lies on the inside of the boot, directly beneath the foot. The overlapping occurs, therefore, several inches above the insole, i.e., on the upper of the boot.

Since the upper consists of both molded and nonmolded material, therefore, the petitioner argues, in the alternative, that the moon boot is not precluded from classification under the provision for other protective footwear in item 700.53, TSUS. The petitioner asserts that in order to be excluded from classification under item 700.53, TSUS, the entire upper, and not simply a part of the upper, must be of nonmolded construction. In view of the fact that a portion of the premolded shell of the boot forms part of the upper, petitioner concludes that classification under item 700.53, TSUS, is proper and that such classification would preclude Customs classification under item 700.58, TSUS.

Comments

Pursuant to § 175.21(a) of the Customs Regulations (19 CFR 175.21(a)), the Customs Service invites written comments on this petition from all interested parties.

The American manufacturer's petition, as well as all comments received in response to this notice, will be available for public inspection in accordance with sections 103.8(b) and § 175.21(b), Customs Regulations (19 CFR 103.8(b), § 175.21(b)), during regular business hours at the Regulations and Research Division, Headquarters, U.S. Customs Service, Room 2335, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

Authority

This notice is published in accordance with § 175.21(a) of the Customs Regulations (19 CFR 175.21(a)).

Dated: January 24, 1980.

Donald W. Lewis,

Director, Office of Regulations and Rulings.

[FR Doc. 80-2894 Filed 1-29-80; 8:45 am]

BILLING CODE 4810-22-M

**OFFICE OF THE SPECIAL
REPRESENTATIVE FOR TRADE
NEGOTIATIONS****Most-Favored-Nation Status for China**

On Friday, February 1, 1980, the United States and the People's Republic of China will exchange notifications, pursuant to Article X of the Agreement on Trade Relations Between the United States of America and the People's Republic of China (the Agreement), that each has completed the legal procedures necessary for implementation of the agreement. Therefore, pursuant to Proclamation 4697 of October 23, 1979, the provisions of the Agreement, including the extension of non-discriminatory treatment to the products of the People's Republic of China, will be effective on February 1, 1980. Section 2 of Proclamation 4697, amending General Headnote 3(f) of the Tariff Schedules of the United States by deleting therefrom "China (any part of which may be under Communist domination or control)" and "Tibet" will be effective on February 1, 1980.

Robert C. Cassidy, Jr.,

General Counsel.

[FR Doc. 80-3345 Filed 1-29-80; 12:08 pm]

BILLING CODE 3190-01-M

Sunshine Act Meetings

Federal Register

Vol. 45, No. 21

Wednesday, January 30, 1980

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).

CONTENTS

	Items
Civil Aeronautics Board.....	1
Commodity Futures Trading Commission.....	2, 5
National Council on Educational Research.....	3
Railroad Retirement Board.....	4

1

[M-266 Amdt. 7]

CIVIL AERONAUTICS BOARD. Notice of change of status of item 4 from open to closed.

TIME AND DATE: 10:30 a.m., January 24, 1980.

PLACE: Room 1027 (open); room 1011 (closed), 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 4. U.S. interior point-London normal economy fare (NEF) increases proposed by British Airways (memo No. 9430, BIA).

STATUS: Open (items 1-19); Closed (items 1a, 4, 20-23).

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

SUPPLEMENTARY INFORMATION: Item 4 is being changed from open to a closed status because it was determined that it should be discussed in conjunction with Item 22, International fare increases proposed by Pan American, Braniff and TWA, which is being taken up at the closed portion of today's agenda. Negotiations may be affected by the resolution of these items. Public disclosure, particularly to foreign governments of opinions, evaluations, and strategies discussed could seriously compromise the ability of the United States Government to achieve understanding in future rate negotiations which would be in the best interests of the United States. Accordingly, the following Members have voted that public observation of this meeting would involve matters the premature disclosure of which would be likely to significantly frustrate future action within the meaning of the exemption provided under 5 U.S.C. 552b(c)(9) and

14 CFR section 310b.5(9)(B) and that today's discussion of this item should be closed:

Chairman Marvin S. Cohen.
Member Richard J. O'Melia.
Member Elizabeth E. Bailey.
Member Gloria Schaffer.

Persons Expected to Attend

Board Members: Chairman Marvin S. Cohen, Member Richard J. O'Melia, Member Elizabeth E. Bailey, and Member Gloria Schaffer.

Assistants to Board Members: Mr. David Kirstein, Mr. James L. Deegan, Mr. Daniel M. Kasper, and Mr. Stephen H. Lachter.
Managing Director: Mr. Cressworth Lander.
Executive Assistant to the Managing Director: Mr. John R. Hancock.

Bureau of International Aviation: Mr. Sanford Rederer, Mr. Douglas V. Leister, Mr. Ivars V. Mellups, Mr. Vance Fort, Mr. James S. Horneman, Mr. John H. Kiser, Ms. Carolyn K. Coldren, Mr. Francis S. Murphy, Mr. Joseph Di Bella, Jr., and Mr. Herbert P. Aswall.

Office of the General Counsel: Ms. Marvy McInnis Schuman, Mr. Peter B. Schwarzkopf, and Mr. Michael Schopf.

Bureau of Domestic Aviation: Mr. Mark S. Kahan, Mr. Albert Halprin, Mr. Robert L. Stein, and Mr. Julien R. Schrenk.

Office of Economic Analysis: Mr. Robert H. Frank, Mr. Robert Preece, and Mr. David Sibley.

Bureau of Consumer Protection: Mr. Reuben B. Robertson and Mr. John T. Golden.

Office of the Secretary: Mrs. Phyllis T. Kaylor and Ms. Deborah A. Lee.

General Counsel Certification

I certify that this meeting may be closed to the public under 5 U.S.C. 552b(c)(9) and 14 CFR Section 310b.5(9)(B) and that the meeting may be closed to public observation:

Glen M. Bendixsen,
Acting General Counsel.

[S-183-80 Filed 1-28-80; 3:19 pm]

BILLING CODE 6320-01-M

2

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11 a.m., Friday, February 8, 1980.

PLACE: 2033 K Street NW., Washington, D.C., eighth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Briefing.

CONTACT PERSON FOR MORE INFORMATION:

Jane Stuckey, 254-6314.

[S-181-80 Filed 1-28-80; 1:32 pm]

BILLING CODE 6351-01-M

3

NATIONAL COUNCIL ON EDUCATIONAL RESEARCH.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENTS: S-12-80 filed January 3, 1980; 11 a.m.

DATE AND TIME: February 7, 1980, 9:30-3:30.

PLACE: Room 823, National Institute of Education, 1200 19th Street NW., Washington, D.C.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Approve November 30, 1979 Minutes (9:30 a.m.-9:35 a.m.).
2. Director's Report (9:35 a.m.-10 a.m.).
3. Authorization Legislation for NIE (10 a.m.-10:30 a.m.).
4. Budget—Fiscal Year 1981 (10:30 a.m.-11:30 a.m.).
5. Follow-up Review Discussion on NIE Dissemination (12:30 p.m.-3:30 p.m.).

CONTACT PERSON FOR MORE INFORMATION: Ella L. Jones, Administrative Coordinator, telephone: 202/254-7900.

Peter H. Gerber,

Chief, Policy and Administrative Coordination, National Council on Educational Research.

[S-182-80; Filed 1-28-80; 3:05 pm]

BILLING CODE 4110-39-M

4

RAILROAD RETIREMENT BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Volume 45, No. 18, Page 6229, Friday, January 25, 1980.

TIME AND DATE: 9 a.m., February 1, 1980.

PLACE: Board's meeting room on the eighth floor of its headquarters building at 844 Rush Street, Chicago, Illinois, 60611.

CHANGES IN THE MEETING: Additional item to be considered at the portion of the meeting which will be open to the public:

- (4) National Managers Meeting. Portion closed to the public revised as follows:
- (5) Intra-Board personnel matters.
- (6) Appeal from referee's denial of disability annuity application, Victor J. Haughey.

(7) Appeal from referee's denial of disabled widow's annuity, Catherine Martin.

(8) Appeal from referee's denial of disability annuity application, Wallace D. Werst.

CONTACT PERSON FOR MORE INFORMATION:

R. F. Butler, Secretary of the Board,
COM No. 312-751-4920; FTS No. 387-4920.

[S-180-80 Filed 1-28-80; 12:28 pm]

BILLING CODE 7905-01-M

5

COMMODITY FUTURES TRADING COMMISSION.

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 45, No. 19, Monday, January 28, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10:00 AM January 29, 1980.

CHANGES IN THE MEETING: Delete: Proposal for Treatment of Congressional Requests for Section 8 Material.

[S-184-80 Filed 1-28-80; 3:56 pm]

BILLING CODE 6351-01-M

Register Federal Register

Wednesday
January 30, 1980

Part II

**Department of
Housing and Urban
Development**

**Office of Assistant Secretary for
Housing—Federal Housing Commissioner**

**Section 8 Housing Assistance Payments
Program—State Housing Agencies;
Interim Rule**

**DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT**

**Office of Assistant Secretary for
Housing—Federal Housing
Commissioner**

24 CFR Parts 883 and 884

[Docket No. R-80-760]

**Section 8 Housing Assistance
Payments Program—State Housing
Agencies**

AGENCY: Department of Housing and
Urban Development.

ACTION: Interim rule.

SUMMARY: The regulation governing the Section 8 Program for State Housing Agencies is being completely revised to accomplish three major objectives. First, the language of the regulations has been simplified and the format appreciably altered to make the regulations easier to read and use. Also, the regulation has been reviewed to make sure that all necessary material is included and that material which is not appropriate for inclusion no longer appears. Second, some processing changes have been made to clarify recurring questions, reduce and level out field office workload, and assure coordination of this program with other Section 8 regulations (Parts 880, 881 and 882). Third, rent, cost and amenities limitations, and requirements for cost justification of rents in certain cases have been added in order to control and reduce the costs of the program. The relationship between State Agencies and HUD which allows them to certify that program requirements are met has not been altered in this interim regulation.

In addition, relocation requirements are revised to provide more equitable treatment to tenants temporarily and permanently displaced under the Program.

This regulation does not apply to projects developed under other Section 8 regulations including Parts 880, 881, 882 and 885, except as provided in those parts.

EFFECTIVE DATE: February 29, 1980.

COMMENT DUE DATE: Written comments and suggestions will be accepted on or before March 31, 1980. The Department will make any modifications it deems appropriate in the final regulations.

ADDRESS: Comments should be filed with the Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban

Development, 451 Seventh Street, SW., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: Kenneth L. Hoagland, Office of State Agency and Bond Financed Programs, Room 6138, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410, 202-426-0730. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Section 8 Program for State Housing Agencies is a rental assistance program. Under this program, the government provides the difference between the approved rent for an eligible lower-income family, including the elderly and handicapped and the family's contribution to the established rent. Program funds are administered by State Agencies eligible to have contract authority set-aside for Agency assignment to existing, new construction, substantial rehabilitation and moderate rehabilitation projects. After HUD approval of new construction and substantial rehabilitation projects, selected by the Agency, which may be processed under special Fast Track procedures if the Agency provides permanent financing without Federal mortgage insurance, the construction and management is overseen by the State Agency. The Section 8 program does not provide construction or mortgage financing. The regular procedures are used for Existing and Moderate Rehabilitation projects. Amendments to the Section 8 New Construction Program regulations were published for comment on June 12, 1979 in the Federal Register at 44 FR 33804. After considering the comments received, the Department is publishing the New Construction amendments for effect at this time. The general requirements for the Section 8 Program for State Housing Agencies closely parallel those for the Section 8 New Construction Program and the changes made to the State Agency Regulations by these amendments are basically the same as those for the New Construction regulations which have recently been the subject of public comment. Therefore, the Department has determined that it is unnecessary to provide an opportunity for public comment prior to publication of these amendments to the regulations for the Section 8 Program for State Housing Agencies. Accordingly, these amendments are being published as an interim rule, effective February 29, 1980, but with a public comment period of 60 days after such publication (March 31, 1980).

This regulation does not propose any substantive changes to the joint HUD/

Department of Agriculture Section 8 program regulations, Part 883, Subparts G and H, administered with the Farmer's Home Administration. The only change is to redesignate the regulations as Subparts A and B of a new Part 884.

A discussion of the principal changes to the regulation follows:

Language and Format

A primary purpose of this revision to Part 883 is to simplify the language of the regulation and generally improve readability and ease of use. A brief summary has been added as Subpart A so that the general concepts of this program can be understood without reading the entire regulation. To improve usability, the remainder of the regulation has been divided into various segments which generally flow chronologically from allocation and assignment of contract authority through project occupancy and management.

In order to aid in understanding the program, the revised regulation makes several changes in the basic terms used to describe the rent and assistance concepts of the program.

1. The term "total housing expense" has replaced the term "gross rent" which was confusing because the utility allowance (formerly "allowance for utilities and other services") making up part of the gross rent was not rent at all but rather an estimate of tenant-paid utilities and other services not included in the contract rent. Total housing expense is the sum of the contract rent and utility allowance, if any, for a unit.

2. The term "total family contribution" has replaced the term "gross family contribution." It consists of the "tenant rent," a new term which has been added to describe the portion of the total family contribution payable directly by the family to the owner, and any utility allowance for the unit the family is leasing.

3. The term "housing assistance payments" includes two payments—the "housing assistance payment to the owner" and in some cases an additional "housing assistance payment to the family." The housing assistance payment to the owner for a leased unit is the difference between the contract rent and the tenant rent described in number 2 above. An owner may also receive a housing assistance payment for a vacant unit. An additional housing assistance payment to the family is made only if the utility allowance described in number 1 above is greater than the total family contribution, in which case the family is paid the difference between the two in order that

the allowed total family contribution is not exceeded.

With these new terms, the basic rent and assistance concepts of the program can now be expressed in several simple formulas:

1. Total housing expense equals contract rent plus utility allowance.
2. Total family contribution equals tenant rent plus utility allowance. (Where the utility allowance is greater than the total family contribution, the tenant rent is zero and housing assistance payment to family equals utility allowance minus total family contribution.)
3. Housing assistance payment to owner equals contract rent minus tenant rent.
4. Housing assistance payments (to owner and to family, where applicable) equals total housing expense minus total family contribution.

Several other terms have been introduced or revised for purposes of clarification or simplification. For example, the regulation now uses "Fast Track Procedures" to describe the one-step processing available to state Agencies that finance without HUD mortgage insurance.

Allocation of Funds

The regulation now being revised was written prior to the development of Part 891, under which Section 8 contract authority is allocated. New language clarifying the relationships between field offices(s) and agencies in this process has been added to this Part consistent with Part 891.

Cost Containment

In the interest of providing housing at the lowest possible costs and rents, and thereby serving more families with available funding, the regulation includes the addition of several major cost containment features.

1. *Revised Limitation on Rents Including Cost Justification.* Although rent reasonableness has been a major determination of Section 8 project acceptability since the inception of the program, it has been implemented mainly through HUD handbooks, but an adequate explanation has never been included in the regulation. In addition to explaining rent reasonableness, the regulation includes more stringent standards in determining the reasonableness of rents.

The reasonableness test contained in the regulation would permit Section 8 rents to exceed comparable rents by a maximum of 20 percent, but only when justified by cost estimates during processing and by cost certification at the time the project is completed. Small

and partially-assisted projects for non-elderly families would be exempt from this cost justification to the extent the proposed Contract Rents do not exceed 110 percent of the comparable rent.

This change, as well as the continuation of current Fair Market Rent limitations, is contained in § 883.305(b). The revision represents a major policy change which is expected to help avoid excessive expenditures under this program.

2. *Limitations on Replacement Costs.* To aid in controlling costs and assuring that Section 8 projects will be of "modest design," limits on project replacement costs have been included in § 883.305(c). The numerical limits are included in the regulation, and will be updated periodically by Notice published in the **Federal Register**.

This limitation will require the submission of a replacement cost estimate by the State Agency with each proposal.

3. *Limitation on Amenities.* The current regulation does not expressly exclude amenities or design features considered luxurious, and some fear has been expressed that luxury level projects could result under the program. The revised regulation prohibits the inclusion of amenities or design features which would exceed the standards of modest housing in the area in which the project is proposed. Partially-assisted projects for non-elderly families are exempt from this limitation because of their predominantly unassisted nature. See § 883.305(e).

Limitations on Distributions

Section 883.306 of the revised regulation limits the distributions that can be made to profit-motivated owners out of surplus project funds, with different rates of return for family and elderly housing. Distribution for elderly projects is limited to 6 percent on equity and for non-elderly projects to 10 percent on equity. The higher rates of return for family projects are intended to provide additional incentive for developers to provide this "hard to get" type of housing.

The Assistant Secretary for Housing may provide for an increase in later years' distributions. Any allowable adjustments will be made in accordance with a Notice published in the **Federal Register**. The HFA may approve a lesser or no increase.

Return is to be calculated annually, and shortfalls in one year may be paid from surplus project funds accumulated in future years.

Relocation and Land Acquisition Requirements

The revised regulation makes substantial changes in relocation requirements in order to provide more equitable treatment to tenants temporarily or permanently displaced as a result of activities under this part.

Section 883.311, Relocation and Land Acquisition Requirements, established the following:

1. The Uniform Relocation and Real Property Acquisition Policies Act of 1970 continues to apply to displacement resulting from the acquisition of real property by a public housing agency or other State agency.

2. For tenants temporarily or permanently relocated as a result of the project but not subject to the Uniform Act, the owner must provide adequate notice and assistance in relocating to a suitable unit, reasonable moving and related expenses (or in some circumstances, a fixed payment for moving), temporary relocation expenses, and other related provisions.

3. If replacement housing within the tenant's ability to pay cannot otherwise be identified and government assistance that would satisfy this requirement cannot be secured, the owner may satisfy the requirements of § 883.311 by providing the tenant with a lump sum payment equal to 48 times the amount, if any, necessary to reduce the monthly cost of a suitable replacement dwelling to 25 percent of the combined monthly gross income of all adult members of the tenant's household. This provision is applicable to tenants not subject to the Uniform Act.

4. Lower-income single persons, who are displaced as a result of the project, may return to occupy assisted units in accordance with 24 CFR Par 812.

Relationship Between HUD and State Housing Agencies

The current regulation contains a system under which State Agencies that finance new construction and substantial rehabilitation projects without Federal mortgage insurance may certify to most program requirements. This revised rule continues this system for new program requirements (e.g., replacement cost limitations, amenity limitations) as well as the current ones with only slight modifications (e.g., public notice of contract authority allocations, reasonable rents, etc.).

Financing Cost Contingency

Current regulations allow for the reservation of contract authority (the Financing Cost Contingency or FCC) in

the Annual Contributions Contract (ACC) between HUD and a State Housing Agency. The FCC is used to cover increases in the contract rents resulting from unanticipated increases in the debt service of a project. Such increases occur because agencies sell obligations to raise funds for developments after the ACC is executed but contract rents are established prior to execution of the ACC and based on a projected borrowing cost on these obligations. The FCC has been used only intermittently by agencies.

Until Fiscal Year 1979, the Department has reserved contract authority for FCCs with each project reservation. This system has resulted in an overstatement of the annual cost for projects financed by state agencies and the unnecessary reservation of contract authority as FCCs which could be used for additional units. In order to eliminate these problems and maintain the flexibility of the FCC concept, this interim regulation modifies it. The amount of Financing Cost Contingency will now be determined during processing but it will not be reserved at that time. The ACC will be amended later only if necessary, to cover increased rents resulting from a higher than projected debt service and only if contract authority is available for this purpose.

Small and Partially Assisted Projects for Non Elderly Families

In order to aid in deconcentration of assisted family housing, and thereby increase economic integration while at the same time lessening the impact of such housing on a neighborhood, the regulation contains exemptions from program requirements and special preferences to encourage development of small projects for non-elderly families (50 units or fewer) and partially-assisted projects for non-elderly families, i.e., projects of more than 50 units of which 20 percent or less are assisted under Section 8.

1. Small projects are exempt from the cost justification requirement of § 883.305(b)(2), if Contract Rents are no more than 10 percent above reasonable rents, and the limitation on distributions of § 883.306.

2. Partially assisted projects are exempt from the cost justification requirement of § 883.305(b)(2), if Contract Rents are no more than 10 percent above reasonable rents, from the limitation on replacement costs of § 883.305(c), from the limitation on amenities of § 883.305(e), and from the limitation on distributions of § 883.306. The State Agency may exempt projects from the replacement reserve requirements of § 883.703.

Processing Deadlines

The current regulation allows a six month period between the time when funds are reserved for a project and the time construction or rehabilitation must begin. Experience has shown this deadline to be too short for most new construction and substantial rehabilitation projects. This proposed regulation extends this time period to nine months.

Site and Neighborhood Standards Unchanged

The revised regulation does not alter the current site and neighborhood standards. Revisions to these standards have been published for comment. Comments have been received and are currently under study. When new standards are published, they will replace the standards contained in this regulation. It is noted that 24 CFR Part 200 Subpart N, Project Selection Criteria, does not apply to projects approved under Part 883.

Contract Provisions

Three major changes to be made in the Housing Assistance Payments Contract are reflected in the revised regulation. First, the provision for an initial term of five years renewable at the sole option of the owner for up to the maximum total term of the Contract has been deleted. Under § 883.603 of the revised regulation, the Contract will be executed for a single term without optional renewals. Second, where the estimated cost of the rehabilitation in a substantial rehabilitation project is less than 25 percent of the estimated value of the project after completion, the Contract will be executed for a single term of 15 years rather than for five years renewable for an additional five years at the sole option of the owner as authorized by the current regulation. The reason for these two changes is to assure that units developed under the Section 8 program remain available as assisted housing for the total term of the Contract. The third change, in § 883.605 has the same purpose. It places a 10 percent limitation on the leasing of assisted units to ineligible families without the prior approval of the State Agency and HUD and provides for appropriate remedies, including a reduction of the number of units covered by the Contract.

A new provision is included in § 883.410, similar to a provision in 24 CFR Part 811. It permits execution of the Contract upon acceptable physical completion of the project, even though evidence of completion in other respects is not yet acceptable. In such cases,

however, and until acceptable completion of all such other requirements, housing assistance payments will be limited to the amount of debt service, and rent-up and occupancy will be subject to HUD conditions.

Changes have been made in § 883.603 to limit the availability of a 40-year maximum Contract term to projects which:

1. Are not financed with the aid of a loan insured, co-insured, made, guaranteed or intended for purchase by the Federal Government,
2. Are owned or financed by a loan or loan guarantee from a state or local agency,
3. Are intended for occupancy by non-elderly families, and
4. Are located in an area designated by HUD as requiring special financing assistance.

Special Marketing Requirements

With respect to marketing of Section 8 non-elderly family units, the revised regulation requires the owner to undertake marketing activities in advance of marketing to other prospective tenants in order to provide opportunities to non-elderly families who are least likely to apply as specified in the Affirmative Fair Housing Marketing Plan, to non-elderly families expected to reside in the community by reason of current or planned employment, as indicated in the Housing Assistance Plan, if any, and to non-elderly families from impacted jurisdictions.

The requirement for advanced marketing to non-elderly families from impacted jurisdictions was also included in the revised Part 880 final rule published October 15, 1979 to be effective November 5, 1979. Because questions were subsequently raised over the nature and extent of the requirement, the Department suspended enforcement of the requirement in Part 880 pending issuance of a clarification. We expect that the clarification will be available prior to the effective date of this revised regulation; however, if it is not, enforcement of the requirement in this regulation (set forth with other requirements in § 883.702(a)(3)) will also be suspended pending the clarification.

Residency Requirements and Preferences

Section 883.704(b)(1) of the revised regulation prohibits residency requirements but allows residency preferences to the extent that they are not inconsistent with affirmative fair housing marketing objectives and the

owner's HUD-approved Affirmative Fair Housing Marketing Plan.

Replacement Reserves

A replacement reserve has been added in § 883.703. Experience with both HUD mortgage insurance programs and the State Agency program indicates that reserves are an important form of insurance against default on the basis of operating shortfalls during the early years of a project and extraordinary maintenance, repair and capital costs in later years.

The replacement reserve is to be built up by annual deposits at least equal to .006 of the replacement cost with annual adjustment by the amount of the automatic annual adjustment factor. The reserve must be built up to and maintained at a level determined by the Agency to be sufficient to meet projected requirements. Should the reserve achieve that level, the rate of deposits may be reduced by the Agency.

Termination of Tenancy and Modification of Leases

The provisions regarding termination of tenancy have been rewritten to bring the language and format in line with the recently published regulations for the Section 8 moderate rehabilitation program. Section 883.708 now specifies that a tenancy may be terminated by the owner only for good cause and provides detailed notice requirements. This section also contains provisions concerning modification of leases as of the end of any lease term.

Other Management Changes

1. Section 883.702(d) adds a requirement for the submission annually of audited financial and operating statements to the State Agency. Upon request, these must be provided to HUD so the Department can assure that a project is being properly managed.

