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Thursday
September 18, 1980

Highlights

62007 **Refuge and migration assistance for Cubans and Haitians** Presidential determination

62170 **Air Pollution Control** EPA/DOT propose policy and guidance on implementation of the Clean Air Act requirement for meeting basic transportation needs; comments by 11-3-80

62204 **Safety** OFR announces a public meeting 9-23 through 9-26-80 on proposed changes to the Uniform Building Code by the International Conference of Building Officials

62178 **Grant Programs—Education** ED announces that funds will be available for the award of grants under the Metric Education Program and invites applications by 11-25-80

62316 **Low and Moderate Income Housing** HUD/FHC proposes revision to Minimum Property Standards; comments by 11-17-80 (Part III of this issue)

62392 **Consumer Protection** CPSC announces its intention to develop proposed safety standard for chain saws in an effort to reduce risk of injury to consumers; comments by 10-20-80 (Part IV of this issue)

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

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62149 **Low and Moderate Income Housing** HUD/FHC proposes rule to establish maximum limit on total development cost of low-income public housing and Indian housing projects; comments by 11–17–80

62065 **Loan Programs—Rural Development** CSA details policies governing program, eligible applicants, and procedures to be followed in applying for financial assistance; effective 10–20–80

62019 **Crop Insurance** USDA/FCIC prescribes procedures for insuring grapes for 1981 crop year; effective 9–18–80

62398, 62406 **Airports** DOT/Sec'y/FAA issues policy regarding Metropolitan Washington airports and adopts rules to implement policy regarding future operation and development; effective 1/5/81 (2 documents) (Part V of this issue)

62092 **Securities** SEC proposes to revise and clarify financial and operational reporting requirements of the FOCUS reporting system; comments by 10–15–80

62034 **Indians—Lands** Interior/BIA issue new regulations governing acquisition of land in trust status for Indians and Indian tribes; effective 10–20–80

62029 **Continental Shelf** DOE revises joint bidding requirements for Outer Continental Shelf oil and gas leases; effective 9–10–80

62009 **Government Contracts** CASB publishes revisions to its contract coverage and disclosure rules; effective 4–1–81

62304 **Calendar of Federal Regulations** United States Regulatory Council asks the public to suggest revisions to the guidelines for the May 1981 edition; comments by 12–30–80 (Part II of this issue)

62083 **Motor Vehicle Safety** DOT/NHTSA issues final rule regarding new pneumatic tires for passenger cars; effective 10–20–80 if no objections are received before that date

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62253 **Sunshine Act Meetings**

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Presidential Documents

Title 3—

The President

Presidential Determination No. 80–24 of August 7, 1980

Determination Pursuant to Section 2(c)(1) of the Migration and Refugee Assistance Act of 1962, as Amended, and Amending Presidential Determination Number 80–18.

Memorandum for the United States Coordinator for Refugee Affairs

Pursuant to Section 2(c)(1) of the Migration and Refugee Assistance Act of 1962, as amended (the "Act"), I hereby determine that Presidential Determination Number 80–18 is amended by striking paragraph three of the Determination.

I further determine that unexpected, urgent refugee and migration needs continue to exist in Florida and in other localities and that it is important to the national interest to continue assistance to those Cubans and Haitians arriving in the United States and applying for political asylum.

I further determine that a total of up to $20 million shall be made available from the United States Emergency Refugee and Migration Assistance Fund for the purposes of processing, transporting, caring and associated administrative costs for assisting such asylum applicants on such terms and conditions as the United States Coordinator for Refugee Affairs shall determine on my behalf or for the purposes described in Presidential Determination Number 80-16, as amended.

The United States Coordinator for Refugee Affairs is requested to inform the appropriate committees of the Congress of this Determination and the obligation of funds under this authority.

This Determination shall be published in the **Federal Register**.

Jimmy Carter

THE WHITE HOUSE,
Washington, August 7, 1980.

[FR Doc. 80–29063
Filed 9–16–80; 4:54 pm]
Billing code 3195–01–M

Rules and Regulations

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

COST ACCOUNTING STANDARDS BOARD

4 CFR Parts 331, 332, and 351

Contract Coverage and Disclosure Statement

AGENCY: Cost Accounting Standards Board.

ACTION: Final rule.

SUMMARY: On June 1, 1979, the Board published in the Federal Register proposed revisions to Parts 331, 332 and 351 of its regulations dealing with contract coverage and the filing of Disclosure Statements. Based on comments to its June 1 proposal, the Board made substantial modifications in the proposed revisions and republished the revised Parts again for comment on February 8, 1980. After considering the comments to the second publication and reviewing all suggestions from interested parties, the Board has determined that the revised regulations are ready for promulgation. It believes that the revised regulations will result in improved administration and will be more readily understood by parties subject to the regulations.

EFFECTIVE DATE: April 1, 1981.

ADDRESS: Cost Accounting Standards Board, 441 G Street, NW, Room 4836, Washington, D.C. 20548.

FOR FURTHER INFORMATION CONTACT: Nelson H. Shapiro, Executive Secretary, Cost Accounting Standards Board, 441 G Street, NW, Washington, D.C. 20548. (202) 275–6111.

SUPPLEMENTARY INFORMATION: In the Federal Register of June 1, 1979, (44 FR 31655) the CASB published for comment proposed revisions to Parts 331, 332 and 351 of its regulations. The revisions were made for the purpose of simplifying these parts of the regulations and to modify them where experience indicated that changes would be desirable. Thirty-six responses were received by the Board to its request for comments.

The Board after consideration of the comments modified its proposed revisions and again published the revised Parts for comment in the Federal Register of February 8, 1980 (45 FR 8677). Twenty comments were received to the February publication. The Board wishes to thank all of the respondents for their constructive suggestions which were of substantial assistance to the Board in its review and revision of these Parts.

In the February 8 proposal two areas of the regulations drew a substantial number of comments from the respondents, the exemption of firm fixed price contracts (FFPs) awarded without submission of cost data and the definition of "increased costs paid by the Government" as such may occur under FFPs after award. The Board's views on these two areas and on other comments received are as follows:

1. *Exemption.* Commentators generally endorsed the Board's proposal to exempt FFPs awarded without submission of any cost data. However, most commentators urged the exemption be expanded to require that cost data be certified or that the data have been relied on as the basis of price.

The Board is not persuaded that the suggested modifications should be made in describing those contracts which would be subject to this exemption. Situations occur in which cost data are submitted in support of a price but are not certified because the award is designated as adequate price competition. Whether the data are used in a particular case can be difficult to establish. The Board however is satisfied that such data would not be submitted unless they were to be used. Because of this and because of the administrative simplicity of the test, the Board believes that the circumstances which would support an exemption of certain FFPs being adopted today is appropriate.

One commentator opposed the establishment of this exemption on the grounds it provided a positive incentive for a potential contractor to seek to avoid submission of cost data. Controlling law and regulations establish the circumstances under which a potential contractor may be required to submit cost data to support a price proposal in a national defense procurement. In addition Government representatives have authority to act to assure that the Government's interests are properly protected. Consequently, whether a potential contractor may or may not have an incentive to avoid submitting cost data is not determinative as to whether such data are submitted. The Board believes that Government representatives, in cases where they deem it appropriate, will obtain whatever data they are entitled to. Nonetheless, the Board acknowledges that linking application of Cost Accounting Standards to submission of cost data could result in requests for waivers from the cost data submission requirements that would not be made if cost data alone were involved. In order to preclude this result the Board has revised the exemption so that contracts on which submission of cost data was avoided by obtaining a waiver of cost or pricing data requirements nonetheless remain subject to the Cost Accounting Standards requirements.

2. *"Increased costs paid" under FFPs after contract award.* In its February 8 proposal the Board deleted certain proposed revisions contained in its June 1, 1979 proposal concerning the adjustment of FFP contracts in view of the objections of most commentators to the proposed changes. The Board in its February proposal limited changes in the regulations affecting FFPs to a clarification in § 331.70(b) concerning the measurement of increased costs paid by the United States under those contracts. The modified § 331.70(b) paragraph was the subject of adverse comment by a majority of industry commentators who maintain that under FFP contracts once price is agreed to, there can be no increased cost paid by the U.S. attributed to any subsequent changes the contractor may make in its cost accounting practices.

The question of adjustment of FFPs has been the subject of extensive discussions since 1972. In its original promulgations the Board recognized that there was increased cost paid by the U.S. under a FFP contract if during the accumulating and reporting process the contractor adopted practices that reduced his cost allocations below the allocation determined during the estimating process. It is noted that in the proposed contract regulations published

for comment on December 30, 1971, a provision the same in all essential aspects to the present § 331.70(b) was included. At that time no commentator questioned the applicability of CAS to FFPs.

The second sentence of Section (h)(1) of Pub. L. 91–379 is as follows:

> Such regulations shall require * * * a contract price adjustment, with interest, for any increased cost paid because of the defense contractor's failure to comply with * * * standards or to follow consistently his disclosed cost accounting practices * * * in pricing contract proposals and in accumulating and reporting contract performance cost data.

This provision prescribes price adjustments for all contracts where there is a failure to comply in pricing proposals and in accumulating and reporting costs. Since the Congress did not exclude FFP contracts when it provided for recovery of increased cost paid to the contractor because of a failure to comply or failure to follow, it was and still is incumbent on the Board to insure that, in the absence of an exemption, such recovery is accomplished. Pub. L. 87–653, Truth in Negotiations, provides that the price of a contract shall be adjusted to exclude any significant sum by which a firm fixed price was increased because the cost data furnished by the contractor, in essence, was insufficient to enable the Government to judge accurately the contractor's cost estimates used in negotiating. The Board's requirements for adjustments to firm fixed price contracts when there is a failure to follow the cost accounting practices on which price was based embody essentially the same measurement principle. The Board's requirements concerning fixed price contracts constitute a recognition of the fact that the price agreed to at the outset is higher than the price that would have been agreed to if the Government had known about the accounting change. This constitutes a constructive increase in the costs paid by the United States. In view of the foregoing, the Board's regulations will continue to require recovery of increased costs paid by the United States on FFPs. However, to emphasize that the contracting parties are the ones to determine what the contract price would have been and that there are no precise rules to be used in such determinations, further provision has been added to § 331.70(b).

(3) *Modification of § 331.70(f).* One commentator suggested that § 331.70(f) be modified to delete reference to "all affected contracting officers" and place the authority to effect agreement in the hands of one contracting officer delegated by affected agencies to handle CAS matters. In § 331.70(e) the Board urged that the contracting agencies designate such an individual and generally agencies have done so. However, this is a voluntary action of the agencies and the Board is not in a position to make it mandatory.

Two commentators urged § 331.70(f) be modified to refer to aggregate cost increases and offsets rather than deal with adjustments to individual contracts. In § 331.70 (e) and (f) the CASB has suggested techniques which it considers will permit substantially easier administration in situations in which a number of covered contracts may be involved. However, basic procurement statutes and Pub. L. 91–379 all deal with individual contracts and in the end adjustments must be made on an individual contract basis. Consequently, it is considered that reference to adjustments on an individual contract basis and allowance for offset among contracts where appropriate is the more precise way of discussing contract price adjustments.

(4) *Statement on Fairness.* One commentator requested the Board issue a statement on fairness in the application of its contract clause and related interpretations. The essence of the statement recommended would be that the results in any particular case arising from application of the Board's Standards, rules and regulations must be deemed "fair" in some general undefined sense by the negotiating parties or the Board's issuance may be disregarded. The Board's Restatement of Objectives, Policies and Concepts contains a statement that a Standard is fair when, in the Board's best judgment, it shows neither bias nor prejudice to either party. The Board views its rules and regulations on contracts and price adjustments in the same light. In any given case, the results of contract pricing may ultimately be regarded as fair or unfair by either or both parties to the contract because, on a case-by-case basis, fairness is viewed from the personal vantage point of the particular party. It is impossible to adopt such a subjective criteria and have meaningful Standards. Consequently any attempt to define "fairness" in the context of individual contract negotiations is inappropriate.

(5) *Miscellaneous.* There were various miscellaneous comments and suggestions on the Board's proposal to which the following comments are addressed:

(a) *Application of revised regulations.* Two commentators requested that the regulations, as revised by this promulgation, be applied to existing contracts. To the extent the Board has restated its interpretations to its regulations, such restatement would apply to existing contracts. However, other modifications will become effective only on the date specified in the revised regulations. This date is established so that sufficient lead time is available to procurement agencies to develop and publish any implementing regulations or instructions. The revised regulations other than restated interpretations will only apply to contracts and events which occur after the effective date of the regulation.

(b) *Section 351.120(a), Disclosure Statement revisions.* This paragraph was modified to provide that a Disclosure Statement must be revised when a change is made by the contractor whether or not the Government has agreed to the change. One commentator objected to this revision on the grounds it would increase the contractor's workload substantially. The change was made merely to clarify an existing requirement. It does not make a substantial change in the requirements set forth in the paragraph.

(c) *Increase the threshold for contract coverage and Disclosure Statement application.* Several contractors requested that the Board increase the threshold for contract coverage so as to make the application of CASB requirements effective only on contracts of $500,000 or more. Commentators also stated that the threshold for Disclosure Statement application should be increased. The Board has recently given consideration to both of these suggestions and is of the opinion that current thresholds are appropriate and no change in threshold application has been made in the regulations published today.

(d) *Deletion of post award disclosure under Section 331.60.* One commentator objected to the deletion under § 331.60 of the provisions for post-award submission of Disclosure Statements. The Board considers the time currently provided under § 351.40 to be more than adequate for the preparation and submission of Disclosure Statements prior to award. Consequently, it considers that provisions for post-award submission is unnecessary.

(e) *"Cost to Complete" method of § 331.70(b).* One commentator urged that the Board provide under § 331.70(b) for the use of the "Cost of Complete" method of determining contract adjustments. It is considered that this paragraph, as revised, gives the contracting parties sufficient guidance with respect to the measurement of price

impact. Consequently, the requested change has not been made.

(f) *Deletion of submission of disclosure statement of CASB.* Since the Board was receiving copies of disclosure statements to assist in its research in developing standards and since that development has been substantially completed, receipt by the Board of disclosure statements is unnecessary. Consequently, this requirement has been deleted.

Title 4 CFR Parts 331 and 332 are revised in their entirety and Part 351 is amended by revising §§ 351.30, 351.40, 351.60, 351.70, 351.80, and 351.120 and by deleting and reserving §§ 351.50 and 351.110 as follows:

PART 331—CONTRACT COVERAGE

Sec.

331.10 Purpose and scope.
331.20 Definitions.
331.30 Applicability, exemption, and waiver.
331.40 [Reserved]
331.50 Contract clause.
331.51 Findings.
331.60 Disclosure requirements.
331.70 Interpretation.
331.71 Materiality.
331.72 Relationship to Part 332.
331.80 Effective date.

Authority: Sec. 103, 84 Stat. 796 (50 U.S.C. App. 2168).

§ 331.10 Purpose and scope.

The regulations contained in this part are promulgated to implement the standards and the rules and regulations established by the Cost Accounting Standards Board pursuant to 50 U.S.C. App. 2168 (Pub. L. 91–379, August 15, 1970). The requirements set forth herein shall be binding upon all relevant Federal agencies and upon defense contractors and subcontractors.

§ 331.20 Definitions.

(a) A "relevant Federal agency" is any Federal agency making a national defense procurement and any agency whose responsibilities include review, approval, or other action affecting such a procurement.

(b) A "defense contractor" is any person who enters into a contract with the United States for the production of material or the performance of services for the national defense.

(c) A "defense subcontractor" is any person other than the United States who contracts, at any tier, to perform any part of a defense contractor's contract.

(d) "National defense" is any program for military and atomic energy production or construction, military assistance to any foreign nations, stockpiling, space, and directly related activity.

(e) An "established catalog or market price of commercial items sold in substantial quantities to the general public" is as defined in the Defense Acquisition Regulation (32 CFR 3.807–1(b)), in effect at the date of the contract.

(f) A "negotiated subcontract" is any subcontract except a firm fixed-price subcontract made by a contractor or subcontractor after receiving offers from at least two persons not associated with each other or with such contractor or subcontractor, providing (1) the solicitation to all competitors is identical, (2) price is the only consideration in selecting the subcontractor from among the competitors solicited, and (3) the lowest offer received in compliance with the solicitation from among those solicited is accepted.

(g) A "Disclosure Statement" is the Disclosure Statement required by Cost Accounting Standards Board regulation (Part 351 of this chapter).

(h) A "covered contract" is any negotiated national defense prime contract or subcontract which pursuant to requirements of the Cost Accounting Standards Board is required to include a Cost Accounting Standards clause (see 4 CFR Part 331 and this chapter).

(i) A "business unit" is any segment of an organization, or an entire business organization which is not divided into segments.

(j) A "segment" is one of two or more divisions, product departments, plants, or other subdivisions of an organization reporting directly to a home office, usually identified with responsibility for profit and/or producing a product or service. The term includes Government-owned contractor-operated (GOCO) facilities, and joint ventures and subsidiaries (domestic and foreign) in which the organization has a majority ownership. The term also includes those joint ventures and subsidiaries (domestic and foreign) in which the organization has less than a majority of ownership, but over which it exercises control.

(k) A "cost accounting practice" is any disclosed or established accounting method or technique which is used for measurement of cost, assignment of cost to cost accounting periods, or allocation of cost to cost objectives.

(l) Measurement of cost encompasses accounting methods and techniques used in defining the components of cost, determining the basis for cost measurement, and establishing criteria for use of alternative cost measurement techniques. The determination of the amount paid or a change in the amount paid for a unit of goods and services is not a cost accounting practice. Examples of cost accounting practices which involve measurement of costs are:

(i) The use of either historical cost, market value, or present value;

(ii) The use of standard cost or actual cost; or

(iii) The designation of those items of cost which must be included or excluded from tangible capital assets or pension cost.

(2) Assignment of cost to cost accounting periods refers to a method or technique used in determining the amount of cost to be assigned to individual cost accounting periods. Examples of cost accounting practices which involve the assignment of cost to cost accounting periods are requirements for the use of specified accrual basis accounting or cash basis accounting for a cost element.

(3) Allocation of cost to cost objectives includes both direct and indirect allocation of cost. Examples of cost accounting practices involving allocation of cost to cost objectives are the accounting methods or techniques used to accumulate cost, to determine whether a cost is to be directly or indirectly allocated, to determine the composition of cost pools, and to determine the selection and composition of the appropriate allocation base.

(l) A "change to a cost accounting practice" is any alteration in a cost accounting practice, as defined in paragraph (k) of this section, whether or not such practices are covered by a Disclosure Statement, except that:

(1) The initial adoption of a cost accounting practice for the first time a cost is incurred, or a function is created, is not a change in cost accounting practice. The partial or total elimination of a cost or the cost of a function is not a change in cost accounting practice. As used here, function is an activity or group of activities that is identifiable in scope and has a purpose or end to be accomplished.

(2) The revision of a cost accounting practice for a cost which previously had been immaterial is not a change in cost accounting practice.

(m) *Illustrations of changes.* (1) In all of the following cases where a "change to a cost accounting practice" has taken place, modifications to the affected contracts would be considered in accordance with this Part 331, Contract Coverage, and Part 332, Modified Contract Coverage, as amended. In accordance with § 331.71, price adjustments, with appropriate application of offsets, would be required only if the net cost impact of the change were material.

(2) The following are illustrations of changes which meet the proposed definition of "change to a cost accounting practice" because:

I. The method or technique used for measuring costs has been changed.

Description of changes	*Accounting treatment*
1. Contractor changes his actuarial cost method for computing pension costs.	1. (a) Before change: The contractor computed pension costs using the aggregate cost methods. (b) After change: The contractor computes pension cost using the unit credit method.
2. Contractor uses standard costs to account for his direct labor. Labor cost at standard was computed by multiplying labor-time standard by actual labor rates. The contractor changes the computation by multiplying labor-time standard by labor-rate standard.	(a) Before change: Contractor's direct labor cost was measured with only one component set at standard. (b) After change: Contractor's direct labor cost is measured with both the time and rate components set at standard.

II. The method or technique used for assignment of cost-to-cost accounting periods has been changed.

Description of change	*Accounting treatment*
1. Contractor changes his established criteria for capitalizing certain classes of tangible capital assests whose acquisition costs totaled $1 million per cost accounting period.	1. (a) Before change: Items having acquisition costs of between $200 and $400 per unit were capitalized and depreciated over a number of cost accounting periods. (b) After change: The contractor charges the value of assessts costing between $200 and $400 per unit to an indirect expense pool which is allocated to the cost objectives of the cost accounting period in which the cost was incurred.
2. Contractor changes his method for computing depreciation for a class of assests.	2. (a) Before change: The contractor assigned depreciation costs to costs accounting periods using an accelerated method. (b) After change: The contractor assigns depreciation costs to cost accounting periods using the straight line method.
3. Contractor changes his general method of determinating asset lives for classes of assets acquired prior to the effective date of CAS 409.	3. (a) Before change: The contractor identified the cost accounting periods to which the costs of tangible capital assets would be assigned using guideline class lives provided in IRS Rev. Pro. 72-10. (b) After change: The contractor changes the method by which he identifies the cost accounting periods to which the costs of tangible capital assets will be assigned. He now uses the expected actual lives based on past usage.

III. The method or technique used for allocating costs has been changed.

Description of changes	*Accounting treatment*
1. Contractor changes his method of allocating G&A expenses under the requirements of Cost Accounting Standard 410.	1. (a) Before change: The contractor operating under Cost Accounting Standard 410 has been allocating his general and administrative expense pool to final cost objectives on a total cost input base in compliance with the Standard. The contractor's business changes substantially such that there are significant new projects which have only insignificant quantities of material. (b) After change: After the addition of the new work, an evaluation of the changed circumstances reveals that the continued use of a total cost input base would result in a significant distortion in the allocation of the G&A expense pool in relation to the benefits received. To remain in compliance with Standard 410, the contractor alters his G&A allocation base from a total cost input base to a value added base.
2. The contractor changes the accounting for hardware common to all projects.	2. (a) Before change: The contractor allocated the cost of purchased or requisitioned hardware directly to projects. (b) After change: The contractor charges the cost of purchased or requisitioned hardware to an indirect expense pool which is allocated to projects using an appropriate allocation base.
3. The contractor merges operating segments A and B which use different cost accounting practices in accounting for manufacturing overhead costs.	3. (a) Before change: In segment A, the costs of the manufacturing overhead pool have been allocated to final cost objectives using a direct labor hours base; in segment B, the costs of the manufacturing overhead pool have been allocated to final cost objectives using a direct labor dollars base. (b) After change: As a result of the merger of operations, the combined segment decides to allocate the cost of the manufacturing overhead pool to all final cost objectives, using a direct labor dollars base. Thus, for those final cost objectives referred to in segment A, the cost of the manufacturing overhead pool will be allocated to the final cost objectives of segment A using a direct labor dollars base instead of a direct labor hours base.

(3) The following are illustrations of changes which do not meet the definition of "change to a cost accounting practice" and accordingly do not require price adjustments under the CAS contract clauses set forth in §§ 331.50 and 332.50.

Description of changes	Accounting treatment
1. Changes in the interest rate levels in the national economy have invalidated the prior actuarial assumption with respect to anticipated investment earnings. The pension plan administrators adopted an increased (decreased) interest rate actuarial assumption. The company allocated the resulting pension costs to all final cost objectives.	1. Adopting the increase (decrease) in the interest rate actuarial assumption is not a change in cost accounting practice.
2. The basic benefit amount for a company's pension plan is increased from $8 to $10 per year of credited service. The change increases the dollar amount of pension cost allocated to all final cost objectives.	2. The increase is the amount of the benefits is not a change in cost accounting practice.
3. A contractor who has never paid pensions establishes for the first time a pension plan. Pension costs for the first year amounted to $3.5 million.	3. The initial adoption of an accounting practice for the first time incurrence of a cost is not a change in cost accounting practice.
4. A contractor maintained a Deferred Incentive Compensation Plan. After several years' experience, the plan was determined not to be attaining its objective, so it was terminated, and no future entitlements were paid.	4. There was a termination of the Deferred Incentive Compensation Plan. Elimination of a cost is not a change in cost accounting practice.
5. A contractor eliminates a segment that was operated for the purpose of doing research for development of products related to nuclear energy.	5. The projects and expenses related to nuclear energy projects have been terminated. No transfer of these projects and no further work in this area is planned. This is an elimination of cost and not a change in cost accounting practice.
6. For a particular class of assets for which technological changes have rarely affected asset lives, a contractor starts with a five year average of historical lives to estimate future lives. He then considers technological changes and likely use. For the past several years the process resulted in an estimated future life of ten years for this class of assets. This year a technological change leads to a prediction of a useful life of seven years for the assets acquired this year for the class of assets.	6. The change in estimate (not in method) is not a change in cost accounting practice. The contractor has not changed the method or technique used to determine the estimate. The methodology applied has indicated a change in the estimated life, and this is not a change in cost accounting practice
7. The marketing department of a segment has reported directly to the general manager of the segment. The costs of the marketing department have been combined as part of the segment's G&A expense pool. The company reorganizes and requires the marketing department to report directly to a vice president at corporate headquarters.	7. After the organizational change in the company's reporting structure, the parties agree that the appropriate recognition of the beneficial or causal relationship between the costs of the marketing department and the segment is to continue to combine these costs as part of the segment's G&A expense pool. Thus, the organizational change has not resulted in a change in cost accounting practice.

(n) A "small business concern" is any concern, firm, person, corporation, partnership, cooperative or other business enterprise which pursuant to 15 U.S.C. 637(b)(6) and the rules and regulations of the Small Business Administration set forth in Part 121 of Title 13 of the Code of Federal Regulations, is determined to be a small business concern for the purpose of Government procurement.

§ 331.30 Applicability, exemption, and waiver.

(a) The head of each relevant Federal agency shall cause or require a clause set forth in § 331.50 captioned Cost Accounting Standard to be inserted in all negotiated defense contracts in excess of $100,000, except as provided in paragraph (b) of this section, other than contracts entered into by the agency where the price is based on: (1) Established catalog or market prices of commerical items sold in substantial quantities to the general public, or (2) prices set by law or regulation.

(b) The requirements of paragraph (a) of this section shall not be applicable to:

(1) Any contract or subcontract awarded to a small business concern.

(2) Any contract or subcontract awarded for performance in a business unit which is eligible to use the provisions of Part 332 of the Board's regulations and which elects to use that part.

(3) Any contract or subcontract awarded to an educational institution whose cost principles are subject to Federal Management Circular 73–8 except contracts that are to be performed by a federally funded research and development center (FFRDC) operated by such an institution. A FFRDC is a laboratory or similar operation which is designated as such by the National Science Foundation. If a contract or any part of a contract awarded to an exempt educational institution is to be performed by a FFRDC, the contract shall contain the clause set forth in § 331.50 or § 332.50, as appropriate, and the requirements of that clause shall be applicable to that part of the contract effort, and the costs thereof, which are performed by the FFRDC. Costs incurred by the institution which may be allocated to the FFRDC are specifically exempted by this provision as is the requirement to prepare part VIII of the disclosure statement (CASB–DS–1 or CASB–DS–2).

(4) Any contract awarded to a labor surplus area concern pursuant to procedures providing for a partial set-aside for such concern as set out in DAR 1–804, 32 CFR 1–804, and FPR 1–1.804, 41 CFR 1–1.804.

(5) Any contract or subcontract awarded to a foreign government or an agency or instrumentality of such government or, insofar as the requirements of Cost Accounting Standards 403 (4 CFR Part 403) or any subsequent standards are concerned, any contract or subcontract awarded to a foreign concern.

Note.—This exemption does not relieve foreign concerns of any obligation to comply with the Cost Accounting Standards set forth in 4 CFR Parts 401 and 402 and to submit a Disclosure Statement.

(6) Any subcontract to be performed outside the United States either by an agency of a foreign government or by a foreign concern in connection with the class of hydrofoil guided missile ship know as the "NATO PHM Ship."

(7) Any contract or subcontract of $500,000 or less, unless the business unit to whom it is awarded (i) is performing one or more covered contracts and (ii) has not received notification of final acceptance of all items of work to be delivered under all such contracts. For the purposes of this paragraph (b)(7) an order issued by one segment to another segment shall be treated as a subcontract.

(8) Any contract or subcontract awarded to a United Kingdom contractor for performance substantially in the United Kingdom: *Provided,* That the contractor has filed with the U.K. Ministry of Defence, for retention by the Ministry, a completed Disclosure Statement (Form CASB–DS–1) which

shall adequately describe its cost accounting practices. Whenever that contractor is already required to follow U.K. Government Accounting Conventions, the disclosed practices shall be in accord with the requirements of those Conventions. Such contract or subcontract shall also contain the following provision:

Consistency in Cost Accounting Practices

The contractor agrees that it will consistently follow the cost accounting practices disclosed on Form CASB–DS–1 in estimating, accumulating and reporting costs under this contract. In the event the contractor fails to follow such practices, it agrees that the contract price shall be adjusted, together with payment of interest, if such failure results in increased costs paid by the U.S. Government. Interest shall be determined in accordance with the rules and regulations of the Cost Accounting Standards Board. The contractor agrees that the Disclosure Statement filed with the U.K. Ministry of Defence shall be available for inspection and use by representatives of the contracting agency, the Cost Accounting Standards Board, and the Comptroller General of the United States.

(9) Any firm fixed price contract or subcontract awarded without submission of any cost data: *Provided,* That the failure to submit such data is not attributable to a waiver of the requirement for certified cost or pricing data.

(c)(1) Upon request of the Secretary of Defense, the Deputy Secretary of Defense, an Under Secretary of Defense, or the Deputy Under Secretary of Defense, Research and Engineering (Acquisition Policy), or outside the Department of Defense, of officials in equivalent positions, the Cost Accounting Standards Board may waive all or any part of the requirements of paragraph (a) of this section with respect to a national defense contract or subcontract. Any request for a waiver shall describe the proposed contract or subcontract for which waiver is sought and shall contain (i) an unequivocal statement that the proposed contractor or subcontractor refuses to accept a contract containing all or a specified part of the Cost Accounting Standards clause and the specific reason for that refusal, (ii) a statement whether the proposed contractor or subcontractor has accepted any prime contract or subcontract with any Federal department or agency containing the Cost Accounting Standards clause, (iii) the amount of the proposed award and the sum of all awards by the department or agency requesting the waiver to the proposed contractor or subcontractor in each of the preceding 3 years, (iv) a statement that no other source of the supplies or services being procured is available to satisfy the needs of the agency on a timely basis, (v) a statement of any alternative methods of fulfilling the project or program needs and the agency's reasons for rejecting such alternatives, (vi) a statement of the steps being taken by the procuring agency to establish other sources of supply for future procurements of the products or services for which a waiver is being requested, and (vii) any other information that may aid the Board in evaluating the requested waiver.

(2) Except as provided herein, the authority in paragraph (c)(1) of this section shall not be delegated. For any contract or subcontract for the procurement of substantially the same product or service from the same contractor for whom, pursuant to subparagraph (1) of this paragraph, a waiver has previously been requested and granted by the Cost Accounting Standards Board, authority contained in subparagraph (1) may be delegated by the Secretary of Defense to the Secretaries of the Military Departments and to the Director, Defense Supply Agency, and by the heads of other agencies to officials in equivalent positions.

§ 331.40 [Reserved]

§ 331.50 Contract clause.

Except as provided in either § 331.30 or Part 332 of this chapter the clause set forth below shall be inserted in all negotiated national defense prime contracts and subcontracts.

Cost Accounting Standards

(a) Unless the Cost Accounting Standards Board has prescribed rules or regulations exempting the contractor or this contract from standards, rules, and regulations promulgated pursuant to 50 U.S.C. App. 2168 (Pub. L. 91–379, August 15, 1970), the contractor, in connection with this contract shall:

(1) By submission of a Disclosure Statement, disclose in writing his cost accounting practices as required by regulations of the Cost Accounting Standards Board. The practices disclosed for this contract shall be the same as the practices currently disclosed and applied on all other contracts and subcontracts being performed by the contractor and which contain a Cost Accounting Standards clause. If the contractor has notified the Contracting Officer that the Disclosure Statement contains trade secrets and commercial or financial information which is privileged and confidential, the Disclosure Statement will be protected and will not be released outside of the Government.

(2) Follow consistently his cost accounting practices in accumulating and reporting contract performance cost data concerning this contract. If any change in cost accounting practices is made for purposes of any contract or subcontract subject to Cost Accounting Standards Board requirements, the change must be applied prospectively to this contract, and the Disclosure Statement must be amended accordingly. If the contract price or cost allowance of this contract is affected by such changes, adjustment shall be made in accordance with subparagraph (a)(4) or (a)(5) below, as appropriate.

(3) Comply with all Cost Accounting Standards in effect on the date of award of this contract or if the contractor has submitted cost or pricing data, on the date of final agreement on price as shown on the contractor's signed certificate of current cost or pricing data. The contractor shall also comply with any Cost Accounting Standard which hereafter becomes applicable to a contract or subcontract of the contractor. Such compliance shall be required prospectively from the date of applicability to such contract or subcontract.

(4)(A) Agree to an equitable adjustment as provided in the changes clause of this contract if the contract cost is affected by a change which, pursuant to (3) above, the contractor is required to make to his cost accounting practices.

(4)(B) Negotiate with the contracting officer to determine the terms and conditions under which a change may be made to a cost accounting practice, other than a change made under other provisions of this subparagraph (4): *Provided,* That no agreement may be made under this provision that will increase costs paid by the United States.

(4)(C) When the parties agree to a change to a cost accounting practice, other than a change under (4)(A) above, negotiate an equitable adjustment as provided in the changes clause of this contract.

(5) Agree to an adjustment of the contract price or cost allowance, as appropriate, if he or a subcontractor fails to comply with an applicable Cost Accounting Standard or to follow any cost accounting practice consistently and such failure results in any increased costs paid by the United States. Such adjustment shall provide for recovery of the increased costs to the United States together with interest thereon computed at the rate determined by the Secretary of the Treasury pursuant to Pub. L. 92–41, 85 Stat. 97, or 7 percent per annum, whichever is less, from the time the payment by the United States was made to the time the adjustment is effected.