2. Section 883.704(c) provides that owners will use their best efforts to achieve occupancy by families with incomes averaging at least 40 percent of the median income in the area for the purpose of promoting economically-mixed housing as stated in Section 8(a) of the U.S. Housing Act of 1937, as amended.

3. A new provision is added permitting a family to report at any time a change in income or other circumstances that would result in a decrease of its required family contribution. An owner may require a family to report increases in income between scheduled reexaminations.

4. Section 883.709 contains a requirement for a security deposit from the tenant, rather than the permissive

provision included in the current regulation.

Applicability

Provisions on the applicability of this revised regulation are contained in § 883.105.

NEPA

A finding of inapplicability regarding the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this finding of inapplicability will be available for public inspection during regular business hours at the Office of the Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

Accordingly, 24 CFR Chapter VIII is hereby amended as follows:

1. Part 883 is revised to read as follows:

PART 883—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—STATE HOUSING AGENCIES

Subpart A—Summary and Guide

- Sec.
- 883.101 General.
 - 883.102 Processing.
 - 883.103 Construction and management of new construction and substantial rehabilitation projects.
 - 883.104 Implementation of moderate rehabilitation and existing housing projects.
 - 883.105 Applicability of revised regulation.

Subpart B—Allocation and Assignment of Contract Authority

- 883.201 Applicability and relationships between HUD and State agencies.
- 883.202 Allocation of contract authority to field offices and State agencies.
- 883.203 Eligibility for a set-aside.
- 883.204 Set-asides.
- 883.205 Submission of application.
- 883.206 HUD review and approval of application.
- 883.207 Termination and transfer of set-asides.

Subpart C—Definitions, Project Eligibility and Requirements

- 883.301 Applicability.
- 883.302 Definitions.
- 883.303 Project eligibility.
- 883.304 Fair market rents.
- 883.305 Limitations on contract rents, replacement costs and amenities.
- 883.306 Limitation on distributions.
- 883.307 Financing.
- 883.308 Adjustments to reflect changes in terms of financing.
- 883.309 Site and neighborhood standards.
- 883.310 Property standards.
- 883.311 Relocation and land acquisition requirements.
- 883.312 Other Federal requirements.

Subpart D—Proposal Submission to Cost Certification for New Construction and Substantial Rehabilitation Projects

Sec.

- 883.401 Applicability.
- 883.402 Obtaining proposals.
- 883.403 HFA submission of proposals.
- 883.404 HUD evaluation of proposals.
- 883.405 Notification of acceptability of proposal.
- 883.406 HFA's submission of acceptance of notification and certification of design and construction quality.
- 883.407 HUD execution of annual contributions contract and agreement.
- 883.408 Construction or rehabilitation period.
- 883.409 Project completion.
- 883.410 Execution of housing assistance payments contract.
- 883.411 Cost certification.

Subpart E—Existing Housing and Moderate Rehabilitation

- 883.501 Modification of existing housing/moderate rehabilitation regulations.

Subpart F—Housing Assistance Payments Contract

- 883.601 Applicability.
- 883.602 The contract.
- 883.603 Term of contract.
- 883.604 Maximum annual commitment and project account.
- 883.605 Reduction of number of units covered by contract.
- 883.606 Administration fee.
- 883.607 Default by owner and/or agency.

Subpart G—Management of New Construction and Substantial Rehabilitation Projects

- 883.701 Applicability.
 - 883.702 Responsibilities of owner.
 - 883.703 Replacement reserve.
 - 883.704 Selection and admission of families.
 - 883.705 Tenant rent.
 - 883.706 Overcrowded and underoccupied units.
 - 883.707 Lease requirements.
 - 883.708 Termination of tenancy and modification of lease.
 - 883.709 Security deposits.
 - 883.710 Adjustments of contract rents.
 - 883.711 Adjustment of utility allowance.
 - 883.712 Conditions for receipt of vacancy payments.
 - 883.713 Reviews during management period.
- Authority: Sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Subpart A—Summary and Guide

§ 883.101 General.

(a) *Purpose.* (1) The purpose of the Section 8 program is to provide decent, safe and sanitary housing for lower income families through the use of a system of housing assistance payments. These needs may be met by statewide or special purpose housing agencies established by the various States.

(2) The regulations in this Part 883 contain the policies and procedures applicable to the Section 8 program for

these State agencies. In addition to this regulation, Section 8 assistance may also be made available (i) in connection with financing by the Farmers Home Administration (24 CFR Part 884) or (ii) directly from HUD field offices for newly constructed housing (24 CFR Part 880), for substantially rehabilitated housing (24 CFR Part 881), for Existing or Moderately Rehabilitated housing (24 CFR Part 882), for elderly housing in conjunction with direct HUD loans (24 CFR Part 885) and for existing HUD-insured and HUD-held housing (24 CFR Part 886).

(3) This part establishes procedures for allocating set-asides of contract authority to State Agencies and sets the policies and procedures under which they must use this authority to provide assistance in newly constructed, substantially rehabilitated, moderately rehabilitated, and existing housing.

(b) *Housing Assistance.* Under the Section 8 program, monthly payments are made directly by the State Agency to the project owner to assist an eligible family leasing an assisted unit or for vacancies in certain cases. These payments, known as "housing assistance payments" are made pursuant to a Housing Assistance Payments Contract which has a maximum term of 40 years. This Contract is discussed in Subpart F of this part.

(c) *Tenant Rents and Eligible Families.* In addition to housing assistance payments, owners receive tenant rents directly from the eligible family occupying each assisted unit. The total amount received by the owner for rent is called the contract rent and is set forth in the Contract. "Eligible families," including elderly and handicapped individuals, must have incomes within HUD-specified limits (based on 80% of median income for the area), and pay between 15% and 25% of their income for rent (including utilities), adjusted according to HUD regulations in 24 CFR Part 889.

(d) *Rent, Cost and Mortgage Limitations.* In newly constructed and substantially rehabilitated units, rents, replacement costs and amenities must comply with limitations contained in Subpart C of this part. These limitations serve to establish the modest nature of housing assisted under the program and to assure that the rents in Section 8 housing are reasonable in relation to comparable unassisted housing in the area. After occupancy, rents may be adjusted to reflect changes in the costs of owning and operating rental housing. Different limitations on rents are applicable to the Existing Housing and

Moderate Rehabilitation Programs, under 24 CFR Part 882.

(e) *Financing.* The Section 8 program provides only rental assistance. It does not provide construction or permanent financing. It is the responsibility of an agency participating in the program under this part to arrange for the financing of newly constructed or substantially rehabilitated housing assisted under it. It is the responsibility of the owner to arrange financing of moderately rehabilitated housing assisted under the program.

(f) *Eligible Owners.* All types of developers and sponsors, including profit-motivated, non-profit, and public agency developers or sponsors, are eligible to develop and own housing assisted under this program. In new construction and substantial rehabilitation projects, the owner is responsible for the determination of eligibility and selection of tenants. In Moderate Rehabilitation and Existing Housing Programs, the State Agency is responsible for the determination of eligibility and the owner is responsible for the selection of eligible families. Management responsibilities for newly constructed or substantially rehabilitated projects are generally contained in Subpart G of this part. The regulations governing administration of Existing Housing and Moderate Rehabilitation programs are contained in 24 CFR Part 882.

(g) *Contract Authority.* HUD commits funding for additional projects under the Section 8 program and increases the commitment for previously approved projects out of contract authority Congress appropriates for HUD annually. A portion of the contract authority is set aside for assignment to specific projects by State Agencies participating under this part. The contract authority for additional projects, including these set-asides, is allocated to HUD field offices on the basis of a "fair share" formula reflecting population, poverty, overcrowding, housing condition and similar indices of housing need. Each field office, in turn, suballocates this contract authority among the various allocation areas within its jurisdiction on essentially the same "fair share" basis. Where there is a set-aside for a State Agency, this suballocation process includes a determination of which allocation areas are to be served by the field office and by the State Agency or Agencies under this part. Contract authority for Agency set-asides may not be available in every allocation area. A further description of this process is contained in 24 CFR Part 891, Subpart D.

§ 883.102 Processing.

(a) *New Construction and Substantial Rehabilitation Projects.* Proposals from developers and owners for housing to be assisted under this part are received and selected by State Agencies participating in the program. The Agency normally provides the financing for these projects. If the Agency uses federal mortgage insurance or is the owner of a proposed project, HUD processes it and the work is carried out under the provisions of 24 CFR Part or 880 Part 881.

If the Agency provides permanent financing without federal mortgage insurance, except coinsurance under 24 CFR Part 250, it is processed and the work is carried out under the Fast Track Procedures of Subpart D. Under these procedures, Agencies must certify that the limitations and other requirements of the program are being met for each new construction and substantial rehabilitation proposal. Generally, HUD accepts these certifications, unless it has substantial reasons to question them and, based on them, approves each proposal. Execution of an Agreement between the owner and Agency and an ACC between HUD and the Agency is then authorized and construction can begin. The Agreement provides that a Contract will be executed upon proper construction, completion and acceptance of the project by the Agency. Details of this process are contained in Subpart D.

(b) *Moderate Rehabilitation and Existing Housing Projects.* Applications for the Moderate Rehabilitation or Existing Housing Programs may be initiated by State Agencies participating under this part using contract authority available for these programs. They will be processed in accordance with the requirements of 24 CFR Part 882 except as modified by Subpart E of this part.

§ 883.103 Construction and management of new construction and substantial rehabilitation projects.

(a) *Construction.* Construction of projects is carried out in conformance with the Agreement approved by HUD. Increases in contract rents and utility allowances are permitted during construction if they are necessary to cover cost increases as specified in § 883.408. Upon completion in accordance with the Agreement, the project will be accepted by the Agency which certifies to HUD that the project has been acceptably completed and a Contract executed. These provisions are contained in Subpart D, §§ 883.407 through 883.410.

(b) *Cost Certification.* As soon as possible after completion of a project, the owner, except in the case of certain

types of exempted projects, will provide the Agency with cost certifications. The Agency will, based on these, certify the costs to HUD. It will also review the contract rents, based on the owner's certified cost, and reduce them where they are not justified. Section 883.411 details this process.

(c) *HAP Contract.* The Contract will be executed on satisfactory completion of the project. It provides that the owner will receive housing assistance payments for units being leased by eligible families and under certain circumstances, for vacant units. The owner may not reduce the number of units available to lower-income families by more than 10 percent without the prior approval of the State Agency and HUD. The term of the Contract varies depending on the type of financing the project's location and the type of tenants served (elderly or families). Administration of the Contract is done by the State Agency under an Annual Contributions Contract with HUD. Subpart F contains Contract provisions.

(d) *Management.* The owner is responsible for all management functions, including marketing, selection of tenants, reexamination of family incomes, evictions and other terminations of tenancy and collection of rents. The owner must also provide for a replacement reserve. Contract rents will be adjusted annually in accordance with 24 CFR, Part 888. Subpart G contains management provisions.

§ 883.104 Implementation of moderate rehabilitation and existing housing projects.

Implementation of Moderate Rehabilitation and Existing Housing projects is governed by the provisions of 24 CFR Part 882.

§ 883.105 Applicability of revised regulation.

(a) These revised Part 883 regulations apply to projects for which the initial application was submitted on or after the effective date. Projects for which applications or proposals were submitted before the effective date will be processed under the regulations and procedures in effect at the date of submission. If, however, the agency notifies HUD within 60 calendar days of the effective date of the regulations that they are choosing to have these revised regulations apply to a specific case, it must promptly modify the application(s) and proposal(s) to comply.

(b) Subpart F, dealing with the HAP contract and Subpart G, dealing with management, apply to all projects for which an Agreement was not executed before the effective date of these revised

regulations. In cases where an Agreement has been executed:

(1) The Agency, owner and HUD may agree to make the revised Subpart F applicable and execute appropriate amendments to the Agreement or Contract;

(2) The Agency, Owner and HUD may agree to make the revised Subpart G applicable (with or without the limitation on distributions) and execute appropriate amendments to the Agreement or Contract.

(c) Section 883.708, Termination of Tenancy and Modifications of Leases, applies to new families who begin occupancy or execute a lease on or after 30 days following the effective date of this revision. This section also applies to families not covered by the preceding sentence, including families currently under lease, who have a lease in which a renewal becomes effective on or after the 60th day following the effective date of this regulation. A lease is considered renewed when both the landlord and the family fail to terminate a tenancy under a lease permitting either to terminate.

Subpart B—Allocation and Assignment of Contract Authority

§ 883.201 Applicability and relationships between HUD and State agencies.

(a) *Applicability.* This subpart applies to contract authority set aside for a State Agency. Newly constructed and substantially rehabilitated housing units using contract authority set aside under this subpart may be processed and the work accomplished under either the Fast Track Processing procedures contained in Subpart D or the regular procedures under 24 CFR Part 880 or 24 CFR Part 881. Section 883.401 contains the criteria used to qualify new construction and substantial rehabilitation proposals for Fast Track Processing. Moderate Rehabilitation and Existing Housing Programs using contract authority set aside under this subpart must be processed in accordance with the provisions of 24 CFR Part 882, except as indicated in Subpart E of this part.

(b) *General Responsibilities and Relationships.* Subject to audit and review by HUD to assure compliance with Federal requirements and objectives, Housing Finance Agencies (HFAs) shall assume responsibility for project development and for supervision of the development, management and maintenance functions of owners.

(c) *Certifications and HUD Monitoring.* (1) Generally, when reviewing any of the certifications of an HFA required by this part, HUD shall accept the certification as correct. If HUD has substantial reason to question

the correctness of any element in a certification, HUD shall promptly bring the matter to the attention of the HFA and ask it to provide documentation supporting the certifications. When the HFA provides such evidence, HUD will act in accordance with the HFA's judgment or evaluation unless HUD determines that the certification is clearly not supported by the documentation.

(2) HUD will periodically monitor the activities of HFA's participating under this part only with respect to Section 8 or other HUD programs. This monitoring is intended primarily to ensure that certifications submitted and projects operated under this part reflect appropriate compliance with Federal law and requirements.

§ 883.202 Allocation of contract authority to field offices and State agencies.

(a) Funding authorization for the Section 8 program is assigned to HUD field offices and Agencies in the form of contract authority, which is the maximum amount authorized for annual payments under Contracts. Assignments are made pursuant to 24 CFR Part 891, Subpart D. HUD may set aside a portion of contract authority for use by Agencies out of amounts identified for this purpose and allocated in the Field Office allocation plan under Part 891, Subpart D.

(b) In the allocation process, the field office prepares an allocation plan consistent with Areawide Housing Opportunity Plans (AHOPs) and Housing Assistance Plans (HAPs) which specifies the amount of contract authority and approximate number of Section 8 units by housing type (new construction, rehab, and existing), household type (families, large families, and elderly), and program mixes to be provided in each allocation area. Any set-aside for a State Agency within the jurisdiction of a field office is included in this allocation plan which must not be finalized until after the field office has consulted with the State Agency. Allocation of the set-aside will provide for feasible sized projects by housing and household type which is consistent with the overall allocation plan.

§ 883.203 Eligibility for a set-aside.

(a) *Request for Set-Asides and/or Fast Track Procedures.* (1) In order to qualify for a set-aside and/or the Fast Track procedures set forth in this part, a State Agency must submit a letter showing that:

(i) It is a housing finance or development agency with statewide responsibility;

(ii) It qualifies as a public housing agency (PHA), as defined in the U.S. Housing Act of 1937, and

(iii) It desires to participate under this part.

(2) The letter must be sent to the Assistant Secretary for Housing, U.S. Department of Housing and Urban Development (HUD), Washington, D.C. 20410. Enclosed with the letter shall be 2 copies of:

(i) The relevant enabling legislation,
(ii) Any rules and regulations adopted or about to be adopted by the State agency to govern its operations, and

(iii) An opinion from the agency counsel that the agency is legally qualified and authorized to participate in the Housing Assistance Payments Program. This opinion shall include an explanation of the basis and extent of the agency's legal authority, if any, for housing development or administration in the areas of operation of any existing PHAs.

(b) *Review and Approval of Requests for Participation.* After prompt review, the agency shall be notified as to whether or not, and in what respects, it is qualified to apply for and receive a set-aside and/or use the Fast Track procedures.

§ 883.204 Set-asides.

(a) *Notification of Agency of Set-Aside.* Agencies eligible for a set-aside must be consulted by the HUD field office in the process of preparing the field office allocation plan. When a set-aside is made available for a State Agency, HUD must notify the Agency in writing of the amount and terms of the contract authority set aside for it and provide a reasonable deadline by which the Agency must agree to the terms and amount. If HUD determines to deny a set-aside, it must notify the Agency by letter of its determination specifying the reasons for this determination. When the set-aside is made available to the Agency out of the Assistant Secretary's reserve under § 891.403(b), HUD must notify the Agency in writing of the amount and the provisions of paragraphs (b) and (c) of this section are inapplicable.

(b) *Agency Acceptance of Set-Aside.* In order to receive a set-aside, an Agency must submit a letter to HUD, within the time frame set forth in the Notification of a Set-Aside under paragraph (a) of this section, agreeing to the terms of the set-aside. If the Agency wishes to discuss the terms or amount of the set-aside further, it should do so within the time frame stated in the Notification of Set-Aside.

(c) *Determination of Set-Aside.* The determination of whether to grant a set-

aside and the amount of any set-aside shall be made on the basis of the following criteria:

(1) The degree of the Agency's expertise as demonstrated, in part, by
(i) Past performance in the development of housing, and

(ii) The Agency's ability to administer a set-aside so that housing is placed under construction or rehabilitated quickly or assistance is provided in a timely manner to eligible families through the Existing Housing Program;

(2) The extent to which the Agency has identified and evaluated the unmet housing needs in the State and developed a plan for serving those not likely to be met effectively through other channels and for promoting mobility;

(3) The extent to which the Agency's program complements the allocation plan of the HUD field office;

(4) The Agency's ability and willingness to assist families in types of projects and in areas which meet particular HUD goals (e.g., spatial deconcentration, substantial rehabilitation, units for large families); and

(5) With respect to set-asides for new Construction, Substantial or Moderate Rehabilitation, the Agency's ability and willingness to provide permanent financing without Federal mortgage insurance (other than with coinsurance under Section 244 of the National Housing Act); or

(6) With respect to set-asides for Moderate Rehabilitation or Existing Housing, the extent to which the Agency is willing and capable of serving housing needs in areas not currently served by local Public Housing Agencies and will use the Existing Housing Program to promote mobility.

(d) *Agency Notification Requirements.* Promptly after the Agency receives notification of its set-aside from the field office, the Agency must make a public announcement that it has been allocated a set-aside, specify the amount of the set-aside by housing and household type as agreed under paragraph (b) of this section, when applicable, and indicate where and when applications to the Agency for fund commitments may be submitted by developers or owners. All State Agencies must certify that these notice requirements have been met.

§ 883.205 Submission of applications.

(a) *Application.* When a State Agency intends to assign a portion of its set-aside to a project, it must submit a separate application on the prescribed HUD form. This application must be accompanied by certifications that:

(1) For areas where there is no Housing Assistance Plan or Area-wide Housing Opportunity Plan, there is need for housing assistance in the number and size of units applied for based upon an Agency's housing needs study or Agency-approved study, and

(2) The agency has or will comply with the public notification and selection procedures of § 883.204(d).

(b) *Agencies Using Set-Aside but Not Fast Track Processing.* If an Agency has a set-aside but does not qualify for or does not wish to utilize the Fast Track Procedures under Subpart D, it must follow the provisions set forth in 24 CFR Part 880 or 881, whichever is applicable, except as follows:

(1) The Agency may submit an Application with or without a Preliminary Proposal at any time to a HUD field office without reference to any Notification of Fund Availability (NOFA) pursuant to 24 CFR 880.304 or 881.304.

(2) Such Preliminary Proposal and related Final Proposal must be evaluated on the basis of acceptability in accordance with the requirements of the applicable part but will not be subject to the competitive ranking and selection provisions of 24 CFR Part 880.306 and 880.307 or 881.306 and 881.307;

(3) Even though Fast Track Procedures are not used, Subparts F and G of Part 883 apply.

§ 883.206 HUD review and approval of application.

(a) *Review of Applications.* Applications from State Agencies should be processed in the order received. Based on the policies set forth in § 883.201(c), HUD shall promptly review an application to determine whether or not the application is complete and accurate. HUD must make an independent determination that:

(1) The proposed project is consistent with the field office allocation plan;

(2) The addition of these units will not adversely affect occupancy in existing federally assisted projects;

(3) The State Agency meets all equal opportunity requirements in the operation of its programs; and

(4) The proposed project, when a specific site is designated, complies with 24 CFR Part 891.

(b) *Review and Comment by Local Governments.* An application or proposal under this Subpart must comply with the provisions of Part 891 concerning review and comment by units of general local government. In cases where the local government in which the assistance is to be provided objects in its local Housing Assistance

Plan to the exemption for State Agency projects, the application (or proposal when the application does not designate a specific site) must be approved by HUD in accordance with 24 CFR Part 891, Subpart B. If no objection has been filed or where there is no applicable Housing Assistance Plan, the application (or proposal when the application does not designate a specific site) must be approved in accordance with 24 CFR Part 891, Subpart C.

(c) *Notification to State Agency.* (1) For proposed projects not using or not eligible for Fast Tract Procedures and after completion of the actions necessary to satisfy the requirements of Part 891, HUD shall notify the State Agency that its application or proposal has been accepted for processing under 24 CFR Part 880, or Part 881 as appropriate.

(2) For proposed projects using or eligible for Fast Tract Procedures and after completion of the action necessary to satisfy the requirements of Part 891 HUD shall promptly complete its review and notify the HFA by letter that:

(i) The application and any portions of the proposal on which reviews have been completed, are approved (this letter will be called a Notification of Application Approval);

(ii) The application is disapproved and state the reasons, in detail for disapproval; or

(iii) HUD has substantial reason to question a certification of the HFA. The letter shall specify the reasons. Promptly after receipt of the HFA's response to this letter, HUD must notify the HFA of approval or disapproval of the application.

§ 883.207 Termination and transfer of set-asides.

(a) Contract authority in a set-aside which is not assigned to projects on or before the 45th day prior to the end of each Federal fiscal year will be terminated as of that date, unless the Assistant Secretary for Housing agrees in writing to extend the date. For purposes of this paragraph, set-aside authority is deemed assigned on the date HUD issues a notification of application approval, or a notification of application or proposal acceptance for processing for cases not processed under Subpart D;

(b) With respect only to projects processed under Subpart D, an Agreement, executed by the HFA and the owner, must be submitted to HUD within nine months of the date of Notification of Application Approval or the Notification will expire. Any units for which this Notification expires will be automatically cancelled, unless the

Assistant Secretary for Housing agrees in writing to extend the date. Extensions to this deadline will be granted by the Assistant Secretary for Housing only for reasons clearly beyond the control of the HFA or owner.

(c) *Transfer of Set-Asides.* Where a specific portion of an Agency's set-aside is assigned to a particular project (as defined in paragraph (a) of this section) and it is subsequently determined that the portion so assigned cannot be used for that project, the Agency may retain use of that contract authority under the following rules.

(1) *Projects terminated or reduced on or before the 45th day prior to the end of the Federal fiscal year.* The Agency must notify HUD of any determination to terminate or reduce the contract authority assigned to specific project. The portion of the set-aside cancelled or reduced will be released and become available for assignment to another project through the 45th day prior to the end of the same fiscal year.

(2) *Project terminated or reduced after the 45th day prior to the end of the Federal fiscal year.* If the determination to terminate or reduce the contract authority assigned to a particular project is made after the 45th day prior to the end of the Federal fiscal year in which the assignment was made to that project, the Agency may transfer the released portion of the set-aside to another project or projects. When transferring contract authority under this paragraph, the Agency must (i) notify the HUD field office promptly after the determination is made, that the transfer is to a specific project, and (ii) provide full and complete information concerning the proposed transfer, including names and locations of the projects involved, the specific amount of set-aside to be transferred, and a written statement of assurance that an Agreement, executed by the Agency and the Owner, will be submitted to HUD within nine months. If an Agreement is not submitted within nine months, the transferred contract authority will be automatically terminated unless this deadline is extended in writing by the Assistant Secretary of Housing. For proposals to which contract authority is assigned under the provisions of this paragraph (c), HUD will comply with the provisions of §§ 883.206(a)(4) and 883.206(b).

Subpart C—Definitions, Project Eligibility and Requirements

§ 883.301 Applicability.

The provisions of this subpart are applicable to newly constructed and substantially rehabilitated housing

allocated contract authority under Subpart B of this part and processed and constructed under the Fast Tract Procedures of Subpart D. The definitions contained in § 883.302 and the provisions of § 883.307(b) regarding review and approval of financing documents, however, apply to all of this part.

§ 883.302 Definitions.

ACC (Annual Contributions Contract)—The contract between the State Agency and HUD under which HUD commits to provide the Agency with the funds needed to make housing assistance payments to the Owner and to pay the Agency for administrative fees in cases where it is eligible for them.

Agency—See State Agency.

Agreement—(Agreement to enter into Housing Assistance Payments Contract.) The agreement between the owner and the State Agency on new construction and substantial rehabilitation projects which provides that, upon satisfactory completion of the project in accordance with the HUD-approved proposal or final proposal, the Agency will enter into a Housing Assistance Payments Contract with the owner.

Allocation Area—A municipality, county, one or more Indian areas or group of contiguous municipalities or counties identified by HUD or in an approved Areawide Housing Opportunity Plan for the purpose of allocating housing assistance to support economically feasible housing projects.

Allocation Plan—The plan developed by HUD field offices in accordance with 24 CFR Part 891, Subpart D on which the distribution of contract authority is based.

Assisted Unit—A dwelling unit eligible for assistance under a Contract.

Application—A request, submitted by a State Agency, to assign a portion of its set-aside to a specific jurisdiction or project.

Contract—(Housing Assistance Payments Contract.) The Contract entered into by the owner and the State Agency upon satisfactory completion of a new construction or substantial rehabilitation project which sets forth the rights and duties of the parties with respect to the project and the payments under the Contract.

Contract Rent—The total amount of rent specified in the Contract as payable by the Agency and the tenant to the owner for an assisted unit.

Existing Housing—Housing assisted under a contract entered into pursuant to 24 CFR Part 882. (See Subpart E of this part.)

Fair Market Rent (FMR)—HUD's determination of the rents, including utilities (except telephones), ranges and refrigerators, parking and all maintenance, management and other essential housing services, which would be required to obtain, in a particular market area, privately developed and owned, newly constructed or substantially rehabilitated rental housing of modest design with suitable amenities.

Family. (Eligible Family) A family which qualifies as a lower-income family, as defined in this section. For purposes of this definition, "family" will have the meaning of "family" contained in 24 CFR Part 812, (including single elderly, handicapped, disabled and displaced persons and the remaining member of a tenant family).

Fast Track Procedures—The procedures contained in Subpart D for processing and construction of new construction and substantial rehabilitation projects. In order to be eligible for these procedures, a State Agency must provide permanent financing without Federal mortgage insurance or a Federal guarantee except coinsurance under Section 244 of the National Housing Act.

Financing Cost Contingency (FCC)—The maximum amount of contract authority which may be used to amend the Annual Contributions Contract (ACC) and Housing Assistance Payments Contract (HAP Contract) to provide increased contract rents to cover higher than anticipated debt service on the loan for a new construction or substantial rehabilitation project.

Household Type. The three household types are (1) elderly and handicapped, (2) family, and (3) large family.

Housing Assistance Payment—The payment made to the owner of an assisted unit by the State Agency as provided in the Contract. Where the unit is leased to an eligible family, the payment is the difference between the total housing expense and the total family contribution. A housing assistance payment, known as a "Vacancy Payment", may be made to the owner when an assisted unit is vacant. A payment is made to the family if the utility allowance exceeds the total family contribution.

Housing Assistance Plan (HAP)—A housing plan submitted by a unit of general local or State government and approved by HUD as being acceptable under the standards of 24 CFR, Part 570.

Housing Type. The three housing types are new construction, substantial rehabilitation, and existing housing/moderate rehabilitation.

HFA (Housing Finance Agency)—A State Agency which provides permanent financing for newly constructed or substantially rehabilitated housing processed under Subpart D and financed without Federal mortgage insurance or a Federal guarantee except coinsurance under Section 244 of the National Housing Act.

HUD—The Department of Housing and Urban Development.

Impacted Jurisdiction. A jurisdiction in a Standard Metropolitan Statistical Area (SMSA) where the ratio of lower-income families to total families is materially higher than the ratio of lower-income families to total families for the entire SMSA.

Independent Public Accountant—Certified Public Accountant or a licensed or registered public accountant, none of which has a business relationship with the owner or State Agency except for the performance of audit, systems work and tax preparation. If not certified, the Independent Public Accountant must have been licensed or registered by a regulatory authority of a State or other political subdivision of the United States on or before December 31, 1970. In States that do not regulate the use of the title "public accountant," only Certified Public Accountants may be used.

Lower-Income Family. A family whose income does not exceed 80 percent of the median income for the market area, as determined by HUD, with adjustments for the size of the family. HUD may establish income limits higher or lower if necessary in certain cases. For purposes of this definition, "income" shall have the meaning of "income for eligibility" contained in 24 CFR Part 889.

MPS (Minimum Property Standards)—HUD Minimum Property Standards for new construction projects, or in Substantial Rehabilitation, the HUD Minimum Design Standards for Rehabilitation for Residential Properties, or standards which the Secretary finds are equivalent to or exceed such HUD standards.

Moderate Rehabilitation—The improvement of dwelling units in accordance with HUD requirements, under 24 CFR Part 882.

New Communities—New community developments approved under Title IV of the Housing and Urban Development Act of 1968 and Title VII of the Housing and Urban Development Act of 1970.

New Construction—Housing for which construction starts after execution of an Agreement, or housing which is already under construction when the Agreement is executed provided that:

(i) At the date an application is submitted to HUD, a substantial amount of construction (generally at least 25 percent) remains to be completed;

(ii) At the date of application to HUD, the project cannot be completed and occupied by eligible families without assistance under this part; and

(iii) At the time construction was initiated, all of the parties reasonably expected that the project would be completed without assistance under this part.

Override—The difference between an HFA's cost of borrowing on obligations issued to finance a new construction or substantial rehabilitation project and the lending rate at which they provide permanent financing for the project.

Owner—Any private person or entity (including a cooperative) or a public entity, having the legal right to lease or sublease dwelling units assisted under this part. The term Owner also includes the person or entity submitting a proposal to a State Agency under this part.

Partially-Assisted Project—A project for non-elderly families under this part which includes more than 50 units of which 20 percent or fewer are assisted.

Permanent Financing—An Agency is determined to provide permanent financing if HUD determines that (1) the Agency permanently finances a project from its own funds, including the sale of its obligations; or (2) permanent financing for projects developed or administered by the Agency is provided by the State government or by an agency or instrumentality thereof other than the Agency; or (3) the permanent financing (by a public or private entity other than the Agency) is backed by the commitment of the Agency to assume the risks of loss on default or foreclosure of the loan.

PHA (Public Housing Agency)—Any State, county municipality, or other governmental entity or public body (or agency or instrumentality thereof) which is authorized to engage in or assist in the development or operation of housing for lower-income families.

Project Account—A specifically identified and segregated account for each project which is established in accordance with § 883.604(b) out of the amounts by which the maximum Annual Contributions Contract commitment exceeds the amount actually paid out under the ACC each year.

Proposal—A proposal for a project that is submitted by an HFA to HUD for Section 8 assistance under this Part.

Rent—In the case of an assisted unit in a cooperative project, rent means the carrying charges payable to the

cooperative with respect to occupancy of the unit.

Replacement Cost: (1) *New Construction*—The estimated construction cost of the project when the proposed improvements are completed. The replacement cost may include the land, the physical improvements, utilities within the boundaries of the land, architect's fees, miscellaneous charges incident to construction as approved by the Assistant Secretary for Housing.

(2) *Substantial Rehabilitation*—The sum of the "as is" value before rehabilitation of the property as determined by the Agency and the estimated cost of rehabilitation, including carrying and finance charges.

Secretary—The Secretary of Housing and Urban Development (or designee).

Small Project—A project for non-elderly families under this Part which includes a total of 50 or fewer units (assisted and unassisted).

State Agency (Agency)—An agency which has been notified by HUD in accordance with § 883.203 that it is authorized to apply for a set-aside and/or to use the Fast Track Procedures of this part.

Substantial Rehabilitation

(a) The improvement of a property to decent, safe and sanitary condition in accordance with the standards of this part from a condition below these standards. Substantial Rehabilitation may vary in degree from gutting and extensive reconstruction to the cure of substantial accumulation of deferred maintenance. Cosmetic improvements alone do not qualify as Substantial Rehabilitation under this definition.

(b) Substantial Rehabilitation may also include renovation, alteration or remodeling for the conversion or adaptation of structurally sound property to the design and condition required for use under this part, or the repair or replacement of major building systems or components in danger of failure.

(c) Housing on which rehabilitation work has already started when the Agreement is executed is eligible for assistance as a Substantial Rehabilitation project under this part provided:

(i) At the date of application to HUD, a substantial amount of construction (generally at least 25 percent) remains to be completed;

(ii) At the date of application to HUD, the project cannot be completed and occupied by eligible families without assistance under this part; and

(iii) At the time construction was initiated, all of the parties reasonably

expected that the project would be completed without assistance under this part.

Tenant Rent—The portion of the contract rent payable directly to the owner by an eligible family occupying an assisted unit. Tenant rent equals the total family contribution less any utility allowance.

Total Family Contribution—The portion of an eligible family's income payable toward the family's total housing expense, as determined in accordance with 24 CFR Part 889.

Total Housing Expense—The total monthly cost of housing an eligible family, which is the sum of the contract rent and any utility allowance for the assisted unit occupied by the family.

Utility Allowance—An estimate, accepted by HUD, of the cost of utilities (except telephone) and other essential housing services for an assisted unit which are not included in the contract rent paid directly to the owner but which are the responsibility of the eligible family leasing the unit.

Vacancy Payments—The housing assistance payment made to the owner by the State Agency for a vacant, assisted unit if certain conditions are fulfilled as provided in the Contract. The amount of vacancy payment varies with the length of the vacancy period and is less after the first 60 days of any vacancy.

Very Low-Income Family—An eligible family whose income does not exceed 50 percent of the median income for the market area, as determined by HUD, with adjustments for the size of the family.

§ 883.303 Project eligibility.

(a) For purposes of this part, an Agency may assign funds to and seek approval for new construction, substantial rehabilitation, moderate rehabilitation or existing housing projects.

(b) The Section 8 program under this part is for rental housing only. No assistance will be provided for any unit occupied by an owner. Cooperatives are considered rental housing rather than owner-occupied housing for the purposes of this part.

(c) The types of rental housing which can be assisted under this part include: (1) Single-family houses, mobile homes, which are excluded under the Substantial and Moderate Rehabilitation programs and may only be used under the New Construction and Existing Housing Programs, where appropriate, and multifamily structures; (2) housing designed for the elderly, disabled or handicapped; and (3) single-room occupant housing planned specifically

as a relocation resource for eligible single persons.

(d) Newly constructed or substantially rehabilitated high-rise elevator projects for families with children are prohibited unless HUD determines that there is no practical alternative.

(e) Newly constructed high-rise elevator projects for the elderly may be approved only if the Agency determines that high-rise construction is appropriate after taking into account land costs, safety and security factors.

(f) Projects for non-elderly families are required, where practicable, to have at least 5 percent of the assisted housing units designed and accessible to the physically handicapped.

(g) Housing assisted under other provisions of the U.S. Housing Act of 1937, such as public housing assisted with annual contributions under Sections 5 and 9 of the Act, is not eligible for assistance under this part. Tax exemption under Section 11(b) of the Act is not considered assistance for this purpose.

(h) Conversions of projects under the Section 23 Leased Housing Program to the Section 8 program will be permitted, where appropriate: *Provided*, The Section 23 project qualifies as newly constructed or substantially rehabilitated as defined in this Subpart and all parties, including HUD, agree. Conversion of existing Section 23 projects to Section 8 will be governed by the provisions of Part 882.

§ 883.304 Fair market rents.

(a) Fair Market Rents are HUD's determination of the rents, including utilities (except telephone), ranges and refrigerators, parking and all maintenance, management and other essential housing services, which would be required to obtain in a particular market area privately developed and owned rental housing of modest design with suitable amenities. One schedule of Fair Market Rents (FMRs) has been developed for newly constructed and substantially rehabilitated housing and separate ones for existing and moderately rehabilitated housing.

(b) Separate Fair Market Rents for newly constructed or substantially rehabilitated housing are established by unit size (number of bedrooms), basic structure type (detached, semi-detached/row houses, walk-up apartments, and elevator apartments) and occupant group (family and elderly) for individual market areas.

(c) The Fair Market Rents for (1) dwelling units designated for the elderly or handicapped are those for the appropriate size units, not to exceed 2-bedrooms for the elderly, multiplied by

1.05, rounded to the nearest whole dollar, (2) congregate housing dwelling units are the same as for non-congregate units, and (3) single room occupancy dwelling units are those for 0-bedroom units of the same type.

(d) Fair Market Rents for newly constructed mobile homes may be established for an area upon application to HUD. The application must show that there is a need and demand for mobile homes in the area for which they are proposed and that mobile homes are acceptable under local requirements in that area.

(e) Fair Market Rents will be published in the *Federal Register* at least annually in accordance with 24 CFR Part 888. Interim revisions for one or more market areas may be initiated by HUD at any time and may be published as market conditions dictate.

§ 883.305 Limitations on contract rents, replacement costs and amenities.

(a) *Purpose and Applicability of Limitations.* The purpose of the Section 8 program is to assist lower-income families in renting decent, safe and sanitary housing of modest design with suitable amenities. This section sets limitations on the contract rents, replacement costs and amenities for new construction and substantial rehabilitation projects constructed under this part. These limitations are intended to permit production of suitable housing without excessive costs, design features or amenities.

(b) *Limitation on Contract Rents.* The contract rents for a project from proposal submission through cost certification, must be within both of the following limitations:

(1) *Fair Market Rent.* The contract rent (including a possible adjustment using the FCC) plus any utility allowance for the unit must not exceed the Fair Market Rent in effect at the time of processing. The published Fair Market Rents will reflect a trended rent in order to allow for the period of construction as stated in the publication. If the scheduled construction time for a project is less, an appropriate reduction will be made in determining the approvable Contract Rent. The contract rent plus any utility allowance for the unit may exceed the applicable Fair Market Rent under special circumstances or if needed to implement a local Housing Assistance Plan or Areawide Housing Opportunity Plan:

(i) By up to 10 percent with the approval of the HUD field office manager, or

(ii) By up to 20 percent with the approval of the HUD Assistant Secretary for Housing, and

(2) *Rent Reasonableness.* The contract rent must be reasonable. The HFA must certify to HUD on the appropriate form that:

(i) The rents compare reasonably to or are below the rents of unassisted units of similar age, design and location which provide comparable amenities and services, or

(ii) Any rents which exceed those determined to compare reasonably do so by no more than 20 percent, and are warranted by cost and expense estimates acceptable to the HFA and cost certifications, as specified in § 883.411.

(iii) For small projects and partially-assisted projects, the rents exceed the rents for similar units by no more than 10 percent. Where rents exceed those determined to compare reasonably by more than 10 percent but no more than 20 percent, the cost justification set forth in paragraph (b)(2)(ii) applies.

(c) *Limitation of Replacement Costs.*

(1) The HFA must certify to HUD that the estimated replacement costs for the dwelling units in any new construction or substantial rehabilitation proposal do not exceed the following limits:

(i) The basic limits are: (A) \$23,720 per dwelling unit without a bedroom; (B) \$27,129 per dwelling unit with one bedroom; (C) \$32,983 per dwelling unit with two bedrooms, (D) \$42,217 per dwelling unit with three bedrooms; and (E) \$47,032 per dwelling unit with four or more bedrooms.

(ii) Where necessary to compensate for the higher costs incident to construction or rehabilitation of elevator type structures of sound construction and design, the HFA may certify that the replacements costs exceed the limits in paragraph (c)(1)(i) of this section but do not exceed: (A) \$24,962 per dwelling unit without a bedroom; (B) \$28,614 per dwelling unit with one bedroom; (C) \$34,795 per dwelling unit with two bedrooms; (D) \$45,011 per dwelling unit with three bedrooms; and (E) \$49,409 per dwelling unit with four or more bedrooms.

(iii) For any market area where the cost levels so require, the Assistant Secretary for Housing may increase, at the request of the field office, the dollar limits set forth in paragraphs (c)(1) (i) and (ii) by an amount not to exceed 75 percent.

(iv) If the Assistant Secretary finds that, because of high costs, it is not feasible to construct dwellings in Alaska, Guam, or Hawaii without the sacrifice of sound standards of construction, design, livability, and within the limits in paragraph (c)(1) (i) and (ii), the principal amount of the replacement cost limits may be

increased by amounts as are necessary to compensate for additional costs but not to exceed the maximum, including high cost area increases under paragraph (c)(1)(iii), if any, otherwise applicable by more than 50 percent.

(2) The HFA must also certify that the replacement cost and portion of the project not attributable to dwelling use are reasonable.

(3) Except for the exemption contained in paragraph (c)(4) of this section, the limitations on replacement costs apply to all projects in their entirety.

(4) Partially-assisted projects are exempt from the replacement cost limitations of this paragraph.

(5) Subsequent changes to the limitations on replacement costs under paragraph (c)(1)(i) of this section will be made by notice published in the *Federal Register* and will be available on request.

(d) *Excess Costs.* The limitations of paragraph (c) of this section will not prohibit the total actual cost of a project from exceeding the limits referred to in that paragraph. However, in determining or adjusting contract rents, the HFA will not take into account or give credit for any cost which exceeds the applicable replacement cost limits.

(e) *Limitation on Amenities.* (1) The HFA must certify that the amenities in all new construction and substantial rehabilitation projects assisted under this part are limited to those amenities which are generally provided in unassisted housing of modest design in the market area. Generally, the amenities included in the determination of Fair Market Rents for the area may be included in a project. The use of more durable, high quality materials to control or reduce maintenance, repair and replacement costs will not be considered an excess amenity.

(2) The limitation on amenities applies to all projects in their entirety.

(3) Partially-assisted projects are exempt from the limitation of this paragraph.

§ 883.306 Limitation on distributions.

(a) Non-profit owners are not entitled to distributions of project funds.

(b) For the life of the Contract, project funds may only be distributed to profit-motivated owners at the end of each fiscal year of project operation following the effective date of the Contract and after all project expenses have been paid, or funds have been set aside for payment, and all reserve requirements have been met. The first year's distribution may not be made until the HFA certification of project costs, (See § 883.411), where applicable, has been

submitted to HUD. The HFA must certify that distributions will not exceed the following maximum returns:

(1) For projects for elderly families, the first year's distribution will be limited to 6 percent on equity. The Assistant Secretary for Housing may provide for increases in subsequent years' distributions on an annual or other basis so that the permitted return reflects a 6 percent return on the value, in subsequent years, as determined in accordance with HUD guidelines, of the approved initial equity. Any such adjustments will be made in accordance with a Notice in the **Federal Register**. The HFA may approve a lesser increase or no increase in subsequent years' distributions.

(2) For projects for non-elderly families the first year's distribution will be limited to 10 percent on equity. The Assistant Secretary for Housing may provide for increases in subsequent years' distributions on an annual or other basis so that the permitted return reflects a 10 percent return on the value, in subsequent years, as determined in accordance with HUD guidelines, of the approved initial equity. Any such adjustments will be made in accordance with a Notice in the **Federal Register**. The HFA may approve a lesser increase or no increase in subsequent years' distributions.

(c) For the purpose of determining the allowable distribution, an owner's equity investment in a project is deemed to be 10 percent of the replacement cost of the part of the project attributable to dwelling use accepted by the HFA at cost certification (See § 883.411), or as specified in the Proposal where cost certification is not required, unless the owner justifies a higher equity contribution through cost certification documentation accepted by the HFA.

(d) Any short-fall in return may be made up from surplus project funds in future years.

(e) If the HFA determines at any time that surplus project funds are more than the amount needed for project operations, reserve requirements and permitted distributions, the HFA may require the excess to be placed in a separate account to be used to reduce housing assistance payments or for other project purposes. Upon termination of the Contract, any excess project funds must be remitted to HUD.

(f) Owners of small projects or partially-assisted projects are exempt from the limitation on distributions contained in paragraphs (b) through (d) of this section.

§ 883.307 Financing.

(a) *Types of Financing.* A State Agency using the Fast Track Procedures of this part must provide permanent financing for any new construction or substantial rehabilitation project without Federal mortgage insurance, except coinsurance under Section 244 under the National Housing Act. Obligations issued by the HFA for this purpose may be taxable under Section 802 of the Housing and Community Development Act of 1974 or tax-exempt under Section 103 of the Internal Revenue Code, 24 CFR Part 811 or other Federal Law.

(b) *HUD Approval.* (1) A State Agency, prior to receiving HUD approval of its first New Construction or Substantial Rehabilitation Proposal using contract authority under this part, must submit copies of the documents relating to the method of financing Section 8 projects to HUD for review. These documents shall include bond resolutions or indentures, loan agreements, regulatory agreements, notes, mortgages or deeds of trust and other related documents, if any, but does not need to include the "official statement" or copies of the prospectus for individual bond issues. HUD review will be limited to making certain that the documents are not inconsistent with or in violation of these regulations and the administrative procedures used to implement them. After review, HUD must notify the Agency that the documents are acceptable or, if unacceptable, will request clarification or changes. This review and approval will meet the requirements of 24 CFR 811.107(a).

(2) When an Agency which has received HUD approval of its financing documents proposes substantive changes in them which affect the Section 8 program, the revised documents must be submitted for review. HUD review will be limited to the areas indicated in paragraph (b)(1) of this Section and must be carried out promptly. HUD will notify the Agency that the revised documents are acceptable, or, if unacceptable, will request clarification or changes.

(3) The review and approval of financing documents required under 24 CFR Part 811 will constitute HUD approval under this Section.

(4) The Agency must retain in its files, and make available for HUD inspection, the documentation relating to its financing of Section 8 projects, including any relating to the certifications of compliance with applicable Department of Treasury or HUD regulations (24 CFR

Part 811) regarding tax-exempt financing.

(c) *Pledge of Contracts.* The HFA or owner may pledge, or offer as security for any loan or obligation, an Agreement, Contract, or ACC entered into pursuant to this Part provided that such security is in connection with a project constructed pursuant to this Part. Any pledge of the Agreement, Contract, or ACC, or payments thereunder will be limited to the amounts payable under the Contract or ACC in accordance with its terms. If the pledge or other document provides that all payments will be paid directly to the HFA, other mortgagee or the trustee for bondholders, the HFA, other mortgagee or trustee may make all payments or deposits required under the mortgage or trust indenture and remit any excess to the owner.

(d) *Foreclosure and Other Transfers.* In the event of foreclosure, assignment, or sale in lieu of foreclosure, or other assignment or sale approved by HUD,

(1) The Agreement, the Contract and the ACC will continue in effect, and

(2) Housing assistance payments will continue in accordance with the terms of the Contract.

§ 883.308 Adjustments to reflect changes in terms of financing.

(a) *Certifications of Projected Financing Terms.* When an HFA, under this part, provides permanent financing for a project through the issuance of obligations and these are not sold until after the contract rents for a project have been set, the HFA must submit, with the Proposal, a certification of:

(1) Its projected rate of borrowing (net interest cost), based on a reasonable evaluation of market conditions, on obligations issued to provide interim and permanent financing for the project,

(2) The projected cost of borrowing to the owner on interim financing for the project,

(3) The projected loan amount for the project,

(4) The projected cost of borrowing and the term of the permanent financing to be provided to the owner for the project,

(5) The projected annual debt service for the permanent financing on which the Contract Rents are based, and

(6) The override, if any.

(b) *Revised Certifications.* If, at any time prior to the execution of the Agreement, the terms and conditions of financing change, other than the HFA's projected cost of borrowing, the HFA must submit revised certifications based upon the new terms.

(c) *Certifications of Actual Financing Terms.* After a project has been

permanently financed, the HFA must submit a certification which specifies the actual financing terms. The items that must be included in this certification include:

(1) The HFA's actual cost of borrowing (net interest cost) on obligations from which funds were used to permanently finance the project,

(2) The override, if any, added to the actual cost of borrowing on obligations in setting the rate of lending to the owner,

(3) The annual debt service to the owner for the permanent financing on which contract rents are based; and,

(4) The actual loan amount and the term on which the annual debt service is based.

(d) *Reduction of Contract Rents.* If the actual debt service to the owner under the permanent financing is lower than the anticipated debt service on which the Contract Rents were based, the initial Contract Rents, or the Contract Rents currently in effect, must be reduced commensurately, and the amount of the savings credited to the project account.

(e) *Increase of Contract Rents.* This paragraph (e) applies only if the HFA is using its set-aside for the project and it is processed under Subpart D. If the actual debt service to the owner under the permanent financing is higher than the anticipated debt service on which the Contract Rents are based, the initial Contract Rents or the Contract Rents currently in effect may, if sufficient contract and budget authority is available, be increased commensurately based on the certification submitted under paragraph (c) of this section. The amount of this increase may not exceed the amount of the Financing Cost Contingency (FCC) authorized but not reserved for the project at the time the proposal is approved. The adjustment must not exceed the amount necessary to reflect an increase in debt service (based on the difference between the projected and actual terms of the permanent financing) resulting from an increase over the projected interest rate of not more than:

(1) One and one-half percent if the projected override was three-fourths of one percent or less, or

(2) One percent if such projected override was more than three-fourths of one percent but not more than one percent, or

(3) One-half of one percent if such projected override was more than one percent.