(b) If the parties fail to agree whether the contractor or a subcontractor has complied with an applicable Cost Accounting Standard, rule, or regulation of the Cost Accounting Standards Board and as to any cost adjustment demanded by the United States, such failure to agree shall be a dispute concerning a question of fact within the meaning of the disputes clause of this contract.

(c) The contractor shall permit any authorized representatives of the head of the agency, of the Cost Accounting Standards Board, or of the Comptroller General of the United States to examine and make copies of any documents, papers, or records relating to compliance with the requirements of this clause.

(d) The contractor shall include in all negotiated subcontracts which he enters into the substance of this clause except paragraph (b), and shall require such inclusion in all other subcontracts of any tier, including the obligation to comply with all Cost Accounting Standards in effect on the date of award of the subcontract or if the subcontractor has submitted cost or pricing data, on the date of final agreement on price as shown on the subcontractor's signed certificate of current cost or pricing data. This requirement shall apply only to negotiated subcontracts in excess of $100,000 where the price negotiated is not based on:

(1) Established catalog or market prices of commercial items sold in substantial quantities to the general public, or

(2) Prices set by law or regulation, and except that the requirement shall not apply to negotiated subcontracts otherwise exempt from the requirement to include a Cost Accounting Standards clause by reason of § 331.30(b) of Title 4, Code of Federal Regulations (4 CFR 331.30(b)).

§ 331.51 Findings.

Prior to the utilization of the provisions of subparagraph (a)(4)(C) of the contract clause set out in § 331.50(b), the contracting officer shall make a finding that the change is desirable and is not detrimental to the interests of the Government.

§ 331.60 Disclosure requirements.

General provisions concerning filing of a Disclosure Statement and the time at which such Disclosure Statement must be filed are set forth in Part 351 of this Chapter.

§ 331.70 Interpretation.

(a) Increased costs paid by the United States as referred to in the Cost Accounting Standards clause in § 331.50 shall be deemed to have resulted whenever the cost paid by the Government results from a change in a contractor's cost accounting practices or from a failure to comply with applicable Cost Accounting Standards, and such cost is higher than it would have been had the practices not been changed or applicable Cost Accounting Standards been complied with.

(b) If the contractor under any fixed price contract, including a firm fixed price contract, fails during contract performance to follow his cost accounting practices or to comply with applicable Cost Accounting Standards, increased cost paid by the United States under contracts containing the clause set forth in § 331.50(a) is measured by the difference between the contract price agreed to and the contract price that would have been agreed to had the contractor proposed in accordance with the cost accounting practices used during contract performance. The determination of the contract price that would have been agreed to will be left to the contracting parties and will depend on the circumstances of each case.

(c) The statutory requirement underlying this interpretation is that the United States not pay increased costs, including a profit enlarged beyond that in the contemplation of the parties to the contract when the contract costs, price, or profit is negotiated, by reason of a contractor's failure to use applicable Cost Accounting Standards or to follow consistently his cost accounting practices. In making price adjustments under the Cost Accounting Standards clause in § 331.50, in fixed-price or cost-reimbursement incentive contracts, or contracts providing for prospective or retroactive price redetermination, the Federal agency shall apply this requirement appropriately in the circumstances.

(d) The contractor and the contracting officer may enter into an agreement as contemplated by paragraph (a)(4)(B) of the Cost Accounting Standards clause in § 331.50, covering a change in practice proposed by the Government or the contractor for all of the contractor's contracts for which the contracting officer is responsible, provided that the agreement does not permit any increase in the cost paid by the Government. Such agreement may be made final and binding, notwithstanding the fact that experience may subsequently establish that the actual impact of the change differed from that agreed to.

(e) To facilitate agreements with a contractor who has a large number of contracts affected by a proposed change in his cost accounting practices or affected by application of Cost Accounting Standards, contracting agencies are urged to establish procedures under which the contractor may seek, and in proper cases obtain, agreement with a single official concerning the impact of the proposed change or application of standards upon all such contracts of the agency.

(f) An adjustment to the contract price or of cost allowances pursuant to the Cost Accounting Standards clause in § 331.50 may not be required when a change in cost accounting practices or a failure to follow Standards or cost accounting practices is estimated to result in increased costs being paid under a particular contract by the United States. This circumstance may arise when a contractor is performing two or more covered contracts and the change or failure affects all such contracts. The change or failure may increase the cost paid under one or more of the contracts, while decreasing the cost paid under one or more of the contracts. In such case, the Government will not require price adjustment for any increased costs paid by United States so long as the cost decreased under one or more contracts are at least equal to the increased cost under the other affected contracts, provided that the contractor and all affected contracting officers agree on the method by which the price adjustments are to be made for all affected contracts. In this situation, the contracting agencies would, of course, require an adjustment of the contract price or cost allowances, as appropriate, to the extent that the increases under certain contracts were not offset by the decreases under the remaining contracts.

§ 331.71 Materiality.

(a) In determining whether amounts of cost are material or immaterial, the following criteria shall be considered where appropriate; no one criterion is necessarily determinative.

(1) The absolute dollar amount involved. The larger the dollar amount, the more likely that it will be material.

(2) The amount of contract cost compared with the amount under consideration. The larger the proportion of the amount under consideration to contract cost the more likely it is to be material.

(3) The relationship between a cost item and a cost objective. Direct cost items, especially if the amounts are themselves part of a base for allocation of indirect cost, will normally have more impact than the same amount of indirect costs.

(4) The impact on Government funding. Changes in accounting treatment will have more impact if they influence the distribution of costs between Government and non-Government cost objectives than if all cost objectives have Government financial support.

(5) The cumulative impact of individually immaterial items. It is appropriate to consider whether such impacts (i) tend to offset one another, or (ii) tend to be in the same direction and hence to accumulate into a material amount.

(6) The cost of administrative processing of the price adjustment modification shall be considered. If the cost to process exceeds the amount to be recovered, it is less likely the amount will be material.

(b)(1) A contract modification for price adjustment or cost allowance under the Cost Accounting Standards clause is required only if the cost impact is material.

(2) Where a contractor is in noncompliance and does not change a cost accounting practice because the cost impact is immaterial, the contracting agency is not relieved of its responsibilities to assure that an appropriate price adjustment is obtained if the cost impact of the noncompliance subsequently becomes material. The contractor shall be notified that the Government's decision to forbear action for noncompliance is solely because the cost impact at the time of the notice is immaterial. If at any time thereafter, the Government determines that the cost impact of noncompliance with respect to the practice in question is material, the Government then must require action under paragraph (a)(5) of the contract clause set forth in § 331.50 for any cost accounting period in which the cost impact is material. The fact that the Government does not pursue a price adjustment does not excuse the contractor from his obligation to comply with the Standard involved.

(3) Whether cost impact is recognized by modifying a single contract, several but not all contracts, or all contracts, or any other suitable technique, is a contract administration matter. The Standards, rules, and regulations of the Board do not in any way restrict the capacity of the parties to select the method by which the cost impact attributable to a change in cost accounting practice is recognized.

§ 331.72 Relationship to Part 332.

Contracts subject to this part may be performed during a cost accounting period in which a previously awarded contract subject to Part 332 of this chapter is also being performed. Compliance with the requirements established by this part may compel the use of cost accounting practices for contracts covered by this part that are not required under Part 332 of this chapter. Under these circumstances, the cost accounting practices applicable to contracts subject to Part 332 of this chapter need not be changed. Any resulting differences in practices between the contracts subject to this part and those subject to Part 332 of this part shall not constitute violations of Standards 401 or 402.

§ 331.80 Effective date.

Part 331, as amended, must be applied to contracts with a date of award after April 1, 1981, or if the contractor has submitted cost or pricing data, with a date of final agreement on price after that date.

PART 332—MODIFIED CONTRACT COVERAGE

Sec.

332.10 Purpose.
332.20 Definition.
332.30 Applicability.
332.40 [Reserved].
332.50 Contract clause.
332.51 Findings.
332.60 Disclosure requirements.
332.70 Interpretation.
332.80 Effective date.

Authority: Sec. 103, 84 Stat. 796 (50 U.S.C. App. 2168)

§ 332.10 Purpose.

The regulations contained in this part are promulgated to provide modified contract coverage for certain classes of business units.

§ 332.20 Definition.

The definitions set forth in § 331.20 of this chapter shall apply to this part.

§ 332.30 Applicability.

(a) Except for the award of a single covered contract of $10 million or more the provisions of this part may be applied in lieu of Part 331 of this chapter to any covered contract received by a business unit which in its immediately preceding cost accounting period received less than $10 million in awards of covered contracts: *Providing,* That the sum of such awards equals less than 10 percent of the business unit's total sales during that period.

(b) If in any cost accounting period the provisions of this part are applied to any one award to a business unit, they must be applied to all covered contracts awarded to that unit during that period, except under the following conditions. If the business unit receives a single contract award of $10 million or more, that contract must contain the clause set forth in § 331.50 of this chapter. Thereafter any covered contract awarded in the same cost accounting period must also contain that clause.

(c) Any covered contract awarded subject to this part shall remain subject thereto even if a portion of the contract is performed in a subsequent cost accounting period in which the business unit is exempt from the requirements of the Cost Accounting Standards Board or ineligible to use this part.

§ 332.40 [Reserved]

§ 332.50 Contract clause.

(a) Upon appropriate certification by the offeror that he is eligible and elects to use this part, the following clause shall be inserted in any resulting contract in lieu of the clause prescribed in § 331.50 of this chapter.

Disclosure and Consistency of Cost Accounting Practices

(a) The contractor, in connection with this contract shall: (1) Comply with the requirements of 4 CFR Parts 401, Consistency in Estimating, Accumulating and Reporting Costs, and 402, Consistency in Allocating Costs Incurred for the Same Purpose, in effect on the date of award of this contract.

(2) If it is a business unit of a company required to submit a Disclosure Statement, disclose in writing its cost accounting practices as required by regulations of the Cost Accounting Standards Board. If the contractor has notified the Contracting Officer that the Disclosure Statement contains trade secrets and commercial or financial information which is privileged and confidential, the Disclosure Statement will be protected and will not be released outside of the Government.

(3) Follow consistently, his cost accounting practices. A change to such practices may be proposed, however, by either the Government or the contractor, and the contractor agrees to negotiate with the Contracting Officer the terms and conditions under which a change may be made. After the terms and conditions under which the change is to be made have been agreed to, the change must be applied prospectively to this contract, and the Disclosure Statement if affected must be amended accordingly.

The contractor shall, when the parties agree to a change to a cost accounting practice and the contracting officer has made the finding required in § 332.51 of the Cost Accounting Standards Board's regulations, negotiate an equitable adjustment as provided in the changes clause of this contract. In the absence of the required finding no agreement may be made under this contract clause that will increase costs paid by the United States.

(4) Agree to an adjustment of the contract price or cost allowance, as appropriate, if he or a subcontractor fails to comply with the applicable Cost Accounting Standards or to follow any cost accounting practice and such failure results in any increased costs paid by the United States. Such adjustment shall provide for recovery of the increased costs to the United States together with interest thereon computed at the rate determined by the Secretary of the Treasury pursuant to Pub. L. 92–41, 85 Stat. 97, or 7 percent per annum, whichever is less, from the time the payment by the United States was made to the time the adjustment is effected.

(b) If the parties fail to agree whether the contractor has complied with an applicable Cost Accounting Standard, rule or regulation or the Cost Accounting Standards Board and as to any cost adjustment demanded by the United States, such failure to agree shall be a dispute concerning a question of fact within the meaning of the disputes clause of this contract.

(c) The contractor shall permit any authorized representatives of the head of the agency, of the Cost Accounting Standards Board, or of the Comptroller General of the United States to examine and make copies of any documents, papers, or records relating to compliance with the requirements of this clause.

(d) The contractor shall include in all negotiated subcontracts which he enters into the substance of this clause except paragraph (b) and shall require such inclusion in all other subcontracts of any tier, except that:

(1) If the subcontract is awarded to a business unit which pursuant to Part 331 is required to follow all Cost Accounting Standards, the clause entitled "Cost Accounting Standards" set forth in § 331.50 of the Board's regulations shall be inserted in lieu of this clause, or

(2) This requirement shall apply only to negotiated subcontracts in excess of $100,000 where the price negotiated is not based on

(i) Established catalog or market prices of commercial items sold in substantial quantities to the general public or

(ii) Price set by law or regulation, or

(3) The requirement shall not apply to negotiated subcontracts otherwise exempt from the requirement to include a Cost Accounting Standards clause by reason of § 331.30(b) of the Board's regulation.

§ 332.51 Findings.

Prior to making any equitable adjustment under subparagraph (3) of the contract clause set out in § 332.50 the contracting officer shall make a finding that the change is desirable and is not detrimental to the interests of the Government.

§ 332.60 Disclosure requirements.

General provisions concerning filing of a Disclosure Statement and the time at which such Disclosure Statement must be filed are set forth in Part 351 of this Chapter.

§ 332.70 Interpretation.

(a) For the purpose of determining under § 332.30(a) whether the sum of covered contract awards equals less than 10 percent of the business unit's total sales, an order received by the one segment from another segment shall be treated in the same way that a subcontract award to the receiving segment would be treated. In measuring sales for a year, a transfer by one segment to another shall be deemed to be a sale by the transferor.

(b) Contracts subject to this Part 332 may be performed during a cost accounting period in which a subsequently awarded contract subject to Part 331 is also being performed. Compliance with the requirements established by Part 331 may compel the use of cost accounting practices for the subsequently awarded contract that are not required under this Part 332. Under these circumstances, the cost accounting practices applicable to contracts subject to this part 332 need not be changed. Any resulting differences in practices between the contracts subject to this Part and those subject to Part 331 of this chapter shall not constitute violations of Standards 401 or 402.

(c) In applying § 332.30(a), business units using Federal Management Circular 73-8 (Cost Principles for Educational Institutions) shall use the amount of current funds expenditures in lieu of total sales.

(d) The interpretation set forth in § 331.70 shall also apply to this part.

§ 332.80 Effective date.

Part 332, as amended, must be applied to contracts whose date of award is April 1, 1981 or if the contractor has submitted cost or pricing data, whose date of final agreement on price is after that date.

SUBCHAPTER E—DISCLOSURE STATEMENT

PART 351—BASIC REQUIREMENTS

Sec.

* * * * *

351.30 Definitions.
351.40 Filing requirement.
351.50 [Reserved]
351.60 Forms.
351.70 Submission.
351.80 Incorporation of disclosure statement.

* * * * *

351.110 [Reserved]
351.120 Amendment of disclosure statement.

* * * * *

§ 351.30 Definitions.

The definitions set forth in § 331.20 of this chapter shall apply to this part.

§ 351.40 Filing requirement.

(a) *Who must file.* (1) Any defense contractor which, together with its segments, received net awards of negotiated national defense prime contracts and subcontracts subject to Cost Accounting Standards totaling more than $10 million in its most recent cost accounting period, must submit a completed Disclosure Statement as specified in paragraph (b)(1) of this section.

(2) Any business unit which receives a negotiated national defense contract or subcontract which is subject to Cost Accounting Standards and is for $10 million or more must submit a completed Disclosure Statement as specified in paragraph (b)(2) of this section.

(3) Except as provided in 4 CFR 331.30(b) or except where the price is based on (i) established catalog or market prices of commercial items sold in substantial quantities to the general public or (ii) prices set by regulation, a separate Disclosure Statement must be submitted covering the practices of each segment of a defense contractor whose costs included in the total price of any covered contract exceeds $100,000. If the cost accounting practices are identical for more than one segment of a contractor, only one statement need be submitted for those segments, but each such segment must be identified.

(4) Each corporate or other home office which allocates costs to one or more disclosing segments performing covered contracts shall file a Part VIII of the Disclosure Statement.

(b) *Time of Filing.* Any defense contractor required by paragraph (a)(1) of this section to file a Disclosure Statement must do so prior to award of the first covered contract received by the contractor or by a segment of such contractor in the cost accounting period immediately following the period in which the contractor receives awards totaling $10 million. If the first covered contract is received within 90 days of the start of the cost accounting period, the contractor is not required to file until the end of the 90 days.

(2) Any business unit required by paragraph (a)(2) of this section to submit a Disclosure Statement must do so as part of its proposal for such contract unless the business unit has already submitted a Disclosure Statement disclosing the practices used in the pricing of its proposal.

(3) A corporate or home office required by paragraph (a)(4) of this section to file a Disclosure Statement shall do so at the same time its disclosing segment files its Disclosure Statement.

(c) *Confidentiality of disclosure statement.* (1) If the business unit submitting a Disclosure Statement notifies the contracting agency and the CASB that the Disclosure Statement contains trade secrets and commercial or financial information which it regards as privileged and confidential, the Disclosure Statement will be protected and will not be released outside of the Government. (Persons submitting Disclosure Statements containing such information should place an appropriate legend on the face of the document at the time of submission.)

(2) If a subcontractor considers that the information in its Disclosure Statement is privileged and confidential and declines to provide it to the contractor or higher tier subcontractor, the contractor may authorize direct submission of that subcontractor's Disclosure Statement to the same Government offices to which the contractor was required to submit its Disclosure Statement.

(d) *Waiver.* In the event the agency head determines that it is impractical to secure a required Disclosure Statement, he may authorize award of a contract or

subcontract without submission of a Disclosure Statement. He shall within 30 days thereafter submit a report to the Cost Accounting Standards Board setting forth all material facts.

§ 351.50 [Reserved]

§ 351.60 Forms.

(a) For the convenience of persons required to submit Disclosure Statements, the Cost Accounting Standards Board has devised forms which should be used. Form No. CASB–DS–1 is for general use. Form No. CASB–DS–2 may be used by educational institutions operating FFRDCs. Copies of the form may be requested by relevant Federal agencies for distribution to affected contractors and subcontractors from the Administrative Officer of the Cost Accounting Standards Board, 441 G Street NW., Washington, DC 20548. If for any reason, copies of the form cannot be obtained, the required information shall be supplied in a form substantially in accord with the arrangement set forth in § 351.130.

(b) Foreign contractors and subcontractors who are required to submit a Disclosure Statement may, in lieu of filing a Form No. CASB–DS–1, make disclosure by use of a disclosure form prescribed by an agency of its Government, provided that the Cost Accounting Standards Board determines that the information disclosed by that means will satisfy the objectives of Pub. L. 91–379.

§ 351.70 Submission.

Each national defense contractor shall submit a copy of each Disclosure Statement, and any amendments thereto in accordance with the method prescribed by each Federal agency for which the contractor is performing or proposes to perform contracts subject to the rules, regulations and standards of the Cost Accounting Standards Board.

§ 351.80 Incorporation of disclosure statement.

Every solicitation for a contract which will be subject to the standards, rules, and regulations of the Cost Accounting Standards Board shall contain a provision allowing the contractor to identify and incorporate by reference, a Disclosure Statement already on file which will be applicable to that solicitation. Such identification and incorporation shall satisfy the requirement for disclosure as a condition of contracting. Agencies may, nonetheless, require submission of additional copies of such Disclosure Statement to the extent deemed necessary.

§ 351.110 [Reserved]

§ 351.120 Amendment of disclosure statement.

(a) Disclosure Statements must be amended when disclosed practices are changed to comply with new Cost Accounting Standards. The Statements must also be amended when practices are changed with or without agreement of the Government under the provisions of §§ 331.50(a)(4) (B) or (C) or § 332.50(a)(3).

(b) Amendments shall be submitted to the same offices, including the Cost Accounting Standards Board, to which submission would have to be made were an original Disclosure Statement being filed. Revised responses for Items 1.4.0 through 1.7.0, 8.1.0 or 8.2.0 must be submitted at the beginning of the contractor's fiscal year only if the response to an item in the Disclosure Statement on file requires a change. If the contractor's sales were such that it would check the same boxes in the Disclosure Statement, resubmission of responses concerning these particular items is not required.

(c) For each revision of the Disclosure Statement (addition, change or deletion), only the pages containing such revision shall be resubmitted. Each resubmission shall include a new cover sheet and a signed certification. In the first line of Item 0.4 of the cover sheet, companies shall enter the date of the revision. On the next line of Item 0.4 the date of the last cover sheet that was submitted shall be entered. The numbers of the pages being revised and submitted with the cover sheet shall be entered immediately above the certification. The upper right corner of each revised page being submitted shall be marked "Revised" and dated with the date shown in the first line of Item 0.4. Companies shall enter in the right margin of each page, an asterisk (*) alongside each line containing a revision. For continuation sheets, asterisks may be used in the right margin to identify revised material. Agencies may prescribe criteria under which submission of a complete, updated Disclosure Statement will be required.

Effective date. The effective date of these amendments to Part 351 is April 1, 1981.

(Sec. 719, Defense Production Act of 1950, as amended, Pub. L. 91–379 (50 U.S.C. App. 2168))

Nelson H. Shapiro,

Executive Secretary.

[FR Doc. 80–28869 Filed 9–17–80; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 908

[Valencia Orange Reg. 664; Valencia Orange Reg. 663, Amdt. 1]

Valencia Oranges Grown in Arizona and Designated Part of California; Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of fresh California-Arizona Valencia oranges that may be shipped to market during the period September 19-September 25, 1980, and increases the quantity of such oranges that may be so shipped during the period September 12-September 18, 1980. Such action is needed to provide for orderly marketing of fresh Valencia oranges for the periods specified due to the marketing situation confronting the orange industry.

DATES: The regulation becomes effective September 19, 1980, and the amendment is effective for the period September 12-September 18, 1980.

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

SUPPLEMENTARY INFORMATION: *Findings.* This regulation and amendment are issued under the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The action is based upon the recommendations and information submitted by the Valencia Orange Administrative Committee and upon other available information. It is hereby found that the action will tend to effectuate the declared policy of the act.

This action is consistent with the marketing policy for 1979–80 which was designated significant under the procedures of Executive Order 12044. The marketing policy was recommended by the committee following discussion at a public meeting on January 22, 1980. A final impact analysis on the marketing policy is available from Malvin E. McGaha, Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202–447–5975.

The committee met again publicly on September 16, 1980 at Los Angeles, California, to consider the current and prospective conditions of supply and demand and recommended a quantity of Valencia oranges deemed advisable to

be handled during the specified weeks. The committee reports the demand for Valencia oranges is good.

It is further found that there is insufficient time between the date when information became available upon which this regulation and amendment are based and when the actions must be taken to warrant a 60-day comment period as recommended in E.O. 12044, and that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the Federal Register (5 U.S.C. 553), and the amendment relieves restrictions on the handling of Valencia oranges. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective times.

1. Section 908.964 is added as follows:

§ 908.964 Valencia Orange Regulation 664.

Order. (a) The quantities of Valencia oranges grown in Arizona and California which may be handled during the period September 19, 1980, through September 25, 1980, are established as follows:

(1) District 1: 418,000 cartons;

(2) District 2: 532,000 cartons;

(3) District 3: Open Movement.

(b) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" mean the same as defined in the marketing order.

§ 908.963 [Amended]

2. Paragraph (a) in § 908.963 Valencia Orange Regulation 663 (45 F.R. 59831), is hereby amended to read:

(a) * * *

(1) District 1: 462,000 cartons;

(2) District 2: 588,000 cartons;

(3) District 3: Open Movement.

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

Dated: September 17, 1980

D. S. Kuryloski,

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

[FR Doc. 80-29136 Filed 9-17-80; 12:30 am]

BILLING CODE 3410-02-M

Federal Crop Insurance Corporation

7 CFR Part 411

Grape Crop Insurance Regulations

AGENCY: Federal Crop Insurance Corporation.

ACTION: Final rule.

SUMMARY: This rule prescribres procedures for insuring grapes effective with the 1981 crop year. This rule is a revision of the previous regulations for insuring grapes to include several changes and to reissue the regulations in a clearer, shorter, and simpler document which will make the program easier to understand and more effective administratively. This rule is promulgated under the authority contained in the Federal Crop Insurance Act, as amended.

EFFECTIVE DATE: September 18, 1980.

FOR FURTHER INFORMATION CONTACT: Peter F. Cole, Secretary, Federal Crop Insurance Corporation, U.S. Department of Agriculture, Washington, D.C., 20250, telephone 202–447–3325.

The Final Impact Statement describing options considered in developing this final rule and the impact of implementing each option is available upon request from the above-named individual.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under USDA procedures established in Secretary's Memorandum No. 1955 (August 25, 1978), to implement Executive Order No. 12044 (March 23, 1978), and has been classified a "not significant".

The Federal Crop Insurance Corporation (FCIC) published a notice of proposed rulemaking in the Federal Register on Friday, June 20, 1980 (45 FR 41640–41646), prescribing procedures for insuring grapes effective with the 1981 crop year.

In the notice, FCIC, under the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), proposed that the Grape Crop Insurance Regulations (7 CFR Part 411) be revised and reissued effective with the 1981 and succeeding crop years.

It has been determined that revising and reissuing 7 CFR Part 411 into one shorter, simpler, and clearer regulation would be more effective administratively.

In addition to shortening and simplifying the regulations, the revised 7 CFR Part 411 provides (1) for a premium adjustment table that provides up to 50 percent premium discount for good insuring experience and premium increases for unfavorable insuring experience, which replaces the present premium discount system, (2) that any premium not paid by the termination date will be increased by a 9 percent charge, with a 9 percent simple interest charge applying to any unpaid balance at the end of each subsequent 12-month period thereafter, (3) that the 15-day notice of loss provision has been changed to 30 days and the 60-day period for filing a claim for loss has been eliminated, (4) for three coverage level options to be offered in each county, with the imposed level election being provided on the actuarial table, and the conversion level being the one closest to the present percent level for the county, (5) that grape crop insurance be offered in the State of Washington effective with the 1981 crop year, (6) for unit division by written agreement between the policyholder and the Corporation or by applicable guidelines, and (7) that the insurance period, cancellation, termination, and sales closing dates be changed to more nearly reflect current farming practices, as indicated in the following table:

	Present	Proposed
Insurance period dates:		
California	Dec. 11–Dec. 10	Feb. 1–Dec. 10.
Washington		Nov. 11–Nov. 10.
All other States.	Dec. 11–Dec. 10	Dec. 11–Dec. 10.
Cancellation dates:		
California	Sept. 30	Dec. 31.
All other States.	Sept. 30	Sept. 30.
Termination dates:		
California	Dec. 10	Jan. 10.
Washington		Nov. 10.
All other States.	Dec. 10	Dec. 10.
Sales closing date:		
California	Dec. 10	Jan. 31.
Washington		Nov. 10.
All other States.	Dec. 10	Dec. 10.

In addition, § 411.5, "Good Faith Reliance on Misrepresentation," of the revised Grape Crop Insurance Regulations increases the limitation from $5,000 to $20,000 in those cases involving good faith reliance on misrepresentation by employees or agents of the Corporation wherein the Manager of the Corporation (FCIC) is authorized to take action to grant relief.

All previous regulations applicable to insuring grapes as found in 7 CFR Part 411, as amended, will not be applicable to the 1981 and succeeding grape crops but will remain in effect for Federal Crop Insurance Corporation Grape Crop Insurance policies issued for the crop years prior to 1981.

Under the provisions of Executive Order No. 12044, and the Administrative Procedure Act (5 U.S.C. 553 (b) and (c)), the public was given an opportunity to submit written comments, data, and opinions on the proposed regulations. One comment was received from the National Grape Cooperative Association, Incorporated.

This organization, relating its comments on the proposed rule to grape

growers in Washington State, made specific comments on the proposed rule, with three recommendations for inclusion as insurable causes of loss, as follows:

1. Volcanic eruptions
2. Inadequate supply of irrigation water
3. 2–4–D mass air contamination

In addition, the recommendation was made to extend the sales closing date a minimum of 30 days from November 10 in Washington State to allow growers time to consider the merits of the program.

The Corporation considered these requests in detail and determined that volcanic eruption would not be a specific insurable cause of loss; however, volcanic ash damage to crops insured by the Corporation would be insurable. This determination was made recently in connection with the apple insurance program in that State, where the wind moved the volcanic ash to areas where crops were insured. Further, the grape producing area where the Corporation proposes to offer an insurance program is a great distance away from any evidence of recent volcanic activity.

Adverse weather conditions, the basis for recovery where damages occur due to volcanic ash, would also apply in the case of damage from 2–4–D mass air contamination where massive air contamination is moved by wind to an insured crop area. However, at a meeting with grape growers in Washington State on October 16, 1979, it was determined by the growers themselves that such an occurrence of the magnitude necessary to cause mass air contamination generally did not exist. If such a rare 2–4–D mass air contamination did occur, however, the Corporation would regard this as an insurable cause of loss.

With regard to inadequate supply of irrigation water being an insurable cause of loss, Section 3 of the Appendix (Additional Terms and Conditions), as found on page 41645 of the Federal Register of Friday, June 20, 1980, provides that failure of the water supply from an unavoidable cause occurring after the insurance attaches is an insurable cause of loss. The Corporation feels that this provision adequately covers the matter of inadequate water supply raised by the National Grape Cooperative.

Finally, concerning the request to extend the closing date at least 30 days to allow growers an opportunity to familiarize themselves with the insurance offer, the Corporation plans to notify all grape growers of the program and to contact all those who express an interest in it. We, therefore, do not feel that it is necessary to change this date.

The Corporation has determined that, in view of the above, no amendment to the proposed rule is required; therefore, with the exception of minor and nonsubstantive corrections to language, the regulations as contained in the proposed rule are hereby issued as a final rule to be effective starting with the 1981 crop year.

In addition, there is hereby added to the final rule an Appendix "B" which lists the counties where grape crop insurance is available. The provisions of 7 CFR Part 411.1 state, in part, that before insurance is offered in any county, there shall be published by appendix to this part the names of the counties where such insurance shall be offered.

In compliance with the Secretary's Memorandum No. 1955, the review of these regulations contained in 7 CFR Part 411 for need, currency, clarity, and effectiveness must be completed prior to the sunset date of May 30, 1985.

Final Rule

Accordingly, pursuant to the authority contained in the Federal Crop Insurance Act, as amended (7 U.S.C. 1501 *et seq.*), the Federal Crop Insurance Corporation hereby revises and reissues the Grape Crop Insurance Regulations (7 CFR 411), with such regulations as are contained in 7 CFR 411 and published in the **Federal Register** at 41 FR 36792 (September 1, 1976), as amended at 44 FR 1967 (January 9, 1979), and at 44 FR 74795 (December 18, 1979), remaining in effect for FCIC grape policies issued prior to 1981. The Grape Crop Insurance Regulations (7 CFR 411), are hereby revised and reissued for the 1981 and succeeding crop years to read as follows:

PART 411—GRAPE CROP INSURANCE

Subpart—Regulations for the 1981 and Succeeding Crop Years

Sec.

411.1 Availability of grape insurance.
411.2 Premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed.
411.3 Public notice of indemnities paid.
411.4 Creditors.
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411.6 The contract.
411.7 The application and policy.

Authority: Secs. 506, 516, 52 Stat. 73 as amended, 77, as amended (7 U.S.C. 1506, 1516).

§ 411.1 Availability of grape insurance.

Insurance shall be offered under the provisions of this subpart on grapes in counties within limits prescribed by and in accordance with the provisions of the Federal Crop Insurance Act, as amended. The counties shall be designated by the Manager of the Corporation from those approved by the Board of Directors of the Corporation. Before insurance is offered in any county, there shall be published by appendix to this part the names of the counties in which grape insurance will be offered.

§ 411.2 Premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed.

(a) The Manager shall establish premium rates, production guarantees, coverage levels, and prices at which indemnities shall be computed for grapes which shall be shown on the county actuarial table on file in the office for the county and may be changed from year to year.

(b) At the time the application for insurance is made, the applicant shall elect a coverage level and price at which indemnities shall be computed from among those levels and prices shown on the actuarial table for the crop year.

§ 411.3 Public notice of indemnities paid.

The Corporation shall provide for posting annually in each county at each county courthouse a listing of the indemnities paid in the county.

§ 411.4 Creditors.

An interest of a person in an insured crop existing by virtue of a lien, mortgage, garnishment, levy, execution, bankruptcy, or an involuntary transfer shall not entitle the holder of the interest to any benefit under the contract except as provided in the policy.

§ 411.5 Good faith reliance on misrepresentation.

Notwithstanding any other provision of the grape insurance contract, whenever (a) an insured person under a contract of crop insurance entered into under these regulations, as a result of a misrepresentation or other erroneous action or advice by an agent or employee of the Corporation, (1) is indebted to the Corporation for additional premiums, or (2) has suffered a loss to a crop which is not insured or for which the insured person is not entitled to an indemnity because of failure to comply with the terms of the insurance contract, but which the insured person believed to be insured, or believed the terms of the insurance contract to have been complied with or waived, and (b) the Board of Directors of the Corporation, or the Manager in cases involving not more than $20,000, finds (1) that an agent or employee of

the Corporation did in fact make such misrepresentation or take other erroneous action or give erroneous advise, (2) that said insured person relied thereon in good faith, and (3) that to require the payment of the additional premiums or to deny such insured's entitlement to the indemnity would not be fair and equitable, such insured person shall be granted relief the same as if otherwise entitled thereto.

§ 411.6 The contract.

The insurance contract shall become effective upon the acceptance by the Corporation of a duly executed application for insurance on a form prescribed by the Corporation. Such acceptance shall be effective upon the date the notice of acceptance is mailed to the applicant. The contract shall cover the grape crop as provided in the policy. The contract shall consist of the application, the policy, the attached appendix, and the provisions of the county actuarial table. Any changes made in the contract shall not affect its continuity from year to year. Copies of forms referred to in the contract are available at the office for the county.

§ 411.7 The application and policy.

(a) Application for insurance on a form prescribed by the Corporation may be made by any person to cover such person's insurable share in the grape crop as landlord, owner-operator, or tenant. The application shall be submitted to the Corporation at the office for the county on or before the applicable closing date on file in the office for the county.