(f) *Recoupment of Savings in Financing Costs.* In the event that interim financing is continued after the first year of the term of the Contract and

the debt service of the interim financing for any period of three months after such first year is less than the anticipated debt service under the permanent financing on which the Contract Rents were based, an appropriate amount reflecting the savings in financing cost will be credited by HUD to the Project Account and withheld from housing assistance payments payable to the owner. If during the course of the same year there is any period of three months in which the debt service is greater than the anticipated debt service under the projected permanent financing, an adjustment will be made so that only the net amount of savings in debt service for the year is credited by HUD to the Project Account and withheld from housing assistance payments to the owner. No increased payments will be made to the owner on account of any net excess for the year of actual interim debt service over the anticipated debt service under the permanent financing. Nothing in this paragraph will be construed as requiring a permanent reduction in the Contract Rents or precluding adjustments of Contract Rents in accordance with paragraphs (d) or (e) of this section.

(g) *Compliance with Other Regulations.* The HFA must also submit a certification specifying:

(1) That the terms of financing, the amount of the obligations issued with respect to the project and the use of the funds will be in compliance with any regulation governing the issuance of the obligations, e.g., Department of the Treasury Regulations regarding arbitrage or HUD Regulations regarding Tax Exemption of Obligations of Public Housing Agencies (24 CFR Part 811), and

(2) That the override, if any, on the permanent financing for the project will not be greater than the projected override nor greater than the override allowed for the borrowing as a whole under applicable regulations, e.g., the Department of Treasury Regulations regarding arbitrage. The certifications required under 24 CFR 811.107(a)(2) will be sufficient to meet the certification requirements of this paragraph (g).

§ 883.309 Site and neighborhood standards.

Proposed sites must meet the standards in this section.

(a) *New Construction or Substantial Rehabilitation Projects.* (1) Adequate utilities (water, sewer, gas and electricity) and streets will be available to service the site.

(2) The site and neighborhood shall be suitable from the standpoint of facilitating and furthering full

compliance with the applicable provisions of Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Executive Order 11063, and HUD regulations issued pursuant thereto.

(3) The site must promote greater choice of housing opportunities and avoid undue concentration of assisted persons to areas containing a high proportion of low-income persons.

(4) The site must be free from serious, adverse environmental conditions, or there shall be evidence that any such conditions will be corrected by the time the housing is completed. (For new construction projects, see paragraph (b)(3) of this section.)

(5) The site must comply with any applicable conditions in the Local Housing Assistance Plan approved by HUD if applicable under § 883.206.

(6) The housing must be accessible to social, recreational, educational, commercial, and health facilities and services and other municipal facilities and services that are at least equivalent to those typically found in neighborhoods consisting largely of unassisted, standard housing of similar market rents.

(7) Travel time and cost via public transportation or private automobile from the neighborhood to places of employment providing a range of jobs for lower-income workers, must not be excessive. (While it is important that elderly housing not be totally isolated from employment opportunities, this requirement need not be adhered to rigidly for such projects.)

(8) The project may not be on a site which has occupants unless the relocation requirements referred to in § 883.311 are met.

(9) The project may not be in an area that has been identified by HUD as having special flood hazards and in which the sale of flood insurance has been made available under the National Flood Insurance Act of 1968, unless the project is covered by flood insurance as required by the Flood Disaster Protection Act of 1973, and it meets any relevant HUD standards and local requirements.

(b) *New Construction Projects Only.*

(1) The site must be adequate in size, exposure and contour to accommodate the number and type of its units proposed.

(2) The site must not be located in: (i) An area of minority concentration unless (A) sufficient, comparable opportunities exist for housing of minority families, in the income range to be served by the proposed projects, outside areas of minority concentration; or (B) the project is necessary to meet

overriding housing needs which cannot otherwise feasibly be met in that housing market area. An "overriding need" may not serve as the basis for determining that a site is acceptable if the only reason the need cannot otherwise feasibly be met is that discrimination on the basis of race, color, religion, creed, sex, or national origin renders sites outside areas of minority concentration unavailable, or

(ii) A racially mixed area if the project will cause a significant increase in the proportion of minority to non-minority residents in the area.

(3) The site must be free from adverse environmental conditions, natural or manmade, such as instability, flooding, septic tank backups, sewage hazards, or mudslides; harmful air pollution, smoke or dust; excessive noise vibration or vehicular traffic; rodent or vermin infestation; or fire hazards. The neighborhood must not be one which is seriously detrimental to family life or in which substandard dwellings or other undesirable elements predominate, unless there is actively in progress a concerted program to remedy the undesirable conditions.

§ 883.310 Property standards.

(a) *New Construction.* Projects must comply with:

(1) HUD's Minimum Property Standards;

(2) In the case of mobile homes, the Federal Mobile Home Construction and Safety Standards, pursuant to Title VI of the Housing and Community Development Act of 1974, and 24 CFR Part 3280;

(3) In the case of congregate or single room occupant housing, the appropriate HUD guidelines and standards,

(4) HUD requirements pursuant to Section 209 of the Housing and Community Development Act of 1974 for projects for the elderly or the handicapped;

(5) HUD requirements pertaining to noise abatement and control; and

(6) Applicable state and local laws, codes, ordinances, and regulations.

(b) *Substantial Rehabilitation.* Projects must comply with:

(1) Minimum Design Standards for Rehabilitation for Residential Properties; and,

(2) In the case of congregate or single room occupant housing, the appropriate HUD guidelines and standards,

(3) HUD requirements pursuant to Section 209 of the HCD Act for projects for the elderly or the handicapped;

(4) HUD requirements pertaining to noise abatement and control;

(5) HUD regulations issued pursuant to the Lead Based Paint Poisoning Prevention Act, 42 U.S.C. 4801; and

(6) Applicable State and local laws, codes, ordinances, and regulations.

§ 883.311 Relocation and land acquisition requirements.

(a) *Application of the Uniform Act.* The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act) and HUD implementing regulations at 24 CFR Part 42 (Uniform Relocation Assistance and Real Property Acquisition) apply to the acquisition of real property by a PHA or other State agency (as defined at 24 CFR 42.85) for a project assisted under this Part and to any displacement that results from such acquisition.

(b) *Displacement not Subject to the Uniform Act.* With respect to any residential tenants (not owner-occupants) who will be permanently or temporarily relocated from a project that is assisted under this Part, but who are not assisted under the Uniform Act, the following policies will apply:

(1) Such tenants are eligible for the relocation assistance and benefits described below if they are relocated following the submission to HUD of the Proposal for the project, except where (i) their tenancy is terminated on the grounds set forth in § 883.708(b) (i), or (ii) they take occupancy after HUD's approval of the proposal with notice from the owner of the pending proposal and potential displacement.

(2) Within a reasonable period of time prior to displacement, each tenant to be permanently relocated will be provided a reasonable choice of opportunities to move to a suitable replacement dwelling unit from among available units so located as to promote choice outside areas of low income and minority concentration.

(3) For purposes of this section, a suitable replacement dwelling is: (i) Decent, safe and sanitary as defined in 24 CFR 42.47.

(ii) Available within the tenant's ability to pay (i.e., the monthly rent and average estimated cost of utilities does not exceed 25 percent of the combined monthly income of all adult members of the tenant's household);

(iii) In an area not subject to unreasonable adverse environmental conditions, either natural or human-made;

(iv) In a location that is not generally less desirable than the location of the displaced tenant's dwelling with respect to public utilities, commercial and public facilities, and the tenant's place of employment (or to sources of

employment, if the tenant is unemployed but employable).

(4) Each tenant will be reimbursed by the owner for reasonable moving and related expenses at the levels described at 24 CFR 42.303 or may receive, at the discretion of the owner, a fixed payment for moving expenses in accordance with 24 CFR 42.353.

(5) A tenant may be required to relocate for a temporary period only if this is necessary to carry out the project and he/she is permitted to occupy a dwelling in the completed project. If required, the temporary relocation will not exceed 12 months in duration; a decent, safe, and sanitary dwelling in an area not subject to unreasonable adverse environmental conditions will be available to the tenant for the period of the temporary relocation; and the tenant will be reimbursed actual, reasonable out-of-pocket expenses, including moving costs to and from the temporarily occupied dwelling and any increase in the monthly housing cost (rent and reasonable utility costs) incurred in connection with the temporary relocation. If the new dwelling unit is not ready for occupancy within the 12-month period, the tenant will be notified of the earliest date by which it will be ready, and the tenant in that case will have the right to agree to wait until the extended date or to request that he/she be treated as permanently displaced.

(6) All tenants occupying property on which units will be newly constructed or substantially rehabilitated will be provided with advance information in writing and by personal explanation sufficient to enable them to understand fully the reason for their displacement and the relocation opportunities and assistance which is available to them.

(7) All tenants will be provided appropriate advisory services necessary to minimize hardships in adjusting to required permanent or temporary relocation.

(8) No lawful occupant will be required to move from his/her dwelling or to move his/her business without at least 90 days advance written notice of the earliest date by which he/she may be required to move.

(i) If the tenant is provided but refuses a reasonable choice of opportunities to move to a suitable replacement dwelling, the owner will not be obligated to make further efforts to provide replacement housing.

(ii) If replacement housing within the tenant's ability to pay cannot be identified and government assistance that would satisfy this requirement cannot be secured, the owner's obligation under this section may be

satisfied by providing the tenant with a lump sum payment equal to 48 times the amount, if any, necessary to reduce the monthly housing cost (rent and utilities) of a suitable replacement dwelling to 25 percent of the combined monthly gross income to all adult members of the tenant's household.

(iii) A tenant who believe he/she has not received the proper relocation payments or opportunities to relocate to decent, safe and sanitary dwelling to which the tenant is entitled under this section may appeal first to the HFA and, if this appeal does not resolve the issue within a reasonable period of time, may appeal to the HUD field office with jurisdiction over the proposed project.

(iv) Owners are responsible for assuring that payments and services required by this Section are provided. Costs incurred by the owner in providing these services and payments may be included in project replacement cost (see § 883.403(c)) except that payments to tenants permanently relocated in accordance with paragraph (b)(8) (ii) of this section may not be included.

(c) *Eligibility of Lower Income Single Persons.* Lower income single persons who are displaced as a result of a project may return to occupy assisted units in accordance with 24 CFR Part 812.

§ 883.312 Other Federal requirements.

(a) *Equal Opportunity Requirements.* Participation in this program requires compliance with Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Executive Orders 11063 and 11246, and Section 3 of the Housing and Urban Development Act of 1968, and all related rules, regulations and requirements.

(c) *National Environmental Policy Act.* Participation in this program requires compliance with the National Environmental Policy Act and all related rules, regulations and requirements.

(d) *Clean Air Act and Federal Water Pollution Control Act.* Participation in this program requires compliance with the Clean Air Act and the Federal Water Pollution Control Act and all related rules, regulations and requirements.

(e) *Davis-Bacon and Related Acts.* Participation in this program requires that not less than the wages prevailing in the locality, as predetermined by the Secretary of Labor pursuant to the Davis-Bacon Act (49 Stat. 1011), be paid to all laborers and mechanics employed in the development of any new construction or substantial rehabilitation project with nine or more assisted units and all related rules, regulations and requirements.

(f) *Rehabilitation Act.* Participation in this program requires compliance with the Rehabilitation Act of 1973 and Executive Order 11914 and all related rules, regulations and requirements.

(g) *Other Federal Statutes and Regulations.* Participation in this program requires compliance with 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 Part 800.

Subpart D—Fast Track Procedures for New Construction and Substantial Rehabilitation Projects

§ 883.401 Applicability.

The Subpart provides special, simplified processing procedures (Fast Track Procedures) for new construction and substantial rehabilitation projects using contract authority from the set-aside of an Agency.

(a) The Agency may utilize the Fast Track Procedures set forth in this subpart only for new construction or substantial rehabilitation projects for which it provides permanent financing without Federal mortgage insurance, except coinsurance under Section 244 of the National Housing Act. An Agency using Fast Track Procedures is called a Housing Finance Agency (HFA).

(b) New Construction and Substantial Rehabilitation proposals initially selected by HUD under 24 CFR Part 880 or 881, for which an Agency agrees to provide permanent financing without Federal mortgage insurance (except coinsurance under Section 244) are eligible for Fast Track Procedures. Subsequent to selection by HUD, such proposals will be governed by the provisions of this part. Any material deviation in the Proposal submitted by the HFA under this subpart from the Preliminary Proposal, including a request for additional contract or budget authority, may be cause for reconsideration and rejection by HUD.

(c) If an Agency provides permanent financing with Federal mortgage insurance for a Section 8 project and does not utilize its set-aside for such project, the provisions of 24 CFR Part 880 or 881, whichever is applicable, and §§ 883.307(b) and 883.308 apply.

§ 883.402 Obtaining proposals.

HFAs may establish their own procedures (by published invitation, negotiation, or otherwise, in accordance with applicable State and local laws) for

obtaining and selecting a Proposal for submission to HUD pursuant to § 883.403.

§ 883.403 HFA submission of proposals.

(a) *Submission to HUD.* Any proposal eligible for Fast Track Procedures submitted by an HFA must contain the certifications required by paragraph (d) of this section.

(b) *Previous Participation; A-95 Clearinghouse Review; and Review and Comment by Local Government.* (1) The HFA and the HUD field office may, where feasible, develop procedures by which the previous participation review, A-95 Clearance and the local government review and comment under Part 891 are initiated prior to Proposal submission. (A-95 Clearance depends on the degree of rehabilitation and, therefore, may not apply to all rehabilitation projects.) The Proposal may not be approved until the HUD field office has received a copy of the response from the appropriate A-95 Clearinghouse and the Chief Executive Officer of the unit of general local government where appropriate, pursuant to 24 CFR Part 891.

(2) If the HFA initiates the A-95 review, a copy of its letter of transmittal to the appropriate A-95 Clearinghouse must be included with its Proposal submission to HUD. The letters to the A-95 Clearinghouse(s) should request that copies of the response be forwarded to HUD.

(3) If special procedures as described in paragraph (b)(1) and (b)(2) of this section are not adopted, the HUD field office will conduct its previous participation review or initiate A-95 and Part 891 review and comment procedures after the Proposal has been submitted.

(c) *Proposal Contents.* Each Proposal must contain the following items, any one of which may be submitted and approved with the Application:

(1) The identity of the owner, developer, builder, architect, management agent (and other participants) and the names of officers and principal members, shareholders, investors, and other parties having a substantial interest in the project. This must include the previous participation of each person in HUD programs on the prescribed HUD form, a disclosure of any possible conflict of interest by any of these parties which would be a violation of the Agreement, the Contract, or the ACC and information on the qualifications and experience of the principal participants;

(2) A description of the proposed housing and amenities agreed to by the HFA and the owner, including

appropriate sketches or schematic drawings;

(3) A neighborhood map showing the location(s) of the site(s) and the racial composition of the neighborhood;

(4) The anticipated date for completion of the work. If the owner will complete the project in stages, identification of the units comprising each stage and the estimated dates for commencement and completion of each stage;

(5) The proposed contract rents by unit size and structure type; which utilities and services are to be included in the contract rent; which utilities and services, if any, are to be paid directly by the families and the estimated Utility Allowance for these utilities and services, if any; and, a list of the equipment to be provided in each type of unit as part of the contract rent;

(6) The estimated replacement costs for each size of dwelling unit which may include the cost to the owner of relocation (except for payments to tenants permanently relocated under § 883.311(b)(8)(ii)) and the total estimated replacement cost of the entire project;

(7) A signed certification on the prescribed form of the owner's intention to comply with Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Executive Order 11063, Executive Order 11246, Section 3 of the Housing and Urban Development Act of 1968, and of the owner's intention to undertake marketing activities as required by § 883.702(a).

(8) A statement describing how the proposal is consistent with any applicable Housing Assistance Plan, and/or Area-wide Housing Opportunity Plan;

(9) For proposals for projects of five units or more, an Affirmative Fair Housing Marketing Plan;

(10) The proposed term of the contract and justification for it in accordance with § 883.603;

(11) A statement of the marketing activities the owner intends to take in accordance with the requirements of § 883.702(a)(3). Such efforts might include: participation in regional or sub-regional application pools and clearinghouses; establishment of a referral system with PHAs, other public agencies and Section 8 owners/managers in the surrounding area; contact with and provision of information about the project to employers and their employees, labor unions and interested community groups.

(d) *HFA Certifications.* The HFA must submit, with the Proposal, the following certifications:

(1) That the developer, builder, and owner are acceptable for purposes of meeting all the obligations of the Agreement.

(2) That the proposed site(s) meets the standards specified in §§ 883.309(a) (1), (4), (6) and (7) and 883.309(b) (1) and (3).

(3) That the proposal complies with §§ 883.305(b)(2) regarding the reasonableness of contract rents, 883.305(e) regarding amenities, and 883.306 regarding distributions to owners, and 883.305(c)(2) regarding replacement costs.

(4) The certifications required by § 883.308 regarding the terms of financing.

(5) That the owner and management agent, if any, are acceptable for purposes of meeting all the obligations of the contract, including marketing, management and maintenance responsibilities.

(6) That consideration has been given to whether there are site occupants who would have to be displaced, whether there is a feasible plan for relocation of site occupants, the degree of hardship which displacement might cause, the availability of funding for relocation payments and the requirements of § 883.311 have been met. If any displacement will occur: The number of households affected, by size and race, and the business concerns affected, by race, and whether they own or rent; the number of each to be temporarily or permanently displaced.

(7) That the form of lease required by the HFA to be used by the owner will meet the requirements of § 883.707, and be otherwise consistent with program requirements.

(8) That the proposed project is in compliance with the various regulations, statutes and executive orders set forth in § 883.312.

§ 883.404 HUD evaluation of proposals.

HUD's evaluation of Proposals submitted by HFAs shall be limited to determining whether the following requirements are satisfied:

(a) The Proposal and the HFA certifications contain all elements required in § 883.403 and are acceptable in accordance with § 883.201(c);

(b) The proposed contract rents plus any Utility Allowance do not exceed the HUD established Fair Market Rents, except as provided in § 883.305(b);

(c) The proposed replacement cost for the dwelling units do not exceed the dollar limits specified in § 883.305(c)(1);

(d) The Proposal satisfies the requirements of the National Environmental Policy Act. In determining whether this requirement is met, HUD must complete all appropriate

environmental reviews required under HUD regulations;

(e) The proposed site meets the site and neighborhood requirements of § 883.309(a) (2), (3), (5), (8) and (9) and, in the case of proposals for new construction, § 883.309(b)(2);

(f) The HFA and Owner are not in violation of the equal opportunity requirements of § 883.312(a) and the Affirmative Fair Housing Marketing Plan is approvable by HUD;

(g) The determination has been made by HUD as to whether any project participants are on the list of debarred, suspended, and ineligible contractors and grantees, available to the field office. If any participants are found to be on that list, the proposal will not be approved unless the participant withdraws;

(h) In cases where the Application for a proposed project did not specify a site, the requirements of § 883.206 (a)(4) and (b) must be satisfied; and

(i) The Proposal complies with such other requirements as the Secretary will from time to time prescribe.

§ 883.405 Notification of acceptability of proposal.

(a) *HUD Determination.* HUD shall notify the HFA that the Proposal is:

(1) Approved; or

(2) Approvable only if specified deficiencies are corrected and if HUD receives amendments to the Proposal necessary to correct these deficiencies within a specified time; or

(3) Not approved with an indication of the reasons for disapproval.

(b) *Notification.* The appropriate A-95 Clearinghouse and the unit of general local government must be notified by HUD of its final action at the time the HFA is notified.

§ 883.406 HFA's submission of acceptance of notification, and certification of design and construction quality.

(a) *HFA's Acceptance.* The HFA must indicate its acceptance of the notification of approval of the Proposal by returning to HUD a copy indicating its acceptance, together with a covering letter stating:

(1) The date by which the HFA will submit the documentation required in paragraph (b) of this section; and

(2) The date when construction or rehabilitation, as appropriate, is expected to begin. This acceptance must be furnished within the time prescribed in the notification. If the HFA does not accept the notification by the date specified, HUD may rescind the notification.

(b) *Documentation to Follow Acceptance.* The HFA must submit to

HUD, by the date specified in its acceptance letter under paragraph (a) of this section, the following documents:

(1) A Certification of Design and Construction Quality in accordance with paragraph (c) of this section;

(2) Four copies of the ACC, prepared by the HFA in accordance with the HUD prescribed form and executed by the HFA; and

(3) Four copies of the Agreement, prepared by the HFA in accordance with the HUD prescribed form and executed by the HFA and the owner.

(c) *Certification of Working Drawings and Specifications.* The HFA must submit to HUD a certification by the HFA, based upon an analysis and report by the design architect of the project or by an architect employed or engaged by the HFA, that:

(1) (i) For new construction, the working drawings and specifications are consistent with the approved Proposal, or

(ii) For substantial rehabilitation, the working drawings and specifications, where required under HUD guidelines considering the nature and extent of rehabilitation, and the work write-up are consistent with the approved proposal, and

(2) The proposed construction or rehabilitation is permissible under the applicable zoning, building, housing, and other codes, ordinances or regulations as modified by any waivers obtained from the appropriate officials. This certification must also cover compliance with the appropriate Minimum Property Standards and other standards, guidelines and criteria applicable pursuant to § 883.310.

(3) The amenities in the proposed project are in compliance with § 883.305(e).

(d) *Working Drawings and Specifications.* The HFA must retain in its files one set of the working drawings and specifications, or work write-up where working drawings and specifications are not required. (See paragraph (c) of this section.) These drawings and specifications, or work write-up, must be available for examination by HUD so long as the contract is in effect or for such shorter period of time as approved by HUD.

§ 883.407 HUD execution of annual contributions contract and agreement.

(a) HUD must review the Certification of Design and Construction Quality, the ACC, and the Agreement and, if found acceptable, execute the ACC and approve the Agreement. The Agreement may provide for execution of the contract in stages where the construction will permit occupancy of

units prior to completion of the entire project. After execution, HUD will return two copies of the ACC and the Agreement to the HFDA, retaining two copies for its records.

(b) In the case of a non-elderly family project located in a Standard Metropolitan Statistical Area (SMSA), the field office will promptly notify PHAs and Community Development Agencies in the SMSA as well as any metropolitan-wide clearinghouse, or fair housing organizations where there is no metropolitan-wide clearinghouse, of the execution of the Agreement; the size and bedroom distribution of the project; and the expected time of initial marketing and occupancy. The notification will indicate that agencies should inform the owner if they wish to be contacted by the owner for referrals.

§ 883.408 Construction or rehabilitation period.

(a) *Timely Performance of Work.* After execution of the Agreement, the owner must proceed promptly with construction or rehabilitation as provided in the Agreement and complete the project within the time stated in the Agreement. If the owner fails to start promptly, diligently continue or complete construction, the HFA may rescind the Agreement, or take other appropriate action.

(b) *Delays.* Extensions of time may be granted for the reasons specified in the Agreement. However, contract rents will be increased only for the reasons stated in paragraph (d) of this section.

(c) *Inspections During Construction.* (1) All projects will be inspected by the HFA periodically to determine compliance with Davis-Bacon Act requirements.

(2) Projects which involve financing which requires HUD construction inspection will be subject to the applicable inspection requirements of the applicable regulations (e.g., Part 811 or Coinsurance).

(3) A review to determine contractor compliance with equal opportunity requirements may be conducted at any time during the construction period.

(d) *Increases in Contract Rents or Utility Allowances Before Contract Execution.* (1) Increases in Contract Rents or Utility Allowance after execution of the Agreement and prior to execution of the Contract are permitted only in the following circumstances:

(i) To correct substantial errors by HUD or the HFA in the original processing which would otherwise result in serious inequities;

(ii) To reflect substantial and necessary changes in the plans and specifications which have been

approved by the HFA (no optional betterments may result in rent increases);

(iii) To reflect increases in actual debt service over projected debt service permitted under § 883.308(e);

(iv) To reflect additional costs for interest, taxes, hazard insurance, mortgage insurance premiums, and commitment fees, due to construction delays excusable under the Agreement;

(v) To reflect additional costs which result from requirements imposed by local or State governments, HUD, or other Federal agencies, which are beyond the control of the owner, which have been approved by the HFA and which could not have been anticipated at the time the Agreement was executed; or

(vi) To reflect increased costs which result from a change in contractors which is necessary because the original contractor became bankrupt, was terminated by the owner due to inadequate performance or abandoned the job.

(vii) To reflect additional costs incurred by the owner in providing the relocation assistance and payments required by § 883.311 (except for payments made to tenants permanently relocated under § 883.311(b)(8)(ii)), or as a result of altering construction work schedules in order to minimize displacement, or as a result of other activities which minimize displacement or related hardships.

(2) The HFA must certify that any increases granted are limited to the amount necessary to cover the specific cost increase associated with the applicable item cited in paragraph (d)(1) of this section and do not result in rents that exceed the limitations to which the HFA certified under § 883.305(b)(2) or the limitations in §§ 883.305(b)(1) and 883.305(c).

§ 883.409 Project completion.