(b) The Corporation reserves the right to discontinue the acceptance of applications in any county upon its determination that the insurance risk involved is excessive, and also, for the same reason, to reject any individual application. The Manager of the corporation is authorized in any crop year to extend the closing date for submitting applications or contract changes in any county, by placing the extended date on file in the office for the county and publishing a notice in the **Federal Register** upon the Manager's determination that no adverse selectivity will result during the period of such extension: *Provided, however,* That if adverse conditions should develop during such period, the Corporation will immediately discontinue the acceptance of applications.

(c) In accordance with the provisions governing changes in the contract contained in policies issued under FCIC regulations for the 1977 and succeeding crop years, a contract in the form provided for under this subpart will come into effect as a continuation of a grape contract issued under such prior regulations, without the filing of a new application.

(d) The provisions of the application and Grape Insurance Policy for the 1981 and succeeding crop years, and the Appendix to the Grape Insurance Policy are as follows:

U.S. Department of Agriculture

Federal Crop Insurance Corporation

Application for 19—and Succeeding Crop Years

Grape Crop Insurance Contract

(Contract Number) _____
(Identification Number) _____
(Name and address) _____
(Zip code) _____
(County) _____
(State) _____
Type of entity _____
Applicant is over 18 Yes—— No _____

A. The applicant, subject to the provisions of the regulations of the Federal Crop Insurance Corporation (herein called "Corporation"), hereby applies to the Corporation for insurance on the applicant's share in the grapes produced on insurable acreage as shown on the county actuarial table for the above-stated county. The applicant elects from the actuarial table the coverage level and price at which indemnities shall be computed. THE PREMIUM RATES AND PRODUCTION GUARANTEES SHALL BE THOSE SHOWN ON THE APPLICABLE COUNTY ACTUARIAL TABLE FILED IN THE OFFICE FOR THE COUNTY FOR EACH CROP YEAR.
Level election _____
Price election _____

Example: For the 19— Crop Year Only (100% Share)

Location/ farm No.	Guarantee per acre*	Percentage premium rate**	Practice

*Your guarantee will be on a unit basis (acres × per acre guarantee × share).
**Your premium is subject to adjustment in accordance with section 5(c) of the policy.

B. WHEN NOTICE OF ACCEPTANCE OF THIS APPLICATION IS MAILED TO THE APPLICANT BY THE CORPORATION, the contract shall be in effect for the crop year specified above, unless the time for submitting applications has passed at the time this application is filed, AND SHALL CONTINUE FOR EACH SUCCEEDING CROP YEAR UNTIL CANCELED OR TERMINATED as provided in the contract. This accepted application, the following grape insurance policy, the attached appendix, and the provisions of the county actuarial table showing the production guarantees, coverage levels, premium rates, prices for computing indemnities, and insurable and uninsurable acreage shall constitute the contract. Additional information regarding contract provisions can be found in the county regulations folder on file in the office for the county. No term or condition of the contract shall be waived or changed except in writing by the Corporation.
(Signature of applicant) _____
(date)_____, 19 _____
(Code No./witness to signature) _____
Address of office for county: _____

_____
Phone _____
Location of form headquarters: _____

_____
Phone _____

Grape Crop Insurance Policy

Terms and Conditions

Subject to the provisions in the attached appendix:

1. *Causes of Loss.* (a) Causes of loss insured against. The insurance provided is against unavoidable loss of production resulting from adverse weather conditions, wildlife, earthquake or fire occurring within the insurance period, subject to any exceptions, exclusions or limitations with respect to causes of loss shown on the actuarial table.

(b) Causes of loss not insured against. The contract shall not cover any loss of production, as determined by the Corporation, due to (1) the neglect or malfeasance of the insured, any member of the insured's household, the insured's tenants or employees, (2) failure to follow recognized good farming practices, (3) damage resulting from the backing up of water by any governmental or public utilities dam or reservoir project, or (4) any cause not specified as an insured cause in this policy as limited by the actuarial table.

2. *Crop and Acreage Insured.* (a) The crop insured shall be grapes of the insurable varieties for which the actuarial table shows a guarantee and percentage premium rate, and which are grown on insured acreage.

(b) The acreage insured for each crop year shall be that acreage of grapes grown on insurable acreage as shown on the actuarial table, and the insured's share therein as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect: *Provided,* That insurance shall attach or be considered to have attached, as determined by the Corporation, only to acreage upon which the vines, after being set out, have reached the number of growing seasons shown on the actuarial table for such purposes.

(c) Insurance will not attach to acreage (1) with an average yield of less than 2 tons per acre or (2) with less than 90% of a stand of bearing vines based on the original planting pattern except by written agreement between the insured and the Corporation or unless so provided on the county actuarial table.

3. *Responsibility of Insured to Report Acreage, Share and Yield.* The insured shall submit to the Corporation on a form prescribed by the Corporation, a report showing (a) all acreage of grapes in the county (including a designation of any acreage to which insurance does not attach) in which the insured has a share and (b) the insured's share therein at the time insurance attached. A report of the preceding year's

insurable acreage and the tonnage produced therefrom shall also be provided by the insured on a form prescribed by the Corporation when the acreage report for the current year is submitted. Such reports shall be submitted each year not later than the acreage reporting date on file in the office for the county.

4. *Production Guarantees, Coverage Levels, and Prices for Computing Indemnities.* For each crop year of the contract, the production guarantees, coverage levels, and prices at which indemnities shall be computed shall be those shown on the actuarial table.

5. *Annual Premium.* (a) The annual premium is earned and payable on the date insurance attaches and the amount thereof shall be determined by multiplying the insured acreage times the production guarantee per acre, times the price election per ton, times the percentage premium rate, times the insured's share on the date insurance attaches, times the applicable premium adjustment percentage in subsection (c) of this section.

(b) for premium adjustment purposes, only the years during which premiums were earned shall be considered.

(c) The premium shall be adjusted as shown in the following table:

BILLING CODE 3410-08-M

% ADJUSTMENTS FOR FAVORABLE CONTINUOUS INSURANCE EXPERIENCE																
	Numbers of Years Continuous Experience Through Previous Year															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15 or more
Loss Ratio 1/ Through Previous Crop Year	Percentage Adjustment Factor For Current Crop Year															
.00 – .20	100	95	95	90	90	85	80	75	70	70	65	65	60	60	55	50
.21 – .40	100	100	95	95	90	90	90	85	80	80	75	75	70	70	65	60
.41 – .60	100	100	95	95	95	95	95	90	90	90	85	85	80	80	75	70
.61 – .80	100	100	95	95	95	95	95	95	90	90	90	90	85	85	85	80
.81 – 1.09	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100

% ADJUSTMENTS FOR UNFAVORABLE INSURANCE EXPERIENCE																
	Number of Loss Years Through Previous Year 2/															
	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Loss Ratio 1/ Through Previous Crop Year	Percentage Adjustment Factor For Current Crop Year															
1.10 – 1.19	100	100	100	102	104	106	108	110	112	114	116	118	120	122	124	126
1.20 – 1.39	100	100	100	104	108	112	116	120	124	128	132	136	140	144	148	152
1.40 – 1.59	100	100	100	108	116	124	132	140	148	156	164	172	180	188	196	204
1.70 – 1.99	100	100	100	112	122	132	142	152	162	172	182	192	202	212	222	232
2.00 – 2.49	100	100	100	116	128	140	152	164	176	188	200	212	224	236	248	260
2.50 – 3.24	100	100	100	120	134	148	162	176	190	204	218	232	246	260	274	288
3.25 – 3.99	100	100	105	124	140	156	172	188	204	220	236	252	268	284	300	300
4.00 – 4.99	100	100	110	128	146	164	182	200	218	236	254	272	290	300	300	300
5.00 – 5.99	100	100	115	132	152	172	192	212	232	252	272	292	300	300	300	300
6.00 – Up	100	100	120	136	156	180	202	224	246	268	290	300	300	300	300	300

1/ Loss Ratio means the ratio of indemnity(ies) paid to premium(s) earned.

2/ Only the most recent 15 crop years will be used to determine the number of "Loss Years". (A crop year is determined to be a "Loss Year" when the amount of indemnity for the year exceeds the premium for the year.)

BILLING CODE 3410-08-C

(d) Any amount of premium for an insured crop which is unpaid on the day following the termination date for indebtedness for such crop shall be increased by a 9 percent service fee, which increased amount shall be the premium balance, and thereafter, at the end of each 12-month period, 9 percent simple interest shall attach to any amount of the premium balance which is unpaid: *Provided,* When notice of loss has been timely filed by the insured as provided in section 7 of this policy, the service fee will not be charged and the contract will remain in force if the premium is paid in full within 30 days after the date of approval or denial of the claim for indemnity; *however,* if any premium remains unpaid after such date, the contract will terminate and the amount of the premium outstanding shall be increased by a 9 percent service fee, which increased amount shall be the premium balance. If such premium balance is not paid within 12 months immediately following the termination date, 9 percent simply interest shall apply from the termination date and each year thereafter to any unpaid premium balance.

(e) Any unpaid amount due the Corporation may be deducted from any indemnity payable to the insured by the Corporation or from any loan or payment to the insured under any Act of Congress or program administered by the U.S. Department of Agriculture, when not prohibited by law.

6. *Insurance Period.* (a) Insurance on insured acreage shall attach each crop year on December 11 (February 1 in California, November 11 in Washington) and shall cease upon the earliest of (1) final adjustment of a loss, (2) harvest of the insured grapes, (3) December 10 (November 10 in Washington) of the calendar year in which the grapes are normally harvested, or (4) total destruction of the insured grape crop.

(b) In New York, Pennsylvania and Ohio only, if the insured purchases any insurable acreage of grapes on or before January 5 of any crop year, insurance will be considered to have attached to such acreage on the preceding December 11: *Provided,* That the Corporation has inspected and accepted such acreage in writing. If the insured sells any acreage of grapes on or before January 5 of any crop year insurance will not be considered to have attached to such acreage for that crop year.

7. *Notice of Damage or Loss.* (a) Any notice of damage or loss shall be given promptly in writing by the insured to the Corporation at the office for the county.

(b) Notice shall be given promptly if, during the period before harvest, the grapes on any unit are damaged to the extent that the insured does not expect to further care for the crop or harvest any part of it.

(c) If an indemnity is to be claimed on a unit, the insured shall give written notice thereof to the Corporation at the office for the county not later than *30 days* after the earliest of (1) the date harvest is completed on the unit, (2) the calendar date for the end of the insurance period, or (3) the date the entire grape crop on the unit is destroyed, as determined by the Corporation. The Corporation reserves the right to provide additional time if it determines there are extenuating circumstances.

(d) The Corporation may reject any claim for indemnity if any of the requirements of this section are not met.

8. *Claim for Indemnity.* (a) It shall be a condition precedent to the payment of any indemnity that the insured (1) establish the total production of grapes on the unit and that any loss of production was directly caused by one or more of the insured causes during the insurance period for the crop year for which the indemnity is claimed and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(b) Indemnities shall be determined separately for each unit. The amount of indemnity for any unit shall be determined by (1) multiplying the insured acreage of grapes on the unit by the applicable guarantee per acre, which product shall be the guarantee for the unit, (2) subtracting therefrom the total production of grapes to be counted for the unit, (3) multiplying the remainder by the applicable price for computing indemnities, and (4) multiplying the result obtained in step (3) by the insured share: *Provided,* That if the premium computed on the insured acreage and share is more than the premium computed on the reported acreage and share, the amount of indemnity shall be computed on the insured acreage and share and then reduced proportionately.

(c) The total production to be counted for a unit shall be determined by the Corporation and shall include all harvested and appraised production.

(1) Appraised production to be counted shall include: (i) Any appraisals by the Corporation for potential production, uninsured causes and poor farming practices, and (ii) not less than the production guarantee for any acreage which is abandoned or put to another use without prior written consent of the Corporation or damaged solely by an uninsured cause.

(2) The appraised potential production for acreage for which consent has been given to be put to another use shall be counted as production in determining the amount of loss under the contract. *However,* if consent is given to put acreage to another use and the Corporation determines that any such acreage (1) is not put to another use before harvest of grapes becomes general in the county, (2) is harvested, or (3) is further damaged by an insured cause before the acreage is put to another use, the indemnity for the unit shall be determined without regard to such appraisal and consent.

(d) If the insured grapes are harvested before normal maturity, the production of such grapes shall be increased by the factor determined by dividing the price per ton received for such grapes by the price per ton for fully matured grapes, as determined by the Corportion.

(e) No production will be counted for grapes which the Corporation determines cannot, due to an insured cause, be marketed, or if marketable would have a value of less than $50.00 per ton.

9. *Misrepresentation and Fraud.* The Corporation may void the contract without affecting the insured's liability for premiums or waiving any right, including the right to collect any unpaid premiums if, at any time, the insured has concealed or misrepresentated any material fact or comitted any fraud relating to the contract, and such voidance shall be effective as of the beginning of the crop year with respect to which such act or omission occurred.

10. *Transfer of Insured Share.* If the insured transfers any part of the insured share during the crop year, protection will continue to be provided according to the provisions of the contract to the transferee for such crop year on the transferred share, and the transferee shall have the same rights and responsibilities under the contract as the original insured for the current crop year. Any transfer shall be made on an approved form.

11. *Records and Access to Farm.* The insured shall keep or cause to be kept for two years after the time of loss, records of the harvesting, storage, shipments, sale or other disposition of all grapes produced on each unit including separate records showing the same information for production from any uninsured acreage. Any persons designated by the Corporation shall have access to such records and the farm for purposes related to the contract.

12. *Life of Contract: Cancellation and Termination.* (a) The contract shall be in effect for the crop year specified on the application and may not be canceled for such crop year. Thereafter, either party may cancel the insurance for any crop year by giving a signed notice to the other on or before the cancellation date preceding such crop year.

(b) Except as provided in section 5(d) of this policy, the contract will terminate as to any crop year if any amount due the Corporation under this contract is not paid on or before the termination date for indebtedness preceding such crop year: *Provided,* That the date of payment for premium (1) if deducted from an indemnity claim shall be the date the insured signs such claim or (2) if deducted from payment under another program administered by the U.S. Department of Agriculture shall be the date such payment was approved.

(c) Following are the cancellation and termination dates:

State	Cancellation date	Termination date for indebtedness
California	Dec. 31	Jan. 10.
Washington	Sept. 30	Nov. 10.
All other States	Sept. 30	Dec. 10.

(d) In the absence of a notice from the insured to cancel, and subject to the provisions of subsections (a), (b) and (c) of this section, and section 7 of the Appendix, the contract shall continue in force for each succeeding crop year.

Appendix

(Additional Terms and Conditions)

1. *Meaning of Terms.* For the purposes of grape crop insurance:

(a) "Actuarial table" means the forms and related material for the crop year approved by the Corporation which are on file for public inspection in the office for the county, and which show the production guarantees,

coverage levels, percentage premium rates, prices for computing indemnities, insurable and uninsurable acreage, and related information regarding grape insurance in the county.

(b) "Contiguous land" means land which is touching at any point, except that land which is separated by only a public or private right-of-way shall be considered contiguous.

(c) "County" means the county shown on the application and any additional land located in a local producing area bordering on the county, as shown on the actuarial table.

(d) "Crop year" means the period beginning with the date insurance attaches to the grape crop and extending through normal harvest time, and shall be designated by the calendar year in which the grapes are normally harvested.

(e) "Harvest" means picking the grapes from the vine(s).

(f) "Insurable acreage" means the land classified as insurable by the Corporation and shown as such on the county actuarial table.

(g) "Insured" means the person who submitted the application accepted by the Corporation.

(h) "Office for the county" means the Corporation's office serving the county shown on the application for insurance or such office as may be designated by the Corporation.

(i) "Person" means an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and wherever practicable, a State, a political subdivision of a State, or any agency thereof.

(j) "Share" means the interest of the insured as landlord, owner-operator, or tenant in the insured grape crop at the time insurance attaches as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect, and no other share shall be deemed to be insured: *Provided,* That for the purpose of determining the amount of indemnity, the insured share shall not exceed the insured's share of the earliest of (1) the date of beginning of harvest on the unit, (2) the calendar date for the end of the insurance period, or (3) the date the entire crop on the unit is destroyed, as determined by the Corporation.

(k) "Tenant" means a person who rents land from another person for a share of the grape crop or proceeds therefrom.

(l) "Ton" means 2,000 pounds.

(m) "Unit" means all insurable acreage of grapes in the county which is located on contiguous land, and, at the time insurance attaches for the crop year, (1) in which the insured has a 100 percent share, or (2) which is owned by one entity and operated by another entity on a share basis. Land rented for cash, a fixed commodity payment, or any consideration other than a share in the grape crop on such land shall be considered as owned by the lessee. Land which would otherwise be one unit may be divided according to applicable guidelines on file in the office for the county or by written agreement between the Corporation and the insured. The Corporation shall determine units as herein defined when adjusting a loss, notwithstanding what is shown on the acreage report, and has the right to consider any acreage and share reported by or for the insured's spouse or child or any member of the insured's household to be the bona fide share of the insured or any other person having the bona fide share.

2. *Acreage Insured.* (a) The Corporation reserves the right to limit the insured acreage of grapes to any acreage limitations established under any Act of Congress, provided the insured is so notified in writing prior to the date insurance attaches.

(b) If the insured does not submit an acreage report on or before the acreage reporting date on file in the office on the county, the Corporation may elect to determine by units the insured acreage and share or declare the insured acreage on any unit(s) to be "zero". If the insured does not have a share in any insured acreage in the county for any year, the insured shall submit a report so indicating. Any acreage report submitted by the insured may be revised only upon approval of the Corporation.

3. *Irrigated acreage.* (a) Where the actuarial table provides for insurance upon an irrigated practice, the insured shall report as irrigated only the acreage for which the insured has adequate facilities and water to carry out a good irrigation practice at the time insurance attaches.

(b) Where irrigated acreage is insurable, any loss of production caused by failure to carry out a good irrigation practice, except failure of the water supply from an unavoidable cause occurring after the insurance attaches, as determined by the Corporation, shall be considered as due to an uninsured cause. The failure or breakdown of irrigation equipment or facilities shall not be considered as a failure of the water supply from an unavoidable cause.

4. *Annual Premium.* (a) If there is no break in the continuity of participation, any premium adjustment applicable under section 5 of the policy shall be transferred to (1) the contract of the insured's estate or surviving spouse in case of death of the insured, (2) the contract of the person who succeeds the insured if such person had previously participated in the vineyard operation, or (3) the contract of the same insured who stops operating a vineyard in one county and starts operating a vineyard in another county.

(b) If there is a break in the continuity of participation, any reduction in premium earned under section 5 of the policy shall not thereafter apply; *however,* any previous unfavorable insurance experience shall be considerd in premium computation following a break in continuity.

5. *Claim for an Payment of Indemnity.* (a) Any claim for indemnity on a unit shall be submitted to the Corporation on a form prescribed by the Corporation.

(b) In determining the total production to be counted for each unit, production from units on which the production has been commingled will be allocated to such units in proportion to the liability on each unit.

(c) There shall be no abandonment to the Corporation of any insured grape acreage.

(d) In the event that any claim for indemnity under the provisions of the contract is denied by the Corporation, an action on such claim may be brought against the Corporation under the provisions of 7 U.S.C. 1508(c): *Provided,* That the same is brought within one year after the date notice of denial of the claim is mailed to and received by the insured.

(e) Any indemnity will be payable within 30 days after a claim for indemnity is approved by the Corporation. *However,* in not event shall the Corporation be liable for interest or damages in connection with any claim for indemnity whether such claim be approved or disapproved by the Corporation.

(f) If the insured is an individual who dies, disappears, or is judicially declared incompetent, or the insured is an entity other than an individual and such entity is dissolved after insurance attaches for any crop year, any indemnity will be paid to the person(s) the Corporation determines to be beneficially entitled thereto.

(g) The Corporation reserves the right to reject any claim for indemnity if any of the requirements of this section or section 8 of the policy are not met and the Corporation determines that the amount of loss cannot be satisfactorily determined.

6. *Subrogation.* The insured (including any assignee or transferee) assigns to the Corporation all rights of recovery against any person for loss or damage to the extent that payment hereunder is made by the Corporation. The Corporation thereafter shall execute all papers required and take appropriate action as may be necessary to secure such rights.

7. *Termination of the Contract.* (a) The contract shall terminate if ano premium is earned for five consecutive years.

(b) If the insured is an individual who dies or is judicially declared incompetent, or the insured entity is other than an individual and such entity is dissolved, the contract shall terminate as of the date of death, judicial declaration, or dissolution; *however,* if such event occurs after insurance attaches for any crop year, the contract shall continue in force through such crop year and terminate at the end thereof. Death of a partner in a partnership shall dissolve the partnership unless the partnership agreement provides otherwise. If two or more persons having a joint interest are insured jointly, death of one of the persons shall dissolve the joint entity.

8. *Coverage Level and Price Election.* (a) If the insured has not elected on the application a coverage level and price at which indemnities shall be computed from among those shown on the actuarial table, the coverage level and price election which shall be applicable under the contract, and which the insured shall be deemed to have elected, shall be as provided on the actuarial table for such purposes.

(b) The insured may, with the consent of the Corporation, change the coverage level and/or price election for any crop year on or before the closing date for submitting applications for that crop year.

9. *Assignment of Indemnity.* Upon approval of a form prescribed by the Corporation, the insured may assign to another party the right to an indemnity for the crop year and such assignee shall have the right to submit the loss notices and forms as required by the contract.

10. *Contract Changes.* The Corporation reserves the right to change any terms and provisions of the contract from year to year. Any changes shall be mailed to the insured or placed on file and made available for public inspection in the office for the county at least 15 days prior to the cancellation date preceding the crop year for which the changes are to become effective, and such mailing or filing shall constitute notice to the insured. Acceptance of any changes will be conclusively presumed in the absence of any notice from the insured to cancel the contract as provided in section 12 of the policy.

Appendix B

Counties Designated for Grape Crop Insurance—7 CFR Part 411

In accordance with the provisions of 7 CFR 411.1, the following counties are designated for grape crop insurance:

California

Merced	Stanislaus
San Joaquin	

New York

Chautuqua	Seneca
Niagara	Steuben
Ontario	Yates
Schulyer	

Pennsylvania

Erie

Washington

Benton	Yakima
Franklin	

Note.—The reporting requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942 and OMB Circular A–40.

This action will not have a significant impact specifically on area and community development; therefore, review as required by OMB Circular A–95 is inapplicable.

Approved by the Board of Directors on May 30, 1980.

Peter F. Cole,

Secretary, Federal Crop Insurance Corporation.

Approved by :

Everett S. Sharp,

Acting Manager.

Date: September 10, 1980.

[FR Doc. 80–28841 Filed 9–17–80; 8:45 am]

BILLING CODE 3410–08–M

Animal and Plant Health Inspection Service

9 CFR Part 92

Specifically Approved States To Receive Stallions Imported From CEM-Affected Countries

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document adds the State of Maryland to the list of specifically approved States authorized to receive certain stallions imported into the United States from countries affected with contagious equine metritis (CEM).

This action is being taken because the Deputy Administrator of Veterinary Services, Animal and Plant Health Inspection Service, has determined that this State has laws or regulations in effect to require the additional inspection, treatment and testing of such horses to further insure their freedom from CEM as required by the regulations.

DATE: Effective date: September 12, 1980.

COMMENT DATE: Comments must be received on or before November 17, 1980.

ADDRESS: Written comments to Deputy Administrator, USDA, APHIS, VS, Room 821, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782.

FOR FURTHER INFORMATION CONTACT: Dr. D. E. Herrick, USDA, APHIS, VS, Room 815, Federal Building, Hyattsville, MD 20782, 301–436–8170.

SUPPLEMENTARY INFORMATION: This final action has been reviewed under procedures established in Secretary's Memorandum 1955 to implement Executive Order 12044, and has been classified as "not significant." The emergency nature of this action warrants publication of this final action without completion of a Final Impact Statement. A Final Impact Statement will be developed after public comments have been received.

Dr. M. J. Tillery, Director, National Program Planning Staffs, VS, APHIS, USDA, has determined that an emergency situation exists which warrants publication without opportunity for a public comment period on this final action since the State has met the criteria stated in § 92.4(a)(6) of the regulations.

This amendment relieves certain restrictions presently imposed on certain horses being imported into the United States. It should be made effective immediately in order to permit affected persons to move certain horses into the United States without undue restrictions.

Therefore, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this emergency final action is impracticable, unnecessary and contrary to the public interest, and good cause is found for making this emergency final action effective less than 30 days after publication of this document in the **Federal Register.** Comments have been solicited for 60 days after publication of this document, and this emergency final action will be scheduled for review so that a final document discussing comments received and any amendments required can be published in the **Federal Register** as soon as possible.

Section 92.2(i)(2) of Title 9, Code of Federal Regulations (9 CFR 92.2(i)(2)) authorizes the importation of male horses (stallions over 731 days of age) into the United States from countries affected with contagious equine metritis (CEM) when specific requirements to prevent their introducing CEM into the United States are met, and the animals imported are moved into specified States for further inspection, treatment and testing by the State of destination. The amendment established minimum standards which a State must meet in order to be approved to receive stallions imported from CEM-affected countries. These standards contain treatment, testing and handling procedures believed necessary to insure that the stallions being imported into the United States are free of the contagion of CEM.

This document adds the State of Maryland to the list of specifically approved States to receive such horses, on the basis of a determination of their eligibility for such approval under § 92.4(a)(6) of the regulations.

§ 92.4 [Amended]

Accordingly, § 92.4(a)(5)(ii) of Title 9, Code of Federal Regulations is amended by adding "The State of Maryland," after "The State of Kentucky," and prior to North Carolina as States approved to receive stallions pursuant to § 92.2(i)(2)(iv) of the regulations.

(Sec. 2, 32 Stat. 792 as amended; secs. 4 and 11, 76 Stat. 130, 132, (21 U.S.C. 111, 134c, 134f); 37 FR 28464, 28477; 38 FR 19141)

All written submissions made pursuant to this notice will be made available for public inspection at the Federal Building, 6505 Belcrest Road, Room 823, Hyattsville, MD, during regular hours of business (8 a.m. to 4:30 p.m., Monday to Friday, except holidays), in a manner convenient to the public business (7 CFR 1.27(b)).

Comments submitted should bear a reference to the date and page number of this issue in the **Federal Register.**

Done at Washington, D.C., this 12th day of September 1980.

J. K. Atwell,

Acting Deputy Administrator, Veterinary Services.

[FR Doc. 80–28822 Filed 9–17–80; 8:45 am]

BILLING CODE 3410–34–M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 2

Rules of Practice; Special Assistants Used by Atomic Safety and Licensing Boards

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission is amending its "Rules of Practice" to permit NRC Atomic Safety and Licensing Boards to use special assistants to be drawn from the membership of the Atomic Safety and Licensing Board Panel. The special assistants may be allowed to participate as technical interrogators, alternate Atomic Safety and Licensing Board members, special masters (with consent of the parties), or consultants. The purpose of the amendments is to facilitate the hearing process and improve the quality of the record produced.

DATE: The rule shall be effective September 18, 1980.

FOR FURTHER INFORMATION CONTACT: Mark E. Chopko, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC, 20555 (telephone 202/634–3224); Bruce A. Berson, Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, DC, 20555 (telephone 301/492–7678).

SUPPLEMENTARY INFORMATION: In 1979, the Commission appointed a Task Force to study the use of part-time members of the Atomic Safety and Licensing Board Panel (referred to herein as ASLBP) and recommend any necessary or desirable changes regarding the use of those employees. In October 1979, the Task Force published its report and based on its surveys and interviews reached a series of findings with respect to them. Part-time ASLBP members provide the NRC access to a wide variety of expertise that could not be duplicated in a full-time staff except at considerable expense to the Government. Part-time members also offered a greater range of viewpoints on the ASLBP and more ready access to current knowledge in a particular field. Further, part-time members have aided the public perception of objectivity in the NRC licensing process. For all these reasons, the Task Force concluded that part-time ASLBP members are an important asset to the NRC. Rather than lose the benefits of those employees as hearings grew longer and more intensive, the Task Force specifically recommended that the Commission explore the use of part-time ASLBP members as "special assistants" to the Boards, to serve as "technical interrogators," "alternate board members," "special masters," or "consultants" to aid the hearing process and improve the quality of the record produced. On January 23, 1980, the Commission published proposed rules for comment in response to those recommendations. 45 FR 5308. Each aspect of the proposed rules is described below.

Only two comments were received. While generally agreeing with the thrust of the rules, both raised questions about the proposed amendments to permit "alternate board members" and "special masters." In large measure, the commentators objected to both the master and the alternate member, arguing that the Atomic Energy Act does not contemplate more than three members to a licensing board (42 U.S.C. 2241(a)), that the Administrative Procedure Act (5 U.S.C. 551 *et seq.*) does not contemplate this arrangement or permit delegation of the hearing function (including that of the presiding officer or decisionmaker), and that the Licensing Board should not entertain "expert" viewpoints not subject to cross-examination. The Commission has examined these comments in light of the specific statutory provisions noted and, while it does not agree with much of the arguments raised, concludes that the proposed rule on use of "special masters" should be modified to provide for their use only on consent of the parties. No fundamental change is necessary to the proposed rule on alternate board members but a more clear explanation of their role is provided.

The Atomic Energy Act amendments that added section 191 (42 U.S.C. 2241) contemplated that a three-member board would preside at licensing hearings in lieu of a single hearing examiner. Those amendments also provided that one member should be "qualified in the conduct of administrative proceedings," that is, a lawyer, who by custom has been the Chairperson of the Licensing Board. In addition, the Administrative Procedure Act generally contemplates that the person who presides over the reception of the evidence should make the decision, although this is not required in determining applications for initial licenses and in certain other types of cases. The use of special masters without the consent of the parties, as contemplated in the proposed rule (10 CFR 2.722(a)(2)) arguably could violate these principles by having a technical expert hear the evidence and "preside" at that hearing, weigh credibility and decide major, perhaps crucial, issues in a case, and then recommend a decision. Requiring *de novo* review by the Licensing Board or some alternative where a party may sponsor the master's report subject to the other party's objections or comments might cure these defects but would effectively delay the proceeding, waste resources, and offset the advantages that would be expected from use of the special master. Since parties may consent to procedures which differ from those statutorily provided, and since the Commission believes that a "special master" could be invaluable in developing the record and conserving Board time, the Commission will modify the proposed rule to provide that a special master may be used with consent of the parties. *Cf. Toledo Edison Co., et al.* (Davis-Besse Nuclear Power Station), ALAB–300, 2 NRC 752 (1975) (describing the use of a master with consent of the parties to rule on privilege objections to documents sought by party discovery in an antitrust proceeding).

On the other hand, the use of an "alternate board member" [1] does not arguably violate the statutory principles discussed above. The use of an alternate board member will not require a separate hearing or proceeding as would use of a special master. The alternate board member will sit with the three-member licensing board, will ask questions, comment upon testimony and provide his advice on the record and in the presence of the parties to the licensing board. The licensing board will still preside at the reception of the evidence, will still rule on issues of credibility and admissibility and will decide all issues in the case. The recommended decision of the alternate board member will be made on-the-record with an opportunity for the parties to comment thereon. The licensing Board Panel's practice of avoiding off-the-record communications between the Board and other Panel members on any fact in issue will apply to communications between the Board and the alternate after the alternate's report has been received. Thus no party will lose any statutory rights and each party will be given an opportunity to provide views and comments on the

[1] The term "alternate board member" as a "special assistant" should not be confused with use of the term "alternate" in 10 CFR 2.721(b). In the latter situation the "alternate" is a substitute for a member of a Board who becomes unavailable. *See generally New England Coalition on Nuclear Pollution* v. *NRC*, 582 F.2d 87, 99–100 (1st Cir. 1978). In this rule (10 CFR 2.722(a)(3)), the "alternate" sits with the three-member Board and not instead of the Board or any of its members.

alternate member's reports to the Licensing Board. In addition, that party aggrieved by any decision of the Board, based in part on an alternate member's decision, will have an opportunity to appeal that decision to the Atomic Safety and Licensing Appeal Board. Thus the Commission believes that no changes are necessary to the proposed rule on use of alternate board members as clarified above.

The Commission adopts final rules on the use of part-time ASLBP members as follows:

Section 2.722(a)(1) provides for technical interrogators who may assist the presiding officer during the hearing by examining witnesses. The interrogator will play no part in the decision and will provide no advice to the Board. No changes are necessary to the proposed rules. *See* 45 FR 5308.

Section 2.722(a)(2) authorizes special masters to hear evidentiary presentations by the parties on specific technical matters and, upon completion of the presentation of evidence, to prepare a report that would become part of the record. Such use shall be upon consent of all the parties. The parties will have an opportunity to comment upon the report and may appeal evidentiary rulings to the presiding officer. The presiding officer will retain final decisionmaking authority over the issues heard and reported on by the special master. The proposed rule is modified to provide for consent of the parties.

Section 2.722(a)(3) authorizes an alternate board member to participate in that portion of the proceeding relating to his or her area of expertise and to report conclusions to the presiding officer. The alternate board member, as clarified above, shall ask questions, provide advice and provide a written record of his advice to the Board. However, the three-member Board shall preside at all sessions and rule on all questions of evidence and other motions directed during that portion of the proceeding. The Board shall also retain all decisionmaking authority. With the explanation provided in this supplementary information, no changes are necessary.

Section 2.722(b) authorizes consultants to brief the Board as described in the proposed rule. In addition, modifications to existing Sections 2.718 and 2.719 shall be made as described in the proposed rule. No changes are necessary to either of these proposals. 45 FR. 5308. A minor change to the proposed addition to Part 2, Appendix A has been made to avoid confusion in the use of the term "alternate board member" with the term "alternate" in 10 CFR 2.721(b).