(a) *Certifications Upon Completion.* Upon completion of the project, the HFA must submit to HUD the following certifications:

(1) A certification by the HFA that: (i) The project has been completed in accordance with the requirements of the Agreement;

(ii) The project is in good and tenantable condition;

(iii) There are no defects or deficiencies in the project other than minor items or work which is incomplete because of weather conditions;

(iv) There has been no change in the management capability or in the proposed management program (if one was required) specified in the Proposal, other than changes approved in writing

by the HFA in accordance with the Agreement;

(v) There are no claims of underpayment or alleged violation of the provisions of the Agreement relating to the payment of not less than prevailing wage rates. In the event there are any such pending claims to the knowledge of the owner, HUD, or the HFA, the HFA certification must include a statement that the owner has placed a sufficient amount in escrow, as determined by the HFA or HUD to assure payment of any contested underpayment; and

(vi) The project has been constructed or rehabilitated in accordance with applicable zoning, building, housing and other codes, ordinances or regulations, as modified by any waivers obtained from the appropriate officials.

(2) A certification by the owner that:

(i) The project has been completed in accordance with the requirements of the Agreement;

(ii) The project is in good and tenable condition;

(iii) There are no defects or deficiencies in the project other than minor items or work which is incomplete because of weather conditions;

(iv) There has been no change in evidence of management capability or in the proposed management program (if one was required) specified in the Proposal, other than changes approved in writing by the HFA in accordance with the Agreement; and

(v) The provisions of the Agreement relating to the payment of not less than prevailing wage rates have been complied with and that there are no claims of underpayment in alleged violation of said provisions of the Agreement. In the event there are any such pending claims to the knowledge of the Owner, HUD, or the HFA, the Owner's certification shall include a statement that a sufficient amount has been placed in escrow, as determined by the HFA or HUD to assure such payments.

(3) In the case of substantial rehabilitation projects, a certification by the owner that the property has been treated and is in compliance with HUD Lead Based Paint regulations (24 CFR Part 35).

(b) *Additional Work to be Completed.* If the HFA certification states that the project is complete except for minor items or work which is incomplete because of weather conditions which do not preclude or affect occupancy, the project or appropriate stage will be accepted and the Contract executed subject to completion of these items within a reasonable period of time. When the owner reports to the HFA that the remaining work items have been

completed, the HFA must inspect the work, and if it finds that the work has been completed satisfactorily, it must so certify to HUD. If HUD fails to receive this additional certification within a reasonable time period from acceptance of the project, HUD may, upon 30 days notice to the HFA and the owner cancel its approval of the Contract and require its termination or exercise its other rights under the ACC.

(c) *Completion in Stages.* If the project is to be completed in stages, the procedures of this section shall apply to each stage.

§ 883.410 Execution of housing assistance payments contract.

If the HUD Field Office determines that the certifications required by § 883.409 are in conformance with the requirements of that section, it will authorize execution of the Contract. If HUD finds that the evidence of completion is acceptable with respect to the physical completion of the project, including the certificate of occupancy and/or other official approvals required for occupancy, but the evidence of completion in other respects is not acceptable, it will, upon request by the HFA, approve execution of the Contract. In such cases, however, until the remaining evidence of completion is submitted and found acceptable by HUD:

(a) The contract rent for the purpose of computing housing assistance payments with respect to any unit will be the monthly amount of the debt service on the permanent obligations attributable to the unit, or, if the project is not yet permanently financed, the amount of debt service on the interim obligations; and

(b) Rent-up and occupancy will be subject to such conditions as HUD may require.

The contract will be executed first by the owner and the HFA and then approved by HUD.

§ 883.411 Cost certification.

(a) As soon as possible after execution of the Contract, the HFA must certify to HUD the actual cost based on its review of certified costs submitted by the owner. This actual cost may include relocation costs incurred by the owner under § 883.311. The owner's cost certifications must, at a minimum, be consistent with the HUD-prescribed format and be supported by the unqualified opinion of an Independent Public Accountant.

(1) There will be no cost certification submission required for projects with rents that are equal to or less than comparable rents or for partially

assisted projects or for small projects except as required by § 883.305(b)(2); and

(2) The provisions of paragraph (a)(1) of this section do not preclude the imposition of different cost certification requirements prescribed as part of the HFA's project financing requirements.

(3) In order to assist HUD in gathering data, the HFA will be required to submit cost information in a format approved by HUD.

(b) If the certified costs provided in accordance with paragraph (a) of this section are less than the projected replacement costs provided under § 883.403(c), the contract rents will be reduced accordingly.

(c) If the contract rents are reduced pursuant to paragraph (b) of this section, the maximum ACC commitment will be reduced. If contract rents are reduced based on certification after Contract execution, any overpayments since the effective date of the Contract will be recovered from the owner by the HFA and returned to HUD.

Subpart E—Existing Housing and Moderate Rehabilitation Projects

§ 883.501 Modification of existing housing/moderate rehabilitation regulations.

If an Agency wishes to use all or part of its set-aside as agreed under § 883.204(b) for an existing housing or moderate rehabilitation program, it must follow the provisions set forth in the regulations for the Section 8 Housing Assistance Payments Program—Existing Housing, 24 CFR Part 882 except as follows:

(a) The Agency may submit to HUD at any time, without reference to any HUD Invitation, an application pursuant to 24 CFR Part 882 which must be in accordance with the provisions of that part.

(b) The Agency must at the same time submit to HUD, on the prescribed HUD form, an Application accompanied by:

(1) A Certification that it has made a public announcement that it has been allocated a set-aside, in accordance with § 883.204(d); and

(2) A demonstration that the proposed project complements the allocation program of the HUD field office.

(c) In implementing the provisions of 24 CFR Part 882, with respect to review and comment by local governments, the provisions of § 883.206(b) must be satisfied.

Subpart F—Housing Assistance Payments Contract

§ 883.601 Applicability.

The provisions of this Subpart apply to new construction and substantial

rehabilitation projects using contract authority allocated under Subpart B, Allocation and Assignment of Contract Authority, or processed and constructed under Subpart D, Fast Track Procedures.

§ 883.602 The contract.

(a) *Contract.* The Housing Assistance Payments Contract sets forth rights and duties of the owner and State Agency with respect to the project and the Housing Assistance payments.

(b) *Effective Date of Contract.* The effective date of the Contract may be earlier than the date of execution, but no earlier than the date the Agency inspects and accepts the project except as provided in § 883.410.

(c) *Housing Assistance Payments to Owners under the Contract.* The Housing Assistance Payments made under the Contract are:

(1) Payments to the owner to assist eligible families leasing assisted units, and

(2) Payments to the owner for vacant assisted units ("vacancy payments") if the conditions specified in § 883.712 are satisfied.

The housing assistance payments are made monthly by the State Agency upon proper requisition by the owner, except payments for vacancies of more than 60 days, which are made semi-annually by the Agency upon proper requisition by the owner.

(d) *Amount of Housing Assistance Payments to the Owner.* (1) The amount of the housing assistance payments made to the owner of a unit being leased by an eligible family is the difference between the contract rent for the unit and the tenant rent payable by the family.

(2) A housing assistance payment will be made to the owner for a vacant assisted unit in an amount equal to 80 percent of the contract rent for the first 60 days of vacancy, subject to the conditions in § 883.712. If the owner collects any tenant rent or other amount for this period which, when added to this vacancy payment, exceeds the contract rent, the excess must be repaid as the Agency directs in accordance with HUD guidelines.

(3) For a vacancy that exceeds 60 days, a housing assistance payment for the vacant unit will be made, subject to the conditions in § 883.712, in an amount equal to the principal and interest payments required to amortize that portion of the debt attributable to the vacant unit for up to 12 additional months.

(e) *Additional Housing Assistance Payments to Families.* In those cases where the total family contribution of a family leasing an assisted unit is less

than the utility allowance for the unit, the difference will be paid to the family as an additional housing assistance payment. The Contract will provide that the owner will make this payment on behalf of the Agency. Funds for this purpose will be paid to the owner in trust solely for the purpose of making the additional payment.

§ 883.603 Term of contract.

(a) *New Construction (except Mobile Homes).* The term of the Contract will be governed by the following provisions:

(1) For assisted units in a project financed with the aid of a loan insured by the Federal government (including coinsurance under Section 244 of the National Housing Act) or a loan made, guaranteed or intended for purchase by the Federal government, the term is 20 years.

(2) For assisted units in a project owned by or financed by a loan or loan guarantee from a state or local agency, where the assisted units are intended for occupancy by non-elderly families and where it is located in an area designated by HUD as one requiring special financial assistance, the term of the Contract will be the lesser of (i) the term of the permanent financing for the project (but not less than 20 years) or (ii) 40 years.

(3) For assisted units in all other projects, the term of the Contract will be the lesser of (i) the term of the permanent financing for the project (but not less than 20 years), or (ii) 30 years.

(b) *Maximum Term for Mobile Homes.* For mobile homes, the maximum initial term of the Contract is five years, subject to renewal by HUD, the State Agency and the owner for additional terms of not more than five years each up to a maximum total terms of 20 years. In this paragraph, the term "mobile home" means the original mobile home and any replacement(s) combined.

(c) *Substantial Rehabilitation Projects.* (1) Where the estimated cost of rehabilitation is less than 25 percent of the estimated value of the project after completion of the rehabilitation, the term of the Contract will be for a term of 15 years.

(2) Where the estimated cost of rehabilitation is 25 percent or more of the estimated value of the project after completion or rehabilitation, the contract may be for a term which:

(i) Will cover the longest term, but not less than 15 years, of a single credit instrument covering:

(A) The cost of rehabilitation or
(B) The existing indebtedness, or
(C) The cost of rehabilitation and the refinancing of the existing indebtedness, or

(D) The cost of rehabilitation and the acquisition of the property; and

(ii) For assisted units in a project financed with the aid of a loan insured by the Federal government (including Coinsurance under Section 244 of the National Housing Act), or a loan made, guaranteed or intended for purchase by Federal government, will not exceed 20 years for any dwelling unit; or

(iii) For assisted units in a project owned or financed by a loan or loan guarantee of a state or local agency where the assisted units are intended for occupancy by non-elderly families and where it is located in an area designated by HUD as one requiring special financial assistance, will not exceed 40 years for any dwelling unit; or

(iv) For assisted units in projects financed other than as described in paragraphs (c)(2) (ii) or (iii), will not exceed 30 years.

(d) *Staged Projects.* If a project is completed in stages, the term of the Contract must relate separately to the units in each stage unless the Agency and the Owner agree that only the units in the first stage will be assisted for the maximum term of the contract. The total Contract term for the units in all stages, beginning with the effective date of the Contract for the first stage, may not exceed the overall maximum term allowable for any one unit under this section, plus two years.

§ 883.604 Maximum annual commitment and project account.

(a) *Maximum Annual Commitment.* The maximum annual contribution that may be contracted for in the ACC is the total of the contract rents and utility allowances for all assisted units in the project, plus the HUD-approved fees, if any, for State Agency administration of the Contract. (See § 883.606)

(b) *Project Account.* (1) A project account will be established and maintained by HUD as a specifically identified and segregated account for each project. The account will be established out of the amounts by which the maximum annual commitment exceeds the amount actually paid out under the ACC each year. Payments will be made from this account for housing assistance payments (and fees for Agency administration, if appropriate) when needed to cover increases in contract rents or decreases in tenant rents and for other costs specifically approved by the Secretary.

(2) Whenever a HUD-approved estimate of required payments under the ACC for a fiscal year exceeds the maximum annual commitment and would cause the amount in the project account to be less than 40 percent of the

maximum, HUD will, within a reasonable period of time, take such additional steps authorized by Section 8(c)(6) of the U.S. Housing Act of 1937, as may be necessary, to assure that payments under the ACC will be adequate to cover increases in contract rents and decreases in tenant rents.

§ 883.605 Reduction of number of units covered by contract.

(a) *Limitation on Leasing to Ineligible Families.* Owners may not lease more than 10 percent of the assisted units in a project to ineligible families without the prior approval of HUD and the Agency. Failure on the part of the owner to comply with this prohibition is a violation of the Contract and grounds for all available legal remedies, including specific performance of the Contract, suspension or debarment from HUD programs and reduction of the number of units under the Contract, as set forth in paragraph (b) of this section.

(b) *Reduction for Failure to Lease to Eligible Families.* If, at any time, beginning six months after the effective date of the Contract, the owner fails for a continuous period of six months to have at least 90 percent of the assisted units leased or available for leasing by eligible families, the Agency and HUD may, on at least 30 days notice, reduce the number of units covered by the Contract. The Agency and HUD may reduce the number of units to the number of units actually leased or available for leasing, plus 10 percent (rounded up). This reduction, however, will not be made if the failure to lease units to eligible families is permitted in writing by the Agency and HUD under paragraph (a) of this section.

(c) *Restoration.* HUD will agree to an amendment of the ACC and the Agency may agree to an amendment to the Contract to provide for subsequent restoration of any reduction made pursuant to paragraph (b) of this Section if:

- (1) HUD and the Agency determine that the restoration is justified by demand,
- (2) the owner otherwise has a record of compliance with his obligations under the Contract, and
- (3) contract authority is available.

§ 883.606 Administration fee.

(a) The State Agency is responsible for administration of the Contract subject to periodic review and audit by HUD.

(b) The Agency is entitled to a reasonable fee, determined by HUD, for administering a Contract on newly constructed or substantially rehabilitated units provided there is no

override on the permanent loan granted by the Agency to the owner for a project containing assisted units.

§ 883.607 Default by owner and/or agency.

(a) *Rights of Owner if Agency Defaults under Agreement or Contract.* The ACC, the Agreement and the Contract will provide that, in the event of failure of the Agency to comply with the Agreement or Contract with the owner, the owner will have the right, if he/she is not in default, to demand that HUD investigate. HUD will first give the Agency a reasonable opportunity to take corrective action. If HUD determines that a substantial default exists, HUD will assume the Agency's rights and obligations under the Agreement or Contract and meet the obligations of the Agency under the Agreement or Contract including the obligation to enter into the Contract.

(b) *Rights of HUD if Agency Defaults under ACC.* The ACC will provide that, if the Agency fails to comply with any of its obligations, HUD may determine that there is a substantial default and require the Agency to assign to HUD all of its rights and interests under the Contract; however, HUD will continue to pay annual contributions in accordance with the terms of the ACC and the Contract. Before determining that an Agency is in substantial default, HUD will give the Agency a reasonable opportunity to take corrective action.

(c) *Rights of Agency and HUD if Owner Defaults under Contract.* (1) The Contract will provide that if the Agency determines that the owner is in default under the Contract, the Agency will notify the owner, and lender, if applicable, with a copy to HUD,

(i) Of the actions required to be taken to cure the default,

(ii) Of the remedies to be applied by the Agency including specific performance under the Contract, abatement of housing assistance payments and recovery of overpayments, where appropriate; and

(iii) That, if he/she fails to cure the default, the Agency has the right to terminate the Contract or to take other corrective action, in its discretion.

(2) If the Agency provided the permanent financing, the Contract will also provide that HUD has an independent right to determine whether the owner is in default and to take corrective action and apply appropriate remedies, except that HUD will not have the right to terminate the Contract without proceeding in accordance with paragraph (c) of this section.

Subpart G—Management of New Construction and Substantial Rehabilitation Projects

§ 883.701 Applicability.

The provisions of this Subpart apply to new construction and substantial rehabilitation projects using contract authority allocated under Subpart B, Allocation and Assignment of Contract Authority, or processed and constructed under Subpart D, Fast Track Procedures.

§ 883.702 Responsibilities of owner.

(a) *Marketing.* (1) The owner must commence diligent marketing activities in accordance with the Agreement not later than 90 days (or 60 days in the case of substantial rehabilitation) prior to the anticipated date of availability for occupancy of the first assisted unit of the project.

(2) Marketing must be done in accordance with the HUD-approved Affirmative Fair Housing Marketing Plan and all Fair Housing and Equal Opportunity requirements. The purpose of the Plan and requirements is to assure that eligible families of similar income in the same housing market area have an equal opportunity to apply and be selected for a unit in projects assisted under this Part regardless of their race, color, creed, religion, sex or national origin.

(3) With respect to non-elderly family units, the owner must undertake marketing activities in advance of marketing to other prospective tenants in order to provide opportunities to reside in the project to non-elderly families who are least likely to apply as determined in the Affirmative Fair Housing Marketing Plan, to non-elderly families expected to reside in the community by reason of current or planned employment, as indicated in the Housing Assistance Plan, if any, and to non-elderly families from impacted jurisdictions.

(4) At the time of Contract execution, the owner must submit a list of leased and unleased units, with justification for the unleased units, in order to qualify for vacancy payments for the unleased units. (See § 883.602 (c) and (d) and § 883.712.)

(b) *Management and Maintenance.*

The owner is responsible for all management functions (including selection of tenants, reexamination of family incomes, evictions and other terminations of tenancy, and collection of rents) and all repair and maintenance functions (including ordinary and extraordinary maintenance and replacement of capital items). All these functions must be performed in

compliance with applicable Equal Opportunity requirements.

(c) *Contracting for Services.* With approval of the Agency, the owner may contract with a private or public entity (except the Agency) for performance of the services or duties required in paragraphs (a) and (b) of this section. However, such an arrangement does not relieve the owner of responsibility for these services and duties.

(d) *Submission of Financial and Operating Statements.* (1) After execution of the Contract, the owner must submit to the Agency:

(i) Within 60 days after the end of each fiscal year of the project, financial statements for the project audited by an Independent Public Accountant in a form approved by HUD, and

(ii) Other statements as to project operation, financial conditions and occupancy as the Agency may require pertinent to administration of the Contract and monitoring of project operations.

(2) The State Agency will be required to keep copies of annual financial statements for 3 years and make them available to HUD upon request.

(e) *Use of Project Funds.* Project funds must be used for the benefit of the project, to make required deposits to the replacement reserve in accordance with § 883.703, and to provide distributions to the owner as provided in § 883.306. Any remaining project funds must be deposited with the Agency, other mortgagee or other HUD-approved depository in an interest-bearing residual receipts account. Withdrawals from this account will be made only for project purposes and with the approval of the Agency in accordance with HUD guidelines. In the case of HUD-insured projects, the provisions of this paragraph will apply instead of the otherwise applicable mortgage insurance provisions. Partially-assisted projects are exempt from the provisions of this section.

§ 883.703 Replacement reserve.

(a) A replacement reserve must be established and maintained in an interest-bearing account to aid in funding extraordinary maintenance and repair, and replacement of capital items.

(1) An amount equivalent to at least .006 of the cost of total structures, including main buildings, accessory buildings, garages and other buildings, or any higher rate as required from time to time by (i) the Agency, in the case of projects approved under Subpart D or (ii) HUD, in the case of all other projects, will be deposited in the replacement reserve annually. For projects approved under Subpart D, this

amount may be adjusted each year by up to the amount of the automatic annual adjustment factor. For all projects not approved under Subpart D, this amount must be adjusted each year by the amount of the automatic annual adjustment factor.

(2) The reserve must be built up to and maintained at a level determined to be sufficient by the Agency to meet projected requirements. Should the reserve achieve that level, the rate of deposit to the reserve may be reduced with the approval of the Agency.

(3) All earnings, including interest on the reserve, must be added to the reserve.

(4) Funds will be held by the Agency, other mortgagee or trustee for bondholders, as determined by the Agency, and may be drawn from the reserve and used only in accordance with Agency guidelines and with the approval of, or as directed by, the Agency.

(b) The Agency may exempt partially-assisted projects approved under Subpart D from the provisions of this section. All partially-assisted projects not approved under Subpart D are exempt from the provisions of this section.

(c) In the case of HUD-insured projects, the provisions of this section will apply instead of the otherwise applicable mortgage insurance provisions except in the case of partially-assisted projects which are subject to the applicable mortgage insurance provisions.

§ 883.704 Selection and admission of tenants.

(a) *Application.* The owner must accept applications for admission to the project in the form prescribed by HUD. Both the owner (or designee) and the applicant, must complete and sign the application. On request, the owner must furnish to the Agency or HUD copies of all applications received.

(b) *Determination of Eligibility and Selection of Tenants.* The owner is responsible for determining whether the applicant is eligible in accordance with 24 CFR Parts 812 and 889 and for the selection of families.

(1) Local residency requirements are prohibited. Local residency preferences are discouraged and may be applied in selecting tenants only to the extent that they are not inconsistent with affirmative fair housing marketing objectives and the owner's HUD-approved Affirmative Fair Housing Marketing Plan. With respect to any residency preferences, persons expected to reside in the community as a result of

current or planned employment will be treated as residents.

(2) If the owner determines that the family is eligible and is otherwise acceptable and units are available, the owner will assign the family a unit of the appropriate size in accordance with HUD standards. If no suitable unit is available, the owner will place the family on a waiting list for the project and notify the family of when a suitable unit may become available. If the waiting list is so long that the applicant would not be likely to be admitted for the next 12 months, the owner may advise the applicant that no additional applications are being accepted for that reason.

(3) If the owner determines that an applicant is ineligible on the basis of income or family composition, or if the owner is not selecting the applicant for other reasons, the owner will promptly notify the applicant in writing of the determination, the reasons for the determination, and that the applicant has the right to meet the owner or managing agent in accordance with HUD requirements. Where the owner is a PHA, the applicant may request an informal hearing. If the PHA determines that the applicant is not eligible, the PHA will notify the applicant and inform the applicant that he has the right to request a review by the Agency and HUD of the PHA's determination. The applicant may also exercise other rights if the applicant believes he/she is being discriminated against on the basis of race, color, creed, religion, sex, or national origin.

(4) Records on applicants and approved eligible families which provide racial, ethnic, gender and place of previous residence data required by HUD, must be maintained and retained for three years.

(c) *Income Mix.* In the initial renting of assisted units, the Agency must be able to verify to HUD that at least 30 percent of the units assisted under its program are leased to very low-income families. After initial renting, the Agency must be able to verify to HUD that owners use their best efforts to maintain at least 30 percent occupancy by very low-income families under the Agency's program. In addition, the Agency will use its best efforts to achieve leasing by owners to families with a range of incomes so that the average incomes of all families in occupancy is at or above 40 percent of the median income in the area.

(d) *Reexamination of Family Income and Composition.* (1) The owner is responsible for reexamining the income and composition of all families at least once each year (except that reviews

may be made at intervals no longer than two years in the case of elderly families) and, upon verification of the information provided by the family, making appropriate adjustments in the total family contribution in accordance with the provisions of 24 CFR Part 889. The owner will adjust tenant rent and the housing assistance payment in accordance with any change in total family contribution. The owner may schedule reexaminations at intervals of less than one year when it is not possible to make a reasonable estimate of the family's income for a full year.

(2) If the family reports a change in income or other circumstances that would result in a decrease of total family contribution between regularly scheduled reexaminations, the owner, upon receipt of verification of the decrease in income, must promptly make appropriate adjustments in the total family contribution. The owner may require families to report increases in income or changes in family composition between scheduled reexaminations.

(3) A family's eligibility for housing assistance payments continues until its total family contribution equals the total housing expense for the unit it occupies. The termination of eligibility at this point will not affect the family's other rights under the lease nor will such termination preclude resumption of payments as a result of subsequent changes in income or other circumstances during the term of the Contract.

§ 883.705 Tenant rent.

The tenant rent is paid directly to the owner by the eligible family to whom an assisted unit is leased in partial payment of the contract rent. It is equal to the family's total family contribution minus any utility allowance for the unit. If the family's total family contribution is less than the utility allowance for the unit which it occupies, the tenant rent payable by the family to the owner is zero.

§ 883.706 Overcrowded and underoccupied units.

If the Agency determines that because of a change in family size an assisted unit is smaller than appropriate for the eligible family to which it is leased, or that the unit is larger than appropriate, housing assistance payments with respect to the unit will not be reduced or terminated until the eligible family has been relocated to an appropriate alternative unit. If possible, the owner will, as promptly as possible, offer the family an appropriate unit. The owner may receive vacancy payments for the

vacated unit if the requirements of § 883.712 are met.

§ 883.707 Lease requirements.

(a) *Term of Lease.* The term of the lease will be for not less than one year. The lease may, or in the case of a lease for a term of more than one year must, contain a provision permitting termination on 30 days advance written notice by the family.

(b) *Form.* The form of lease must contain all required provisions, and none of the prohibited provisions specified below.

(1) Required Provisions (Addendum to Lease).

"The following additional Lease provisions are incorporated in full in the Lease between _____ (Landlord) and _____ (Tenant) for the following dwelling unit: _____. In case of any conflict between these and any other provisions of the Lease, these provisions will prevail.

a. The total rent will be \$— per month.
b. Of the total rent, \$— will be payable by the State Agency (Agency) as housing assistance payments on behalf of the Tenant and \$— will be payable by the Tenant. These amounts will be subject to change by reason of changes in the Tenant's family income, family composition, or extent of exceptional medical or other unusual expenses, in accordance with HUD-established schedules and criteria; or by reason of adjustment by the Agency of any applicable Utility Allowance; or by reasons of changes in program rules. Any such change will be effective as of the date stated in a notification to the Tenant.

c. The Landlord will not discriminate against the Tenant in the provision of services, or in any other manner, on the grounds of race, color, creed, religion, sex, or national origin.
d. The Landlord will provide the following services and maintenance:

e. A violation of the Tenant's responsibilities under the Section 8 Program, as determined by the Agency, is also a violation of the lease.