Because the final rules are not substantive and relate only to matters of Board procedure and do not require any change in conduct on the part of any party, the rules are effective immediately when published in the **Federal Register** 5 U.S.C. 553(d). Licensing Boards, however, engaged in licensing hearings when the rule becomes effective should solicit the views of the parties before first using a special assistant. Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and Section 553 of the United States Code, notice is hereby given that the following amendments to 10 CFR Part 2 are adopted:

1. A new § 2.722 is added as follows:

§ 2.722 Special assistants to the presiding officer.

(a) In consultation with the Panel Chairman, the presiding officer may, at his discretion, appoint from the Atomic Safety and Licensing Board Panel established by the Commission, personnel to assist the presiding officer in taking evidence and preparing a suitable record for review. Such appointment may occur at any appropriate time during the proceeding but shall, at the time of the appointment, be subject to the notice and disqualification provisions as described in § 2.704. Such special assistants may function as:

(1) Technical interrogators in their individual fields of expertise. Such interrogators shall be required to study the written testimony and sit with the presiding officer to hear the presentation and cross-examination by the parties of all witnesses on the issues of the interrogators' expertise, taking a leading role in examining such witnesses to ensure that the record is as complete as possible;

(2) Upon consent of all the parties, Special Masters to hear evidentiary presentations by the parties on specific technical matters, and, upon completion of the presentation of evidence, to prepare a report that would become part of the record. Special Masters may rule on evidentiary issues brought before them, in accordance with §§ 2.743 and 2.757. Appeals from such rulings may be taken to the presiding officer in accordance with procedures which shall be established in the presiding officer's order appointing the Special Master. Special Masters' reports are advisory only; the presiding officer shall retain final authority with respect to the issues heard by the Special Master; or

(3) Alternate Atomic Safety and Licensing Board members to sit with the presiding officer, to participate in the evidentiary sessions on the issue for which the alternate members were designated by examining witnesses, and to advise the presiding officer of their conclusions through an on-the-record report. This report is advisory only; the presiding officer shall retain final authority on the issue for which the alternate member was designated.

(b) The presiding officer may, as a matter of discretion, informally seek the assistance of Members of the Atomic Safety and Licensing Board Panel to brief the presiding officer on the general technical background of subjects involving complex issues which the presiding officer might otherwise have difficulty in quickly grasping. Such informal briefings shall take place prior to the hearing on the subject involved and shall supplement the reading and study undertaken by the presiding officer. They are not subject to the procedures described in § 2.704.

2. Section 2.718 is amended by redesignating paragraph (k) as (l) and paragraph (l) as (m), and inserting a new paragraph (k) as follows:

§ 2.718 Power of presiding officer.

* * * * *

(k) Appoint special assistants from the Atomic Safety and Licensing Board Panel pursuant to § 2.722;

(l) Issue initial decisions; and

(m) Take any other action consistent with the Act, this chapter, and sections 551–558 of title 5 of the United States Code.

3. Section 2.719 is amended by revising 2.719(b) to read as follows:

§ 2.719 Separation of functions.

(a) * * *

(b) In any adjudication, the presiding officer may not consult any person other than a member of his staff or a special assistant as provided for in § 2.722 on any fact in issue unless on notice and opportunity for all parties to participate, except (1) as required for the disposition of *ex parte* matters as authorized by law and (2) as provided in paragraph (c) of this section.

Appendix A of 10 CFR Part 2 [Amended]

4. Appendix A of 10 CFR Part 2 is amended by inserting the following as a new third paragraph:

An Atomic Safety and Licensing Board may at its discretion appoint special assistants to the Board from the membership of the Atomic Safety and Licensing Board Panel established by the Commission. These special assistants are to be employed to facilitate the hearing process and improve the

quality of the record produced for review. The special assistants may serve as technical interrogators in their individual fields of expertise, alternate Atomic Safety and Licensing Board members to sit with the Board and participate in the evidentiary sessions on the issue for which the alternate members were designated, Special Masters to hear evidentiary presentations by the parties on specific technical matters upon the consent of all parties, or informal consultants to brief the board prior to the hearing on the general technical background of subjects involving complex issues. The term "alternate board member" as a "special assistant" within the meaning of 10 CFR 2.722(a)(3) should not be confused with the use of the term "alternate" in 10 CFR 2.721(b). In the latter situation the "alternate" is a substitute for a member of a Board who becomes unavailable. As a special assistant, the "alternate" sits with the three-member Board and not instead of the Board or any of its members.

(Secs. 161p., 191, Pub. L. 83–703, 68 Stat. 948 *et seq.* (42 U.S.C. 2201p., 2241), Sec. 201, as amended, Pub. L. 93–438, 88 Stat. 1243 (42 U.S.C. 5841))

Dated at Washington, DC, this 12th day of September, 1980.

For the Nuclear Regulatory Commission.

Samuel J. Chilk,

Secretary of the Commission.

[FR Doc. 80-28821 Filed 9-17-80; 8:45 am]

BILLING CODE 7590-01-M

DEPARTMENT OF ENERGY

Office of Leasing Policy Development

10 CFR Part 376

Leasing; Final Rulemaking Regarding Outer Continental Shelf Oil and Gas Joint Bidding Regulations

AGENCY: Department of Energy.

ACTION: Final rule.

SUMMARY: This regulation revises the joint bidding requirements of the Department of the Interior for Outer Continental Shelf (OCS) oil and gas leases. The regulation requires submission of Statements of Production of crude oil, natural gas equivalents, and liquefied petroleum products only by those persons chargeable with an average daily production in excess of 1.6 million barrels during a 6-month production period. Any such persons are then prohibited in the following 6-month bidding period from submitting bids jointly with any other person similarly chargeable. This regulation is being issued pusuant to the Department of Energy's rulemaking responsibilities under section 302(b)(1) of the Department of Energy Organization Act to foster competition for Federal OCS oil and gas leases.

EFFECTIVE DATE: This rule is effective September 10, 1980.

FOR FURTHER INFORMATION CONTACT:

Robert C. Gillette, (Office of Public Hearings Management), Economic Regulatory Administration, 2000 "M" Street, N.W., Washington, D.C. 20461, (202) 254–5201.

Edward F. Mulholland, (Leasing Policy Development), U.S. Department of Energy, 1200 Pennsylvania Avenue, N.W., Room 2313, Washington, D.C. 20461, (202) 633–8136.

Michael T. Skinker, (Office of General Counsel), U.S. Department of Energy, 1000 Independence Avenue, S.W., Room 5E–064, Forrestal Building, Washington, D.C. 20585, (202) 252–2900.

Fred Appel, Public Affairs, Resource Applications, U.S. Department of Energy, 1200 Pennsylvania Avenue, N.W., Room 3307, Washington, D.C. 20461, (202) 633–9418.

SUPPLEMENTARY INFORMATION: Sections 302 and 303 of the Department of Energy Organization Act, (DOE Act, Pub. L. 95–91, 91 Stat. 565 (42 U.S.C. 7101 *et seq.*)) transferred from the Department of the Interior (DOI) to the Department of Energy (DOE) certain authorities previously held by the Secretary of the Interior under the Outer Continental Shelf Lands Act (OCSLA, Act of August 7, 1953, 67 Stat. 462 (43 U.S.C. 1331)), as amended by the Outer Continental Shelf Lands Act Amendments of 1978 (OCSLAA, Pub. L. 95–372, 92 Stat. 629), the Mineral Lands Leasing Act, the Mineral Leasing Act for Acquired Lands, the Geothermal Steam Act of 1970, and the Energy Policy and Conservation Act. As a result, with respect to Federal leases, the Secretary of Energy is authorized to promulgate regulations to (1) foster competition, (2) implement alternative bidding systems, (3) establish diligence requirements, (4) set rates of production, and (5) specify the procedures, terms and conditions for the acquisition and disposition of Federal royalty interests taken in kind. In addition, under section 302(c) of the DOE Act, the Secretary of Energy is vested with the authority to establish rates of production for Federal leases, and under section 303(c) the Secretary reviews and may disapprove any term or condition of a Federal lease that relates to DOE's authority under section 302(b) to promulgate regulations. Under his authority to promulgate regulations to foster competition, the Secretary may issue regulations that prohibit bidding for leases by certain types of joint ventures.

This regulation is being issued pursuant to DOE's authority under section 302(b)(1) of the DOE Act to regulate joint bidding in order to foster competition for Federal Outer Continental Shelf (OCS) oil and gas leases. As required under section 303(b) of the DOE Act, the Secretary of the Interior was consulted during preparation of this proposed regulation, and DOI's substantive comments have been incorporated into this proposed regulation. As required by section 5 of the OCSLA (section 204 of the OCSLAA), DOE has transmitted a copy of the proposed regulation to the Attorney General for his views on any matters contained herein that may affect competition. No comments have been received from the Department of Justice.

Background

On May 20, 1980, DOE issued a proposed regulation regarding OCS oil and gas joint bidding regulations (45 FR 35830, May 28, 1980), and invited public comment over a two-month period ending July 25, 1980. No public hearing was held in view of DOE's belief that the proposed regulation would have no adverse impacts, that it posed no substantial issue of law or fact, and that it would be unlikely to have a substantial impact on the national economy or large numbers of individuals or businesses. No request to hold a public hearing has been received.

Comments

In response to publication of the proposed regulation, DOE received eleven comments, from companies active in various aspects of the oil and gas industry, from the Georgia Department of Natural Resources, from the Council on Wage and Price Stability and from DOI. The comments enthusiastically and unanimously supported the content and objective of the proposed regulation. Several comments provided suggestions for further revisions of the joint bidding requirements. All the comments were helpful and received careful consideration.

In general, the comments provided thorough confirmation of DOE's belief that the present joint bidding requirements constitute a barrier to entry and competition in OCS lease sales, for at least some firms. Crown Central Petroleum Corporation, for example, commented that the proposed regulation "will certainly enhance the ability of smaller firms to participate in joint ventures." Pogo Producing Company, itself a small firm active on the OCS, endorsed the proposed regulation, while considering it likely that regulatory requirements such as that eliminated by this regulation have

precluded some firms from bidding. And the comments of the New York Gas Group (NYGAS) agreed explicitly with DOE that the joint bidding filing requirement may constitute a barrier to participation in OCS lease sales, as well as that the final regulation "should encourage broader participation in OCS lease sales and increased competition for OCS leases".

Major firms and government agencies also lent strong support for the proposed regulations. Chevron, Exxon, Gulf, and Shell all concurred in the proposal without reservation. Among government agencies, the Georgia Department of Natural Resouces supported the proposed regulation. DOI similarly endorsed the proposal. COWPS "enthusiastically" supported the revision in joint bidding requirements, as a step toward promoting competition.

Chevron recommended that DOE further amend the joint bidding requirements, to define a subsidiary as a company, more than 50 percent of whose voting stock is indirectly or directly owned by another company; this definition would replace the current language of "50 percent or more" in 43 CFR 3316.3–3(a)(3). DOE intends to examine this suggestion, in connection with a general review of joint bidding procedures, and accordingly, does not adopt it at this time.

Other comments, from Gulf and Exxon, suggested deletion of the joint bidding filing requirement for all bidders, except those whose status with regard to the threshold of 1.6 million barrels of average daily production has changed. DOE recognizes that, as a general proposition, the number and identity of companies restricted from bidding together jointly has remained stable. Nonetheless, DOE has not adopted this suggestion, because semi-annual certification of chargeable production does not impose an unreasonable burden on major firms.

NYGAS suggested incorporation into the regulation of language from the preamble, that this regulation is intended to "supersede only those requirements of 43 CFR 3316.3 that are inconsistent" with it, in order to avoid confusion until DOI conforms its joint bidding regulations to conform to the final regulation. DOE has declined to adopt this suggestion, as DOI is concurrently amending its joint bidding regulations.

The Final Regulation

In view of the comments, the final regulation is identical to the proposal. This regulation revises DOI's regulatory scheme for OCS joint bidding (43 CFR 3316.3, 44 FR 38280 (June 29, 1979)), which currently requires each party intending to bid jointly at any OCS lease sale to have previously submitted a Statement of Production, covering crude oil, natural gas equivalents, and liquefied petroleum products, for the 6-month production period preceding the 6-month bidding period in which the OCS sale is held. The party submitting the Statement of Production affirms whether it is chargeable with an average daily production in excess of 1.6 million barrels worldwide during the applicable 6-month production period. Each party filing a Statement of Production under the present regulations is chargeable with its own production, that of subsidiaries and parents, as well as its proportionate share of production by any person in which the filing party hold an ownership or control interest, or which holds such an interest in the filing party, to the extent that any such interest amounts to at least 5 percent ownership or control.

The sole purpose of the requirement to file a Statement of Production is to identify those firms that, by virtue of the amount of daily production which they control, are precluded from bidding together in OCS lease sales. Parties chargeable with an average daily production in excess of 1.6 million barrels are placed on a current "List of Restricted Joint Bidders," and may not bid jointly with any other party on this List. They may, however, bid jointly with parties which have submitted Statements of Production but are not chargeable with more than 1.6 million barrels of average daily production. In the more than four years since DOI promulgated its joint bidding regulations, the same nine or ten companies, out of the hundreds of firms filing Statements of Production, have been consistently placed on the semi-annual "List of Restricted Joint Bidders."

Smaller companies are frequently able to participate in OCS lease sales only through formation of joint ventures. Since current DOI regulations prevent any party from bidding jointly for OCS leases without first having filed a Statement of Production, smaller firms, as well as major firms, must prepare a document in order to bid jointly for OCS leases. The joint bidding regulations were originally intended to increase participation in OCS lease sales though selective prohibition in joint ventures by major firms. However, since the current regulations require all parties to file Statements of Production in order to bid jointly, the burdensome nature of this requirement on some smaller firms may have impeded or even precluded some smaller firms from participation in OCS lease sales, contrary to the original intent of the joint bidding regulations to foster competition among bidders. This position received strong confirmation in the comments, and was strenuously supported by both government and industry.

While numerous extensions of filing deadlines have mitigated the more serious impacts of this regulation, such as withdrawal or exclusion of a participant, revision of this filing requirement seems a more sensible approach. The requirement for submission of Statements of Production has placed a disproportionate burden on smaller companies, and on DOI, by generating superfluous paperwork as well as necessitating numerous extensions of filing periods to accommodate smaller bidders unfamiliar with OCS regulations.

Therefore, the final regulation is intended to enhance the competitive nature of the joint bidding process for OCS oil and gas leases by limiting this filing requirement to those companies subject to the prohibition on joint bidding (i.e., placed on the List of Restricted Joint Bidders). Removal of the requirement for all others is intended to encourage their participation in OCS lease sales. DOE's intent was thoroughly borne out in the comments. After examination of the current joint bidding regulations (43 CFR 3316.3), pursuant to DOE's regulatory authority to foster competition under section 302(b) of the DOE Act, DOE has decided to defer consideration of more extensive revision to the joint bidding procedures pending further analysis. DOE is reviewing the current procedures to determine whether need for such revision exists. The regulation has been drawn narrowly in order to change the current regulatory filing practice only to the extent necessary to achieve the above stated purpose. The terms employed in this proposed rule are defined exactly as in DOI's current joint bidding regulations.

DOE intends this regulation to supersede only those requirements of 43 CFR 3316.3 that are inconsistent with it, and notes that DOI is concurrently amending its joint bidding regulations to conform to this regulation.

Significance Review

DOE has determined that this proposed regulation is significant, but will not have a major impact within the meaning of DOE's procedures to implement Executive Order 12044 on "Improving Government Regulations" (DOE Order 2030.1, 44 FR 1032, January 3, 1979. Therefore, a regulatory analysis

is not required for this proposed regulation.

Environmental Analysis

After reviewing the proposed regulation pursuant to DOE's responsibilities under the National Environmental Policy Act of 1969 (Pub. L. 91–190, 83 Stat. 852 (42 U.S.C. 4321 *et seq.*)), DOE has determined that the proposed action does not constitute a major Federal action significantly affecting the quality of the human environment. Therefore, DOE has determined that no environmental assessment or environmental impact statement is required for the proposed regulations.

(Outer Continental Shelf Lands Act, Act of August 7, 1953, ch. 345, 67 Stat. 462 (43 U.S.C. 1331 *et seq.*), as amended by Pub. L. 95–372, 92 Stat. 629; Department of Energy Organization Act, Pub. L. 95–91, (91 Stat. 565 (42 U.S.C. 7101 *et seq.*); E.O. 12009, 42 FR 46267.)

In consideration of the foregoing, it is proposed to amend Chapter II, Title 10 of the Code of Federal Regulations as set forth below.

Issued in Washington, D.C., September 10, 1980.

Daniel M. Ogden, Jr.,

Acting Assistant Secretary, Resource Applications.

Part 376 of Title 10, Code of Federal Regulations, is amended by adding a new Subpart D, to read as follows:

PART 376— OUTER CONTINENTAL SHELF OIL AND GAS LEASING

* * * * *

Supart D—Joint Bidding

Sec.
376.301 Purpose.
376.302 Definitions.
376.303 Joint bidding requirements.

Authority: Act of August 7, 1953, ch. 345, sec. 8, 67 Stat. 468 (43 U.S.C. 1337), as amended by sec. 205, Pub. L. 95–372, 92 Stat. 640; secs. 302(b)(1), 303(c), Pub. L. 95–91, 91 Stat. 578–579, 579–580 (42 U.S.C. 7152(b)(1), 7153(c)).

Subpart D—Joint Bidding

§ 376.301 Purpose.

The purpose of the regulations in this Subpart D is to encourage participation in OCS oil and gas lease sales by limiting the requirement for filing Statements of Production to certain joint bidders.

§ 376.302 Definitions.

For purposes of this Subpart D, all the terms used shall be defined as in 43 CFR 3316.3.

§ 376.303 Joint bidding requirements.

(a) Any person who submits a joint bid for any OCS oil and gas lease during a six-month bidding period and who was chargeable for the prior production period with an average daily production in excess of 1.6 million barrels of crude oil, natural gas equivalents, and liquefied petroleum products, shall have filed a Statement of Production with the Director, Bureau of Land Management, in accordance with the requirements of 43 CFR 3316.3. The Statement of Production shall state that the person filing the Statement is chargeable for the prior production period with an average daily production in excess of 1.6 million barrels of crude oil, natural gas equivalents, and liquefied petroleum products.

(b) No person chargeable for the prior production period with an average daily production in excess of 1.6 million barrels of crude oil, natural gas equivalents, and liquefied petroleum products may submit a joint bid for any OCS oil and gas lease during the applicable six-month bidding period with any other person similarly chargeable. Such bids shall be disqualified and rejected.

(c) No person may submit any bid during the applicable six-month bidding period pursuant to any agreement, the terms of which would result in two or more persons, each chargeable for the prior production period with an average daily production in excess of 1.6 million barrels of crude oil, natural gas equivalents, and liquefied petroleum products, acquiring or holding any interest in the tract for which the bid is submitted. Such bids shall be disqualified and rejected.

[FR Doc. 80–28894 Filed 9–17–80; 8:45 am]
BILLING CODE 6450–01–M

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10 CFR Part 797

Loans for Small Hydroelectric Power Project Feasibility Studies and Related Licensing

AGENCY: Department of Energy.

ACTION: Final rule.

SUMMARY: The Department of Energy hereby amends the definition of "small hydroelectric power project" by raising the maximum installed capacity for projects eligible for feasibility study and related licensing loans from 15,000 kilowatts to 30,000 kilowatts, to implement the Energy Security Act.

DATE: Effective October 20, 1980.

FOR FURTHER INFORMATION CONTACT:
Farwell Smith, Department of Energy, Room 1422, 12th & Pennsylvania Avenue, NW., Washington, D.C. 20461, (202) 633–8828.
Lawrence R. Oliver, Department of Energy, Room 5E–074, Forrestal Bldg., 1000 Independence Avenue, SW., Washington, D.C. 20585, (202) 252–1202.

SUPPLEMENTARY INFORMATION: The small hydroelectric feasibility study and related licensing loan program was established under Title IV of the Public Utility Regulatory Policies Act of 1978 (PURPA) (Pub. L. 95–617). Regulations implementing the program were promulgated by the Department of Energy in the **Federal Register** (Vol. 45, No. 12) on January 17, 1980, as new Part 797 to Title 10, Code of Federal Regulations.

For purposes of Part 797, a qualifying "small hydroelectric power project" was defined as one that "will have an installed capacity of not more than 15,000 kilowatts, nor less than 100 kilowatts."

Under these regulations, the program is now functioning and loans are being made. Overall management of the program is conducted from DOE Headquarters in Washington, but day-to-day operations are handled at the Idaho Operations Office and the Idaho National Engineering Laboratory at Idaho Falls.

On July 1, 1980, the Energy Security Act (Pub. L. 96–294) was enacted. Section 408(a) of that Act made certain amendments to PURPA, one of which changed the definition of "small hydroelectric power project" by raising the maximum allowable capacity from 15,000 kilowatts to 30,000 kilowatts.

Staff of the Office of General Counsel (OGC) have advised us that a simple quantitative change like this, which is not subject to interpretational questions, can be accomplished by issuance of a final rule without going through the formal process of amending regulations. The effective date of this amendment is 30 days after publication in the **Federal Register**. It should be noted, however, that this change, as well as other loan program changes that were mandated by the Energy Security Act, will subsequently be reflected in a formal revision of the loan program regulations.

In consideration of the foregoing, 10 CFR Part 797 is amended as set forth below.

Issued in Washington, D.C., September 8, 1980.

Ruth M. Davis,

Assistant Secretary, Resource Applications.

§ 797.3 [Amended]

Section 797.3(a) is amended by deleting "15,000 kilowatts," and

inserting in lieu thereof "30,000 kilowatts."

[FR Doc. 80-28885 Filed 9-17-80; 8:45 am]

BILLING CODE 6450-01-M

OFFICE OF THE FEDERAL INSPECTOR FOR THE ALASKA NATURAL GAS TRANSPORTATION SYSTEM

10 CFR Part 1506

Employee Standards of Conduct

Correction

In FR Doc. 80-27865, appearing at page 60371 in the issue of Thursday, September 11, 1980, the amendatory paragraph immediately preceding the text of Part 1506, in column one on page 60371, should have read:

"For the reasons set out above, the Federal Inspector hereby amends Title 10 of the Code of Federal Regulations by establishing a new Chapter XV—Office of the Federal Inspector for the Alaska Natural Gas Transportation System, and by adding to Chapter XV a new part, Part 1506, to read as follows:"

BILLING CODE 1505-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 75

[Airspace Docket No. 80-AWA-16]

Part 75—Establishment of Jet Routes and Area High Routes; Revocation of J-525 and Alteration of J-587

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment revokes Jet Route No. 525 and alters Jet Route No. 587 by redesignation over Thunder Bay, Ontario, Canada. The Canadian Government advised FAA they intend to revoke and redesignate the Canadian portion of J-525 and J-587, respectively. This action is needed to maintain jet route designation and continuity for the small segments within the United States.

EFFECTIVE DATE: October 30, 1980.

FOR FURTHER INFORMATION CONTACT: L. Jack Overman, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-3715.

SUPPLEMENTARY INFORMATION:

History

The purpose of this amendment to Part 75 of the Federal Aviation Regulations (14 CFR Part 75) is to revoke J-525 in its entirety and redesignate J-587 over Thunder Bay, Ontario, Canada. This is to coincide with airspace designations by the Canadian Government. Jet Route No. 525 is no longer needed to be designated in United States airspace since the route is being altered to remain entirely in Canadian airspace. Jet Route No. 587 is being moved from over Sault Ste. Marie, Mich., and redesignated from Thunder Bay, Ontario to the newly established WaWa, Ontario VOR/DME. In order to maintain continuity for the route segments within the United States, J-525 is revoked and J-587 is redesignated. Section 75.100 of Part 75 of the Federal Aviation Regulations was republished in the **Federal Register** on January 2, 1980 (45 FR 732).

Under the circumstances presented, the FAA concludes that there is an immediate need for flight safety benefits of this modificiation to the airspace designation in the affected area. In order to affect FAA action to coincide with the airspace action taken by Canada, this amendment is to be effective October 30, 1980. Accordingly, I find good cause that notice and public procedure thereon are impracticable.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, § 75.100 of Part 75 of the Federal Aviation Regulations (14 CFR Part 75) as republished (45 FR 732) and amended (45 FR 14544) is further amended, effective 0901 GMT, October 30, 1980, as follows:

1. By deleting Jet Route No. 525.

2. By amending Jet Route No. 587 by deleting the words "From Kleinburg, Ontario, Canada, via Midland, Ontario, Canada, INT Midland 313° and Sault Ste. Marie, Mich., 110° radials; to Sault Ste. Marie, excluding the portion within Canada." and substituting for them the words "From Thunder Bay, Ontario to WaWa, Ontario, Canada. That airspace within Canada is excluded."

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

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

Issued in Washington, D.C., on September 9, 1980.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 80-28519 Filed 9-17-80; 8:45 am]

BILLING CODE 4910-13-M

FEDERAL TRADE COMMISSION

16 CFR Part 13

Docket No. 9028

Brunswick Corp., et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Final order.

SUMMARY: This order requires, among other things, a Skokie, Ill, manufacturer and marketer of outboard motors and other products and its subsidiary, Mariner Corp., to dissolve their joint venture agreement with Yamaha Motor Co., Ltd. ("Yamaha"); sell all their interests in Sanshin Kogyo Co., Ltd. to Yamaha, within 90 days; and remove their representatives on Sanshin's board of directors immediately. Further, the firms are prohibited for three years, from acquiring without prior Commission approval, any interest in a company manufacturing outboard motors for sale in the United States.

DATES: Complaint issued April 15, 1975. Final order issued August 14, 1980.[1]

FOR FURTHER INFORMATION CONTACT: FTC/C, E. Perry Johnson, Washington, D.C. 20580, (202) 523-3601.

SUPPLEMENTARY INFORMATION: In the Matter of Brunswick Corporation, a corporation; Yamaha Motor Co., Ltd., a corporation; and Mariner Corp., a corporation. The prohibited trade practices and/or corrective actions, as codified under 16 CFR Part 13, are as follows: Subpart-Acquiring Corporate Stock or Assets: § 13.5 Acquiring corporate stock or assets; 13.5-20 Federal Trade Commission Act; § 13.7 Joint ventures.

(Sec. 6, 38 Stat. 721; (15 U.S.C. 46). Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; (15 U.S.C. 45, 18))

The Final Order, including further order requiring report of compliance therewith, is as follows:

[1] Copies of the Final Order and Opinion filed with the original document.

Final Order

For the purposes of this Order:

(a) "Brunswick" shall mean the Brunswick Corporation, together with its present and future domestic and foreign subsidiaries, affiliates, joint ventures, related corporations (including Mariner Corp.), and corporations controlled by Brunswick Corporation; and all successors to Brunswick Corporation and their domestic and foreign subsidiaries, affiliates, joint ventures and related corporations; and all corporations controlled by the successors of Brunswick Corporation.

(b) "Yamaha" shall mean Yamaha Motor Co., Ltd., together with its present and future domestic and foreign subsidiaries, affiliates, joint ventures, related corporations, and corporations controlled by Yamaha Motor Co., Ltd.; and all successors to Yamaha Motor Co., Ltd. and their domestic and foreign subsidiaries, affiliates, joint ventures and related corporations; and all corporations controlled by the successors of Yamaha Motor Co., Ltd.

(c) "Mariner" shall mean Mariner Corp., together with its present and future domestic and foreign subsidiaries, affiliates, joint ventures, related corporations, and corporations controlled by Mariner Corp.; and all successors to Mariner Corp. and their domestic and foreign subsidiaries, affiliates, joint ventures and related corporations; and all corporations controlled by the successors of Mariner Corp.

I

It is ordered, That within 90 days of the date this Order becomes final, Brunswick and Mariner shall sell to Yamaha, and Yamaha shall buy from Brunswick and Mariner, all capital stock, bonds, debentures, and other securities and other interests held by Brunswick and Mariner in Sanshin Kogyo Co., Ltd. ("Sanshin"). The purchase price shall be equal in dollars to the value of the net tangible assets per share, computed and adjusted to the last day of the six month term immediately preceding the date of the sale.

II

It is further ordered, That, on or before 90 days from the date this Order becomes final, Brunswick, Yamaha, and Mariner shall rescind in all respects the Joint Venture Agreement, and the agreements attached thereto, entered into on November 21, 1972, and all agreements modifying the Joint Venture Agreement and the agreements attached thereto, shall consider them null and void, and shall cease and desist from observing or enforcing the terms of said agreements.

III

It is further ordered, That from the date this Order becomes final, Brunswick and Mariner shall cease any and all representation on the board of directors of Sanshin, cease and desist from taking any steps to nominate, seat, or admit any representatives of Brunswick and Mariner to the board of directors of Sanshin, and cease and desist from exercising any of the rights of a shareholder of Sanshin except the right to receive dividends.

IV

It is further ordered, That from the date this Order becomes final, neither Brunswick nor Mariner shall enter into, continue to be a party to, or enforce any agreement which in whole or in part prevents a manufacturer, seller, or distributor of outboard motors from manufacturing, selling, or distributing such motors in the United States, its territories or possessions.

V

It is further ordered, That from the date this Order becomes final, Yamaha shall not enter into, continue to be a party to, or observe any agreement which in whole or in part prevents Yamaha from manufacturing, selling, or distributing outboard motors in the United States, its territories or possessions.

VI

It is further ordered, That Brunswick, Yamaha, and Mariner shall, for a period of three years from the date this Order becomes final, cease and desist from acquiring, directly or indirectly, through subsidiaries or otherwise, without the prior approval of the Federal Trade Commission, all or any part of the stock or share capital of any concern, corporate or noncorporate, engaged in the production, distribution or sale of outboard motors in or for the United States, or capital assets pertaining to such production distribution or sale of such motors in or for the United States.

VII

It is further ordered, That Brunswick, Yamaha, and Mariner notify the Federal Trade Commission at least 30 days prior to any proposed change in its corporate structure such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any change in the corporation which may affect compliance obligations arising out of this Order.

VIII

It is further ordered, That Brunswick, Yamaha, and Mariner shall within 120 days of the date this Order becomes final, submit in writing to the Federal Trade Commission a verified report setting forth in detail the manner and form in which Brunswick, Yamaha, and Mariner each intends to comply or has complied with this Order. Brunswick, Yamaha, and Mariner shall submit such other information as may from time to time be requested by the Commission.

By the Commission. Commissioner Bailey did not participate.

Carol M. Thomas,

Secretary.

[FR Doc. 80-28785 Filed 9-17-80; 8:45 am]

BILLING CODE 6750-01-M

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16 CFR Part 13

[Docket C-2986]

Schering-Plough Corp.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Modifying Order.

SUMMARY: This order reopens the proceeding and modifies the order issued on August 10, 1979 [44 FR 55471], by adding to Paragraph I of that order language that would permit the company, its subsidiaries, affiliates, divisions, successors and assigns to continue to market Solvex athlete's foot products, under license from the acquirer of the assets to be divested, until no later than December 31, 1980.

DATES: Final Order issued Aug. 10, 1979. Modifying Order issued Aug. 22, 1980.

FOR FURTHER INFORMATION CONTACT: FTC/C, E. Perry Johnson, Washington, D.C. 20580. (202) 523-3601.

SUPPLEMENTARY INFORMATION: In the matter of Schering-Plough Corporation, a corporation. Codification, under 16 CFR Part 13, appearing at 44 FR 55471, remains unchanged.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; Sec. 2, 49 Stat. 1526; 15 U.S.C. 45, 13)

The Order Modifying Decision and Order Issued August 10, 1979 is as follows:

The Federal Trade Commission having received respondent's request contained in its divestiture application dated June 23, 1980, to reopen this matter and to modify the consent order issued by the Commission on August 10,

1979 to allow respondent's subsidiary, Scholl, Inc., to continue to market Solvex athlete's foot products, under license from the acquirer of the divested assets, until December 31, 1980, and having placed such request on the public record for a period of thirty (30) days, and no comments thereon having been received, and having considered such request and determined that reopening and modification of the order is warranted:

It is ordered, That the proceeding be, and it hereby is, reopened.

It is further ordered, That Paragraph I of the order be, and it hereby is, modified to read as follows:

I

It is ordered, That, subject to the prior approval of the Federal Trade Commission, respondent Schering-Plough, through its officers, directors, agents, representatives, employees, subsidiaries, affiliates, divisions, successors and assigns, shall, within one (1) year from either the date Schering-Plough acquires Scholl or service of this Order, whichever comes later, divest the assets, tangible and intangible, acquired, improved or added by respondent as a result of its acquisition of Scholl and utilized by Scholl primarily for the manufacture, distribution or sale in the United States of Solvex athelete's foot products. Such assets shall include all raw material reserves, inventory, machinery, equipment, trade names, trademarks, patents, licenses, research and development projects, good will and other property of whatever description; provided, however, that nothing in this provision shall prohibit or prevent Schering-Plough, its subsidiaries, affiliates, divisions, successors or assigns, from continuing to market Solvex athelete's foot products, under license from the acquirer of the assets to be divested, until no later than December 31, 1980.

By the Commission. Commissioner Bailey did not participate.

Carol M. Thomas,

Secretary.

[FR Doc. 80-28813 Filed 9-17-80; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 120a

Land Acquisitions

September 5, 1980.

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

ACTION: Final rule.

SUMMARY: These are new regulations governing the acquisition of land by the United States in trust status for individual Indians and Indian tribes. They cite the statutory authorities and set forth the policies and procedures which are to be followed in such acquisitions.

EFFECTIVE DATE: October 20, 1980.

FOR FURTHER INFORMATION CONTACT: Raymond W. Jackson, Area Realty Officer, Phoenix Area Office, Bureau of Indian Affairs, P.O. Box 7007, Phoenix, Arizona 85011, telephone (602) 241-2275.

SUPPLEMENTARY INFORMATION: Proposed regulations were published in the **Federal Register**, Volume 43, No. 144 at 32311 on July 26, 1978. Many comments and suggestions were received during the 3-month comment period, including several requests for public hearings. In response to those requests, public hearing were held in Seattle, WA on March 28; in Minneapolis, MN and Oklahoma City, OK on April 3; in Spokane, WA, on April 4; in Pierre, SD, Albuquerque, MN on April 5; and in Billings, MT on April 11, 1979.

The written comments and the testimony received at the seven hearings dealt with virtually every section of the proposed regulations, as well as the general policies involved, in considerable detail and included many suggestions for revision of the proposal. The general areas of comment, some of the major suggestions, and the changes which have been made in the proposed regulations are discussed below.

The proposed § 120a.1 stated that the regulations were to govern acquisition of land in trust status and in restricted status. Some persons questioned whether any acquisitions contemplated by these regulations should be in other than trust status. Also, the inclusion of a reference to acquisition in restricted status raised questions about whether an attempt was being made to regulate fee simple acquisitions by Indians where title might become restricted by operation of law. In response to these questions, § 120a.1 has been revised to delete any reference to acquisition of land in restricted status and a sentence has been added stating that the regulations do not apply to acquisitions of land by Indians in fee simple status. Another sentence has been added to this section to make it clear that the regulations do not pertain to acquisition of interests in trust status by inheritance or escheat because some individuals believed that the proposed language was subject to a contrary interpretation. It was also pointed out that the Alaska Native Claims Settlement Act does not contemplate the further acquisition of land in trust status, or the holding of land in such status, in the State of Alaska, with the exception of acquisitions for the Metlakatla Indian Community; consequently a sentence has been added to § 120a.1 to specify that the regulations do not apply, except for Metlakatla, in the State of Alaska.

The language of the proposed § 120a.2(b), which defined a tribe, was criticized because it required that a group be currently recognized by the U.S. Government. "Currently" was interpreted to mean "at the time of the regulations". Also, many Federal agencies recognize Indian groups for different purposes and for their particular programs; therefore, the language used may have been interpreted to be much broader than intended. To resolve these problems, the definition was changed to delete the word "currently" and to specify recognition by the Secretary of the Interior as eligible for special programs and services from the Bureau of Indian Affairs. The word "sovereign" was deleted because the Indian Reorganization Act definition of "tribe" includes groups other than sovereign entities. Also, reference to Alaska native groups and villages, except Metlakatla, has been eliminated for the reason mentioned above. Another criticism of this definition was its failure to include tribal corporations. Tribal corporations were not included because the acquisition authority in the Indian Reorganization Act is limited to an "Indian tribe or individual Indian"; however, it has been pointed out that other statutory authority does provide for the acquisition of land in trust for tribal corporations; namely, section 2 of Public Law 91-229 (84 Stat. 120; 25 U.S.C. 489). In view of this, the definition has been changed to include corporations for limited purposes.

Some individuals objected to the definition of an "individual Indian" found in § 120a.2(c) because, in their opinions, it was either too broad or too narrow. As explained in the original publication, this definition is one based on administrative precedent and applicable statutes. No changes have been made except for minor editorial corrections and except for further refinement of the definition as it applies to Alaska natives.

Several comments criticized the definition of "Indian" in proposed § 120a.2(d) on the basis that the use of this term to refer to both individuals and groups was confusing. For this reason the definition has been eliminated and

the text of the other sections has been revised to accommodate this change.

Problems with the definition of an "Indian reservation" contained in proposed § 120a.2(g), now (f), were perceived by many because of the possible implication that the disestablishment or total allotment of a reservation necessarily extinguished the reservation, or because the question of the boundaries of some reservations is pending determination. Revised language has been inserted to resolve these problems.

A minor editorial change has been made in proposed § 120a.2(h), now (g). The definition of a "tribal consolidation area" set out in proposed § 120a.2(i), now (h), was criticized because some tribes do not now have an Indian reservation and because the expression "in close proximity to" was not precise. To partially resolve these difficulties the offending language has been deleted. Also, a phrase has been added indicating that a land acquisition plan is to cover acquisition of land for a tribe in trust status. Other objections to this definition reflected a wide range of sentiment ranging from too liberal to unreasonably restrictive. The provision for Secretarial approval should keep the approval of plans within reasonable limits.

The land acquisition policy specified in § 120a.3 was the subject of much objection: some from those who believe it is too restrictive and some from those who maintain it is too broad. Changes have been made to reflect the intent that land acquired under these regulations be taken in trust status, as opposed to restricted status. Also, since some question about whether tribal self-determination and economic development would include providing housing for Indians, § 120a.3(a)(3) has been modified to specifically cover acquisition of land for Indian housing. Additional editorial changes have been made which are not intended to change the meaning of the section. The policy itself is within the scope of existing statutory authority and, it is believed, reflects Congressional intent.

The proposed § 120a.4 concerning statutory restrictions on tribal property has been deleted because it was not directly pertinent to acquisition of land in trust status and because it was the source of substantial confusion about the intent of these regulations.

Proposed § 120a.5, now § 120a.4, dealing with transfer of land from fee to trust status, has been revised to eliminate redundancies and to bring it into harmony with changes made in other sections already discussed. These changes should eliminate most of the objections to this section. The title of the section has been revised to remove any implication that the acquisitions described in the body of the section are the only kind contemplated. Also, the provision dealing with acquisitions in Oklahoma under section 5 of the Indian Reorganization Act has been made into a separate section, § 120a.5.

Proposed § 120a.6 has been deleted because its substance is covered in other sections.

Proposed § 120a.7 is renumbered § 120a.6 and has only editorial revisions.

Proposed § 120a.8 has been deleted because it has been determined that the Act of February 14, 1931, as amended, does not authorize land acquisition in trust status.

Proposed § 120a.9 is now § 120a.7. A new paragraph (b) has been added to provide that a tribe may acquire a fractional land interest in trust status if the interest to be acquired is in fee status prior to such acquisition. This section was one of the most severely criticized by spokesmen for Indian tribes. In an effort to respond to these objections, a new paragraph (e) has been added to make it possible for a tribe to also acquire an undivided interest in trust or restricted land, if the owners of a majority of remaining trust or restricted interests agree. This section has also been changed to make it apply to individuals as well as tribes. This change is in response to problems which have developed when an individual acquires a fractional interest in property and uses it to the exclusion of, and with no accountability to, the other owners.

A new § 120a.8 has been added to require tribal consent to a nonmember's acquistion of land in trust status on the tribe's reservation, unless the nonmember already owns an undivided interest, in trust or restricted status, in the parcel of land to be acquired. This addition is intended to support tribal self-determination.

Proposed § 120a.10 is now § 120a.9 and has only editorial changes. Many commentators objected to the requirement for information which would support and justify the approval of the acquisition of land in trust status. Because of the discretionary nature of trust land acquisitions, it is considered not only appropriate but also requisite to have support for the Secretary's decision in the record. The need for this requirement is increased by the addition of a new section 120a.10, which prescribes factors to be considered in evaluating requests.

Many objections were received about the acquisition of fee lands in trust status. These comments primarily concerned the erosion of tax base and the serious jurisdictional problems that can arise when land outside of reservation is acquired in trust status. Many of the suggestions go beyond the scope of existing statutory authority and the proper purview of these regulations: e.g., the proposal that in-lieu taxes be paid for land transferred from fee to trust status.

A number of persons recommended that an economic impact analysis be made before any land acquisition regulations are adopted. However, trust land acquisitions occur whether or not such regulations are promulgated. The main purposes of these regulations are to enunciate land acquisition policy and to bring uniformity into the application of that policy.

In order to insure that conflicting interests are evaluated before land is acquired in trust status, a new § 120a.10 has been added setting forth the factors that will be considered by the Secretary when evaluating a land acquisition request. Among other things, this will require the consideration of economic impact for each acquisition before it is approved. Other factors, such as potential jurisdictional problems, the need for the land and its intended use, and the ability of the Bureau of Indian Affairs to administer the trust on the land, also must be considered.

Tribal representatives expressed the opinion that a specific time limit for acting on requests should be included in § 120a.11. While a specific time has not been included, the section has been changed to require that the applicant be promptly notified of decisions. Also, in response to several suggestions, the section now requires that the applicant be given the reasons for denial of a request.

Section 120a.12 has been subject to certain revisions. Some individuals suggested that the Secretary in requiring that liens, encumbrances, or infirmities of title be eliminated before bringing land into trust, limit that requirement to those which make the title unmarketable. Others suggested that the regulations require the elimination of all liens, particularly those arising from taxes and assessments. There are some liens, encumbrances, or infirmities which, although not making the title unmarketable, could impose burdens on the United States were the title to be taken in trust without eliminating them. The section has been modified to require the elimination of those which render the title unmarketable and to provide discretion in requiring the elimination of those which do not cause unmarketability.

Section 120a.13 remains the same with only minor editorial changes.

The primary author of this document is Raymond W. Jackson, Area Realty Officer, Phoenix Area Office, Bureau of Indian Affairs, P.O. Box 7007, Phoenix, Arizona 85011, telephone (602) 241–2275.

It has been determined that this rule is not of sufficient significance to require the preparation of a regulatory analysis under Executive Order 12044 of March 23, 1978, and 43 CFR 14.

The authority for adoption of these regulations is contained in 5 U.S.C. 301; 25 U.S.C. 1 and 2; 25 U.S.C. 450h, 450k, 464, 465, 501, 1466, 1469, 1495 and 1498; and 209 DM 8.

The title of Subchapter K, Chapter I, of Title 25 of the Code of Federal Regulations is revised and a new Part 120a is added as follows:

SUBCHAPTER K—LANDS: SURFACE AND SUBSURFACE ESTATES AND RESOURCES (RECORDS AND TITLE DOCUMENTS: ACQUISITIONS: PATENTS, ALLOTMENTS AND SALES)

PART 120a—LAND ACQUISITIONS

Sec.

120a.1 Purpose and scope.
120a.2 Definitions.
120a.3 Land acquisition policy.
120a.4 Acquisitions in trust of lands owned in fee by an Indian.
120a.5 Trust acquisitions in Oklahoma under Sec. 5 of the I.R.A.
120a.6 Exchanges.
120a.7 Acquisition of fractional interests.
120a.8 Tribal consent for nonmember acquisitions.
120a.9 Requests for approval of acquisitions.
120a.10 Factors to be considered in evaluating requests.
120a.11 Action on requests.
120a.12 Title examination.
120a.13 Formalization of acceptance.

Authority: R.S. 161; 5 U.S.C. 301. Interpret or apply 46 Stat. 1106, as amended; 46 stat. 1471, as amended; 48 stat. 985, as amended; 49 Stat. 1967, as amended; 53 Stat. 1129; 63 Stat. 605; 69 Stat. 392, as amended; 70 Stat. 290, as amended; 70 stat. 626; 75 Stat. 505; 77 Stat. 349; 78 Stat. 389; 78 Stat. 747; 82 Stat. 174, as amended; 82 Stat. 884; 84 Stat. 120; 84 Stat. 1874; 86 Stat. 216; 86 Stat. 530; 86 Stat. 744; 88 Stat. 78; 88 Stat. 81; 88 Stat. 1716; 88 Stat. 2203; 88 Stat. 2207; 25 U.S.C. 409a, 450h, 451, 464, 465, 487, 488, 489, 501, 502, 573, 574, 576, 608, 608a, 610, 610a, 622, 624, 640d–10, 1466, and 1495, and other authorizing acts.

Cross-Reference: For regulations pertaining to: The inheritance of interests in trust or restricted land, see parts 15, 16, and 17 of this title and 43 CFR Part 4; the purchase of lands under the BIA Loan Guaranty, Insurance and Interest Subsidy program, see part 93 of this title; the exchange and partition of trust or restricted lands, see part 121 of this title; land acquisitions authorized by the Indian Self-Determination and Education Assistance Act, see parts 272 and 276 of this title; the acquisition of allotments on the public domain or in national forests, see 43 CFR Part 2530; the acquisition of Native allotments and Native townsite lots in Alaska, see 43 CFR 2561 and 2564; the acquisition of lands by Indians with funds borrowed from the Farmers Home Administration, see 7 CFR 1821.401, et seq., and 1890f; the acquisition of land by purchase or exchange for members of the Osage Tribe not having certificates of competency, see §§ 108.8 and 127.54 of this title.

§ 120a.1 Purpose and scope.

These regulations set forth the authorities, policy, and procedures governing the acquisition of land by the United States in trust status for individual Indians and tribes. Acquisition of land by individual Indians and tribes in fee simple status is not covered by these regulations even though such land may, by operation of law, be held in restricted status following acquisition. Acquisition of land in trust status by inheritance or escheat is not covered by these regulations.

These regulations do not cover the acquisition of land in trust status in the State of Alaska, except acquisitions for the Metlakatla Indian Community of the Annette Island Reserve or it members.

§ 120a.2 Definitions.

(a) "Secretary" means the Secretary of the Interior or his authorized representative acting under delegated authority.

(b) "Tribe" means any Indian tribe, band, nation, pueblo, community, rancheria, colony, or other group of Indians, including the Metlakatla Indian Community of the Annette Island Reserve, which is recognized by the Secretary as eligible for the special programs and services from the Bureau of Indian Affairs. For purposes of acquisitions made under the authority of 25 U.S.C. 488 and 489, or other statutory authority which specifically authorizes trust acquisitions for such corporations, "Tribe" also means a corporation chartered under section 17 of the Act of June 18, 1934 (48 Stat. 988; 25 U.S.C. 477) or section 3 of the Act of June 26, 1936 (49 Stat. 1967; 25 U.S.C. 503).

(c) "Individual Indian" means:

(1) Any person who is an enrolled member of a tribe;

(2) Any person who is a descendent of such a member and said descendant was, on June 1, 1934, physically residing on a federally recognized Indian reservation;

(3) Any other person possessing a total of one-half or more degree Indian blood of a tribe;

(4) For purposes of acquisitions outside of the State of Alaska, "Individual Indian" also means a person who meets the qualifications of paragraphs (c)(1), (2), or (3) of this section where "Tribe" includes any Alaska Native Village or Alaska Native Group which is recognized by the Secretary as eligible for the special programs and services from the Bureau of Indian Affairs.

(d) "Trust land" or "land in trust status" means land the title to which is held in trust by the United States for an individual Indian or a tribe.

(e) "Restricted land" or "land in restricted status" means land the title to which is held by an individual Indian or a tribe and which can only be alienated or encumbered by the owner with the approval of the Secretary because of limitations contained in the conveyance instrument pursuant to Federal law or because of a Federal law directly imposing such limitations.

(f) Unless another definition is required by the act of Congress authorizing a particular trust acquisition, "Indian reservation" means that area of land over which the tribe is recognized by the United States as having governmental jurisdiction, except that, in the State of Oklahoma or where there has been a final judicial determination that a reservation has been disestablished or diminished, "Indian reservation" means that area of land constituting the former reservation of the tribe as defined by the Secretary.

(g) "Land" means real property or any interest therein.

(h) "Tribal consolidation area" means a specific area of land with respect to which the tribe has prepared, and the Secretary has approved, a plan for the acquisition of land in trust status for the tribe.

§ 120a.3 Land acquisition policy.

Land not held in trust or restricted status may only be acquired for an individual Indian or a tribe in trust status when such acquisition is authorized by an act of Congress. No acquisition of land in trust status, including a transfer of land already held in trust or restricted status, shall be valid unless the acquisition is approved by the Secretary.

(a) Subject to the provisions contained in the acts of Congress which authorize land acquisitions, land may be acquired for a tribe in trust status (1) when the property is located within the exterior boundaries of the tribe's reservation or adjacent thereto, or within a tribal consolidation area; or, (2) when the tribe already owns an interest in the land or, (3) when the Secretary determines that the acquisition of the land is necessary to facilitate tribal self-determination, economic development, or Indian housing.

(b) Subject to the provisions contained in the acts of Congress which authorize land acquisitions or holding land in trust or restricted status, land may be acquired for an individual Indian in trust status (1) when the land is located within the exterior boundaries of an Indian reservation, or adjacent thereto; or, (2) when the land is already in trust or restricted status.

§ 120a.4 Acquisitions in trust of lands owned in fee by an Indian.

Unrestricted land owned by an individual Indian or a tribe may be conveyed into trust status, including a conveyance to trust for the owner, subject to the provisions of this part.

§ 120a.5 Trust acquisitions in Oklahoma under Section 5 of the I.R.A.

In addition to acquisitions for tribes which did not reject the provisions of the Indian Reorganization Act and their members, land may be acquired in trust status for an individual Indian or a tribe in the State of Oklahoma under Section 5 of the Act of June 18, 1934 (48 Stat. 985; 25 U.S.C. 465), if such acquisition comes within the terms of this part. This authority is in addition to all other statutory authority for such an acquisition.

§ 120a.6 Exchanges.

An individual Indian or tribe may acquire land in trust status by exchange if the acquisition comes within the terms of this part. The disposal aspects of an exchange are governed by Part 121 of this title.

§ 120a.7 Acquisition of fractional interests.

Acquisition of a fractional land interest by an individual Indian or a tribe in trust status can be approved by the Secretary only if:

(a) The buyer already owns a fractional interest in the same parcel of land; or

(b) The interest being acquired by the buyer is in fee status; or

(c) The buyer offers to purchase the remaining undivided trust or restricted interests in the parcel at not less than their fair market value; or

(d) There is a specific law which grants to the particular buyer the right to purchase an undivided interest or interests in trust or restricted land without offering to purchase all of such interests; or

(e) The owner of a majority of the remaining trust or restricted interests in the parcel consent in writing to the acquisition by the buyer.

§ 120a.8 Tribal consent for nonmember acquisitions.

An individual Indian or tribe may acquire land in trust status on a reservation other than its own only when the governing body of the tribe having jurisdiction over such reservation consents in writing to the acquisition; provided, that such consent shall not be required if the individual Indian or the tribe already owns an undivided trust or restricted interest in the parcel of land to be acquired.

§ 120a.9 Requests for approval of acquisitions.

An individual Indian or tribe desiring to acquire land in trust status shall file a written request for approval of such acquisition with the Secretary. The request need not be in any special form but shall set out the identity of the parties, a description of the land to be acquired, and other information which would show that the acquisition comes within the terms of this part.

§ 120a.10 Factors to be considered in evaluating requests.

In evaluating requests for the acquisition of land in trust status, the Secretary shall consider the following factors:

(a) The existence of statutory authority for the acquisition and any limitations contained in such authority;

(b) The need of the individual Indian or the tribe for additional land;

(c) The purposes for which the land will be used;

(d) If the land is to be acquired for an individual Indian, the amount of trust or restricted land already owned by or for that individual and the degree to which he needs assistance in handling his affairs;

(e) If the land to be acquired is in unrestricted fee status, the impact on the State and its political subdivisions resulting from the removal of the land from the tax rolls;

(f) Jurisdictional problems and potential conflicts of land use which may arise; and

(g) If the land to be acquired is in fee status, whether the Bureau of Indian Affairs is equipped to discharge the additional responsibilities resulting from the acquisition of the land in trust status.

§ 120a.11 Action on requests.

The Secretary shall review all requests and shall promptly notify the applicant in writing of his decision. The Secretary may request any additional information or justification he considers necessary to enable him to reach a decision. If the Secretary determines that the request should be denied, he shall advise the applicant of that fact and the reasons therefor in writing and notify him of the right to appeal pursuant to Part 2 of this title.

§ 120a.12 Title examination.

If the Secretary determines that he will approve a request for the acquisition of land from unrestricted fee status to trust status, he shall acquire, or require the applicant to furnish, title evidence meeting the *Standards For The Preparation of Title Evidence In Land Acquisitions by the United States,* issued by the U.S. Department of Justice. After having the title evidence examined, the Secretary shall notify the applicant of any liens, encumbrances, or infirmities which may exist. The Secretary may require the elimination of any such liens, encumbrances, or infirmities prior to taking final approval action on the acquisition and he shall require elimination prior to such approval if the liens, encumbrances, or infirmities make title to the land unmarketable.

§ 120.13 Formalization of acceptance.

Formal acceptance of land in trust status shall be accomplished by the issuance or approval of an instrument of conveyance by the Secretary as is appropriate in the circumstances.

Thomas W. Fredericks,

Deputy Assistant Secretary—Indian Affairs.

[FR Doc. 80-28840 Filed 9-17-80; 8:45 am]

BILLING CODE 4310-02-M

DEPARTMENT OF JUSTICE

Office of Justice Assistance, Research, and Statistics

28 CFR Part 22

Confidentiality of Identifiable Research and Statistical Information

AGENCY: Office of Justice Assistance, Research, and Statistics (OJARS), Law Enforcement Assistance Administration (LEAA), National Institute of Justice (NIJ), and Bureau of Justice Statistics (BJS)/Department of Justice (DOJ).

ACTION: Final rule.

SUMMARY: The Office of Justice Assistance, Research, and Statistics (OJARS), is amending its regulations governing research and statistical information to conform them to the statutory amendments made by the Justice Systems Improvement Act of 1979 (JSIA). The JSIA which amended the Crime Control Act of 1976 contains different provisions regarding the

confidentiality of identifiable research and statistical information.

EFFECTIVE DATE: September 12, 1980.

FOR FURTHER INFORMATION CONTACT: Charles A. Lauer, Acting General Counsel, Office of Justice Assistance, Research, and Statistics, (202) 724–7792.

SUPPLEMENTARY INFORMATION: On June 13, 1980, OJARS proposed to amend 28 CFR Part 22 to conform with its statute. Interested persons were invited to submit comments on the proposed rulemaking. No comments were received. Therefore, the proposed rule has been adopted as the final rule without any modifications.

The Law Enforcement Assistance Administration (LEAA) was reorganized by the Justice System Improvement Act of 1979 (JSIA), Pub. L. 96–157, on December 27, 1979. The provision dealing with confidentiality of identifiable research and statistical information (section 818(a)) differs from the previously applicable provision in the Crime Control Act of 1976, Pub. L. 94–503, (section 524(a)) in only three respects. First, section 818(a) of the JSIA no longer limits immunity to copies of information obtained during a research or statistical project. Under the added language, immunity is provided to the individuals who recall information elicited during a research or statistical project as well as to written copies of such information. The second change is the provision adding legislative proceedings to the enumerated proceedings where immunity from legal process is authorized. The third change, expands the organizational entities involved to, the National Institute of Justice, the Bureau of Justice Statistics, and the Office of Justice Assistance, Research, and Statistics. Accordingly, 28 CFR Part 22 is amended as follows:

PART 22—CONFIDENTIALITY OF IDENTIFIABLE RESEARCH AND STATISTICAL INFORMATION

(1) Wherever the word LEAA appears throughout the regulations add "BJS, NIJ, or OJARS."

§ 22.22 [Amended]

(2) Amend § 22.22(a)(2) to read "such individuals as needed to implement sections 202(c)(3), 802, and 817(b) of the Act; and

§ 22.28 [Amended]

(3) Amend § 22.28 by adding in the title a comma after the word "judicial" and then the word "legislative."

(4) Amend § 22.28(a) by deleting the words "copies of" in the first sentence and adding the word "legislative" after the word "judicial."

(5) Amend § 22.28(b)(1) by adding the word "legislative" after the word "judicial."

§ 22.29 [Amended]

(6) Amend § 22.29 by deleting "524(a)" and adding in lieu thereof "818(a)."

This amendment becomes effective September 12, 1980.

Robert F. Diegelman,

Acting Director, Office of Justice Assistance, Research, and Statistics.

[FR Doc. 80-28804 Filed 9-17-80; 8:45 am]

BILLING CODE 4410-18-M

DEPARTMENT OF THE ARMY

32 CFR Part 623

Loan of Army Materiel

AGENCY: Department of the Army, DOD.

ACTION: Final rule.

SUMMARY: This regulation establishes policies and procedures for the public to borrow or lease materiel owned by the Army. It specifies conditions when authorized sectors of the public may obtain materiel and sets forth responsibilities, including requirements for reimbursement.

EFFECTIVE DATE: September 12, 1980.

ADDRESS: Commander, USA Logistics Evaluation Agency, Attn.: DALO-LER, New Cumberland Army Depot, New Cumberland, PA 17070.

FOR FURTHER INFORMATION CONTACT: Mr. Joseph C. Murray (717) 782–7130.

SUPPLEMENTARY INFORMATION: Rules formerly published in 32 CFR § 621.3 on accounting for arms and accouterments loaned to other Government agencies are revised and redesignated as § 623.5, Loan of Arms and Accouterments. This regulation does not have a direct impact on any sector of the public or any significant portion thereof. All rules and policies that may have required public review at the time of rulemaking are included with no new procedures specified.

Accordingly, 32 CFR is amended by deleting Section 621.3 from Part 621 and adding a new Part 623 as set forth below:

§ 621.3 [Reserved]

1. § 621.3 deleted and reserved.

2. Part 623 is added to read as follows:

Dated: September 12, 1980.

Horace W. Tousley,

Colonel, US Army, Commander, US Army Logistics Evaluation Agency.

PART 623—LOAN OF ARMY MATERIEL

Sec.

623.1 General.
623.2 Loan policies.
623.3 Submission of requests for loan of Army materiel.
623.4 Accounting procedures.
623.5 Loan of arms and accouterments.
623.6 Reimbursement for loan of Army materiel.
623.7 Reports.

Authority: 10 U.S.C. 2571; 31 U.S.C. 686; 10 U.S.C. 2667.

Source: AR 700–131.

§ 623.1 General.

(a) *Purpose.* This part sets forth policies and procedures for loan of Army materiel. As used in this regulation, the term "loan" includes a lease.

(b) *Applicability.*

(1) This regulation applies to all Department of the Army (DA) agencies, commands, installations, and activities.

(2) This regulation applies to the Army National Guard (ARNG) only when the procedure for the loan of equipment under the procedure of National Guard Regulation (NGR) 735–12 does not apply.

(3) This regulation does not apply to loans governed by the DOD Military Assistance and Sales Manual, DOD 5105.38–M.

(4) This regulation does not apply to loans governed by the Defense Acquisition Regulation (DAR).

(c) *Scope.* This part outlines when loans of Army materiel may be made. It gives general procedures for requesting and processing loans, and sets forth responsibilities, including requirements for reimbursement.

(d) *Explanation of terms.*

(1) The terms "loan," "lease" and "bailment" are contractual terms and are frequently used interchangeably. They have no meaning by themselves. It is necessary to study the statute to see what is required. Usually, a "loan" is thought of as a short-term transfer of property, sometimes with reimbursement; a "lease" is a more formal transfer, often long-term and requiring a fair monetary rental; and a "bailment" is a loosely-used term, generally reserved for a delivery of property to another in trust for the purpose of doing something to the property and then returning the property to the owner. The term "issue" is frequently used in the sense of a transfer of property which will be consumed in

use. The terms "gift," meaning a permanent transfer of property without reimbursement, and "sale," meaning a permanent transfer with reimbursement, are outside the scope of this regulation.

(2) For additional definitions, see appendix A.

(3) The words "he, him, his" when used in this publication represent both the masculine and feminine genders, unless otherwise specifically stated.

(e) *Loan restrictions.*

(1) Army materiel is not normally used for other than the Army's primary mission; however, under conditions described herein materiel not immediately needed to support mission requirements may be loaned to—

(i) Army and other Department of Defense (DOD) elements.

(ii) Non-DOD Federal departments and agencies.

(iii) Civil governments (State and local).

(iv) Special activities, agencies, and others.

(2) Table 2–1 lists various circumstances where loan of Army materiel might be requested. It identifies the applicable federal laws or other authority which would authorize such loans.

(f) *Statutory authorities.* There are three basic federal laws which authorize the loan of Army property. There are also numerous specific statutes which authorize particular types of loans in limited situations. Unless there is a reason to use the specific statute, one of the basic statutes will be used.

(1) The following are the basic statutes:

(i) 10 U.S.C. 2571—Authority for loan of property within DOD.

(ii) 31 USC 686 (The Economy Act)—Authority for loans to other federal departments and agencies.

(iii) 10 USC 2667 (The Leasing Statute)—Authority for loans/leases, including leases to activities outside the Federal Government.

(2) Following are some of the specific authorizing statutes:

(i) 10 USC 331—Federal aid for State governments as result of insurrection.

(ii) 10 USC 332—Use of militia and Armed Forces to enforce federal authority.

(iii) 10 USC 333—Use of militia or Armed Forces to suppress interference with state and federal law.

(iv) 10 USC 2541—Loan of equipment and barracks to national veterans organizations.

(v) 10 USC 2542—Loan of equipment to the American National Red Cross for instruction and practice.

(vi) 10 USC 2543—Loan of equipment to US Presidential Inaugural Committee.

(vii) 10 USC 2544—Loan of equipment and services to the Boy Scouts of America, for national and world jamborees.

(viii) 10 USC 2572—(See AR 870–20.) Loan of books, manuscripts, works of art, drawings, plans, models, and condemned or obsolete combat materiel not needed to—

(A) A municipal corporation.

(B) A soldiers monument association.

(C) A state museum.

(D) A nonprofit incorporated museum.

(E) Posts of Veterans of Foreign Wars of the USA.

(F) American Legion Posts.

(G) A local unit of any other recognized war veterans association.

(H) A post of the Sons of Veterans Reserve.

(ix) 10 USC 4308—Establishment and support of civilian rifle ranges.

(x) 10 USC 4311—Issue of rifles and ammunition for conducting rifle instruction and practice.

(xi) 10 USC 4651—Issue of arms, tentage, and equipment to support educational institutions that do not have ROTC but maintain a course in military training prescribed by the Secretary of the Army.

(xii) 10 USC 4652—Loan of rifles and issue ammunition for target practice to educational institutions having corps of cadets.

(xiii) 10 USC 4653—Issue of ordnance and ordnance stores to District of Columbia high schools.

(xiv) 10 USC 4654—Issue of quartermaster supplies at educational institutions that maintain a camp for military instruction of its students.

(xv) 10 USC 4655—Loan of arms and issue ammunition to other agencies and departments of the US Government.

(xvi) 10 USC 4656—Loan of aircraft and ancillary equipment to accredited aviation schools at which DA or Air Force personnel pursue courses of instruction.

(xvii) 10 USC 4683—Loan of obsolete or condemned rifles and accouterments to local units of recognized national veterans organizations for certain ceremonial purposes.

(xviii) 10 USC 4685—Loan of obsolete ordnance to educational institutions and state soldiers and sailors orphans' homes for purpose of drill and instruction.

(xix) 32 USC 702—Issue of supplies to State National Guard.

(xx) 33 USC 701n (PL 84–99 as amended)—Flood emergency preparation; emergency supplies of drinking water.

(xxi) 33 USC 1251 et seq (PL 92–500)—Federal Water Pollution Control Act.

(xxii) 42 USC 5121 et seq (PL 93–288)—Disaster Relief Act.

(3) Other statutory guidance:

(i) 10 USC 4307—Authorizes the establishment of a Director of Civilian Markmanship (DCM).

(ii) 18 USC 1385—Unlawful use of Armed Forces in local law enforcement.

(iii) 18 USC 3056 (as amended by PL 91–651)—Powers and duties of Secret Service.

(g) *Responsibilities.*

(1) The Commanding General (CG), US Army Materiel Development and Readiness Command (DARCOM), through the Materiel Readiness Commands' (MRC) commanders, is responsible for loans of materiel controlled by DARCOM wholesale supply points.

(2) Major Army commands (MACOM) CGs and commanders in chief (CINCs) of unified commands (UCOMs) are responsible for loans of materiel from supporting units and installations.

(3) The Director of Military Support, Office of the Deputy Chief of Staff for Operations (ODCSOPS), is the DOD point of contact for the Federal Disaster Assistance Administration (FDAA), other Federal agencies, and the National Red Cross in disaster assistance matters.

§ 623.2 Loan policies.

(a) *Loan and approval policy.*

(1) *Basic policies.*

(i) Materiel is not loaned to non-DOD activities as a routine procedure. However, materiel in the Army inventory is available for loan for special purposes if approved. Approving authorities are listed in table 2–1; their addresses are in appendix B.

(ii) Loans will be approved or disapproved based on the purpose, duration of the loan, and consideration of the following factors which can take precedence over any loan.

(A) Military requirements and priorities.

(B) Continuity of military operations, troop survival, and the rehabilitation of essential military bases.

(C) Stocks and programed Army requirements. This includes prepositioned mobilization reserve stocks.

(D) Type classification with pending changes.

(E) Minimum diversion of Army stocks.

(F) The adequacy of the borrower's resources. Requesters will be encouraged to use their own resources.

(iii) Loan requests from civilian authorities or activities will normally enter Army channels at the installation or MACOM levels. If on-post or off-post

units receive loan requests, they will refer them to unit's supporting installation commander at once. Emergency loan requests will be relayed by telephone or electrically transmitted message.

(iv) When routine handling of a loan request would result in loss of human life, grave bodily harm, or major destruction of property, and when the lack of communication facilities prevents use of normal procedures, loans otherwise permitted by this regulation can be made with local approval. However, normal policy should be followed to the extent possible. If procedural requirements cannot be fully complied with, they must be met as soon as possible after the loan is made.

(v) Army materiel loaned under this part will be delivered to borrower "as is, where is" available.

(vi) Stocks of the least serviceable condition which are still suitable for the loan's purpose will be used. Logistic control code "C" materiel will be loaned before logistic control code "B" materiel. Logistic control code "B" materiel will be loaned before logistic control code "A" materiel. (Ref chap 9, AR 708–1.)

(vii) Commanders of medical treatment facilities (MTF) are subject to all the requirements of this regulation, including the requirement for reimbursement. However, in accordance with AR 360–61 which implements DOD Instruction 5410.19,

(A) Emergency loans of medical supplies (drugs, vaccines, etc.) may not be made without reimbursement, but the loan may not exceed 30 days and the medical supplies must be replaced in kind by the borrowing agency or activity; and

(B) Emergency loans of medical equipment not to exceed 15 days may be made without reimbursement if it is the practice in the community for other hospitals to make such loans. Equipment loans which exceed 15 days must be approved, in writing, by the MACOM commander and are subject to all the requirements of 10 USC 2667, including reimbursement.