Landlord _____
By _____
Date _____
Tenant _____
Date _____

(2) *Prohibited Provisions.* Lease clauses which fall within the classifications listed below must not be included in any Lease.

a. *Confession of Judgment.* Consent by the tenant to be sued, to admit guilt, or to accept without question any judgment favoring the landlord in a lawsuit brought in connection with the lease.

b. *Seize or Hold Property for Rent or Other Charges.* Authorization to the landlord to take property of the tenant and/or hold it until the tenant meets any obligation which the landlord has determined the tenant has failed to perform.

c. *Exculpatory Clause.* Prior agreement by the tenant not to hold the landlord or

landlord's agents legally responsible for acts done improperly or for failure to act when the landlord or landlord's agent was required to do so.

d. *Waiver of Legal Notice.* Agreement by the tenant that the landlord need not give any notices in connection with (1) a lawsuit against the tenant for eviction, money damages, or other purposes, or (2) any other action affecting the tenant's rights under the lease.

e. *Waiver of Legal Proceeding.* Agreement by the tenant to allow eviction without a court determination.

f. *Waiver of Jury Trial.* Authorization to the landlord's lawyer to give up the tenant's right to trial by jury.

g. *Waiver of Right to Appeal Court Decision.* Authorization to the landlord's lawyer to give up the tenant's right to appeal a decision on the ground of judicial error or to give up the tenant's right to sue to prevent a judgment being put into effect.

h. *Tenant Chargeable with Cost of Legal Actions Regardless of Outcome of Lawsuit.* Agreement by the tenant to pay lawyer's fees or other legal costs whenever the landlord decides to sue the tenant whether or not the tenant wins. (Omission of such a clause does not mean that the tenant, as a party to a lawsuit, may not have to pay lawyer's fees or other costs if the court so orders.)

§ 883.708 Termination of tenancy and modification of lease.

(a) *Applicability.* The provisions of this section apply to all decisions by an owner to terminate the tenancy of a family residing in a unit under Contract during or at the end of the family's lease term.

(b) *Entitlement of Families to Occupancy.*—(1) *Grounds.* The owner may not terminate any tenancy except upon the following grounds:

(i) Material noncompliance with the lease;

(ii) Material failure to carry out obligations under any state landlord and tenant act, or

(iii) Other good cause, which may include the refusal of a family to accept an approved, modified lease form (see paragraph (d) of this section).

No termination by an owner will be valid to the extent it is based upon a lease or a provision of State law permitting termination of a tenancy solely because of expiration of an initial or subsequent renewal term. All terminations must also be in accordance with the provisions of any State and local landlord tenant law and paragraph (c) of this section.

(2) *Notice of Good Cause.* The conduct of a tenant cannot be deemed "other good cause" under paragraph (b)(1)(iii) of this section unless the owner has given the family prior notice that the grounds constitute a basis for termination of tenancy. The notice must be served on the family in the same

manner as that provided for termination notices under paragraph (c) of this section and State and local law.

(3) *Material Noncompliance.* The term material noncompliance with the lease includes:

- (i) One or more substantial violations of the lease, or
- (ii) Repeated minor violations of the lease which disrupt the livability of a building, adversely affect the health or safety of any person or the right of any tenant to the quiet enjoyment of the leased premises and related project facilities, interfere with the management of a building or have an adverse financial effect on the building or project. Nonpayment of rent or any other financial obligation due under the lease (including any portion thereof) beyond any grace period permitted under State law will constitute material noncompliance with the lease. The payment of rent or any other financial obligation due under the lease after the due date but within the grace period permitted under State law will constitute a minor violation.

(c) *Termination Notice.* (1) The Owner must give the family a written notice of any proposed termination of tenancy, stating the grounds and that the tenancy is terminated on a specified date and advising the family that it has an opportunity to respond to the Owner.

(2) When a termination notice is issued for other good cause (paragraph (b)(1)(iii) of this section), the notice will be effective, and it will so state, at the end of a term and in accordance with the termination provisions of the lease, but in no case earlier than 30 days after receipt by the family of the notice. Where the termination notice is based on material noncompliance with the lease or material failure to carry out obligations under a State landlord and tenant act pursuant to paragraph (b)(1)(i) or (ii) of this section, the time of service must be in accord with the lease and State law.

(3) In any judicial action instituted to evict the family, the owner may not rely on any grounds which are different from the reasons set forth in the notice.

(d) *Modification of Lease Form.* The owner may, with the prior approval of the Agency, modify the terms and conditions of the lease form effective at the end of the initial term or a successive term, by serving an appropriate notice on the family, together with the offer of a revised lease or an addendum revising the existing lease. This notice and offer must be received by the family at least 30 days prior to the last date on which the family has the right to terminate the tenancy without being bound by the modified

terms and conditions. The family may accept the modified terms and conditions by executing the offered revised lease or addendum, or may reject the modified terms and conditions by giving the owner written notice in accordance with the lease that the family intends to terminate the tenancy. Any increase in rent must in all cases be governed by Section 883.710 and other applicable HUD regulations.

§ 883.709 Security deposits.

(a) At the time of the initial execution of the lease, the owner must require each family to pay a security deposit in an amount equal to one month's total family contribution or \$50, whichever is greater. The family is expected to pay the security deposit from its own resources or other public sources. The owner may collect the security deposit on an installment basis.

(b) The owner must place the security deposits in a segregated, interest-bearing account. The balance of this account must at all times be equal to the total amount collected from the families then in occupancy, plus any accrued interest. The owner must comply with any applicable State and local laws concerning interest payments on security deposits.

(c) In order to be considered for the return of the security deposit, a family which vacates its unit will provide the owner with its forwarding address or arrange to pick up the refund.

(d) The owner, subject to State and local law and the requirements of this paragraph, may use the security deposit, plus any accrued interest, as reimbursement for any unpaid family contribution or other amount which the family owes under the lease. Within 30 days (or a shorter time, if required by State or local law) after receiving notification of the family's forwarding address, the owner must:

(1) Refund to a family owing no rent or other amount under the lease the full amount of the security deposit, plus accrued interest; and

(2) Provide to a family owing rent or other amounts under the lease a list itemizing any unpaid rent, damages to the unit, and estimated costs for repair, along with a statement of the family's rights under State and local law. If the amount which the owner claims is owed by the family is less than the amount of the security deposit, plus accrued interest, the owner must refund the unused balance to the family. If the owner fails to provide the list, the family will be entitled to the refund of the full amount of the security deposit plus accrued interest.

(e) In the event a disagreement arises concerning the reimbursement of the security deposit, the family will have the right to present objections to the owner in an informal meeting. The owner must keep a record of any disagreements and meetings in a tenant file for inspection by the Agency. The procedures of this paragraph do not preclude the family from exercising its rights under State and local law.

(f) If the security deposit, including any accrued interest, is insufficient to reimburse the owner for any unpaid tenant rent or other amount which the family owes under the lease, and the owner has provided the family with the list required by paragraph (d)(2) of this section, the owner may claim reimbursement under the Contract, for an amount not to exceed the lessor of:

- (1) The amount owed the owner, or
- (2) One month's contract rent, minus the amount of the security deposit plus accrued interest. Any reimbursement under this section will be applied first toward any unpaid tenant rent due under the lease. No reimbursement may be claimed for unpaid rent for the period after termination of the tenancy.

§ 883.710 Adjustments of contract rents.

(a) *Automatic Annual Adjustment of Contract Rents.* Upon request from the owner to the Agency, contract rents will be adjusted annually on the anniversary of the Contract in accordance with 24 CFR Part 888.

(b) *Special Additional Adjustments.* For all projects, special additional adjustments will be granted, to the extent determined necessary by the Agency and HUD, to reflect increases in the actual and necessary expenses of owning and maintaining the assisted units which have resulted from substantial general increases in real property taxes, assessments, utility rates, and utilities not covered by regulated rates, which are not adequately compensated for by annual adjustments under paragraph (a) of this section. The owner must submit to the Agency required supporting data, financial statements and certifications.

(c) *Overall Limitation.* Any adjustments of contract rents for a unit after cost certification, where applicable, must not result in material differences between the rents charged for assisted units and comparable unassisted units except to the extent that the differences existed with respect to the contract rents set at Contract execution or cost certification, where applicable.

§ 883.711 Adjustment of utility allowance.

The owner must recommend to the Agency, in connection with annual and special adjustments of contract rents, and at other times, if appropriate, whether and to what extent the utility allowance for any assisted unit should be adjusted. Whenever a utility allowance for a unit is adjusted, the owner will promptly notify the families occupying assisted units and make a corresponding adjustment of the tenant rent and the amount of the housing assistance payment for the unit.

§ 883.712 Conditions for receipt of vacancy payments.

(a) *General.* Vacancy payments under the Contract will not be made unless the conditions for receipt of these housing assistance payments set forth in this section are fulfilled.

(b) *Vacancies During Rent-Up.* For each assisted unit that is not leased as of the effective date of the Contract, the owner is entitled to vacancy payments in the amount of 80 percent of the contract rent for the first 60 days of vacancy if the owner:

- (1) Conducted marketing in accordance with § 883.702(a) and otherwise complied with § 883.702;
- (2) Has taken and continues to take all feasible actions to fill the vacancy; and
- (3) Has not rejected any eligible applicant except for good cause acceptable to the Agency.

(c) *Vacancies After Rent-Up.* If an eligible family vacates a unit, the owner is entitled to vacancy payments in the amount of 80 percent of the contract rent for the first 60 days of vacancy if the owner:

- (1) Certifies that he/she did not cause the vacancy by violating the lease, the Contract or any applicable law;
- (2) Notifies the Agency of the vacancy or prospective vacancy and the reasons for the vacancy immediately upon learning of the vacancy or prospective vacancy;
- (3) Has fulfilled and continues to fulfill the requirements specified in § 883.702(a) (2) and (3) and § 883.712(b) (2) and (3); and
- (4) For any vacancy resulting from the owner's eviction of an eligible family, certifies that he has complied with § 883.708.

(d) *Vacancies for Longer than 60 Days.* If an assisted unit continues to be vacant after the 60-day period specified in paragraph (b) or (c) of this section, the owner may apply to receive additional vacancy payments in an amount equal to the principal and interest payments required to amortize that portion of the debt service attributable to the vacant

unit for up to 12 additional months for the unit if:

- (1) The unit was in decent, safe and sanitary condition during the vacancy period for which payments are claimed,
 - (2) The owner has fulfilled and continues to fulfill the requirements specified in paragraph (b) or (c) of this section, as appropriate, and
 - (3) The owner and the Agency have demonstrated to the satisfaction of HUD that:
 - (i) For the period of vacancy, the project is not providing the owner with revenues at least equal to project expenses (exclusive of depreciation), and the amount of payments requested is not more than the portion of the deficiency attributable to the vacant unit, and
 - (ii) The project can achieve financial soundness within a reasonable time.
- (e) *Prohibition of Double Compensation for Vacancies.* The owner is not entitled to vacancy payments for vacant units to the extent he/she can collect for the vacancy from other sources (such as security deposits, payments under § 883.709(f) and governmental payments under other programs).

§ 883.713 Reviews during management period.

(a) After the effective date of the Contract, the Agency will inspect the project and review its operation at least annually to determine whether the owner is in compliance with the Contract and the assisted units are in decent, safe and sanitary condition.

- (b) In addition, HUD:
- (1) Will periodically review the Agency's administration of the Contract to determine whether it is in compliance with the Contract, and
 - (2) May independently inspect project operations and units at any time.
- (c) Equal Opportunity reviews may be conducted at any time.

2. A new Part 884 is added, and the sections previously contained in Subparts G and H of Part 883 are transferred to Subparts A and B, respectively, of the new Part 884 and redesignated, as follows:

PART 884—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM, NEW CONSTRUCTION SET-ASIDE FOR SECTION 515 RURAL RENTAL HOUSING PROJECTS

Subpart A—Applicability, Scope and Basic Policies

- Sec.
- 884.101 Applicability and scope.
 - 884.102 Definitions.

Sec.

- 884.103 Demonstration of need for new construction projects; compliance with Section 213 of HCD Act.
- 884.104 Maximum Total Annual Contract Commitment and Project Account (private-owner or PHA-owner projects).
- 884.105 Maximum Total ACC Commitment and Project Account (private owner/PHA projects).
- 884.106 Housing Assistance Payments to owners.
- 884.107 Initial Contract Rents.
- 884.108 Term of Housing Assistance Payments Contract.
- 884.109 Rent Adjustments.
- 884.110 Types of housing and property standards.
- 884.111 Site and neighborhood standards.
- 884.112 Relocation.
- 884.113 Other Federal requirements.
- 884.114 Financing.
- 884.115 Security and utility deposits.
- 884.116 Establishment of income limit schedules; 30 percent occupancy by very-low income families.
- 884.117 Establishment of amount of housing assistance payments.
- 884.118 Responsibilities of the owner.
- 884.119 Responsibility for contract administration, and defaults (private-owner and PHA-owner projects).
- 884.120 Responsibility for contract administration, and defaults (private-owner/PHA projects).
- 884.121 Rights of owner if PHA defaults under Agreement (private-owner/PHA projects).
- 884.122 Separate Project requirements.
- 884.123 Conversions.

Subpart B—Project Development and Operation

- 884.201 Allocations of Contract Authority and Budget Authority to Field Offices.
- 884.202 Determination of Number and Types of Units to be Assisted; Reports and Reallocation of Contract Authority and Budget Authority.
- 884.203 General responsibilities of FmHA and relationship to HUD.
- 884.204 Obtaining proposals.
- 884.205 Submission of proposal.
- 884.206 HUD review and approval of proposal.
- 884.207 Submission of acceptance of notification and certification of compliance.
- 884.208 Annual contributions contract and agreement (private-owner/PHA projects).
- 884.209 Submission of estimates of required annual contributions (private-owner/PHA projects).
- 884.210 Preparation and execution of agreement (private-owner and PHA-owner projects).
- 884.211 Construction period.
- 884.212 Project completion.
- 884.213 Execution of housing assistance payments contract.
- 884.214 Marketing.
- 884.215 Lease requirements.
- 884.216 Termination of tenancy.
- 884.217 Maintenance, operation and inspections.

Sec.

- 884.218 Reexamination of family income, composition and extent of exceptional medical or other unusual expenses.
- 884.219 Overcrowded and underoccupied units.
- 884.220 Adjustment of allowance for utilities and other services.
- 884.221 Continued family participation.
- 884.222 Inapplicability of low-rent public housing model lease and grievance procedures.
- 884.223 Reduction of number of contract units for failure to lease to eligible families.
- 884.224 HUD review of contract compliance.
- 884.225 PHA reporting requirements [Reserved].

Authority: Section 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Issued at Washington, D.C., November 8, 1979.

Morton A. Baruch,

*Deputy Assistant Secretary for Housing-
Federal Housing Commissioner.*

[FR Doc. 80-2866 Filed 1-29-80; 8:45 am]

BILLING CODE 4210-01-M

Federal Register

Wednesday
January 30, 1980

Part III

Department of the Interior

**Office of Surface Mining Reclamation and
Enforcement**

**Surface Coal Mining and Reclamation
Operations; Initial and Permanent
Regulatory Programs; Correction and
Addition to Notice of Suspension and
Withdrawal**

THE
LIBRARY
OF THE
MUSEUM
OF
COMPARATIVE ZOOLOGY
AND ANATOMY
HARVARD UNIVERSITY
CAMBRIDGE, MASSACHUSETTS

DEPARTMENT OF THE INTERIOR**Office of Surface Mining Reclamation and Enforcement****30 CFR Ch. VII****Surface Coal Mining and Reclamation Operations; Initial and Permanent Regulatory Programs**

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), U.S. Department of the Interior.

ACTION: Correction and addition to notice of suspension and withdrawal.

SUMMARY: This document corrects, and adds Sections to, a notice of suspension and withdrawal of certain rules in 30 CFR Chapter VII, Subchapters B and K, of the initial and permanent programs, and a statement of policy regarding the effect of the notice on State programs and enforcement. Both were published at 44 FR 77447-77454, December 31, 1979. The material being added in this notice was inadvertently omitted in the original notice.

EFFECTIVE DATE: January 30, 1980.

FOR FURTHER INFORMATION CONTACT: Jose R. del Rio, Civil Engineer, Division of Technical Services, Office of Surface Mining, U.S. Department of the Interior, South Building, 1951 Constitution Avenue, NW., Washington, D.C. 20240; 202-343-4022.

SUPPLEMENTARY INFORMATION: A notice of suspension and withdrawal of certain rules relating to total suspended solids effluent limitations and to sedimentation pond design criteria in 30 CFR Chapter VII, Subchapters B and K, and a statement of policy regarding the effect of the notice on State programs and enforcement during the initial and permanent programs were published by OSM on December 31, 1979 (44 FR 77447-77454). The notice contained two errors in section numbers on page 77452 and inadvertent omissions of suspended portions of 30 CFR 817.46(d) and 817.46(h) from page 77454.

Dated: January 25, 1980.

Walter N. Heine,

Director, Office of Surface Mining Reclamation and Enforcement.

Corrections

On page 77452, column 1, the section numbers in the headings "**§ 717.15(e)(4) [Amended]**" and "**§ 717.15(e)(8) [Amended]**" are corrected to read "**§ 715.17(e)(4) [Amended]**" and "**§ 715.17(e)(8) [Amended]**," respectively.

On page 77453, column 2, the Section heading "**§ 817.46(b) and (c) [Amended]**"

is revised to read "**§ 817.46(b), (c), (d), and (h) [Amended]**."

Additions

On page 77454, column 1, following Paragraph (4), the following paragraphs are added:

I. 30 CFR 817.46(d)

" * * * and shall have a discharge rate to achieve and maintain the required theoretical detention time."

J. 30 CFR 817.46(h)

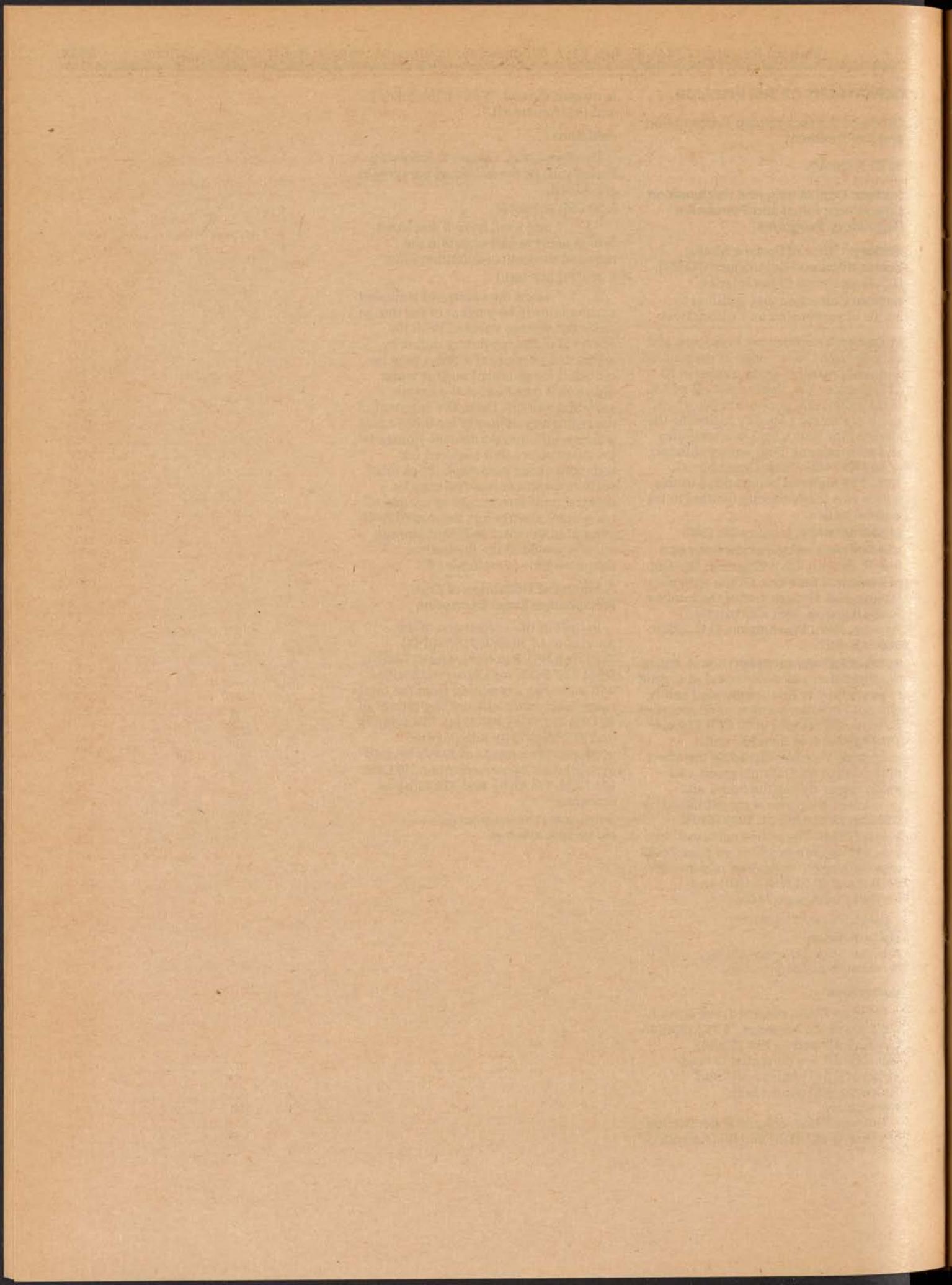
" * * * when the volume of sediment accumulates to 60 percent of the design sediment storage volume. With the approval of the regulatory authority, additional permanent storage may be provided for sediment and/or water above that required for the design sediment storage. Upon the approval of the regulatory authority for those cases where additional permanent storage is provided above that required for sediment under paragraph (b) of this section, sediment removal may be delayed until the remaining volume of permanent storage has decreased to 40 percent of the total sediment storage volume provided the theoretical detention time is maintained."

Adoption of Utilization of EPA Precipitation Event Exemption

In light of the suspension of the provisions of 30 CFR 715.17(a)(1), 717.17(a)(3)(i), 816.46(b), and 817.46(b), OSM and State regulatory authorities will authorize exemption from the total suspended solids effluent limitations of 30 CFR 715.17(a), 717.17(a), 816.42(a)(7), and 817.42(a)(7) by utilizing the appropriate elements of EPA's revised precipitation event exemption, 40 CFR 434.22(c), 434.32(b), and 434.42(b), as amended.

[FR Doc. 80-3013 Filed 1-29-80; 8:45 am]

BILLING CODE 4310-05-M



Reader Aids

Federal Register

Vol. 45, No. 21

Wednesday, January 30, 1980

INFORMATION AND ASSISTANCE

Questions and requests for specific information may be directed to the following numbers. General inquiries may be made by dialing 202-523-5240.

Federal Register, Daily Issue:

- 202-783-3238 Subscription orders (GPO)
 202-275-3054 Subscription problems (GPO)
 "Dial-a-Reg" (recorded summary of highlighted documents appearing in next day's issue):
 202-523-5022 Washington, D.C.
 312-663-0884 Chicago, Ill.
 213-688-6694 Los Angeles, Calif.
 202-523-3187 Scheduling of documents for publication
 523-5240 Photo copies of documents appearing in the Federal Register
 523-5237 Corrections
 523-5215 Public Inspection Desk
 523-5227 Index and Finding Aids
 523-5235 Public Briefings: "How To Use the Federal Register."