(viii) Army property loaned to non-DOD activities will not be further loaned without approval of the original approving authority.

(ix) There will be no procurement or redistribution of assets to offset the effects of loans. Material will not be set aside, earmarked, assembled, or stockpiled to be available for use related to loans.

(x) Army materiel may be recalled from the borrower at any time to meet Army requirements.

(xi) Stock record accounting and financial transactions for loans will conform with existing regulations.

(xii) Borrowers are responsible for the care, custody, and proper use of materiel borrowed. Except as stated in this regulation, reimbursement will be required for damage, destruction, loss, fair depreciation in value, and for any Army repair, care, transportation, preservation, and protection of loaned equipment.

(xiii) Care, renovation, and repair of borrowed materiel will conform with the loan agreement.

(xiv) As indicated below, borrowers must provide signed loan agreements, provide surety bonds, and vehicular insurance prior to receipt of materiel. Loan agreements and bonds will be prepared in accordance with paragraphs (b) and (c) of this section.

Borrower	Loan agreement required	Surety bond required	Vehicular insurance required
Army or other DOD activities.	No [1]	No	No.
Non-DOD Federal departments and Agencies.	Yes	No	No.
Civil Authorities (State and Local Governments).	Yes	Yes [2]	Yes. [2]
Civilian Activities (veterans' organizations, youth groups, etc.).	Yes	Yes	Yes.

[1] A hand receipt or other document assigning responsibility will suffice.
[2] In emergency disaster relief cases, bonds and insurance may be provided after receipt of the materiel. (See para (a)(4) of this section.)

(2) *Loans to DOD organizations.* Army materiel may be loaned to DOD activities for projects, programs, and mission requirements that support basic functions of the borrowing activity. Examples are field exercises, maneuvers, training exercises, including annual training (AT) of Reserve Components, and research development, test, and evaluation (RDTE).

(i) Loans of major end items belonging to MACOMs are approved by MACOM or UCOM commanders. Loans of materiel other than major end items are approved at commender/installation level.

(ii) Loans of materiel belonging to DARCOM (wholesale level) are approved as follows:

(A) *Materiels other than major end items.* By the director or deputy director of an MRC.

(B) *All other items.* By HQ DARCOM or commanders of MRCs unless loan would interfere with issue against DA Master Priority List (DAMPL) priorities, then by HQDA ODCSLOG (DALO-SMD).

(3) *Loans to federal departments/agencies.* Loans to Federal activities outside the DOD are usually provided under provisions of the Economy Act, 31 USC 686. Federal agencies borrowing DOD materiel using the provisions of this act are responsible for reimbursing the DOD for all DOD costs incident to the delivery, return, and repair of the materiel. The borrower is also responsible for reimbursing the DOD for depreciation if the depreciation cost is significant.

(4) *Disaster relief.*

(i) CONUS/OCONUS.

(A) In disaster situations local civil authorities must provide relief from their own resources. If this is not sufficient, and the American National Red Cross has a team at the disaster, requests for further assistance should be made to them. If the President has declared a major disaster or emergency, requests should be made to the regional director of the Federal Disaster Assistance Administration (FDAA). [See AR 500–60 for guidance.)

(B) The commanding General, US Army Forces Command (FORSCOM), acting for the Secretary of the Army (SA), is responsible for Army materiel support of disaster relief operations within the United States and the District of Columbia. UCOMs are responsible for disaster relief operations in US possessions and trust territories. These commanders are authorized to task DOD agencies and commands, consistent with defense priorities, to provide materiel in support of operations. A military representative will be appointed by the appropriate command to act as the DOD point of contact with the Housing and Urban Development (HUD) Federal Coordinating Officer (FCO) when military assistance is required during a Presidential declared disaster or emergency. When a disaster or emergency is of such magnitude, the disaster area may be geographically subdivided. A military representative will then be appointed for each FCO. All requests for military assistance will be passed through the FCO to the DOD military representative at the disaster area.

(C) The Director of Military Support (ODCSOPS), HQDA, acts at the DOD point of contact for the Administrator, FDAA, other Federal agencies, and the American National Red Cross in all disaster assistance matters.

(ii) Foreign.

(A) The Department of State is responsible for deciding when emergency foreign disaster relief

operations will be undertaken. This authority is delegated to Chiefs of Diplomatic Missions for disaster relief operations whose total costs will not exceed $25,000.

(B) Send queries on foreign disaster relief to HQDA (DAMO-ODS) (para 4, app B).

(5) *Civil disturbances.* The maintenance of law and order is primarily the responsibility of local and state authorities. In civil disturbance situations, a basic goal of the Federal Government is to minimize the involvement of active military forces. One of the most effective means of keeping Federal forces off the streets is to loan US Army civil disturbance type equipment to Federal, State, and local law enforcement agencies and also to the National Guard. (For specific guidance see AR 500-50.)

(i) Requests for loan of Army materiel during or for expected civil disturbances are of three types with approval authority as follows:

(A) *Group one.* Arms, ammunition, tank-automotive equipment, and aircraft. Loans will be approved by the SA or his designee.

(B) *Group two.* Riot control agents, concertina wire, and similar military equipment which is not included in group one. Loans will be approved by the SA (or his designee), or by an Army task force commander employed at an objective are during a civil disturbance.

(C) *Group three.* Protective equipment such as masks and helmets; body armor vests; other equipment not included in group one or two such as clothing, communications equipment, and searchlights; and the use of DOD facilities. Such loans will be approved by the SA (or his designee); by MACOMs; by the CGs of CONUS armies, MDW, and by commanders of UCOMs outside CONUS as applicable. (NOTE: Firefighting equipment will not be used for riot control).

(ii) Queries concerning loans in support of civil disturbances will be forwarded to the Director of Military Support, HQDA(DAMO-ODS), WASH DC 20310. (See app B.)

(6) *Terrorism.*

(i) The Department of the Army is the DOD Executive Agent for support to the FBI in combating terrorism. Existing civil disturbance loan procedures, including categories of equipment, apply to equipment loans to the FBI for combating terrorism. Military resources will be provided only upon request of the Director, FBI, or the Senior FBI official present at the scene of a terrorist incident. It may be difficult in some situations to determine whether a practical incident fits the definition of terrrorism. In these cases, commanders are authorized to accept the judgment of the FBI official making the request if it is supported by the available facts. (See para 3, table 2-1.)

(ii) For requests from the FBI in connection with terrorist incidents, any commander in the chain of command down to and including commanders of military installations are authorized to approve loans of group two and group three resources. (See para (a)(4)(1)(B) and (C) of this section.) Requests for equipment which involve technical/operating personnel, excluding fire-fighting equipment and explosive ordnance disposal, will be processed as a group one resource. For example, approval authority is retained by the DOD Executive Agent.

(7) *Aircraft piracy.* Assistance to other federal agencies in the protection of airways is provided through loans under guidance in paragraph 3, table 2-1. Specific limitations on such support are covered in AR 500-1.

(8) *Loan/lease to activities outside the Federal Government.* Title 10, USC 2667, authorizes the lease of Army materiel to non-DOD departments, agencies, activities, or individuals when it is determined that the materiel is not, for the period of the lease, needed for public use, is not excess property, and that the loan will promote the national defense or be in the public interest, (See AR 360-61.) Such a lease must not be for more than 1 year (or be renewed/extended for a total period of more than 5 years); it must provide that the lessee will pay a fair monetary rental. The fair monetary rental will be determined on the basis of prevailing commercial rates or computed according to sound commercial accounting practices for the fixing of rental on such property. This will include a return on capital investment and administrative cost as well as depreciation. The delegation of authority to lease is SAOSA-71-6, paragraph 1-5103, ADARS, the prescribed lease agreement is at paragraph 16-553, ADARS.

(b) *Loan agreements.*

(1) Upon approval of a loan request and before shipment or issue of the materiel, the approving authority will complete a written loan agreement, DA Form 4881-R. In all cases, the statutory basis for the loan will be cited. The approving authority is acting for the DOD on loans to other Federal agencies, and for the United States on loans to civil authorities and special activities. The agreement will be signed by the approving authority and the borrowing activity. When emergency loans have been made as authorized by this AR, follow-up action will be taken at once to formalize the loan by completing a loan agreement.

(2) Loan agreements are mutually developed by the approving authority and the chief of the borrowing activity (or their designees). The agreements identify the responsibilities of all parties. They include terms and conditions of the loan. Appendix C illustrates a sample loan agreement, DA Form 4881-R (Agreement for the Loan of US Army Materiel), and specifies what the loan agreements will stipulate and contain. Also illustrated at appendix C is DA Form 4881-2-R, which will be completed and appended to the loan agreement as "Exhibit I."

(3) Loan agreements will be held by the approving authority until termination and final settlement of each loan.

(4) If the loan agreement is signed by someone other than the chief borrowing official, than a Certificate for Signature by an Alternate will be completed. (See appendix D for DA Form 4881-1-R.) It will be attached to the signed (by the borrower) copy of the agreement that is retained by the approving authority. DA Forms 4881-R, 4881-1-R, and 4881-2-R are reproduced locally on 8½ by 11-inch paper.

(c) *Surety bonds.*

(1) Some borrowers of Army materiel must post a surety bond. (See table 2-1 and DA Form 4881-3-R at app E.) Bonds ensure safe return of the borrowed materiel or reimbursement for any loss of or damage to the materiel. The bond will consist of —

(i) A properly executed surety bond with a certified bank check, cash, or negotiable US Treasury bonds, or

(ii) Notice of bond by a reputable bonding company deposited with the approving authority for the loan. Bonds will equal the total price of the borrowed items as shown in exhibit I to the loan agreement (app C, DA Form 4881-R). A "double" bond (bond equal to twice the value of the borrowed item(s)) will be required—

(A) For Army materiel loaned to the Red Cross for instruction and practice to aid the Army, Navy, or Air Force in time of war (10 USC 2542).

(B) For ordnance and ordnance stores loaned to high schools in the District of Columbia (10 USC 4653).

(2) The bond need not be posted by the borrowing agency itself. The source or originating agency for the bond is immaterial if the bond is valid. For example, to secure a loan, a State may post bond on behalf of a city, county, or other governmental body or authority within the State.

(3) In an emergency, when posting a bond would delay approval of an urgent

loan request and when the total price is less than $1,000, the approval authority may approve the request. The approval is on the condition that the bond be posted within 5 days.

(4) Bond forfeitures or exceptions to mandatory forfeitures can only be made with the concurrence of the Secretary of the Army. Forfeitures will be based on actual expense incurred. Forfeitures do not release the borrowing agency from returning borrowed materiel or affect ownership. Bonds are normally forfeited under the following conditions:

(i) Materiel is not returned at the termination of a loan period or when return has been directed by the Army.

(ii) The borrowing agent refuses to pay for damages or other Army expenses.

(5) Surety bonds will be held by the approving authority until the loan is terminated and final settlement is made. At that time, the bond will be returned to the borrower.

(6) If US treasury bonds are posted as surety bond, the borrower must execute a power of attorney (DA Form 4481–4–R, app F). This will enable cashing of the treasury bonds if some forfeiture is required. DA Form 4881–3–R (Surety Bond) and DA Form 4881–4–R (Power of Attorney) will be reproduced locally on 8½ by 11-inch paper.

(d) *Loan duration.*

(1) Loan periods and extensions will be shown in table 2–2.

(2) Materiel will be loaned only for the number of days needed for the specific purpose for which borrowed. Loan extensions must be justified. The reason(s) why other means or other than Army materiel cannot be used must be included. Approval of loan extensions will be based on the merit of the reasons given.

(3) Loan extensions authorized beyond 1 year will not be approved unless the lender of the loaned materiel has inspected and inventoried the materiel to insure completeness and serviceability.

(e) *Types of DA materiel available for loan.* Examples of types of items that may be loaned, and examples of the types of organizations that may borrow Army materiel, are listed in table 2–1. Most loans will be nonexpendable items or expendable items not forecast to be consumed (durable items). Expendable items (e.g., expendability code X) will not be loaned unless approved as an exception.

Table 2–1.—*Loan Authority and Purpose*

Requester	Authority and guidance	Normal approving authority	Examples of materiel authorized
1. DOD Activities	10 U.S.C. 2571	Secretary of the Army (or designee)	Materiel, supplies, and equipment.
2. Department of Agriculture (U.S. Forest Service) protection against wildfire [2] (see AR 500–60 for guidance) [3].	31 U.S.C. 686; Memo of Understanding (MOU), Apr. 24, 1975; AR 500–60.	Secretary of the Army (or designee)	Communications, earthmoving, and vehicular equipment.
Avalanche Control [3]	10 U.S.C. 4655; 31 U.S.C. 686; AR 735–5; MOU Nov. 29, 1973.	Secretary of the Army (or designee)	Communications, howitzers, etc.
3. Department of Justice (FBI)	10 U.S.C. 331; 10 U.S.C. 332; 10 U.S.C. 333.		Transport aircraft,[1] helicopters, flares, parachutes, communications equipment, arms, vehicles, etc.
Aircraft Piracy [1] (see AR 500–1 for guidance).	10 U.S.C. 4655; 18 U.S.C. 1385; 31 U.S.C. 686; DODD 3025.12; AR 500–1.	DOD General Counsel [1] or designee; in urgent cases, Deputy Director for Operations, NMCC.	
Terrorism [2]	AR 500–50	See item 7 below for [2] approval authority by equipment classification.	See item 8 below for [2] classification equipment.
Drug Enforcement Agency [1]	31 U.S.C. 686; AR 735–5, par. 1–16; CSR 1–25.	Asst SECDEF (or designee)	Same as above.
4. Treasury Department (U.S. Custom Service) (U.S. Secret Service) [1].	18 U.S.C. 3056; 31 U.S.C. 686; AR 735–5, par. 1–16; DODD 3025.13; DODI 5030.34; AR 1–4.	Asst SECDEF (or designee); Mil Asst to the President; followed by the Spec Asst to the SECDEF; (overseas) CINC, UCOM's.	Same as above.
5. National Guard Equipment (loan to NG)	AR 735–5; 10 U.S.C. 2571	Secretary of the Army HQDA; CG FORSCOM; DARCOM.	Material, supplies, and equipment.
6. Other Federal agencies emergency support [1] to Federal agencies (see AR 1–35 and AR 500–60 for guidance).	31 U.S.C. 686; AR 735–5; AR 1–35; AR 500–60; DODD 4000.19.	Spec Asst SECDEF; Secretary of the Army	Material, supplies, and equipment for flood fighting, rescue operations, repair/restoration of flood control works, or hurricane flood protection works.
Support to FPA/GSA Regional Field Boards [2] (see AR 15–17 for guidance).	AR 15–17; DODD 5100.74; OEP Civ 8500.6.	HQDA; CG FORSCOM; CG CONUSA	Transportation, emergency power and fuel.
Support to Inaugural Committee	10 U.S.C. 2543	SECDEF	Tents, flags, litters, ambulances, drivers, hospital furniture, camp appliances.
7. Support for Search and Rescue	AR 500–2; FM 20–150; AR 525–90	CG FORSCOM; GC CONUSA	Search craft and crews.
8. Civil Authorities Civil Disturbance [2] (see AR 500–50 for guidance).	42 U.S.C. 5121 et seq.; 10 U.S.C. 331; DODD 3025.12; AR 500–50; AR 350–7; DACD Plan; Garden Plot.	Group One: DOD Executive Agent or designee	Group One: Arms, ammunition, tank-automotive equipment, and aircraft.
		Group Two: DOD Executive Agent or designee, or task force command at objective area during the civil disturbance.	Group Two: Riot control agents, concertina wire, and other like military equipment to be employed in control of civil disturb<ances.
		Group Three: DOD Executive Agent or designee; CG MDW; CG CONUSA; and CINC's UCOM's, OCONUS.	Group Three: Firefighting resources, equipment of a protective nature (masks, helmets, body armor vests) and use of Army facilities.
Disaster Relief [2]	42 U.S.C. 5121 et seq.; DODD 3025.1; AR 500–60 and AR 930–5; DODD 5100.46.	CG FORSCOM; CG DARCOM for DARCOM stocks; and CINC's, UCOM's, OCONUS.	Same as 6 above.
Civil Defense	DODD 3025.10; AR 500–70	CG FORSCOM	Personnel, facilities, equipment, supplies, and services.
American National Red Cross for support of Army units in support of local civil government disaster relief.	MOU between DOD and ANRC, June 24, 1975.	HQDA; The Adjutant General (DAAG–ASO–R)	Personnel, equipment, office space, equipment, supplies; and custodial, utility, maintenance, and communication services.
9. Environmental Protection Agency and U.S. Coast Guard (oil and hazardous substances pollution spills).	33 U.S.C. 1251 et seq.; DODD 5030–41; AR 500–60.	Same as disaster relief	Personnel, facilities, supplies, equipment, and transportation.
10. Boy and Girl Scouts of America (world or national jamborees) [3].	10 U.S.C. 2544; AR 725–1, ch. 7	MACOM CG on behalf of CG DARCOM	Bedding, cots, chairs, vehicles, buildings, etc.
11. Civilian Marksmanship Program (Clubs and Schools) [3].	10 U.S.C. 4308, 4311, 4651, 4652, 4653, 4685; AR 920–15; AR 920–20.	Secretary of the Army (or designee)	Arms and accouterments.
12. Community Relations and Domestic Action Programs [1] (Youth Conservation Corps).	AR 28–19; AR 360–61; 42 U.S.C. 2701	Installation commanders	Equipment or buildings which may aid in instruction to the disadvantaged.
13. Veterans Organizations (State and National Conventions) [3].	10 U.S.C. 2541	MACOM CG and CG CONUSA	Cots, bedding, chairs, tents, mattresses, pillows, unoccupied barracks, etc.
Burial Ceremonies	10 U.S.C. 4683	Secretary of the Army	Obsolete rifles.

Table 2-1.—*Loan Authority and Purpose*—Continued

Requester	Authority and guidance	Normal approving authority	Examples of materiel authorized
14. Armies of the United Kingdom, Canada, and Australia (Standardization Program).	10 U.S.C. 2667; AR 34-1	CG DARCOM (those for equip valued over $100,000 and those not favorably considered by DARCOM will be referred to the DCSRDA, HQDA, for approval).	Equipment.
15. Aid to District of Columbia Government in Combating Crime [3].	DODD 5030.46; CSR 500-4	Secretary of the Army (or designee)	Communications, vehicles, aircraft, arms, etc.
16. Departments, agencies, municipalities, organizations, activities, and individuals.	10 U.S.C. 2667; SAOSA-71-6, par. 1-5103, ADARS.	Heads of Procuring Activity	Army property, not excess requirements, but not needed for period of lease. (See delegation of authority.)
17. Red Cross (Aid to DOD in time of war)	10 U.S.C. 2602; AR 930-5	DAAG	Office space, supplies and equipment; uniforms.
18. Army Flying Clubs	AR 230-1; DODD 1330.2	DAAG; CG FORSCOM	Army aircraft.
19. Civilian Activities	10 U.S.C. 2572; AR 870-15; AR 870-20	Chief, Military History	Historical properties and military art.
20. Civilian Educational Institutions	10 U.S.C. 4654	Secretary of the Army	Quartermaster supplies.

[1]DA DCSOPS, Director of Military Support, has responsibility for these staff functions.
[2]DA DCSOPS, Director of Military Support, has responsibility for these executive agent functions. (See app. A for definition of this term.)
[3]DA DCSLOG, Director of Supply and Maintenance, has responsibility for these staff functions.

Table 2-2.—*Loan Periods*

Borrower/purpose	Initial	Loan periods [1] extension
1. DOD Activities	As needed for mission accomplishment	As needed for mission accomplishment.
2. Army National Guard (loan of equipment)	For minimum essential period as determined by requirements	For minimum essential period as determined by requirements.
3. Department of Agriculture (U.S. Forest Service) (protection against wildfire).	90 days	90 days.
4. Department of Justice (FBI) (Aircraft piracy)	For minimum essential period	For minimum essential period.
(Drug Enforcement Agency)	1 year or less as determined by requirements	1 year or less.
5. Treasury Department (U.S. Customs Service)	1 year or less as determined by requirements	1 year or less.
(U.S. Secret Service)	For minimum essential period as determined by requirements	For minimum essential period as determined by requirements.
6. Environmental Protection Agency/U.S. Coast Guard	For duration of requirements	
7. Other Federal Agencies	For minimum essential period	1 year.
8. Civil Agencies (Civil disturbances) Type I	15 days during actual disorder	15 days.
Type II	90 days in anticipation of a disorder	90 days.
(Disaster relief)	For minimum essential period, no extension for use during rehabilitation unless requested by the FDAA.	
9. Boy and Girl Scouts of America (World or National Jamborees)	For duration of "Jamboree" plus period en route to or return from Jamborees	
10. Civilian Marksmanship (Clubs and Schools)	1 year	1 year.
11. Civilian Community (Relations and Domestic Action Programs)	As justified by local requesters	
12. American National Red Cross for support of Army units in support of local civil Government disaster relief.	Same as above for duration of requirements (office equipment)	Same as above.
13. Veterans' Organizations	15 days	15 days.
14. To Armies of the United Kingdom, Canada, and Australia (Standardization Program).	1 year or less as determined by requirements	As negotiated.
15. Civilian Organizations:		
a. Arms and accouterments	1 year or less as determined by requirements	1 year.
b. DLA stock fund items	120 days	30 days.
c. Medical equipment	15 days	As negotiated.
d. Medical supplies (drugs, vaccines, etc. must be replaced in kind).	30 days	As negotiated.
e. All other items	Requester justification	As negotiated.
16. DA materiel provided under 10 U.S.C. 2667	1 year	1 year.

[1]All extensions or loan renewals which extends the overall loan period beyond 1 year must be approved by the Secretary of the Army (or designee).

§ 623.3 Submission of requests for loan of Army materiel.

(a) *General.*

(1) Loan requests will be expedited according to the situation's urgency. A situation may be so serious that waiting for instructions or approval from a higher authority is unwarranted. Commanders will then take action as required to save human life, prevent human suffering, or reduce property damage or destruction. (See para 623.2(b)(1).) Such emergency actions will be reported at once to higher authority according to § 623.7.

(2) Requests to the US Army for loan, or loan extension, will be promptly sent by the Army element that received the request through channels to the approving authority shown in table 2-1 or as specified in appropriate regulations.

(3) Loan requests will be made by the head of the Federal agency, civil authority, or civilian activity desiring the materiel. An exception is that requests from the Federal Disaster Assistance Administration (FDAA) will normally be initiated by an FDAA regional director rather than by the administrator. The requests should be made directly to the approving authorities shown in table 2-1.

(b) *The Army National Guard (ARNG).* Loan requests for property belonging to ARNG will be made under National Guard Regulation 735-12. (See para 5, table 2-1.)

(c) *General Procedures.*

(1) *DOD activities.* DOD activities will borrow Army materiel as follows:

(i) Requests will be made in writing citing—

(A) Detailed justification for loan to include urgency of need.

(B) Duration of loan.

(C) Funds to defray transportation and handling.

(D) Serviceability requirements.

(ii) Approving authority involved will—

(A) Forward a loan agreement to requester. Loan agreements within DOD will often consist of letter requests,

approving endorsements, and materiel issue document (DD 1348–1) transferring temporary accountability. Between units and activities, a hand receipt may be used as the loan agreement.

(B) Furnish positive identification of item to be loaned.

(C) Provide instructions for delivery of equipment.

(iii) DOD recipient of loaned Army materiel will—

(A) Forward accepted loan agreement to approving authority (all actions can be accomplished by electrically transmitted messages).

(B) Provide geographic location of equipment and specific activity that is responsible for care and preservation of loaned equipment.

(C) Return equipment to Army in condition received with normal allowance for fair wear and tear.

(2) *Non-DOD activities.* Non-DOD activities, including Federal agencies will request loan of Army materiel as follows:

(i) Non-DOD activities, and agencies, will send routine requests by letter 45 days before the materiel is required. Federal agencies may use Standard Form 344 (Multiuse Standard Requisitioning/Issue System Document). Requests will include the following:

(A) The DA approving authority. See table 2–1.

(B) Date request is submitted.

(C) Title of requesting agency and/or person authorized to receive or pick up the borrowed materiel. Be specific; e.g., Special Agent in Charge John Doe, FBI, Anytown, USA, (telephone number with area code) 123–456–7890.

(D) Type of loan; e.g., Boy Scout National Jamboree, American Legion Convention, etc. (with a short summary of circumstances).

(E) Statement that none of the requested materiel is internally available to the requesting activity.

(F) Statement that this support is not reasonably available from local government or commercial sources.

(G) Authority for the loan (if known); e.g., public law, US code, executive order, etc. See table 2–1.

(H) Positive identification of the type and quantity of items required. If national stock numbers and nomenclature are not available, identify the items needed by type, model, size, capacity, caliber, etc.

(I) Geographic location where the materiel will be located and used.

(J) Proposed duration of the loan.

(K) Statement that the agency has, or will ensure capability to properly operate, maintain, secure, and care for the borrowed materiel.

(L) If firearms are requested, a statement that adequate facilities are available to secure the arms. See paragraph 623.5(a)(4).

(M) A statement that the borrowing activity will assume all responsibilities, liabilities, and costs related to the movement, use, care, security, loss, damage, and repair of the loaned materiel.

(N) Citation of funds to cover reimbursable costs. Also, a statement that an adequate bond will be provided, if required.

(O) A statement that the loan agreement prepared by the Army will be signed by the "responsible official" of the borrowing activity (or designee).

(P) Name, address, and telephone number of the person who will serve as the point of contact for the requesting agency, authority, or activity.

(Q) Complete instructions for delivery of the equipment to ensure that shipping instructions in the request are consistent with the urgency of the situation. State whether a small quantity shipped by air, express, or other fast means will satisfy immediate needs until bulk shipments can arrive. Also state quantity immediately required.

(R) If applicable, the number of persons to be accommodated.

(ii) Urgent requests may be made to meet expected or actual emergencies. Such requests may be made by telephone or by electrically transmitted message. Include information required in paragraphs (2)(i)(A) through (R) of this section to the extent possible. The request will be presented to the approving authority. The borrower will then send a complete written request to formalize the emergency request.

(iii) If approval of the loan is granted, approving authorities will contact accountable property officers at CONUS installations (equivalent level overseas), or MRC item managers to determine which items are available. Installation requests to MRCs will state that the installation resources could not meet the loan requirements. Availability decisions will be based on normal management criteria including past and anticipated demand, asset balances, order-ship time, repair rate and repair cycles, and procurement schedules. If requested items are available and approved for issue, the approving authority (or designee) will—

(A) Negotiate and agreement;

(B) Obtain surety bond from the borrower when required;

(C) Provide reproduced copies of the signed documents to the appropriate accountable property office along with authorization to make the loan.

(iv) Approving authorities will maintain a system of numerical control for all loans. The accountable property officer will enter this number on all transaction documents related to each specific loan to include requisition, issue, shipping, turn-in, and financial documents.

(3) *The US Secret Service (USSS).*

(i) Army regulation 1–4 provides policies and procedures for Army support to the Secret Service. Support will be provided only on the request of the Director, United States Secret Service or his authorized representative. It will be provided only to assist the United State Secret Service in performance of its statutory protective functions.

(ii) Routine requests are sent by the United States Secret Service direct to the Office of the Special Assistant to the SECDEF for approval. Approved requests involving Army resources are tasked through HQDA (DAMO–ODS) to the proper command. Approved requests for resources of other Services are tasked direct to the proper Service.

(iii) Approved requests for resources to be used in oversea areas (regardless of Service) will be passed from the Office of the Special Assistant to the SECDEF to the Joint Chiefs of Staff (JCS) for tasking of the proper unified command.

(iv) In urgent situations, the United States Secret Service may request military resources from the nearest military commander who is authorized to take action consistent with the urgency. As soon as possible, they will seek guidance/approval through command channels to the approval authority (Spec Asst to the SECDEF).

(4) *Drug and narcotics interdiction activities.* All non-DOD Federal agencies requesting DOD resource in support of drug or narcotics interdiction activities should send requests through their headquarters to DOD, ATTN: Deputy Assistant SECDEF (Program Management), WASH DC 20314. Concurrently, information pertaining to the request should be sent to HQDA (DAMO–ODS) (para 4, app B), or relayed by telephone (AUTOVON 225–2003 or the Army Operations Center 851–1800 during nonduty hours). The Deputy Assistant SECDEF will pass approved request to HQDA (DAMO–ODS), through the Office, Under Secretary of the Army, for determination of availability and readiness impact. If approved by the Under Secretary of the Army, ODCSOPS (DAMO–ODS) will task the proper MACOM to provide support. Requests for extension or changes to agreements will be processed

as noted in tables 2–1, 2–2 and paragraph (2) of this section.

(5) *The Federal Bureau of Investigation.*

(i) Requests for aircraft piracy assistance, received from Federal authorities by Army field commands or activities, will be forwarded through command channels by telephone (confirmed by electrically transmitted message) to the Military Support Division, ODCSOPS (DAMO–ODS), AUTOVON 255–3848/7433/2003 (WATS 202–695–2003). These requests will be approved by the DOD General Counsel (or designee).

(ii) The requests will then be sent to the National Military Command Center (NMCC). It will coordinate between the lending accountable property officer and the borrower.

(iii) In urgent cases, the Deputy Director for Operations, NMCC, may approve requests upon his or her own responsibility. This is subject to a later report to the chairman of the Joint Chiefs of Staff and the DOD General Counsel.

(iv) Approved requirements will be passed to the Secretary of the Army by telephone and confirmed by electrically transmitted message. The Secretary of the Army will then assign the requirement to the proper command (or staff agency) which will contact the designated Federal civil official and confirm the details of the request. Modification of the requirement to better perform the mission is authorized if the Federal official agrees.

(6) *Enviromental Protection Agency (EPA), US Coast Guard (USCG), or National Response Team (NRT).* Non-DOD Federal agency requests for loan of materiel to combat oil and hazardous substance pollution spills will be made directly to the Commanding General, FORSCOM. Requests will be made by an "On Scene Coordinator" (OSC) of the EPA, or by the USCG acting for the Department of Transportation. The pollution spill NRT may also initiate requests. Approval authority is shown in table 2–1.

(d) *Civil Authorities.* Loans of materiel to civil authorities for use during civil disturbances and disasters will be made as follows:

(1) *Civil disturbances.* Requests for Army materiel in anticipation of (or during) civil disturbances will be promptly sent through command channels to the approving authority (UCOM commanders will coordinate requests originating from areas outside CONUS) as follows:

(i) Requests for resources that require Secretary of the Army approval will be sent through channels to HQDA (DAMO–ODS) (para 4, app B).

(ii) Requests for group three resources (para 623.2(a)(5)) that are not available to commanders having the approval authority will be sent through channels to HQDA (DAMO–ODS). Intermediate commands may approve and make available the requested resources.

(iii) Requests received by other DOD agencies will be referred to local Army installation commanders for processing.

(2) *Disaster relief.* Requests for loan of materiel to support disaster relief will be handled as follows:

(i) Valid requests for disaster relief assistance (see para 623.2(a)(4) for decisionmaking process) will be given to the DOD liaison (a military officer) assigned to the disaster; or forwarded to the CONUS Army commander in which the disaster occurs. (See appendix G.) If no Federal Disaster Assistance Administration (FDAA) official (HUD Federal Coordinating Officer (FCO)) is present at the disaster scene, requests may be received from the Red Cross.

(ii) HUD Regional Directors for FDAA, or FCOs, will send requests for loan of materiel to the Commanding General, FORSCOM, or to the proper CONUS Army commander. (Requests for Defense Civil Preparedness Agency (DCPA) resources will be sent to DCPA regional offices.)

(e) *Civilian Activities.*

(1) *Veterans' Organizations.* Loan requests by authorized veterans' organizations (as listed in VA Bulletin 23A) will be sent to the commander of the CONUS Army area (or Commander, MDW), for the area where the materiel will be required. (See appendix G.)

(2) *Scouting Loans.* National and regional scout executives will send requests (restricted to DOD support of national and world jamborees) according to Chapter 7, AR 725–1. (See § 621.4 of this title.)

(3) *Loans/Leases Under the Provisions of Title 10 USC 2667.* Requests for loans from other civil activities and organizations may come into the DOD through various channels; e.g., telephone call to local installation commander, letter to Congressmen, or directly to the Secretary of Defense or Army. Each request will be forwarded to the authority having the item and having the authority to approve the request. (See appendix B and table 2–1.) In cases where approval is questionable, the request may be submitted through channels to HQDA (DALO–SMD) WASH DC 20310 (para 2, app B) recommending approval/disapproval action.

(f) *Loans to the United Kingdom (UK), Canada, and Australia.* All requests for loans (restricted to materiel for use in the "Standardization Program") to the UK, Canada, or Australia will be sent to Commander, DARCOM, ATTN DRC–IRD for approval. AR 795–204 addresses loans to other allied governments. (See DOD Military Assistance and Sales Manual, DOD 5105.38–M.)

(g) *Special Materiel Requests.*

(1) *Loan of Communications Security (COMSEC) Equipment.* Subject to provisions of this regulation, requests for loan of COMSEC equipment will be sent to the Commander, US Army Communications Security Logistics Agency (para 24, app B) for approval, loan action, and establishment of loan records. All loans of Army COMSEC equipment to civilian authorities or activities will be according to Technical Bulletin 380–41. Standard Form 153 will be annotated to show purpose of the loan, expected date of return, and authority for the loan. A copy will be sent to the Director, National Security Agency (NSA), ATTN: S3, Fort George G. Meade, MD 20755.

(2) *Loan of arms and accouterments.* Requests for loan of arms and accouterments will be sent by requesting agencies directly to the Secretary of the Army, Military Support Division, HQDA (DAMO–ODS) (para 4, app B). Requests received out of this channel will be returned to the originator for resubmission. The Secretary of the Army (or designee) is the approval authority. See § 623.5 for procedures.

(3) *War reserves and operational project stocks.* Regulatory guidance with respect to loan of war reserves and operational project stocks to DOD organizations is found in chapter 8, AR 710–1. Loans of war reserves and operational project stocks to non-DOD activities will be according to this regulation and must be approved by HQDA (DALO–SMW) (para 3, app B).

(4) *Loan of historical property and art.* Requests for loans of Army historical property and military art will be sent to the Commander, US Army Center of Military History (para 4, app B). Specific information on such loans is found in AR 870–15 and AR 870–20.

§ 623.4 Accounting procedures.

(a) *Loan Document Format.*

(1) When the lending accountable property officer receives copies of the loan request, loan agreement, surety bond (if required), and written loan authorization from the approving authority, the loan request will be converted to Military Standard Requisitioning and Issue Procedures requisition formal (DD Form 1348) as follows: (NOTE: In emergencies,

authorization may be made by telephone. The format request, agreement, bond, and authorization will follow. Informal records should be also maintained.)

Card columns	Code or data
1-3	"AOE".
4-6	RIC of NICP (lender).
7	Media and status code.
8-22	National stock number.
23-24	Unit of issue.
25-29	Quantity.
30-43	Document number.
(30-35)	DODAAC of the requisitioner, if applicable, otherwise DODAAC of accountable property officer (lender).
(36-39)	Julian date.
(40-43)	Serial number.
44	"N" for nonrecurring demand.
45-50	Supplemental address (loanee DODAAC) for DOD units. For non-DOD activities enter the shipping destination.
(45)	"Y".
(46-49)	Julian date of receipt of loan request.
(50)	Alphabetic (except I or O) indicating which loan of the day is first; e.g., A-first, B-second, etc.
51	"M".
52-53	"G4" for loans to nonresearch and development activities. "G6" for loans to research and development activities.
54-56	Blank.
57-59	Project code if applicable. Note: This will be the same for all loans. Project codes will be assigned by Chief, Logistic Systems Support Activity, ATTN: DRXLS-LCC, Chambersburg, PA 17201. It will be sent by message to all interested addresses.
60-61	Priority.
62-64	RDD.
65-66	Blank.
67-69	Depot RIC.
70	Purpose code.
71	Condition code.
72	Management code.
73-80	Blank.

(2) Loaned property will be kept on the accountable records of the owning property account. The entry showing the quantities loaned will be supported by DD Form 1348-1 (receipt document), and copies of the loan agreement and surety bond (if required). The receipt document must be signed by the responsible official of the borrowing activity. It is then returned to the accountable property officer as a valid hand receipt for property accounting purposes.

(3) Loans will be processed by accountable property officers according to normal supply procedures except as modified by this regulation.

(4) Accountable property officers will keep loan files with enough documentation to provide an audit trail for loan transactions and a single source of accounting and billing for reimbursement. No separate property book accounts will be set up for these loans. Items, with dates shipped, will be identified by use of "loan control numbers" in loan jacket files and in supporting documentation. The files will include copies of—

(i) The loan request. If the request was made by telephone (urgent), a copy of the Memorandum for Record prepared to summarize the call will be used.

(ii) The loan agreement.

(iii) The surety bond (with cash, certified check, US treasury bonds, or adequate bond from a bonding company).

(iv) The approving authorization to make the loan.

(v) DD Form 1348-1 used for shipping the items.

(vi) A master loan register with the loan control number and shipping document number.

(b) *Shipment of Loaned Materiel.*

(1) Loaned Army materiel will be shipped only to the chief of the borrowing activity or to a designee authorized to receive and sign for the materiel. To keep the materiel out of unauthorized hands, consignees (receivers) will be advised of the items and quantities to be loaned; the source of supply; whether the items are to be picked up or shipped; and of shipments made.

(2) All shipments of loaned equipment will be documented on DOD single line item "release or receipt" document (DD Form 1348-1). These will be initiated by the lending accountable property officer. Packing, crating, handling, estimated transportation costs, and serial numbers (if applicable) of items shipped will be shown on all copies. The consignee will be given advance copies of the DD Form 1348-1 as notice of shipment, and a list of DD Form 1348-1 document numbers. For loans to non-DOD activities two copies of the certificate below will be prepared by the accountable property officer (see fig. 1). It will accompany the DD Forms 1348-1.

"I certify receipt of and assume responsibility for the Army materiel listed on DD Form 1348-1. Control numbers on DD Form 1348-1 follow. The items were received in good condition except as noted on the DD Form 1348-1. Serial numbers have been verified (omit if not applicable)."

Signature of responsible officer

Typed name of responsible officer

Address of responsible officer

Date certificate was signed

Figure 1. Sample receipt certificate

(3) One copy of each signed DD Form 1348-1 (for non-DOD activities, one copy of the signed certificate) will be returned to the accountable property officer. Also, one copy of each will be kept in the borrower's file.

(4) The installation or depot transportation officer is responsible for coordinating movement of the items that must be shipped.

(5) Shipments, including those to foreign countries, will be made on commercial bills of lading (CBL). Freight charges will be paid by the borrower. The CBL will cite proper project codes. NOTE: In emergencies where use of CBL would delay shipment, government bills of lading (GBL) may be used subject to later reimbursement. Shipments to Boy Scout World Jamborees in foreign countries will be by GBL unless otherwise specified by the Boy Scouts.

(6) Shipments will be consolidated to the maximum to get the lowest charges available.

(7) Separate shipping instructions will be provided for each recipient, convention, jamboree, etc., to ensure correct consignee and railhead addresses.

(8) Transportation will be at no expense to the government. The Defense Transportation Services (Military Sealift Command, Military Airlift Command, and Military Traffic Management Command) will send all billings for such transportation costs to the US Army Finance and Accounting Center (USAFAC). The USAFAC will then bill the fiscal station servicing the accountable property office that made the loan. This fiscal station will then bill the borrower for these transportation costs. Army materiel loaned to non-DOD activities is not authorized for oversea movement on a space available basis by MSC or MAC without their prior approval.

(c) *Receipt of Borrowed Property.*

(1) The person authorized to receive the materiel (whether shipped or picked up) will check the quantities received against the quantities shown on the DD Form 1348-1. This person will also verify the condition of the materiel. Any variation in quantity or condition must be resolved at once. If the shortage or damage is not due to a common carrier, the borrower will give the accountable property officer the National Stock Number, document number, and an explanation of the variation at once. This establishes a basis for assessing charges on termination of the loan. Replacement shipments, when required, will be covered by a DD Form 1348-1. All variations will be noted on the reverse side of the bill of lading.

(2) When a DD Form 1348-1 has not been received by the borrower and does not accompany the shipment, an informal report will be made to the accountable property officer at once. It will include the nomenclature, quantities, condition, and if applicable, the model numbers and serial number of all material received.

(3) When shipment has been verified, the borrower (or designee) will enter the quantity received on two copies of the DD Form 1348–1. Serial numbers will also be entered for serial numbered items. The completed copies of the DD Form 1348–1 will be signed by the authorized person. One copy of the DD Form 1348–1 and one copy of the signed certificate (receipt of the materiel) will be returned to the accountable property officer.

(4) If shipments are received damaged or short, take action described in § 623.4(g).

(d) *Accounting by Borrower.* Non-DOD borrowing activities should maintain a system of jacket files. This should include copies of all documents that authorize the loan of materiel and relate to loan transactions. Such files will insure return of materiel within the approved loan period. Files should be retained for audit or any other purpose as required. These files may be destroyed upon turn in of the borrowed materiel, final completion of accounting, and reimbursement for Army costs related to the loan. DOD borrowers will conform to the requirements contained in existing regulations.

(e) *Return of Borrowed Materiel.*

(1) *General.*

(i) Borrowed materiel will be returned to the Army in the condition received, less fair wear and tear, unless the terms of agreement specify otherwise.

(ii) Property for which repair cost is claimed will be held at the Army depot or installation until final charges are determined and a release is given by respective property officers.

(iii) Return of materiel loaned to rifle clubs and schools will conform with Section 623.5.

(2) *Accountable property officer actions.*

(i) At the end of a loan period, recall, or upon notice by the borrower that the loaned materiel is no longer needed, the accountable property officer will send a letter of instruction to the borrower for return of the materiel. He will verify or modify the turn-in instructions provided in the loan agreement.

(ii) These procedures will be used by accountable property officers to terminate loans:

(A) For loans up to 30 days no specific termination action is necessary except when materiel is not returned by the loan due date. Then, a written loan termination notice will be sent to the borrower. A follow-up notice will be sent every 15 days until the materiel is returned or other settlement is made.

(B) For all other loans 15 days before the loan is due, a loan termination notice will be sent by the lending activity to the borrower verifying (or modifying) the turn-in instructions.

(C) Follow-up of loan termination notice will be made every 15 days until the materiel is returned or other settlement is made.

(iii) After receiving inspection reports (para 623.4(e)(3)) and final shipment receipts, the accountable property officer will clear the loan records.

(iv) The accountable property officer will then advise the borrower of the transaction completion by furnishing receipted copies of the receiving document(s).

(v) The accountable property officer will notify the servicing finance and accounting office (FAO) of any reimbursement required.

(3) *Actions by the receiving installation, depot, or arsenal.*

(i) The installation, depot, or arsenal receiving activities will inspect returned materiel.

(A) If the quantity received differs from the quantity shipped, the actual quantity received will be entered on the DD Form 1348–1.

(B) If the condition of the property differs from that noted on the DD Form 1348–1, the variation will be stated.

(ii) Loaned materiel returned in an unserviceable condition will be inspected by qualified technical inspectors at installation level and by quality assurance activities at depots to determine condition code.

(A) If the condition of returned materiel is the same as noted on the receipt document or the prepositioned materiel receipt card, the item will be processed as a normal receipt.

(B) If there is a discrepancy in the actual condition of the item or in the assigned code on the receipt document, obtain an estimate of repair cost and continue normal receipt documentation processing.

(C) The receiving depot or installation will prepare an Inspection and Surveillance Report for each returned item that needs repair. Cards will also be prepared for shortages. The cards will include the cost of equipment repair or the value of shortage. A minimum of two copies of each report will be sent to the proper acountable property officer.

(f) *Loan Inventories.*

(1) If a loan has been approved or extended (by the SA) for a period longer than 1 year, the accountable property officer will inspect and reconcile loan accounts with the borrower at the end of each 12-month period.

(2) If no discrepancies are noted, the accountable property officer will file the signed annual inventory form in the borrower's memorandum receipt jacket file.

(3) If the inventory shows that amounts and kinds of Army materiel for which the borrower is responsible differ from that actually in his possession, the accountable property officer will—

(i) For overages, assume accountability for the overages noted on the annual inventory form. Use a copy of the annual inventory form as a debit voucher to the account. No approval of this voucher is needed.

(ii) For shortages, act to obtain reimbursement for the value of the missing property or to adjust the discrepancy by report of survey.

(g) *Lost, Damaged, and Destroyed Materiel.*

(1) When loss or damage occurs during shipment, DOD and Federal agencies will refer to AR 55–38 for specific instructions.

(2) Damage or loss which is the fault of the carrier will be billed to the carrier after reconciliaton.

(3) Army materiel lost, damaged, or destroyed while in the possession of rifle clubs or schools will be handled as described in Section 623.5.

(4) Any Army materiel loaned at the request of an FDAA Regional Director which is not returned according to instructions in this chapter will be reported to the borrower and to the FDAA Regional Director. The latter will arrange for proper reconciliaton and reimbursement.

§ 623.5 Loan of Arms and Accounterments.

(a) *General.*

(1) Loan of arms and accounterments requires special processing and handling. Loans to DOD and non-DOD activities will be handled as a normal loan according to instructions in this section with the added requirement of maintaining serial number visibility. Loans of arms and accounterments as included herein are not applicable to Army National Guard (ARNG).

(2) The Commanding General, Armament Readiness Command (ARRCOM) (ATTN: DRSAR–MMS) has been designated by Commanding General, Materiel Development and Readiness Command (DARCOM), as being responsible for keeping a centralized serial number visibility record for all small arms made for the Army. ARRCOM maintains accountable property records for loans to organizations such as the Director of Civilian Marksmanship (DCM); and for loans to non-DOD activities such as the Federal Bureau of Investigation (FBI), United States Secret Service (USSS), United States Customer Service (USCS); or rifle clubs, educational institutions, and veterans' organizations.

(3) Requests for loan of arms which are type classified standard (logistics control code A or B) will be filled with the lowest type classified items available.

(4) Borrowers of Army arms will be fully responsible for the care, custody, and proper use of loaned materiel. Physical security measures must be equal to or greater than the minimum requirements set forth in Army Regulation 190–11 and Army Regulation 190–49.

(5) If borrowed arms are lost, stolen, or unaccounted for, the borrower must inform the lender (accountable property officer), the local police, and the FBI within 24 hours after discovery.

(6) This regulation does not apply to arms issued to Reserve Officers Training Corps units under the National Defense Act. Army Regulation 710–2 is applicable.

(b) *Loans to Civilian Activities (Other Than Rifle Clubs and Educational Institutions).*

(1) Arms and accouterments may be loaned by the Army to civilian authorities and to civilian activities as follows: (§ 623.5(c) covers rifle clubs and institutions.)

(i) For use in protection of public money and property (10 USC 4655).

(ii) Obsolete or condemed rifles (not more than 10), slings, and cartridge belts may be loaned to local units of any national veteran's organization for use by that unit in ceremonies. (For example, a funeral for a former member of the armed forces.) The organization must be recognized by the Veterans' Administration (VA) (10 USC 4683).

(iii) Arms and accounterments loaned to organizations listed in paragraph 623.5(c)(1) for a period of 1 year or less will be accounted for by ARRCOM. Loans of items that exceed 1 year will be accounted for by the DCM under paragraph 623.5(c).

(2) Requests for loan (or extension of loan) of Army arms and accouterments will be sent by requesting agencies through HQDA (DALO–SMD), (para 2, app B) to the Secretary of the Army. Requests received outside of this channel will be returned to the originator for direct submission to the address above.

(3) Requests approved by the Secretary of the Army (or Under Secretary) will be sent to ARRCOM, (para 12 app B) Rock Island, IL 61299, for completion of a formal loan agreement and issue of items.

(4) Requisitioning, accounting, and reimbursement procedures are given in § 623.4. However, upon receipt of signed copies of DD Form 1348–1 with the listing of verified serial numbers from the consignee, the ARRCOM Arms and Accouterments Property Officer will send the required transaction data to the DOD Small Arms Serialization Program (DODSASP) at ARRCOM. These data will indicate that the small arms on loan to other Government agencies are accounted for under DOD Activity Address Code W52P41.

(5) Shipment and returns are described in Section 623.4 except as follows:

(i) The responsible property officer for materiel or loan will request disposition instructions from the accountable property officer when loaned materiel is no longer needed or at the end of the loan period. Loaned materiel may be withdrawn from the borrowing activity at any time to satisfy military requirements.

(ii) The accountable property officer will—

(A) Issue shipping instructions for the return of property to a designated installation. The letter of instruction will contain a MILSTRIP document number (AR 725–50) for each line item scheduled for return to be used for the shipment. The shipper will be directed to cite this document number on the shipping document.

(B) Prepare and submit to the receiving installation a prepositioned materiel receipt card (DOD Materiel Receipt Document (DD Form 1486)) (Document Identifier DWC) as advance notice of the shipment.

(1) Exception data will be annotated as follows: "Return of Loan from Other Government Agency—Report Receipt of Arms and Accouterments Accountable Property Officer, ATTN: DRSAR–MMD."

(2) A copy of the letter of shipping instructions (para (b)(5)(ii) above) will be inclosed with the prepositioned materiel receipt card for information.

(iii) Upon receipt at the receiving installation, property will be inspected immediately. Cost of repairing unserviceable items and cost of replacement, if irreparable, will be determined at time of inspection. The MILSTRIP receipt card will be mailed to the accountable property officer with estimated damage cost and detailed materiel condition as exception data.

(iv) Upon notification of materiel receipt, the accountable property officer will:

(A) Clear the loan record with a credit entry and process the receipt to the inventory records as an increase on hand to asset balance.

(B) Furnish receipted copies of the receiving document to the consignor and the responsible property officer closing the transaction.

(c) *Loans to Rifle Clubs and Educational Institutions.*

(1) *Authorization.* Arms and accouterments may be loaned to rifle clubs and educational institutions for periods established in table 2–2 under the following conditions:

(i) Rifled arms may be loaned to civilian rifle clubs for promotion of marksmanship training among able-bodied US citizens (10 USC 4308).

(ii) Arms, tentage, and equipment, as the Secretary of the Army deems necessary, may be loaned to an educational institution to provide proper military training where there is no ROTC, but there is a course in military training prescribed by the Secretary of the Army and there are at least 100 physically fit males over 14 years of age (10 USC 4651).

(iii) Magazine rifles and appendages may be loaned to schools having a uniformed corps of cadets of sufficient number for target practice. Models loaned must not be in use at the time, or needed for a proper reserve supply (10 USC 4652).

(iv) Ordnance and ordnance stores may be loaned to Washington, DC, high schools for military instruction and practice (10 USC 4653).

(v) Obsolete ordnance and ordnance stores may be loaned to educational institutions and to State soldiers', sailors', and orphans' homes for drill and instruction if recommended by the Governor of the state or territory concerned (10 USC 4685).

(2) *Director of Civilian Marksmanship (DCM).* The President may detail an officer of the Army or Marine Corps as Director of Civilian Marksmanship (10 USC 4307). The DCM is responsible for—

(i) Control and accountability of Army materiel issued to civilian rifle clubs;

(ii) Policies and procedures for the issue of arms and ammunition to civilian rifle clubs; and

(iii) Ensuring proper bonding of clubs before issue of Army materiel. The Secretary of the Army has further made the DCM similarly responsible for loans to institutions (schools).

(3) *Property transactions.* US Army Armament Materiel Readiness Command (ARRCOM) will transfer accountability for materiel shipped to civilian rifle clubs and institutions to the DCM. The DCM will keep a mission stock record account for these items as shown in Army Regulation 710–2. In addition, the account will note all property transactions between the DCM and civilian rifle clubs and institutions as follows:

(i) Loan and return of arms and accouterments to (from) civilian rifle clubs and institutions will not be posted to the accountable record as loss or gain vouchers. They will be posted as "loan transactions" with the DCM retaining accountability. In addition to debit, credit, and adjustment voucher files, the DCM accountable property officer will keep a "loan voucher" file in two sections; e.g., "active" and "terminated."

(A) The active section (suspense for items on loan) will contain DD Form 1348–1 or a letter acknowledging receipt of the items. (The signature of the borrower will be according to para (4) (v) or (vi) below.) This section will contain a folder for each activity serviced by the DCM. The active loan vouchers will be filed in National Stock Number and voucher number sequence. This section serves as the DCM loan record.

(B) The terminated section (for items no longer on loan) will contain the original loan shipping document (loan voucher). The return receipt document which terminates the loan will be attached. The receipt document will contain the original shipping document number and the return advice code "IQ."

(ii) Shipments of expendable items (e.g., ammunition, targets, etc.) will be posted as a credit to the accountable record. Accountability will be dropped (These items are deemed to have been consumed at the time of issue).

(iii) Expendable items returned by rifle clubs and institutions will be posted to the accountable record as a debit voucher. The DCM will determine disposition of these items.

(4) *Requisition procedures.*

(i) The DCM will prepare requisitions based on information from the rifle clubs or institutions. DA Form 1273 (Requisition for Articles Authorized for Issue to Civilian Rifle Clubs) will be used. Two completed copies of the requisition will be sent to the requester.

(ii) The rifle club or institution will complete the form and return one signed copy to the DCM, HQDA, Secretary Field Directorate Marksmanship (SFDM), (para 7, app B) and keep one copy for file.

(iii) On receipt of the signed copy of DA Form 1273, the DCM will take proper issue action. When more arms are required by the DCM, a DD Form 1348 will be prepared and sent to the Secretary of the Army for approval (AR 725–50).

(iv) The supply source responsible for the loan will ship the materiel directly to the rifle club or school.

(v) DD Forms 1348–1 received with the shipment or by mail, will be annotated and signed by the person authorized to receive and sign for property for the rifle club or school. The quantity and condition of the items received will be entered thereon. This entry will be based on a physical check and inspection of the materiel. Serial numbers of items received (if applicable and not noted) will also be entered. Two of the completed copies will be signed by the person authorized to sign for the club or institution. They will be mailed to the DCM, HQDA Secretary Field Directorate Marksmanship (SFDM). The third completed copy will be kept in the unit's file.

(vi) If a DD Form 1348–1 is not received with the shipment or is not received by mail, a receipt letter will be sent to the DCM. It will set forth the nomenclature, quantities, condition, and serial numbers (of serial-numbered items) of all property received. This letter will be sent as soon as possible after receipt of the property. The receipt letter will be used by the DCM as a loan voucher. One copy will be recorded in the voucher register and placed in the voucher file. The loan action will be posted to the DCM stock record account.

(5) *Property returns.*

When property is returned by civilian rifle clubs or institutions, the DCM will prepare seven copies of the DD Form 1348–1. Five copies will be mailed to the rifle club or institution; one will be kept in suspense in the club's or institution's jacket file; and one will be sent to the US Army Management Systems Support Agency (USAMSSA), Wash., DC 20310, to update the "rifles intransit program." The rifle club or institution will enter on the five copies the shipment date, how shipped, the quantity shipped, and other necessary data not entered by the DCM and distribute the five copies as follows:

(A) Two copies to the consignee (receiving depot, arsenal, or installation). One copy of the DD Form 1348–1 received by the consignee will be used to tally the shipment and to account for property received. The other copy will be signed by the accountable property officer (or representative) and will be sent to the DCM to terminate the open receipt in the loan voucher file.

(B) One copy with the shipment.

(C) One copy to the DCM, HQDA (SFDM), accompanied by the bill of lading (where available).

(D) One copy retained by the rifle club or institution.

(6) *Lost, damaged, or destroyed property.* Loss, damage, or destruction of property in the possession of a rifle club or institution will be reported within 24 hours by telephone to the DCM (202–693–6460), the local police, and the FBI. All public and local laws must be complied with. Rifles and other equipment (except ammunition) that becomes unserviceable will be reported to the DCM by the club or institution. The DCM will give instructions for return of the equipment without expense to the government. Any equipment damage or loss that is the fault of the club or institution will be determined by a report of survey (AR 735–11). The club or institution must then reimburse the DCM. The DCM may replace damaged equipment after reimbursement. Government property lost or destroyed without fault or neglect on the club's part will be replaced, if replacements are available. The club will pay only shipping and handling charges.

§ 623.6 Reimbursement for loan of Army materiel.

(a) *Reimbursement Policies and Procedures.*

(1) *Policies.*

(i) DA elements do not program for costs related to loan of Army materiel.

(ii) Loans to non-DOD Federal activities are made on the basis that there will be no extra cost to the Army. Costs that are in addition to normal Army operating expenses will be reimbursed by the borrower. This provision will be a part of the loan agreement.

(iii) In cases of aircraft piracy, civil disturbance, disaster relief, or protection of the President or visiting dignitaries, emergency support will not be withheld for lack of a formal reimbursement agreement. In these cases, the supporting Army element will absorb initial costs (within existing fund availability). Reimbursement will be coordinated later.

(iv) Loans made under the provisions of Title 10 USC 2667 will provide that the borrower must pay a fair monetary rental. The fair monetary rental will be determined on the basis of prevailing commercial rates or computed by sound commercial accounting practices including a return on capital investment and administrative cost as well as depreciation. Leases made under this code section will include a provision establishing the rental cost of the materiel and method of payment.

(v) The Army National Guard (ARNG) is responsible for reimbursement of costs, over and above normal DA operating expenses, related to the borrowed Army materiel.

(vi) Support to the United States Secret Service (USSS) will be on a reimbursable basis except for costs directly related to protection of the President or Vice President. Requests for reimbursement for all other support for USSS will be according to AR 37–27.

(vii) The cost of emergency support will be billed directly to the recipient.

(2) *Procedures.*

(i) The Army accountable property officer handling the loan of DLA stock fund items will coordinate DLA billings and borrower reimbursement. The borrower can make payment directly to the Defense Stock Fund.

(ii) Installation financial accounting for "accounts receivable" will conform with Army Regulation 37–108.

(iii) The finance and accounting office (FAO) supporting the supplying accountable property officer will record all charges, including accounts receivable of Army Stock Fund offices (or branch offices), in separate ledger accounts for each borrower.

(iv) Charges and collections recorded in each loan account will be reported per Army regulations and directives prescribing the reporting of the fund status in any current fiscal year.

(v) Billing will be initiated on Standard Form 1080, and sent to the borrower within 30 days of turn-in of materiel and loan termination. For loans of arms and accouterments and issue of ammunition pursuant to 10 U.S.C. 4655, the Standard Form 1080 will be annotated to show that collections are to reimburse DA appropriations.

(vi) Special appropriations established to support disaster relief will be used promptly by Army commanders concerned to ensure that all direct expenses are charged to the special appropriation. Exclude those charges subject to reimbursement by the American National Red Cross (ANRC). ANRC reimburses for supplies, materiel, and services for which they are responsible in the disaster area.

(b) *Reimbursable Costs.* Unless specifically stated, borrowing agencies, authorities, and activities will reimburse the Army for all costs related to loan of Army materiel to include but not limited to the following:

(1) Any overtime pay and pay of additional civilian personnel required to accompany, operate, maintain, or safeguard borrowed equipment.

(2) Travel and per diem expenses of Army personnel (military and civilian).

(3) Packing, crating, handling, and shipping from supply source to destination and return. This includes port loading and off loading.

(4) All transportation including return for repair or renovation.

(5) Hourly rate for the use of Army aircraft.

(6) Petroleum, oil, and lubricants (POL) (including aviation fuel).

(7) The cost of materiel lost, destroyed, or damaged beyond economical repair except for Army aircraft, motor vehicles, or motor craft used in connection with aircraft piracy.

(8) Utilities (gas, water, heat, and electricity). Charges will be based on meter readings or other fair method.

(9) Any modification or rehabilitation of Army real property which affects its future use by DA. In such cases the borrower will also bear the cost of restoring the facility to its original form.

(10) Repair/overhaul of returned materiel. Renovation and repair will conform with agreement between the Army and the borrower. (See para (e)(1) of this section.)

(11) Repair parts used in maintenance or renovation.

(12) Price decline of borrowed stock fund materiel at which returned property can be sold.

(c) *Nonreimbursable Costs.* The following costs are normal operating expenses of the Army for which no reimbursement is required:

(1) Regular pay and allowances of Army personnel (except travel) and per diem costs.

(2) Administrative overhead costs.

(3) Annual and sick leave, retirement, and other military or civilian benefits except as provided in certain cases; e.g., Army Industrial Fund regulations.

(4) Telephone, telegram, or other electrical means used to requisition items, replenish depot stocks, or coordinate the loan.

(5) Charges for the use of Army motor vehicles and watercraft except POL and per diem costs (para (b) of this section).

(6) The use of real property (except as required for utilities, modification, etc.).

(d) *Funding Records.*

(1) Records of all costs (other than normal operating expenses), related to loans of Army materiel, will be kept at the accountable property officer level by the supporting finance and accounting office. This will be done within existing Army financial accounting systems.

(2) Separate subsidiary general ledger accounts and/or files of documents showing the total value of all issues and materiel returned for credit, and supporting documentation will be set up by the finance and accounting office. The accounts will be kept current for each loan action so reports may be made as prescribed; and so that accounts receivable can be processed for billing and collection action.

(e) *Determination of Charges and Settlement.*

(1) Returned materiel will be promptly classified by a qualified inspector with action as follows:

(i) Materiel classified as unserviceable, uneconomically reparable will be billed at 100 percent of value.

(ii) Materiel classified as unserviceable, economically reparable will be billed for reduced utility (if appropriate) as well as for repair/overhaul costs.

(iii) The depreciation of borrowed materiel will be determined by technical inspectors according to Army Regulation 735–11. When qualified inspectors are not available, returned property will be received with "condition" shown as "subject to final classification by DA." Accountable property officers will complete classification promptly so charges and billing can be made within 30 days of return of materiel.

(2) All returned property which needs repair will be examined by a technical inspector to find cost of repair. Then the accountable property officer will prepare a property transaction record with supporting documents. These records will be sent to the proper MACOM commander or CINC of UCOM for final review. They will include—

(i) A statement on the transaction record identifying the financial account to which the reimbursement money is to be deposited.

(ii) A statement on the transaction record (if appropriate) as follows: "The losses and/or damages shown on the Property Transaction Record in the amount of $——— represent the total claim by the US Army for property loaned to ———————. Upon settlement and deposit to the proper account, lender releases the ——————— from further obligations."

(iii) A description of the type and degree of repair (separate addendum).

(3) After the final review, an approved list of charges will be sent to the servicing finance office for collection. The property will be released for repair and returned to stock.

(4) The finance office will send a letter to the borrower requesting payment (payable to the Treasurer of the United States). Upon payment, collection documents will be prepared and fiscal accounts credited. The MACOM or UCOM Surgeon will ensure the stock fund is reimbursed for expendable medical supply losses reported.

(5) The finance office will advise the loaning accountable property officer that settlement has been made. Property transaction records will be closed.

(6) The approving authority will then return the bond to the borrower.

(7) The value of supplies and equipment returned to the Army will be credited to the account originally debited at the time of issue. FDAA Regional Directors may find that it is not in the public interest to return borrowed materiel that has not been consumed,

lost, or damaged. They will negotiate with the CONUS Army concerned for proper reimbursement for the borrowed materiel not returned.

(f) *Delinquent and Uncollectable Accounts.*

(1) In cases of unsatisfactory settlement, bond proceeds will be used to satisfy the claim.

(2) If this does not settle the account, then 6 months after the final report and after all collection efforts have failed—

(i) Servicing finance offices will send delinquent "accounts receivable" reports to commanders of CONUS Armies and DARCOM readiness commands, and to CINCs of UCOMs, by forwarding—

(A) Duplicate copies of Standard Form 1080 billing documents showing complete accounting classification to which reimbursement is to be credited.

(B) Duplicate copies of all supporting documents.

(C) One copy of any correspondence showing the reason(s) for nonpayment of the account.

(ii) The CONUS Army Commanding General, CINC of UCOM, or Commanding Generals of DARCOM Materiel Readiness Commands, will also try to collect for these delinquent accounts. If all efforts fail, these accounts, (with any delinquent accounts applicable to billings initiated within their own headquarters) will be sent to the Director of Comptroller Systems, HQDA (DACA–BUS). (Para 1, app B). The letter of transmittal will state that the accounts are transferred according to this regulation. A copy will be sent to the FAO handling the accounts. The FAO will then transfer the account to inactive status. A Standard Form 1017G (Journal Voucher) will be prepared showing a debit to account 3052 (Transfer of Accounts Receivable) and a credit to the proper accounts receivable.

(iii) Appropriations available to the accountable property officer or installation will be used for reimbursing; e.g., the Army Stock Fund or Army Industrial Fund accounts. Any later reimbursements received will be credited to the Army appropriation from which payment was made.

(3) Upon receipt of the accounts included in (f)(2) above, the Comptroller, HQDA (DACA–BUS), will take further collecton action under normal operating procedures. All later collection action is the responsibility of the Comptroller. Accounting records and reports will conform with normal procedures. When further collection effort by the Comptroller fails, these accounts will be dropped from receivable balances of the Army. They will be referred to the General Accounting Office (GAO).

§ 623.7 Reports.

(a) *General.* Reports of Army materiel loaned to non-DOD activities must be forwarded as described below.

(b) *Aircraft Piracy.*

(1) Commands and agencies providing aircraft piracy support will initially report through command channels by telephone to the HQDA, (DAMO–ODS). (Para 4, app B.) Confirmation will be made by electrically transmitted message to HQDA, ATTN: DAMO–ODS. These reports are exempt from reports control under Army Regulation 335–15. Initial reports will include all available details. Following is a guide for content of reports.

(i) Supporting unit.

(ii) Home station of supporting unit.

(iii) Support provided and duration of requirement.

(iv) Changes, if any, in support requested or duration of requirement as made by the Federal civil official in charge.

(v) Additional remarks.

(2) A final report noting termination of support will be made.

(c) *Civilian Rifle Clubs and Schools.*

(1) Each affiliated club and institution (schools) must file an annual report (DA Form 1277, Annual Statistical Report of Civilian Rifle Club) on the anniversary date of the loan with the DCM.

(2) A roster of club members will list each member required to fire annually. It will include the full name, address, and age; the DCM course; score; and the date the member fired for record.

(3) A description of the club's procedures and facilities for safekeeping arms and ammunition will be appended to the roster of club members.

(d) *Civil Disturbances.*

(1) Requests to meet civil disturbances are of two types:

(i) Type I—Requests to meet an urgent need during an actual disorder.

(ii) Type II—Requests in anticipation of an imminent civil disorder.

(2) Approving authorities, other than the Secretary of the Army, will prepare reports (RCS DD–A(AR)1112) on all requests for loan of Army materiel to support civil disturbances. The reports will be sent within 2 working days after receipt of the request. They will be prepared in the format shown in Army Regulation 500–60. They will also serve as "the request" when no other written request is available.

(3) The reports will be sent to the (HQDA (DAMO–ODS)). When reports are received from unified or specified commands, ODCSOPS will send an information copy to the Joint Chiefs of Staff (JCS) National Military Command Center (NMCC).

(4) The Secretary of the Army will send information copies of civil disorder reports to the DOD General Counsel and the US Deputy Attorney General.

(5) Reports of civil disturbance operation costs (RCS DD–A(AR)1112) also will be prepared as shown in Army Regulation 500–60.

(e) *Disaster Assistance.* When Army materiel is loaned in support of disaster assistance, CONUS Army Commanding Generals and UCOM CINCs will send reports as follows:

(1) *Initial reports.* Initial reports will be made by telephone to the Commanding General, FORSCOM (AUTOVON 588–3912), who will, in turn, telephone the report to the Military Support Division, ODCSOPS, AUTOVON 225–2003 or 7045). This will be followed within 12 hours by a Tempest Rapid Materiel Report in message form and sent electrically. The message report will be prepared according to Army Regulation 500–60.