Code of Federal Regulations (CFR):

- 523-3419
 523-3517
 523-5227 Index and Finding Aids

Presidential Documents:

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

Public Laws:

- 523-5266 Public Law Numbers and Dates, Slip Laws, U.S.
 -5282 Statutes at Large, and Index
 275-3030 Slip Law Orders (GPO)

Other Publications and Services:

- 523-5239 TTY for the Deaf
 523-5230 U.S. Government Manual
 523-3408 Automation
 523-4534 Special Projects
 523-3517 Privacy Act Compilation

FEDERAL REGISTER PAGES AND DATES, JANUARY

1-756.....	2
757-988.....	3
989-1410.....	4
1411-1584.....	7
1585-1848.....	8
1849-2000.....	9
2001-2306.....	10
2307-2638.....	11
2639-2834.....	14
2835-3022.....	15
3023-3248.....	16
3249-3556.....	17
3557-3874.....	18
3875-4334.....	21
4335-5296.....	22
5297-5658.....	23
5659-6078.....	24
6079-6352.....	25
6353-6536.....	28
6537-6772.....	29
6773-6914.....	30

CFR PARTS AFFECTED DURING JANUARY

At the end of each month, the Office of the Federal Register publishes separately a list of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

1 CFR		
3.....	2639	2.....4337
302.....	2307	4.....4337
305.....	2307	5.....4337
310.....	2307	175.....995
445.....	2001	213.....5, 3565
Proposed Rules:		334.....995
Ch. I.....	2998	540.....1591
482.....	6791	630.....1591
3 CFR		733.....1592
Administrative Orders:		771.....5, 4338
Presidential Determinations:		831.....996, 2837, 4338
Memorandum of		900.....3565
Jan. 16, 1980.....	3557	1201.....6537
No. 80-9 of December		1250.....2837
20, 1979.....	1585	1251.....2837
Executive Orders:		1252.....2837
11269 (Amended by		1253.....2837
EO 12188).....	989	1254.....2837
11539 (Amended by		1255.....2837
EO 12188).....	989	1256.....2837
11651 (Amended by		1257.....2837
EO 12188).....	989	1258.....2837
11703 (Amended by		1259.....2837
EO 12188).....	989	1260.....2837
11846 (Amended by		1261.....2837
EO 12188).....	989	1262.....2837
11858 (Amended by		1263.....2837
EO 12188).....	989	1264.....2837
12096 (Revoked by		1265.....2837
EO 12188).....	989	1266.....2837
12186 (Amended by		1267.....2837
EO 12189).....	3559	1268.....2837
12187.....	3	1269.....2837
12188.....	989	Proposed Rules:
12189.....	3559	335.....1040
Memorandums:		351.....1040
December 14, 1979		410.....2327, 6114
(Amended by		432.....1040
EO 12188).....	989	733.....6114
December 27, 1979.....	1	752.....1040
January 2, 1980.....	759	771.....1040
Proclamations:		831.....1041
4710.....	757	1320.....2586
4711.....	1587	6 CFR
4712.....	2835	705.....966, 1816, 3216, 3217,
4713.....	3561	3247, 4338, 5297, 6537
4714.....	3875	706.....966, 3247, 5297
4715.....	4335	707.....966, 5297
4716.....	5659	7 CFR
4717.....	6079	1.....6587
4718.....	6773	2.....1411
4 CFR		12.....6020
Proposed Rules:		27.....761
404.....	48	101.....6775
421.....	1038	102.....5661, 6775
5 CFR		103.....6775
Ch. XIV.....	761, 3482, 3522	104.....6775
		106.....6775
		107.....6775
		108.....6775

111.....	6775	1099.....	3593	108.....	5546	75.....	300, 765		
210.....	996, 999, 6758	1102.....	3593	109.....	5546	91.....	1414		
220.....	6758	1104.....	3593	110.....	5546	97.....	765, 2016, 5675		
225.....	1844	1106.....	3593	111.....	5546	121.....	3880, 5677		
226.....	4960	1108.....	3593	112.....	5546	127.....	5677		
235.....	999, 3565	1120.....	3593	113.....	5546	135.....	5677		
245.....	999	1124.....	3593, 6810	114.....	5546	145.....	5677		
272.....	2602	1125.....	3593	115.....	5546	183.....	1415		
273.....	2602	1126.....	3593	140.....	5546	212.....	2313		
722.....	2310	1131.....	3593	141.....	5546	214.....	2313		
724.....	1001	1132.....	3593	142.....	5546	221.....	5298		
729.....	6081	1133.....	3593	143.....	5546	380.....	1855		
905.....	6591	1134.....	3593	144.....	5546	385.....	1857, 2018		
907.....	762, 2001, 3249, 5663	1135.....	3593	145.....	5546	399.....	2018		
910.....	1001, 2310, 3567, 6082	1136.....	3593	146.....	5546	1203.....	3888		
971.....	10	1137.....	3593	9008.....	5546	1207.....	5298		
984.....	1593	1138.....	3593	9031.....	5546	1209.....	1006		
989.....	3877	1139.....	3593	9032.....	5546	Proposed Rules:			
1064.....	3878	1280.....	2657	9033.....	5546	Ch. I.....	799, 3316		
1133.....	2639	1421.....	1042	9034.....	5546	39.....	2657, 5741, 6407		
1280.....	2641	1427.....	5307	9035.....	5546	61.....	3324		
1421.....	3023	1701.....	2848, 4358	9036.....	5546	71.....	2048-2051, 2658-2661, 3325-3329, 3918-3922, 6408-6414		
1701.....	4340, 6592	1941.....	6792	9037.....	5546	73.....	2051, 5744		
1809.....	2641	2852.....	1046	9038.....	5546	75.....	5746		
1822.....	2641	2853.....	1049	12 CFR				93.....	4314
1843.....	1593	8 CFR		4.....	12, 13	107.....	1427, 3329		
1864.....	1002	282.....	6776	18.....	15	108.....	1427, 3329		
18901.....	3249	299.....	6776	23.....	13	121.....	1427, 3324, 3329		
1922.....	2641	499.....	6776	202.....	3563	129.....	1427, 3329		
1942.....	1002	9 CFR		226.....	3879, 4345	135.....	1427, 3329		
1944.....	1411, 2641	75.....	1002, 2837	304.....	1594	159.....	2661, 4314		
1951.....	1002	79.....	6083	349.....	1594	207.....	2331		
1955.....	1002	82.....	2311	525.....	1849	208.....	2331		
2852.....	4340, 4344	92.....	1003, 2838	526.....	1853	212.....	2331		
2900.....	5297	Proposed Rules:		545.....	1849, 1853	214.....	2331		
Proposed Rules:		50.....	1622	563.....	1849, 1853	223.....	1918		
210.....	1041, 3592	92.....	2849	590.....	1853, 2840	225.....	1918		
235.....	1041	113.....	4359	600.....	1594	249.....	2331		
273.....	3593	303.....	2328	615.....	1594	399.....	3595		
301.....	1615	381.....	2328	720.....	17	15 CFR			
331.....	1615	10 CFR		Proposed Rules:				Ch. III.....	1595
781.....	6115	2.....	3250	1.....	6407	302.....	767		
907.....	1621	34.....	2312	545.....	1425, 4360	371.....	1595, 6362, 6537		
979.....	1887	205.....	5663	561.....	4360, 4361	373.....	1595, 6537		
985.....	1888	211.....	12,	563.....	1916, 4361	376.....	1595, 1883, 6537		
989.....	4358	212.....	1582,	700.....	6795	377.....	1007		
1001.....	3593	436.....	5620	701.....	6795	385.....	1595, 6362, 6537		
1002.....	3593	507.....	6084	725.....	6795	386.....	1883		
1004.....	3593	797.....	3538	742.....	6795	390.....	3027		
1006.....	3593	Proposed Rules:		13 CFR				399.....	1595, 1883, 6362, 6537
1007.....	3593	2.....	3594, 5308	101.....	2001	931.....	4306		
1011.....	3593	50.....	2330, 2669, 3056, 3913, 6793	107.....	2312	2301.....	1988		
1012.....	3593	51.....	3056	111.....	6405	Proposed Rules:			
1013.....	3593	70.....	1625	121.....	2840	806.....	1049		
1030.....	3593	73.....	1625, 2657	122.....	2312	16 CFR			
1032.....	3593	211.....	799, 3060	130.....	1411	13.....	1011, 1857		
1033.....	3593	212.....	799, 3060	Proposed Rules:				255.....	3870
1036.....	3593	430.....	1298, 2632, 5602, 6116	107.....	3917	438.....	1011		
1040.....	3593	435.....	4359	111.....	6631	Proposed Rules:			
1044.....	3593	11 CFR		14 CFR				419.....	4363
1046.....	3593	Proposed Rules:		25.....	3880	439.....	3060		
1049.....	3593	100.....	5546	39.....	762, 763, 1412, 1414, 2002-2010, 2646-2649, 3251-3254, 3883, 3884, 5666-5669, 6353	454.....	4363		
1050.....	3593	101.....	5546	Proposed Rules:				1212.....	3762
1062.....	3593	102.....	5546	61.....	5670	17 CFR			
1064.....	1908, 3593	103.....	5546	63.....	5670	1.....	2019, 2314, 6538		
1068.....	3593	104.....	5546	71.....	300, 764, 765, 2011-2013, 2649, 3256, 3885-3887, 5673, 5674, 6354-6360	145.....	2019, 3257		
1071.....	3593	105.....	5546	Proposed Rules:				147.....	2019
1073.....	3593	106.....	5546	73.....	300, 765, 2013, 3887, 5675, 6360	211.....	20, 1416		
1075.....	3593	107.....	5546	Proposed Rules:				230.....	1601, 6362
1076.....	3593	12 CFR		Proposed Rules:				231.....	3258
1079.....	3593	282.....	6776	4.....	12, 13	15 CFR			
1094.....	3593	299.....	6776	18.....	15	Ch. III.....	1595		
1096.....	3593	499.....	6776	23.....	13	302.....	767		
1097.....	3593	75.....	1002, 2837	202.....	3563	371.....	1595, 6362, 6537		
1098.....	3593	79.....	6083	226.....	3879, 4345	373.....	1595, 6537		
		82.....	2311	304.....	1594	376.....	1595, 1883, 6537		
		92.....	1003, 2838	349.....	1594	377.....	1007		
		Proposed Rules:		525.....	1849	385.....	1595, 6362, 6537		
		50.....	1622	526.....	1853	386.....	1883		
		92.....	2849	545.....	1849, 1853	390.....	3027		
		113.....	4359	563.....	1849, 1853	399.....	1595, 1883, 6362, 6537		
		303.....	2328	590.....	1853, 2840	931.....	4306		
		381.....	2328	600.....	1594	2301.....	1988		
		10 CFR		615.....	1594	Proposed Rules:			
		2.....	3250	720.....	17	806.....	1049		
		34.....	2312	Proposed Rules:				16 CFR	
		205.....	5663	1.....	6407	13.....	1011, 1857		
		211.....	12,	545.....	1425, 4360	255.....	3870		
		212.....	1582,	561.....	4360, 4361	438.....	1011		
		436.....	5620	563.....	1916, 4361	Proposed Rules:			
		507.....	6084	700.....	6795	419.....	4363		
		797.....	3538	701.....	6795	439.....	3060		
		Proposed Rules:		725.....	6795	454.....	4363		
		2.....	3594, 5308	742.....	6795	1212.....	3762		
		50.....	2330, 2669, 3056, 3913, 6793	13 CFR				17 CFR	
		51.....	3056	101.....	2001	1.....	2019, 2314, 6538		
		70.....	1625	107.....	2312	145.....	2019, 3257		
		73.....	1625, 2657	111.....	6405	147.....	2019		
		211.....	799, 3060	121.....	2840	211.....	20, 1416		
		212.....	799, 3060	122.....	2312	230.....	1601, 6362		
		430.....	1298, 2632, 5602, 6116	130.....	1411	231.....	3258		
		435.....	4359	Proposed Rules:				17 CFR	
		11 CFR		107.....	3917	1.....	2019, 2314, 6538		
		Proposed Rules:		111.....	6631	145.....	2019, 3257		
		100.....	5546	14 CFR				147.....	2019
		101.....	5546	25.....	3880	211.....	20, 1416		
		102.....	5546	39.....	762, 763, 1412, 1414, 2002-2010, 2646-2649, 3251-3254, 3883, 3884, 5666-5669, 6353	230.....	1601, 6362		
		103.....	5546	Proposed Rules:				231.....	3258
		104.....	5546	61.....	5670	17 CFR			
		105.....	5546	63.....	5670	1.....	2019, 2314, 6538		
		106.....	5546	71.....	300, 764, 765, 2011-2013, 2649, 3256, 3885-3887, 5673, 5674, 6354-6360	145.....	2019, 3257		
		107.....	5546	Proposed Rules:				147.....	2019
		12 CFR		73.....	300, 765, 2013, 3887, 5675, 6360	211.....	20, 1416		
		282.....	6776	Proposed Rules:				230.....	1601, 6362
		299.....	6776	4.....	12, 13	231.....	3258		
		499.....	6776	18.....	15	15 CFR			
		9 CFR		23.....	13	Ch. III.....	1595		
		75.....	1002, 2837	202.....	3563	302.....	767		
		79.....	6083	226.....	3879, 4345	371.....	1595, 6362, 6537		
		82.....	2311	304.....	1594	373.....	1595, 6537		
		92.....	1003, 2838	349.....	1594	376.....	1595, 1883, 6537		
		Proposed Rules:		525.....	1849	377.....	1007		
		50.....	1622	526.....	1853	385.....	1595, 6362, 6537		
		92.....	2849	545.....	1849, 1853	386.....	1883		
		113.....	4359	563.....	1849, 1853	390.....	3027		
		303.....	2328	590.....	1853, 2840	399.....	1595, 1883, 6362, 6537		
		381.....	2328	600.....	1594	931.....	4306		
		10 CFR		615.....	1594	2301.....	1988		
		2.....	3250	720.....	17	Proposed Rules:			
		34.....	2312	Proposed Rules:				806.....	1049
		205.....	5663	1.....	6407	16 CFR			
		211.....	12,	545.....	1425, 4360	13.....	1011, 1857		
		212.....	1582,	561.....	4360, 4361	255.....	3870		
		436.....	5620	563.....	1916, 4361	438.....	1011		
		507.....	6084	700.....	6795	Proposed Rules:			
		797.....	3538	701.....	6795	419.....	4363		
		Proposed Rules:		725.....	6795	439.....	3060		
		2.....	3594, 5308	742.....	6795	454.....	4363		
		92.....	2849	13 CFR				1212.....	3762
		113.....	4359	101.....	2001	17 CFR			
		303.....	2328	107.....	2312	1.....	2019, 2314, 6538		
		381.....	2328	111.....	6405	145.....	2019, 3257		
		10 CFR		121.....	2840	147.....	2019		
		2.....	3250	122.....	2312	211.....	20, 1416		
		34.....	2312	130.....	1411	230.....	1601, 6362		
		205.....	5663	Proposed Rules:				231.....	3258
		211.....	12,	107.....	3917	17 CFR			
		212.....	1582,	111.....	6631	1.....	2019, 2314, 6538		
		436.....	5620	14 CFR				145.....	2019, 3257
		507.....	6084	25.....	3880	147.....	2019		
		797.....	3538	39.....	762, 763, 1412, 1414, 2002-2010, 2646-2649, 3251-3254, 3883, 3884, 5666-5669, 6353	211.....	20, 1416		
		Proposed Rules:		Proposed Rules:				230.....	1601, 6362
		2.....	3594, 5308	61.....	5670	231.....	3258		
		50.....	2330, 2669, 3056, 3913, 6793	63.....	5670	17 CFR			
		51.....	3056	71.....	300, 764, 765, 2011-2013, 2649, 3256, 3885-3887, 5673				

239.....	6362	676.....	1016	226.....	3901	29 CFR	
240.....	5299	725.....	27, 1017	231.....	3902	24.....	1836
241.....	3258	Proposed Rules:		234.....	3901, 3902	511.....	6092
270.....	1860	404.....	2345	236.....	3902	1601.....	1876
271.....	3258	416.....	2345, 6799	300.....	3029	1613.....	29, 780
Proposed Rules:		651.....	2498	805.....	3029	1910.....	6706
200.....	1627	653.....	2498	883.....	6886	1952.....	6542
201.....	5934	656.....	4918	884.....	6886	1990.....	5002
210.....	5943, 5963	658.....	2498	Proposed Rules:		2610.....	2026
229.....	5943, 5972	21 CFR		200.....	5754, 6415	Proposed Rules:	
230.....	5934	14.....	4353	201.....	4364	4.....	2350
231.....	5972	16.....	3732	234.....	4332	9.....	1642
239.....	5934, 5943, 5972	20.....	3732	570.....	802, 6632	32.....	1392
240.....	5934, 5943, 5963, 5972	104.....	6314	881.....	3602	42.....	2528
241.....	5972	108.....	1612	883.....	3330	30 CFR	
249.....	5963	146.....	1612	885.....	802	Ch. VII.....	6913
18 CFR		175.....	2841, 6540	888.....	802, 2534	251.....	6338
3.....	6376	176.....	6540	25 CFR		722.....	1020, 2626
4.....	6377	177.....	2842, 6540	23.....	2315	843.....	1877, 2626
35.....	3888	178.....	1018	233.....	5686	Proposed Rules:	
46.....	3568, 6377	182.....	1019, 6084	261.....	2026	211.....	5534
154.....	3888	184.....	6084	Proposed Rules:		722.....	5540
157.....	1861	186.....	6084	43a.....	2665, 5754	723.....	5540
201.....	767, 5677	193.....	1418	26 CFR		800.....	6028
204.....	767	510.....	2314	1.....	6088	801.....	6028
270.....	5678	520.....	3573, 3574, 6086	5.....	5688	805.....	6028
271.....	1862, 5678, 5685	522.....	1019	5a.....	6778	806.....	6028
274.....	3890, 3898	540.....	1613	10.....	6378	807.....	6028
282.....	21, 767, 1872, 3569, 5677	558.....	1020, 2314, 6087	15.....	6088	808.....	6028
284.....	1872, 6377	701.....	3574	16.....	6088	843.....	5540
290.....	2023	809.....	3732	20.....	6088	845.....	5540
Proposed Rules:		812.....	3732	25.....	6088	870.....	2805
2.....	5321	Proposed Rules:		31.....	6088	872.....	2805
3.....	5309	105.....	6690	36.....	6088	874.....	2805
35.....	6799	135.....	6631	41.....	6088	877.....	2805
141.....	48	172.....	1085	44.....	6088	879.....	2805
260.....	48, 5309	182.....	3598, 6117	45.....	6088	882.....	2805
271.....	2344, 2873, 5321, 5747, 6415	184.....	3598, 6117	46.....	6088	884.....	2805
274.....	2344	186.....	3598, 6117	47.....	6088	886.....	2805
280.....	2052	452.....	1085	48.....	6088	888.....	2805
282.....	1081, 3330	600.....	2852	49.....	6088	31 CFR	
284.....	2052	610.....	2852, 6120	53.....	6088	240.....	1020, 5698
19 CFR		640.....	2852, 2854	144.....	6088	332.....	4230
4.....	3570	1308.....	3923	145.....	6088	350.....	3261
10.....	3901	22 CFR		154.....	6088	535.....	1877
11.....	3901	51.....	6778	301.....	6088	32 CFR	
24.....	3901	525.....	28	400.....	6088	65.....	3905
101.....	3573	710.....	5685	404.....	3904	536.....	6543
127.....	3901	Proposed Rules:		Proposed Rules:		630.....	6566
132.....	3901	Ch. II.....	1641	1.....	2349, 3602, 3924, 5754, 6415, 6800	801.....	3030
141.....	3901	Ch. V.....	1641	7.....	3924	909.....	6381
142.....	3901	143.....	1638	31.....	4364	1900.....	6780
143.....	1012, 3901	23 CFR		27 CFR		Proposed Rules:	
144.....	3901	260.....	6377	170.....	5694	Ch. I.....	6801
151.....	3901	420.....	1418	231.....	5694	651.....	1086
153.....	1013, 1417	620.....	1418	240.....	5694	32A CFR	
158.....	3901	Proposed Rules:		Proposed Rules:		Ch. VI.....	30
159.....	25, 1013, 2650, 3901	450.....	2296	4.....	2855	33 CFR	
172.....	3901	476.....	2296	5.....	50	127.....	1418
173.....	3901	625.....	982, 5750	296.....	2855	164.....	2027
355.....	4932	655.....	982, 5750	28 CFR		165.....	1418
Proposed Rules:		663.....	952	0.....	6541	183.....	2028
6.....	1633	24 CFR		2.....	6379-6381	207.....	2317
10.....	1633	201.....	6088	14.....	2650	Proposed Rules	
20 CFR		203.....	3901	16.....	5301, 6780	Ch. I.....	2052
208.....	3259	207.....	3902	58.....	1836, 2316	207.....	1919
260.....	3259, 5685	213.....	3902	Proposed Rules:		36 CFR	
404.....	1605, 1611, 6540	220.....	3901, 3902	31.....	2808	28.....	3261
614.....	1014	221.....	3902				
615.....	797, 1015	222.....	3901				

222.....30	109-1.....943	25.....4357	1241.....809
805.....4353	109-60.....943	63.....3037, 6584	1249.....3618
1202.....4355	Proposed Rules:	64.....3037, 6584	1301.....56
1215.....5302	1-15.....3296	73.....1880, 1881, 1919-1923,	
1226.....780	24-1.....1109	1976, 2844, 3907-3910,	
Proposed Rules:	60-1.....4954	4357, 5304, 5305, 6105, 6399	
222.....1108		74.....4357	50 CFR
1227.....3924		76.....6403	26.....3052
38 CFR	42 CFR	78.....4357	32.....3053
3.....1877, 2318	66.....1822	81.....4357	33.....1026, 1027, 2046, 3589
21.....30	85.....2651	83.....1924	296.....6062
Proposed Rules:	85a.....2651	87.....4357	603.....3590
3.....6416	110.....6058	90.....4357, 6586	611.....785, 1028, 6405
17.....3061, 5348	431.....6326, 6331	94.....4357	652.....786
21.....803, 2667, 5350	Proposed Rules:	95.....4357	661.....6127
36.....3330, 3926	2.....53	97.....4357, 6106	671.....785, 1613
	52h.....5351	99.....4357	Proposed Rules:
39 CFR	74.....2353	Proposed Rules:	13.....809
233.....1613	405.....2353, 6633	0.....3064	17.....5782
310.....3034		1.....3335, 3349	22.....809
Proposed Rules:	43 CFR	2.....2060, 2859, 3064, 3349	23.....1110
310.....1427, 6801	Ch. II.....3037	22.....2859	107.....2616
320.....1427, 6801	3.....5304	56.....1431	230.....4366
40 CFR	4.....5713	61.....3064, 3353	251.....2636
52.....780-782, 1022, 1024,	29.....1026	63.....2066, 3064	255.....2636
1419, 2031-2036, 2319,	31.....783	67.....4365	259.....2636
3270, 3603, 3906, 4355,	401.....1878	73.....2067, 3070, 3071,	601.....3618
5303, 5698, 6092, 6569,	403.....1878	3939-3941, 5358, 5359,	611.....56,2354
6572, 6781, 6784	406.....1879	6122, 6124, 6126, 6419, 6633	651.....1112
60.....3034, 5616	Proposed Rules:	76.....3071	676.....3619
65.....3035, 4356, 5303	17.....976	81.....3064	
81.....2036, 2044, 6103, 6572,	1880.....6054	83.....3064	
6786		90.....2067, 3086, 3349	
86.....4136	44 CFR	94.....2060, 2069	
87.....1419	5.....1421	97.....2071	
180.....3907, 4356, 6103	64.....3578, 6576-6579	401.....1431	
201.....1252	65.....2322, 3580, 6582		
228.....3053	67.....2655, 5714, 5719	49 CFR	
454.....3604	70.....6382-6399	Ch. X.....5306	
Proposed Rules:	Proposed Rules:	1.....783, 2655	
Ch. I.....52, 3316	67.....3604-3617, 5351, 5352,	173.....5737	
Ch. V.....1429	5356, 5780, 6804, 6809	192.....3272	
51.....6120, 6802	45 CFR	531.....5738	
52.....52, 1108, 1429, 1643,	122a.....6044	571.....6404	
2054, 2351, 3331, 3333,	205.....6326, 6333	580.....784	
3928, 3929, 4365, 6121,	601.....1422	1001.....3580	
6417, 6802, 6804	640.....39	1011.....3580, 5739	
60.....2790, 3333	Proposed Rules:	1033.....42, 43, 784, 785, 1881,	
62.....3334	Ch. XII.....1430	1882, 2325, 2655, 2656,	
81.....1647, 3333, 6418	8.....2353	4357, 6789, 6790	
86.....5988, 6012	64.....5648	1062.....3586	
123.....6572	116.....6809	1064.....3912	
180.....2058, 2351, 2352, 3938	116a.....6809	1100.....3580, 5739	
201.....1109	540.....806	1111.....6107	
250.....2059	1060.....3335	1127.....43	
401.....803, 6632	46 CFR	1131.....3580	
403.....3063	4.....2045	1131a.....3580	
410.....53, 806	5.....2045	1249.....3588	
425.....53	502.....1879, 2325	Proposed Rules:	
429.....53	512.....3272	Ch. X.....1434, 2354,	
446.....912	514.....3311	6634	
447.....928	Proposed Rules:	395.....5781	
454.....53, 3335	Ch. I.....2052	571.....807	
774.....6632	Ch. IV.....6122	575.....807	
41 CFR	42.....5780	1001.....1434	
Ch. 101.....3271, 6104	93.....5780	1011.....1434	
3-16.....5702	47 CFR	1060.....6127	
3-55.....5702	0.....4357, 6104	1082.....6127	
8-75.....3035	5.....4357	1100.....1434	
9-7.....942	21.....4357	1109.....3353	
101-11.....5704	22.....4357	1127.....55	
101-36.....6788	23.....4357	1131.....1434	
		1131a.....1434	
		1136.....2871	
		1201.....809	

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

REMINDERS

The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.

Rules Going into Effect Today

INTERIOR DEPARTMENT

Surface Mining Reclamation and Enforcement Office—

- 77440 12-31-79 / Surface coal mining and reclamation operations permanent regulatory program

Next Week's Deadlines for Comments On Proposed Rules

AGRICULTURE DEPARTMENT

Commodity Credit Corporation—

- 69657 12-4-79 / 1980 Peanut Program; proposed loan and purchase determinations; comments by 2-4-80
- 69657 12-4-79 / Peanut warehouse storage loans and handler operations provisions for 1979 and subsequent crops; comments by 2-4-80
- Farmers Home Administration—
- 70741 12-10-79 / Administration of the Business and Industry Loan Program; comments by 2-8-80
- 69937 12-5-79 / Revision and redesignation of regulations pertaining to management and supervision of multiple family housing borrowers and grant recipients; comments by 2-4-80
- 1411 1-7-80 / Tenant grievance and appeals procedure; comments period extended from 11-23-79 to 2-7-80 [Originally published at 44 FR 54983, Sept. 24, 1979]
- Food and Nutrition Service—
- 70684 12-7-79 / Food Stamp Act of 1977; SSI/Food stamp joint application processing; comments by 2-7-80
- Food Safety and Quality Service—
- 69659 12-4-79 / Meat and poultry products inspection; administrative provisions; comments by 2-4-80

CIVIL AERONAUTICS BOARD

- 19181 1-9-80 / Exemptions for carriers to provide free or reduced-rate transportation in connection with barter transactions and promotional programs; comments by 2-7-80

- 2018 1-10-80 / Joint fares involving intrastate pairs of points; comments by 2-8-80

COMMERCE DEPARTMENT

Economic Analysis Bureau—

- 1049 1-4-80 / Direct investment surveys; mandatory reporting requirement; comments by 2-4-80
- National Oceanic and Atmospheric Administration—
- 69970 12-5-79 / Channel Islands Marine Sanctuary; designation; comments by 2-4-80

DEFENSE DEPARTMENT

Engineers Corps—

- 1086 1-4-80 / Implementation and procedures of the National Environmental Policy Act; comments by 2-4-80

ENERGY DEPARTMENT

Federal Energy Regulatory Commission—

- 2052 1-10-80 / Distribution access to Outer Continental Shelf Gas; comments by 2-8-80
- 3330 1-17-80 / Rule required under section 202 of the Natural Gas Policy Act of 1978; comments by 2-8-80

ENVIRONMENTAL PROTECTION AGENCY

- 70196 12-6-79 / Airborne carcinogens; identification; policies and procedures and organic chemical sources; comments by 2-7-80
- 1647 1-8-80 / Air quality planning; attainment status designation—Nevada; comments by 2-7-80
- 76827 12-28-79 / Hazardous waste management; availability of information; comments by 2-8-80

- 58642 10-10-79 / National emission standards for hazardous air pollutants; policy and procedures for identifying, assessing, and regulating airborne substances posing cancer risk; comments by 2-7-80
- 1643 1-8-80 / Oregon's field burning regulation; comments by 2-7-80
- 1108 1-4-80 / Proposed revision to New York State Implementation Plan; comments by 2-4-80
- 70754 12-10-79 / Results of review of proposed revision to New York State Implementation Plan; comments by 2-8-80
- 53 1-2-80 / Timber products processing point source category effluent limitations guidelines, pretreatment standards, and new source performance standards; comments period extended to 2-15-80
[Originally published at 44 FR 62810, Oct. 31, 1979]
- FEDERAL COMMUNICATIONS COMMISSION**
- 75418 12-20-79 / Fayette and Port Gibson, Miss.; radio station table of assignments; comments by 2-8-80
- 75683 12-21-79 / FM Broadcast station in Bernalillo, N. Mex.; proposed changes made in table of assignments; comments by 2-8-80
- 73131 12-17-79 / Fm broadcast station in Marana, Ariz.; changes in table of assignments; comments by 2-4-80
- 70498 12-7-79 / Inquiry concerning the multiple licensing of Land Mobile Radio Systems ("Community Repeaters") in the Bands 806-812 MHz; reply comments extended to 2-4-80
[Originally published at 44 FR 51720, Sept. 4, 1979]
- 2066 1-10-80 / MTS and WATS market structure; reply comments by 2-4-80
- 70499 12-7-79 / Providing for the amateur-satellite service; comments by 2-5-80
- 69689 12-4-79 / Provisions for operation of tactile paging devices for the deaf, blind, and physical handicapped; comments by 2-5-80
- 75419 12-20-79 / Rio Grande City and Roma-Los Saenz, Tex.; radio stations table of assignments; comments by 2-8-80
- 75420 12-20-79 / Warsaw, Ky.; radio station table of assignments; comments by 2-8-80
- 3070 1-16-80 / Use of subcarrier frequencies in the aural base band of television transmitters; comments period extended to 2-7-80
[Originally published at 44 FR 70201, Dec. 3, 1979]
- FEDERAL ELECTION COMMISSION**
- 5546 1-23-80 / Implementation of 1979 amendments to the Federal Election Campaign Act; comments by 2-7-80
- FEDERAL EMERGENCY MANAGEMENT AGENCY**
- 70424 12-6-79 / Procurement; personal property and nonpersonal services; comments by 2-4-80
- FEDERAL RESERVE SYSTEM**
- 72181 12-13-79 / Interstate banking restrictions for foreign banks; proposed interpretation; extension of comment to 2-3-80
[Originally published at 44 FR 62902, 10-30-79]
- HEALTH, EDUCATION, AND WELFARE DEPARTMENT**
Food and Drug Administration—
- 1085 1-4-80 / Erythromycin estolate; proposed revocation of provisions for certification of adult dosage forms; comments by 2-4-80
[Originally published at 44 FR 69670; 12-4-79]
- 69666 12-4-79 / Nonclinical laboratory studies; change in good laboratory practice provisions; comments by 2-4-80
- 1018 1-4-80 / Pentaerythritol adipate-stearate; amendments to food additive regulations; objections by 2-4-80
Human Development Services Office—
- 70064 12-5-79 / Grants to Indian organizations for social and nutrition services; comments by 2-4-80
- HOUSING AND URBAN DEVELOPMENT DEPARTMENT**
Office of the Assistant Secretary—Federal Housing Commissioner—
- 70362 12-6-79 / Section 8 Housing Assistance Program for the disposition of HUD-owned projects; comments by 2-4-80
- INTERIOR DEPARTMENT**
Fish and Wildlife Service—
- 70680 12-7-79 / Reproposal of critical habitat for two species of turtles; comments by 2-5-80
Geological Survey—
- 70196 12-6-79 / Oil, gas and sulfur operations in the outer continental shelf; comments by 2-4-80
- INTERSTATE COMMERCE COMMISSION**
- 1434 1-7-80 / Intercity bus passenger service; entry flexibility; comments period extended from 1-7-80 to 2-7-80
[Originally published at 44 FR 64845 Nov. 8, 1979]
- LABOR DEPARTMENT**
Office of the Secretary—
- 69675 12-4-79 / National Environmental Policy Act compliance procedures; comments by 2-4-80
- PERSONNEL MANAGEMENT OFFICE**
- 70483 12-7-79 / Excepted service; establishment of a new temporary Schedule C authority; comments by 2-5-80
- POSTAL SERVICE**
- 1427 1-7-80 / Revision of private express regulations; comments by 2-8-80
- TRANSPORTATION DEPARTMENT**
Federal Aviation Administration—
- 70177 12-6-79 / San Diego International Airport-Lindbergh Field, Calif.; petition for rulemaking; comments by 2-5-80
Federal Highway Administration—
- 70191 12-6-79 / Project agreements; comments by 2-4-80
National Highway Traffic Safety Administration—
- 807 1-3-80 / Consumer information; uniform fine quality grading; comments by 2-4-80
- WAGE AND PRICE STABILITY COUNCIL**
- 1816 1-8-80 / Anti-inflation price standards; financial institutions and providers of insurance; comments by 2-7-80
- Next Weeks Meetings**
- AGRICULTURE DEPARTMENT**
Forest Service—
- 75433 12-20-79 / Pacific Crest National Scenic Trail Advisory Council, Oregon Subcommittee, Portland, Ore. (open), 2-8-80
Rural Electrification Administration—
- 1115 1-4-80 / Loan guarantee commitment to Allied Power Cooperative of Iowa, Missouri Valley, Iowa (open), 2-5-80
- ARTS AND HUMANITIES, NATIONAL FOUNDATION**
- 2718 1-14-80 / Humanities Panel Advisory Committee, Washington, D.C. (closed), 2-4, and 2-5-80
- 2423 1-11-80 / Media Arts Panel (AFI), Washington, D.C. (closed), 2-4 and 2-5-80
- 5424 1-23-80 / National Council on the Arts, Washington, D.C. (partially open), 2-8 and 2-9-80
- CIVIL RIGHTS COMMISSION**
- 3362 1-17-80 / California Advisory Committee, San Jose, Calif. (open), 2-9-80
- 3362 1-17-80 / Massachusetts Advisory Committee, Boston, Mass. (open), 2-7-80

- 2675 1-14-80 / Missouri Advisory Committee, St. Louis, Mo. (open), 2-8-80
- 1124 1-4-80 / New Jersey Advisory Committee, New Brunswick, N.J. (open), 2-5-80
- COMMERCE DEPARTMENT**
- National Bureau of Standards—
- 1656 1-8-80 / National Bureau of Standards' Visiting Committee, Boulder, Colo. (open), 2-5-80
- National Oceanic and Atmospheric Administration—
- 3746 1-21-80 / Gulf of Mexico Fishery Management Council, Jackson, Miss. (open), 2-5 through 2-7-80
- 5792 1-24-80 / North Pacific Fishery Management Council and Scientific and Statistical Committee and Advisory Panel, Anchorage, Alaska (open), 2-7 and 2-8-80
- DEFENSE DEPARTMENT**
- Air Force Department—
- 3630 1-18-80 / USAF Scientific Advisory Board Ad Hoc Committee on Turbine Engine Loads Simulator, Tullahoma, Tenn. (open), 2-5 and 2-6-80
- Army Department—
- 3630 1-18-80 / Army Science Board, Washington, D.C. (partially closed), 2-5 and 2-6-80
[See also 45 FR 63, 1-2-80]
- 2360 1-11-80 / National Board for the Promotion of Rifle Practice, The Pentagon, Washington, D.C. (open), 2-6-80
- Engineers Corps—
- 3631 1-18-80 / Environmental Advisory Board of the Chief of Engineers, Fort Belvoir, Va. (open), 2-6 through 2-8-80
- Office of the Secretary—
- 1663 1-8-80 / Defense Intelligence Agency Advisory Committee, Washington, D.C. (closed), 2-7 through 2-8-80
- 3369 1-17-80 / DOD Advisory Group on Electron Devices; Advisory Committee Meeting, New York, N.Y. (closed), 2-7-80
- ENERGY DEPARTMENT**
- 3369 1-17-80 / Consumer Affairs Advisory Committee and Subcommittees, Golden, Colorado (open), 2-4 and 2-5-80
- 3381 1-17-80 / Geothermal Panel of the Energy Research Advisory Board, Washington, D.C. (open), 2-5 and 2-6-80
- 5794 1-24-80 / National Petroleum Council, Task Group of the Committee on Unconventional Gas Sources, Dallas, Texas (open), 2-5-80
- Conservation and Solar Energy Office—
- 68120 11-28-79 / Energy performance standards for new buildings:
Atlanta, GA., 2-4 through 2-6-80
Kansas City, Mo., 2-4 through 2-6-80
- Energy Research Office—
- 3381 1-17-80 / Energy Research Advisory Board, Washington, D.C. (open), 2-7 and 2-8-80
- FEDERAL COMMUNICATIONS COMMISSION**
- 4365 1-22-80 / Telephone companies; jurisdictional separation; integration of rates and services, meeting, Honolulu, Hawaii (open), 2-5 and 2-7-80
- FEDERAL PREVAILING RATE ADVISORY COMMITTEE**
- 4470 1-22-80 / Meeting, Washington, D.C. (open and closed), 2-7-80
- HEALTH, EDUCATION, AND WELFARE DEPARTMENT**
- Center for Disease Control—
- 2107 1-10-80 / Investigation of a non-pharmacologic approach to hypertension control at the workplace, Cincinnati, Ohio (open), 2-7-80
- 2108 1-10-80 / Mine Health Research Advisory Committee, Tucson, Arizona (open), 2-5-80
- Education Office—
- 4472 1-22-80 / National Advisory Council on Adult Education, Detroit, Mich. (open), 2-8-80
- Food and Drug Administration—
- 2904 1-15-80 / Drug Abuse Advisory Committee, Rockville, Md. (open), 2-4 and 2-5-80
- Health Services Administration—
- 3671 1-18-80 / Maternal and Child Health Research Committee, Rockville, Md. (partially open), 2-6 through 2-8-80
- National Institutes of Health—
- 76406 12-26-79 / Committee on Cytology Automation, Bethesda, Md. (open), 2-7 and 2-8-80
- 2709 1-14-80 / Communicative Disorders Review Committee, Bethesda, Md. (partially open), 2-3 through 2-5-80
- 2709 1-14-80 / National Advisory Eye Council, Bethesda, Md. (partially open), 2-4 through 2-6-80
- 76409 12-26-79 / National Heart, Lung, and Blood Advisory Council; and Manpower Subcommittee and Research Subcommittee (open and closed), 2-6, 2-7, 2-8, and 2-9-79
- HISTORIC PRESERVATION ADVISORY COUNCIL**
- 3361 1-17-80 / Meeting, Washington, D.C. (open), 2-6 and 2-7-80
- INTERIOR DEPARTMENT**
- Fish and Wildlife Service—
- 75165 12-19-79 / Listing of *Sarracenia oreophila* as an endangered species, Gadsden, Ala. (open), 2-7-80
- Land Management Bureau—
- 1458 1-7-80 / Butte District Grazing Advisory Board, Butte, Montana (open), 2-7-80
- 1455 1-7-80 / California Desert Conservation Area Advisory Committee Victorville, Calif. (open), 2-8 and 2-9-80
- 77272 12-31-79 / District Grazing Advisory Board, Alturas, Calif. (open), 2-5-80
- 2115 1-10-80 / Outer Continental Shelf Advisory Board; Mid-Atlantic Technical Working Group Committee, Baltimore, Md. (open), 2-6 and 2-7-80
- 64918 11-8-79 / Roswell District Grazing Advisory Board, Roswell District Office, New Mexico. (open) 2-7-80
- National Park Service—
- 5407 1-23-80 / Chesapeake & Ohio Canal National Historical Park Commission, Washington, D.C. (open), 2-9-80
- JUSTICE DEPARTMENT**
- National Institute of Justice—
- 3677 1-18-80 / Meeting, Alexandria, Va., 2-7 and 2-8-80
- LABOR DEPARTMENT**
- Occupational Safety and Health Administration—
- 3679 1-18-80 / Federal Advisory Council on Occupational Safety and Health, Washington, D.C. (open), 2-5-80
- NATIONAL AERONAUTICS AND SPACE ADMINISTRATION**
- 3685 1-18-80 / NASA Advisory Council, Washington, D.C. (closed), 2-5 and 2-6-80
- 3686 1-18-80 / NASA Advisory Council, Space and Terrestrial Applications Advisory Committee, Ad Hoc Informal Executive Subcommittee, Washington, D.C. (open), 2-4-80
- 3686 1-18-80 / Space Science Steering Committee, Solar Terrestrial Theory Program Ad Hoc Advisory Subcommittee, Greenbelt, Md. (closed), 2-4 through 2-6-80
- 2423 1-11-80 / Space Science Steering Committee, Venus Orbiting Imaging Radar, Ad Hoc Advisory Subcommittee, Goddard Space Flight Center, Greenbelt, Md. (closed), 2-4, 2-5, 2-6 and 2-7-80

NATIONAL SCIENCE FOUNDATION

- 3122 1-18-80 / Advisory Committee for Science and Society, Subcommittee on Oversight, Washington, D.C. (closed), 2-7 and 2-8-80
- 3122 1-18-80 / Subcommittee on Psychobiology of the Advisory Committee for Behavioral and Neural Sciences, Washington, D.C. (closed), 2-4 and 2-5-80

NUCLEAR REGULATORY COMMISSION

- 4486 1-22-80 / Advisory Committee on Reactor Safeguards, Procedures and Administration Subcommittee, Washington, D.C. (open), 2-6-80
- 4487 1-22-80 / Advisory Committee on Reactor Safeguards, Reliability and Probabilistic Assessment Subcommittee, Washington, D.C. (open), 2-6-80

PENSION POLICY, PRESIDENT'S COMMISSION

- 4488 1-22-80 / Meeting, Washington, D.C. (open), 2-4-80

SMALL BUSINESS ADMINISTRATION

- 3690 1-18-80 / Region VI Advisory Council, Harlingen, Tex. (open), 2-5-80

STATE DEPARTMENT

- 4488 1-22-80 / Advisory Committee on the Law of the Sea, Washington, D.C. (open and closed), 2-7 and 2-8-80

TRANSPORTATION DEPARTMENT**Federal Aviation Administration—**

- 2724 1-14-80 / Radio Technical Commission for Aeronautics (RTCA), Special Committee 139—Airborne Equipment Standards for Microwave Landing System (MLS), Washington, D.C. (open), 2-5 through 2-8-80

TREASURY DEPARTMENT**Office of the Secretary—**

- 3421 1-17-80 / Treasury Small Business Advisory Committee, Washington, D.C. (open), 2-4 and 2-5-80

Next Week's Public Hearings**AGRICULTURE DEPARTMENT****Agriculture Marketing Service—**

- 76551 12-27-79 / Milk in Southwestern Idaho—Eastern Oregon marketing area, Boise, Idaho, 2-5-80

Animal and Plant Health Inspection Service—

- 1615 1-8-80 / Scleroderma canker (European strain); quarantine; Albany, N.Y., 2-7-80

COMMERCE DEPARTMENT**National Oceanic and Atmospheric Administration—**

- 3619 1-18-80 / North Pacific Fishery Management Council; herring, Bethel, Toksook Bay, Hooper, and Togiak, Alaska, 2-9 through 2-11-80

CONSUMER AFFAIRS COUNCIL

- 3368 1-17-80 / Federal Consumer Programs, Workshop on E.O. 12160, Washington, D.C., 2-6-80

CONSUMER PRODUCT SAFETY COMMISSION

- 69578 12-3-79 / Urea-formaldehyde foam insulation, Minneapolis, Minn., 2-5-79

DEFENSE DEPARTMENT**Navy Department—**

- 65623 11-14-79 / Naval Discharge Review Board, Portland, Oreg. and San Francisco, Calif., 2-3 through 2-9-80

ENERGY DEPARTMENT**Federal Energy Regulatory Commission—**

- 1081 1-4-80 / Statewide exemptions from incremental pricing for natural gas, Washington, D.C., 2-5-80

Office of Conservation and Solar Energy—

- 2632 1-11-80 / Energy Conservation Program for Consumer Products; scope of testing procedures for room air conditioners as applied to packaged terminal air conditioners, Washington, D.C., 2-5-80

ENVIRONMENTAL PROTECTION AGENCY

- 53 1-2-80 / Discussion of proposed pretreatment standards for textile mills, leather tanning and finishing, timber products and gum and wood chemicals point source categories, Washington, D.C., 2-5-80

SELECTION COMMISSION ON IMMIGRATION AND REFUGEE POLICY

- 4488 1-22-80 / Hearing, Phoenix, Ariz., 2-4-80
- 4488 1-22-80 / Hearing, Los Angeles, Calif., 2-5-80

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.

A complete listing for the first session of the 96th Congress was published in the Reader Aid section of the issue of January 17, 1980.

Documents Relating to Federal Grant Programs

This is a list of documents relating to Federal grant programs which were published in the Federal Register during the previous week.

APPLICATIONS DEADLINES

- 5658 1-23-80 / HEW/IMS—Museum Services Program grants; apply by 3-7-80
- 3975 1-21-80 / HEW/OE—Arts in education program; closing date of 1-28-80 for transmittal of applications withdrawn [Originally published at 44 FR 35186, June 18, 1979]
- 5838 1-24-80 / HEW/OE—Indochina Refugee Children Assistance Program; applications by 2-27-80
- 5838 1-24-80 / HEW/OE—Teachers Centers Program; applications by 3-17, 3-31, 4-7 and 4-21-80
- 6176 1-25-80 / HEW/PHS/HRA—Public health traineeships; apply by 3-3-80
- 4472 1-22-80 / HEW/PHS/HRA—Public health special projects; apply by 3-3-80
- 4481 1-22-80 / Labor/ETA—Youth employment and training programs and youth community and conservation improvement projects; applications must be postmarked or delivered by 3-17-80
- 6188 1-25-80 / Justice/LEAA—Effects of socio-economic trends on police services; submit preliminary proposals by 3-28-80

MEETINGS

- 6170 1-25-80 / HEW/ADAMHA—Various advisory committees dealing with grant applications, February meetings
- 3974 1-21-80 / HEW/NIH—Clinical Cancer Program Project Review Subcommittee, Bethesda, Md. (partially open), 3-24 through 3-26-80 [Originally published at 44 FR 73163, December 17, 1979]
- 6175 1-25-80 / HEW/NIH—General Research Support Review Committee, Chevy Chase and Bethesda, Md. (partially open), 3-26 through 3-28-80
- 6175 1-25-80 / HEW/NIH—Large Bowel and Pancreatic Cancer Review Committee, Large Bowel Subcommittee, Houston, Tex. (partially open), 2-28 and 2-29-80
- 6176 1-25-80 / HEW/NIH—National Institute of Dental Research, Special Grants Review Committee, Bethesda, Md. (partially open), 2-26 and 2-27-80
- 3976 1-21-80 / NFAH—Humanities Panel Advisory Committee, Washington, D.C. (closed), 2-4, 2-20, 2-25 through 2-29-80

OTHER ITEMS OF INTEREST

- 4483 1-22-80 / LSC—East Mississippi Legal Services; consideration of grant application
- 4484 1-22-80 / LSC—Evergreen Legal Services; consideration of grant application
- 6222 1-25-80 / LSC—Grants and contracts; Arkansas; comments solicited (3 documents)
- 6223 1-25-80 / Grants and contracts; Montana; comments solicited
- 6222 1-25-80 / LSC—Grants and contracts; Oklahoma; comments solicited
- 6221 1-25-80 / LSC—Grants and contracts; Nebraska; comments solicited
- 6221 1-25-80 / Grants and contracts; New Mexico; comments solicited
- 6221 1-25-80 / LSC—Grants and contracts; Pennsylvania; comments solicited
- 6221 1-25-80 / LSC—Grants and contracts; South Dakota; comments solicited
- 6222 1-25-80 / LSC—Grants and contracts; Texas; comments solicited
- 4484 1-22-80 / LSC—Idaho Legal Aid Services; consideration of grant application
- 4484 1-22-80 / LSC—Legal Aid Services, Inc.; consideration of grant application
- 4484 1-22-80 / LSC—Oregon Legal Services; consideration of grant application
- 4484 1-22-80 / Southeast Mississippi Legal Services; consideration of grant application
- 4485 1-22-80 / LSC—Southwest Mississippi Legal Services; consideration of grants applications
- 4485 1-22-80 / LSC—Spokane Legal Services; consideration of grant application
- 4485 1-22-80 / LSC—Wind River Legal Services; consideration of grant application

CODE OF FEDERAL REGULATIONS

(Revised as of October 1, 1979)

<u>Quantity</u>	<u>Volume</u>	<u>Price</u>	<u>Amount</u>
_____	Title 49—Transportation (Parts 178 to 199)	\$7.00	\$ _____
		Total Order	\$ _____

[A Cumulative checklist of CFR issuances for 1979 appears in the back of the first issue of the Federal Register each month in the Reader Aids section. In addition, a checklist of current CFR volumes, comprising a complete CFR set, appears each month in the LSA (List of CFR Sections Affected).]

PLEASE DO NOT DETACH

MAIL ORDER FORM To:

Superintendent of Documents, Government Printing Office, Washington, D.C. 20402

Enclosed find \$..... (check or money order) or charge to my Deposit Account No.

Please send me copies of:

PLEASE FILL IN MAILING LABEL BELOW

Name

Street address

City and State ZIP Code

FOR USE OF SUPT. DOCS.

Enclosed.....

To be mailed later.....

Subscription.....

Refund.....

Postage.....

Foreign Handling.....

FOR PROMPT SHIPMENT, PLEASE PRINT OR TYPE ADDRESS ON LABEL BELOW, INCLUDING YOUR ZIP CODE

SUPERINTENDENT OF DOCUMENTS
U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON, D.C. 20402

OFFICIAL BUSINESS

POSTAGE AND FEES PAID
U.S. GOVERNMENT PRINTING OFFICE
375
SPECIAL FOURTH-CLASS RATE
BOOK

Name

Street address

City and State ZIP Code