(2) *Daily message reports.* Tempest Rapid Daily Materiel Reports of Army materiel loaned to support disaster relief will also be sent by electrically transmitted message. The reports will cover the 24-hour period from 0601Z to 0600Z. The reports must arrive at the HQDA (DAMO–ODS), no later than 1100Z the same day. Daily reports will be sent according to the format in Army Regulation 500–60 except that Part III will not be included. Also, "no change reports" may be made by telephone. On the day of the last daily message report include the words FINAL DAILY REPORT in the subject line.

(3) *Final reports.* In addition to the final Tempest Rapid Daily Materiel Report, a final report on military assistance provided will be sent within 45 working days of termination of disaster assistance. The CONUS Army Commanding General will send the report by 1st Class Mail through the Commanding General, FORSCOM, to the HQDA (DAMO–ODS). The final report will include—

(i) An historic account of the disaster.

(ii) Cumulative totals of support given.

(iii) A statement of accomplishments.

(iv) Actual or estimated expenses excluding costs incurred by the Corps of Engineers under PL 84–99. Costs will be reported by Service by appropriation, using three columns to identify normal costs, incremental costs, and total costs.

(v) The status of reimbursements requested from borrowing Federal agencies, and civilian authorities and activities. If reimbursement has not been completed by the date of the final report, a separate cost report will be sent upon final reimbursement payment.

(vi) Lessons learned.

(4) *Information copies.* Information copies of all reports will be sent to the proper HUD Regional Directors for FDAA and DCPA Regional Offices.

(5) *Additional information.* Additional information may be needed by Federal officials. Normally, such requests will be telephoned by ODCSOPS Military Support Division to the Commanding General, FORSCOM.

(6) *Pollution spills.* The Commanding General, FORSCOM, will report committal of Army resources to the HQDA (DAMO–ODS), by the fastest means. Daily and final Tempest Rapid Materiel Reports will be sent with "not applicable" shown in paragraphs 8, 9, and 10 of the report.

(f) *Drugs and Narcotics Interdiction Program.*

(1) Army staff agencies will submit monthly status reports of actions that support this program. The reports will be as of the last day of June and December, respectively. Reports will be sent to HQDA (DAMO–ODS), 4 working days after the end of the designated months. Reports will summarize all support during the period to include pending or terminated support plus estimated cost of items.

(2) Based on information received in these reports, ODCSOPS will prepare a report of the drug and narcotics interdiction assistance given by the Army. This report will be sent through the Army Chief of Staff to the Secretary of the Army.

(g) *United States Secret Service (USSS).* Army commands and agencies providing materiel support (routine or urgent) to the USSS will report any significant problems or deviation from the approved request at once. Reports will be telephoned through command channels.

(h) *Other Reports.* Active Army accountable property officers will make semiannual reports on open loans. The reports will be prepared as of the last day of July and December. They will be sent by the 15th day of the following month. These reports will include the items on loan, quantity, dollar value, and duration of the loans. The reports will be sent to the approving authority.

Appendix A—Explanation of Terms

As used in this regulation, the following explanation of terms apply:

Accouterments. Equipment that is associated with small arms characterized as personal and individual that is available from Army stocks.

Approving authority. The person (or designee) authorized to approve specific types of loans of Army materiel. (See table 2–1 and app B.)

Arms. Weapons for use in war.

Civil authorities. Those elected and appointed public officials and employees who govern the 50 States, District of Columbia, Commonwealth of Puerto Rico, US possessions and territories, and governmental subdivisions thereof.

Civil defense. All those activities and measures designed or undertaken to:

a. Minimize the effects upon the civilian population caused, or which would be caused, by an enemy attack upon the United States.

b. Deal with immediate emergency conditions which would be created by any such attack.

c. Effect emergency repairs to, or the emergency restoration of, vital utilities and facilities destroyed or damaged by any such attack (JCS Pub 1).

Community relations program. A program of action, to earn public understanding and acceptance, conducted at all levels of military command wherever stationed. The program includes participation in public events, humane acts, and cooperation with public officials and civil leaders (AR 360–61).

Defense Civil Preparedness Agency (DCPA). A defense department agency responsible for plans and preparations for civil defense and assistance to local governments in disaster relief planning.

Department of Housing and Urban Development (HUD). The Federal department responsible for directing and coordinating Federal assistance for major disasters on behalf of the President.

Domestic action program. A program of assistance to local, State, and federal agencies for the continued improvement and development of society (AR 28–19 and para 4–10, AR 360–61).

Emergency. Any catastrophe in any of the United States which in the determination of the President requires Federal supplementary emergency assistance.

Emergency medical treatment. The immediate application of medical procedures to wounded, injured, or sick, by trained professional medical personnel.

Executive agent. That individual or his designee authorized to act as the US Government's agent in making certain loans of government materiel. The President of the United States has delegated to the Secretary of the Army (or to his designee, the Under Secretary of the Army) authority, as Executive Agent, to approve certain loans of DOD materiel to non-DOD activities. (See table 2–1.) Other "approving authorities" act as "Executive Agents" for the US Government, but do not have that title.

Federal agency. Any department, independent establishment, government corporation, or other agency of the executive branch of the Federal Government, except the ANRC.

Federal Coordinating Officer (FCO). The person appointed by the President to operate under the HUD Regional Director for Federal Disaster Assistance Administration to coordinate Federal assistance in Presidentially declared emergency or major disaster.

Federal Disaster Assistance Administration (FDAA). The agency within HUD delegated the disaster relief responsibilities previously assigned to the Office of Emergency Preparedness.

Federal function. Any function, operation, or action carried out under the laws of the United States by any department, agency, or instrumentality of the United States or by an officer or employee thereof.

Federal property. That property which is owned, leased, possessed, or occupied by the Federal Government.

Imminent serious condition. Any disaster or civil disturbance which is of such severity that immediate assistance is required to save human life, prevent immediate human suffering, or reduce destruction or damage to property.

Local government. Any county, parish, city, village, town, district, Indian tribe or authorized tribal organization, Alaska native village or organization, or other political subdivision of any State.

Major disaster. Any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earth-quake, drought, fire, or other catastrophe which, in the determination of the President, is or threatens to be off sufficient severity and magnitude to warrant disaster assistance by the Federal Government. This assistance supplements the efforts and available resources of States, local governments, and relief organization in alleviating the damage, loss, hardship, or suffering caused thereby.

Objective area. A specific geographical location where a civil disturbance or disaster is occurring or is anticipated.

Routine requests. Requests resulting from situations which are reasonably predictable or do not require immediate action to prevent or reduce loss of life, property, or essential services. Reduced efficiency of the requester's operation is not in itself grounds for classifying a request higher than routine.

Small arms. Hand and shoulder weapons for use in war.

Surety bond. A bond, including dollar deposit, guaranteeing performance of a contract or obligations.

Terrorist incident. A form of civil disturbance which is a distinct criminal act committed or threatened to be committed by a group or single individual in order to advance a political or other objective, thus endangering safety of individuals or property. This definition does not include aircraft piracy emergencies.

Threatened major disaster. Any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake, drought, fire, or other catastrophe which, in the determination of the Administrator, FDAA, threatens to be of severity and magnitude sufficient to warrant disaster assistance by the Federal Government. This assistance will be used to avert or lessen the effects of such disaster before its actual occurrence.

Urgent requests. Those resulting from unforeseeable circumstances, civil

disturbances, civil defense needs, aircraft piracy, secret service requirements, and disasters when immediate action is necessary to prevent loss of life, physical injury, destruction of property, or disruption of essential functions.

Youth groups. Youth groups are groups such as the Boy Scouts of America; Girl Scouts of the United States of America; Civil Air Patrol; Camp Fire Girls, Incorporated; The Boy's Club of America; Young Men's Christian Association; Young Women's Christian Association; Four H Clubs; and similar groups.

Appendix B—Approving Authority Addresses/Telephone Numbers *

B–1. HQDA (DACA–BUS), WASH DC 20310, Telephone: AUTOVON 225–6336, WATS 202–695–6336;
B–2. HQDA (DALO–SMD), WASH DC 20310, Telephone: AUTOVON 227–5960, WATS 202–697–5960;
B–3. HQDA (DALO–SMW), WASH DC 20310, Telephone: AUTOVON 227–3159, WATS 202–697–3159;
B–4. HQDA (DAMO–ODS), WASH DC 20310, Telephone: AUTOVON 225–2003, WATS 202–695–2003;
B–5. HQDA (NGB–ZA), WASH DC 20310, Telephone: AUTOVON 227–2430, WATS 202–697–2430;
B–6. HQDA (DASG–HCL), WASH DC 20310, Telephone: AUTOVON 227–8286, WATS 202–697–8286;
B–7. Director, Civilian Marksmanship (SFNB) Room 1E–OM3, West Forrestal Building, 1000 Independence Avenue, SW., Telephone: AUTOVON 223–6460, WATS 202–693–6460;
B–8. Commander in Chief, US Army, Europe and Seventh Army, APO New York 09403;
B–9. Commander, First US Army, Fort George G. Meade, MD 20755, Telephone: AUTOVON 923–7500, WATS 301–677–7500;
B–10. Commander, Fifth US Army, Fort Sam Houston, TX 78234, Telephone: AUTOVON 471–4707, WATS 512–221–4707;
B–11. Commander, Sixth US Army, Presidio of San Francisco, CA 94129, Telephone: AUTOVON 486–4110, WATS 415–561–4110;
B–12. Commander, US Army Armament Materiel Readiness Command, ATTN: DRSAR–MMS, Rock Island, IL 61229;
B–13. Commander, US Army Armament Research and Development Command, Dover, NJ 07801;
B–14. Commander, US Army Aviation Research and Development Command, PO Box 209, St. Louis, MO 63177;
B–15. Commander, US Army Communications and Electronics Materiel Readiness Command, Fort Monmouth, NJ 07703;
B–16. Commander, US Army Communications Research and Development Command, Fort Monmouth, NJ 07703;
B–17. Commander, US Army Communications Security, Logistics Agency, ATTN: SELCL–NICP–IM, Fort Huachuca, AZ 86513;
B–18. Commander, US Army Forces Command, Fort McPherson, GA 30330, Telephone: AUTOVON 588–2694, WATS 404–752–2694;
B–19. Commander, US Army Health Services Command, Fort Sam Houston, TX 78234;
B–20. HQDA (DAMH–HS), WASH DC 20314;
B–21. Commander, US Army Military District of Washington, Fort Leslie J. McNair, Washington, DC 20319;
B–22. Commander, US Army Missile Materiel Readiness Command, Redstone Arsenal, AL 35809;
B–23. Commander, US Army Missile Research and Development Command, Redstone Arsenal, AL 35809;
B–24. Commander, US Army Security Assistance Center, ATTN: DRSAC, 5001 Eisenhower Avenue, Alexandria, VA 22333, Telephone: AUTOVON 284–9638, WATS 202–274–9638;
B–25. Commander, US Army Tank-Automotive Materiel Readiness Command, Warren, MI 48090;
B–26. Commander, US Army Tank-Automotive Research and Development Command, Warren, MI 48090;
B–27. Commander, US Army Test and Evaluation Command, Aberdeen Proving Ground, MD 21005;
B–28. Commander, US Army Training and Doctrine Command, Fort Monroe, VA 23651, Telephone: AUTOVON 680–3112, WATS 804–727–3112;
B–29. Commander, US Army Troop Support and Aviation, Materiel Readiness Command, 4300 Goodfellow Boulevard, St. Louis, MO 63120.

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* Telephone numbers are provided for principal loan approving authorities and agencies responsible for specific loans IAW table 2–1.

APPENDIX C
AGREEMENT FOR LOAN OF US ARMY MATERIEL (DA FORM 4881–R)

AGREEMENT FOR THE LOAN OF US ARMY MATERIEL
For use of this form, see AR 700-131, the proponent agency is DCSLOG.

NOTE: For loan/lease pursuant to 10 USC 2667, see Army Defense Acquisition Regulation Supplement (ADARS), paragraph 16-553, for prescribed agreement.

This form will be used to enter into agreements relative to the loan of Army materiel between the United States Army and —

1. Non-DOD Federal departments and agencies. 2. Civil authorities. 3. Civilian activities.
Paragraphs below are applicable to all three cases, as cited above, unless otherwise specified at the beginning of each paragraph.

This loan agreement is entered into, by, and between the United States of America, hereinafter called "the lender,"

represented by (b) _____

for the purpose of entering into this agreement; and (a) _____

hereinafter called "the borrower," represented by (c) _____

for the purpose of entering into this agreement.

1. PURPOSE. Under the authority of (d) _____, the lender hereby lends to the borrower and the borrower hereby borrows from the lender the Government materiel, hereinafter called " the materiel," listed and described in Exhibit 1 hereto attached and incorporated by reference into

the terms of this agreement, which materiel is required by the borrower for (e) _____

_____.

2. TERM. This loan of materiel is intended to meet a temporary need covered by federal law. The borrower will keep

the materiel only for the period of (f) _____. Loans may be renewed, if justified, and requested by the borrower and approved by the lender. Nevertheless, the lender may revoke and terminate this agreement and demand return of the materiel in whole or in part at any time.

3. CONDITIONS. This agreement is predicated upon the following conditions:

a. The lender will make every effort to ensure that each item of the materiel is furnished to the borrower in a serviceable and usable condition according to its originally intended purpose. However, if the use for which the materiel is loaned will permit, materiel of a lesser condition will be loaned. This lesser condition will be noted on the appropriate loan documents. Nevertheless, the lender makes no warranty or guarantee of fitness of any of the materiel for a particular purpose or use; or warranty of any type whatsoever.

b. The borrower will appoint a representative for the purpose of making joint inspection and inventory of all materiel when the borrower physically picks up or returns the borrowed materiel. Upon pickup *(or receipt after shipment)* of the borrowed materiel, the chief of the borrowing activity *(or his authorized representative)* will sign the appropriate documents acknowledging receipt and possession of the materiel. Upon return of the materiel to the Army, the borrower will certify that "the quantities listed in the shipping document(s) are correct." In instances where borrower representatives, authorized to receive and sign for borrowed materiel, are not available when the materiel is delivered, all claims for costs related to the loan will be valid.

c. The borrower is responsible for care and maintenance of borrowed materiel during the term of the loan. The borrower will provide sufficient personnel and facilities to adequately operate, maintain, protect, and secure the borrowed materiel. The borrower will maintain the materiel in a serviceable condition and ascertain that it is returned to the Army in as good a condition as when it was loaned *(fair wear and tear excepted)*. Records of maintenance performed will be kept and returned to the Army with the borrowed materiel. *(NOTE: When appropriate, the borrowing activity will place the materiel in a "properly preserved" status prior to or upon return.)*

d. The borrower will store, safeguard, and secure high value items, or arms in a manner consistent with common practice, public law, and local ordinances.

e. The borrower will prevent misuse of borrowed materiel; or its use by unauthorized persons.

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f. The borrower will neither make nor permit any modification or alteration of any borrowed materiel except with permission of the approving authority for the loan.

g. The borrower will not mortgage, pledge, assign, transfer, sublet, or part with possession of any borrowed materiel in any manner to any third party either directly or indirectly except with the prior written approval of the lender.

h. At all times the lender shall have free access to all loaned materiel for the purpose of inspecting or inventorying it.

i. The borrower will return borrowed materiel to a location designated by the lender when the materiel is no longer needed; upon termination of the loan period *(including any approved extension)*; or upon demand therefore by the lender. The lender will provide documents to be used by the borrower to return the materiel.

j. (Applicable to agreements involving the loan of an Army building.) The building will not be moved. Upon termination of its use, the borrowing activity will vacate the premises, remove its own property therefrom, and turn in all Government property.

4. PAYMENT. The borrower will reimburse the lender for expenses incurred in connection with this loan as provided below:

a. (Applicable to loan agreements with civil authorities — except for FDAA requested disaster assistance — and civilian activities only.) Before delivery of any materiel by the lender, the borrower will post with the approving authority a surety bond and a certified bank check, a cash deposit, US Treasury bonds, or bonding company bond in the amount of the total value of the materiel as shown in Exhibit I. *(See paragraphs 2—3a(1) and 2—3a(2), AR 700-131, for exceptions where a "double bond" is required.)* The bond, marked Exhibit II, is hereto attached and incorporated by reference into the terms of this agreement.

b. (Applicable to loan agreements with civil authorities — except for FDAA requested disaster assistance — and civilian activities only.) Should the borrower fail to return any of the borrowed materiel or fail to reimburse the lender within 30 days after receiving a request for payment of expenses, the bond shall be forfeited as liquidated damages in an amount equal to the expense to the Government.

c. (Applicable to loan agreements with civil authorities — except for FDAA requested disaster assistance — and civilian activities only.) Payment of liquidated damages by forfeiture of any portion of the bond to the Government shall not operate as a sale to the borrower of any of the materiel available to be returned, but not returned to the lender, nor to extinguish the lender's right to have the available missing materiel returned. Should the borrower later return to the lender any of the missing materiel on account of which a portion of the bond was forfeited as liquidated damages, the borrower shall be entitled to recoup from the lender a sum equal to 90 percent of the price of the returned materiel as shown on Exhibit I, less an amount in payment for expenses, if any, computed in accordance with Chapter 6, AR 700-131, and less an amount for depreciation.

d. (Applicable to loan agreements with civil authorities and civilian activities only.) If the normal life expectancy of borrowed materiel can be determined by reference to applicable military publications, the amount to be assessed for depreciation shall be computed by the straight line method using the price shown on Exhibit I and the date of expiration or termination of this loan as initial points. When normal life expectancy is not established by applicable military publications, the amount for depreciation shall be computed by the same method, applying a uniform depreciation rate of 50 percent per annum.

e. (Applicable to loan agreements with civil authorities and civilian activities only.) The borrower will assume all responsibility for Army claims arising from the possession, use, or transportation of the borrowed materiel; and, agrees to hold the lender harmless from any such claims and liability. The borrower will protect the interests of the lender by procuring comprehensive insurance for all borrowed materiel to include coverage for liability, property damage, fire, and theft; and deductible collision insurance for motorized vehicles. The borrower will file duplicate copies of such insurance policy(ies) with the lender and prepare accident reports in accordance with existing laws and local ordinances.

f. The borrower will bear the cost of pickup and return of borrowed materiel; and, will reimburse the lender for costs incurred incident to packing, crating, handling, movement, and transportation of the materiel.

g. The borrower will reimburse the lender for any expenses necessary to repair, rehabilitate, or preserve the materiel following its return to the lender. *(NOTE: Of any borrowed materiel, unless depreciation is significant.)*

h. The borrower will reimburse the lender *(as indicated and at the price shown on Exhibit I)* for the cost of all of the expendable materiel *(including, but not limited to, petroleum, oil, and other lubricants)* used or consumed during this loan.

i. The borrower will reimburse the lender for costs incident to the pay of Army personnel who may be temporarily required to operate, maintain, guard, or otherwise attend to borrowed Army materiel. This includes travel and per diem costs for both Army uniformed and civilian personnel, and regular salary and overtime costs for Army civilians.

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j. The borrower will reimburse the lender for any other expense to the lender arising in connection with the loan of Army materiel.

k. (Applicable to loan agreements with Federal departments and agencies only.) The lender will indicate the specific accounting classification(s) against which any charges as enumerated above will be charged.

5. OFFICIALS NOT TO BENEFIT. No member of or delegate to Congress shall be admitted to any share or part of this loan or to any benefit arising in connection with it.

6. CONTINGENCY FEES. No person or agency acting for or on behalf of the borrower to solicit or obtain this loan shall be paid any commission, percentage, brokerage, or contingent fee in any way connected with this loan.

7. DISPUTES. Any disputes concerning a question or fact arising under this loan agreement which are not mutually disposed of by the lender and the borrower shall be decided by the Secretary of the Army as the Government's Executive Agent, or by his designee.

Done at (g) _____ this _____ .

TYPED NAME, GRADE/RANK OF ARMY APPROVING AUTHORITY FOR THE LOAN, OR HIS DESIGNEE	SIGNATURE OF APPROVING AUTHORITY OR HIS DESIGNEE
TYPED NAME OF CHIEF EXECUTIVE OR HIS AUTHORIZED DESIGNEE OF THE BORROWING AGENCY, AUTHORITY, OR ACTIVITY	SIGNATURE OF CHIEF EXECUTIVE OR HIS DESIGNEE

(DA Form 4881-R)

INSTRUCTIONS FOR PREPARATION OF AGREEMENT FOR THE LOAN OF US ARMY MATERIEL (DA FORM 4881–R)

Note. The lettered blank portions of the loan agreement are to be completed as specified in the following paragraphs with the same letters.

(a) Enter, as appropriate, the name of the Federal agency; city, county, state, or other civil governmental body; or special activity (e.g., Boy Scouts of America, American Legion) which is borrowing the Army materiel.

(b) Enter name and title of the Army approving authority for the loan, or his designee.

(c) Enter name and title of the borrowing activity's chief executive (e.g., John Doe - Secretary of the Treasury, Governor of the State of Iowa, National Commander of the American Legion, etc.) or his authorized (in writing) designee.

(d) Enter the appropriate authority for the loan from table 2–2, this regulation (e.g., Public Law, US code, DODD).

(e) State the purpose of the loan (use to which the borrowed materiel will be put); e.g., disaster relief activities in support of the Johnstown, PA, flood; National American Legion Convention at Chicago, IL; etc.

(f) Enter the calendar period (duration of the loan; e.g., 1 March 1978 to 15 April 1979.)

(g) Enter location, day, month, and year that the agreement was signed.

(h) Signature of the Army approving authority for the loan, or his designee.

(i) Signature of the chief executive, or his authorized (in writing) designee, of the borrowing agency, authority, or activity.

Note 2. Exhibits I and II will be prepared as attachments to the loan agreement.

MILITARY PROPERTY OF THE UNITED STATES – EXHIBIT I

For use of this form, see AR 700-131; the proponent agency is DCSLOG.

NATIONAL STOCK NO.	NOMENCLATURE	QUANTITY	CONDITION CODE	PRICE EACH	TOTAL PRICE
				GRAND TOTAL	

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EXHIBIT II
(DA Form 4881-3-R)

Properly executed surety bond and evidence of deposit with the approving authority of cash, certified check, United States of America Treasury bonds, or bonding company bond in the amount of the grand total shown on Exhibit I. (See app E for Surety Bond.)

APPENDIX D
CERTIFICATE FOR SIGNATURE BY AN ALTERNATE (DA FORM 4881-1-R)

AGREEMENT FOR THE LOAN OF US ARMY MATERIEL
CERTIFICATE FOR SIGNATURE BY AN ALTERNATE
For use of this form, see AR 700-131; the proponent agency is DCSLOG.

I, the (a) _____

of the (b) _____ named as the

borrower in this loan agreement, certify that (c) _____

who signed this agreement on behalf of the borrower, was then (d) _____

_____ of (b) _____

and that this loan agreement was duly signed on behalf of (b) _____

_____ by authority of its governing or directing

body and is within the scope of its lawful powers. In witness whereof I have hereunto

affixed my hand and seal of (b) _____

this (e) _____ day of (f) _____, 19(g)___.

(OFFICIAL SEAL)

_____
(Name and title of certifying officer)

_____
(Signature)

DA FORM 1 MAY 80 4881-1-R

INSTRUCTIONS FOR FILLING OUT THE CERTIFICATE FOR SIGNATURE BY AN ALTERNATE (DA FORM 4881-1-R)

Note. The above lettered blank portions of the certificate are to be completed as specified in the following paragraphs with the same letters.

(a) Enter the title of the chief officer of the borrowing activity; e.g., Governor, Chief Scout Executive, National Commander American Legion, etc.

(b) Enter the name of the Federal agency, civil authority, or the civilian activity borrowing the materiel.

(c) Enter the name of the person who signed the agreement.

(d) Enter the title of the person who signed the agreement.

(e) Enter the date (e.g., 5th) of the month on which the certificate was signed.

(f) Enter the month (e.g., July) in which the certificate was signed.

(g) Enter the year (e.g., 1978) in which the certificate was signed.

APPENDIX E

SURETY BOND (DA FORM 4881-3-R)

SURETY BOND FOR SAFEKEEPING OF PUBLIC PROPERTY AND GUARANTEEING REIMBURSEMENT TO THE GOVERNMENT FOR EXPENSES INCIDENT TO THE LOAN OF ARMY MATERIEL – EXHIBIT II

For use of this form, see AR 700-131, the proponent agency is DCSLOG.

Know all men by these presents, that the (a) _____,

a (b) _____ having its principal office in the city of (c) _____

and the state of (d) _____, as the obligor, is held and firmly bound into the United States of America in the

penal sum of (e) _____, lawful securities of the United States, payment of which sum, will be made to the United States, without relief from evaluation or appraisement laws, said organization binds itself, its successors and assigns firmly by these presents.

The condition of the above obligation is such, that whereas the (a) _____ is

a (b) _____ to which the Secretary of Defense is authorized to lend such materiel as may be necessary for accommodation of the requirement, subject to the provision that before delivering such materiel he

shall take from the (a) _____ a good and sufficient bond for the safe return of such property in good order and condition and the whole without expense to the United States.

Now, therefore, as to all the property of the United States to be loaned to the (a) _____,

said (a) _____ shall take good care of, safely keep and account for, and shall, when required by the Secretary of Defense or his authorized representative, safely return to Department of the Army all said property

issued and covered by this bond within (f) _____ days from the conclusion of said requirement the whole without expense to the United States, in as good order and in the same condition as that in which the equipment and property existed at the date of delivery, reasonable wear excepted, or upon formal demand make adequate monetary compensation for items lost or damaged as well as for costs of depreciation *(Note: "Depreciation" will not be included in bonds related to loans to other Federal agencies.)*, renovation, or repair of items accomplished at Government repair facilities, and all transportation

provided as set forth and defined in the agreement dated (g) _____ between the United States of America and the

(a) _____.

The above bounded obligor, in order to more fully secure the United States in the payment of the aforementioned sum, hereby pledges as security therefor, in accordance with the provisions of Section 1126 of the Revenue Act of 1926, as amended,

United States of America Treasury bonds, in the principal amount of (e) _____ which are numbered serially, are in the denominations and amounts, are otherwise more particularly described as follows:

United States of America Treasury bonds (h) _____ due (i) _____

_____ _____

_____ _____

Interest on said Treasury bonds shall accrue and be paid to the (a) _____ except and unless there occurs a default as defined herein and said securities are sold and applied to the satisfaction of such default as provided herein. Said Treasury bond(s) *(cash or certified check)* have/has this day been deposited with the

Finance and Accounting Officer (j) _____ and his receipt taken therefor.

NOTE: If cash or a certified bank check is provided as bond instead of US of America Treasury bonds, the two paragraphs above will be crossed out and the following paragraph will apply.

CONTINUED ON REVERSE

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The above bonded obligor, in order to more fully secure the United States in the payment of the aforementioned sum, hereby pledges as security, therefore, in accordance with the provisions of section 1126 of the Revenue Act of 1926, as ameded,

cash *(cashier's check)* in the amount of (e) _____. Said cash *(cashier's check)* has this day been deposited

with the Finance and Accounting Officer (j) _____ and his receipt taken therefor.

Contemporaneously herewith the undersigned have also executed an irrevocable power of attorney and agreement in favor of

the Finance and Accounting Officer, (j) _____, acting for and in behalf of the US Government authorizing and empowering said officer as such attorney to disburse said bond so deposited, or any part thereof, in case of any default in the performance of any of the above named conditions or stipulations.

In Witness Whereof, this bond has been signed, sealed, and delivered by the above named obligor, this

(k) _____ day of (l) _____ 19 (m) _____.

(a) _____

(n) _____ SEAL

(o) _____ SEAL

Signed, sealed, and delivered in the presence of:

(p) _____ (q) _____
(Name) *(Address)*

(p) _____ (q) _____
(Name) *(Address)*

Before me, the undersigned, a Notary Public within and for the county of (r) _____,

in the State of (s) _____, personally appear (t) _____,

(n) _____, and for and in behalf of said (a) _____,

a (b) _____ acknowledged the execution of the foregoing bond.

Witness my hand and notarial seal this (u) _____ day of (v) _____, 19 (w) _____

Notarial Seal (x) _____
(Notary Public)

My commission expires (y) _____
(Date)

(DA Form 4881-3-R)

INSTRUCTIONS FOR PREPARATION OF SURETY BOND (DA FORM 4881–3–R)

Note. The lettered blank portions of the surety bond are to be completed as specified in the following paragraphs with the same letters:

(a) Enter the name of the Federal agency, authority (local governmental body), or special activity which borrowed the Army materiel, or is providing the bond.

(b) Further identify the borrower by entering here the type of activity that it is; e.g., Federal agency, civil government, corporation (Boy Scouts of America), etc.

(c) Enter the name of the city.

(d) Enter the name of the State.

(e) Enter the amount of the bond.

(f) Enter the number of days, or period, for which loan of the materiel is authorized.

(g) Enter the date on which the loan agreement between the borrower and the US Government was signed.

(h) Enter rate of interest paid on the bonds.

(i) Enter date on which bonds are due for redemption.

(j) Enter name of the Army installation (e.g., Fort Hood, TX) or US Army number (e.g., Fifth US Army) at which the servicing Finance and Accounting Office is located.

(k) Enter date on which bond is signed.

(l) Enter month in which bond is signed.

(m) Enter year in which bond is signed.

(n) Enter title of the borrowing activities' chief executive; e.g., governor, chief scout executive, national commander VFW, etc.

(o) Enter, if appropriate, the names and title of the comptroller or treasurer of the borrowing activity.

(p) Enter name of person witnessing signature.

(q) Enter address of person witnessing signature.

(r) Enter the name of the county in which the power of attorney is being signed.

(s) Enter the name of the State in which the Power of Attorney is being signed.

(t) Enter name of the borrowing activity's chief executive.

(u) Enter date on which the power of attorney is signed.

(v) Enter month in which power of attorney is signed.

(w) Enter year in which power of attorney is signed.

(x) Signature of Notary Public.

(y) Enter date that the Notary Public's commission expires.

APPENDIX F
POWER OF ATTORNEY (DA FORM 4881-4-R)

POWER OF ATTORNEY *(For Transactions Involving Treasury Bonds)*
For use of this form, see AR 700-131; the proponent agency is DCSLOG.

Know all men by these presents, that the (a) _____ is a (b) _____

having its principal office in the city of (c) _____ State of (d) _____, does hereby constitute

and appoint the finance and accounting officer, (e) _____, acting for and on behalf of the

(f) _____, and his successors in office, as attorney for said (a) _____, or its authorized representatives, for and in the name of said corporation to collect or to sell, assign, and transfer certain US Treasury bonds described as follows:

(g) _____ due (h) _____.

Such Treasury bonds have been deposited by (a) _____, pursuant to authority conferred by section 1126 of the Revenue Act of 1926, as amended, and subject to the provisions there of and of Treasury Department Circular No. 154, dated February 6, 1935, as security for the faithful performance of any and all of the conditions or stipulations

of a certain agreement entered into by (a) _____ with the United States, under date of

(i) _____ which is hereby made a part hereof as Inclosure 1. The undersigned agrees that, in case of any default in performance of any of the conditions and stipulations of such or any part thereof the finance and accounting officer

(e) _____ may sell, assign, and transfer said Treasury bonds or any part thereof without notice, at public or private sale, free from equity of redemption and without appraisement or evaluation, notice of right to redeem being waived, and may apply the proceeds of such sale or collection in whole or in part, to the satisfaction of such default. The undersigned further agree that the authority herein granted in irrevocable.

And such (a) _____ hereby for itself, its successors and assigns, ratifies and confirms such proper action taken within the scope of this power.

In witness whereof, the (a) _____, the (b) _____

herein above named by its (j) _____ and (k) _____ duly authorized

to act in the premises, has executed this instrument and caused the seal of the (a) _____

to be affixed this (l) _____ day of (m) _____ 19 (n) _____.

(a) _____

By: (o) _____ *(Name and title)*

By: (p) _____ *(Name and title (Comptroller))*

Before me, the undersigned, a Notary Public within and for the County of (q) _____

in the State of (r) _____, personally appeared (s) _____, (j) _____,

and (p) _____, comptroller, and for an on behalf of said (a) _____,

a (b) _____, acknowledged the execution of the foregoing power of attorney.

Witness my hand and notarial seal this (l) _____ day of (m) _____, 19(n) _____.

Notarial Seal (t) _____ *(Notary Public)*

DA FORM 1 MAY 80 4881-4-R

INSTRUCTIONS FOR PREPARATION OF DA Form 4881-4-R

Note. The above lettered blank portions of the sample power of attorney are to be completed as specified in the following paragraphs with the same letters:

(a) Enter the name of the Federal agency, authority, (local governmental body), or special activity which borrowed the Army materiel.

(b) Further identify the borrower by entering here the type of activity that it is; i.e., Federal agency, civil government, corporation (Boy Scouts of America), etc.

(c) Enter the name of the city.

(d) Enter the name of the state.

(e) Enter the name of the Army installation handling the account.

(f) Enter the name and rank of the commanding officer of the Army installation handling the account.

(g) Describe the US Treasury bonds that have been posted as bond to include type, serial numbers, and interest rates if applicable.

(h) Enter date on which payment of the Treasury bonds becomes due if applicable. If it is not applicable enter "NA."

(i) Enter the date on which the agreement between the borrower and the US Government was signed.

(j) Enter title of the borrowing activities' chief executive; e.g., governor, chief scout executive, national commander VFW, etc.

(k) Enter here, "Comptroller," "Treasurer," etc. as appropriate.

(l) Enter date on which the Power of Attorney is signed.

(m) Enter month in which power of attorney is signed.

(n) Enter year in which power of attorney is signed.

(o) Enter name and title of chief executive of borrowing activity.

(p) Enter, if appropriate, the names and title of the comptroller or treasurer of the borrowing activity.

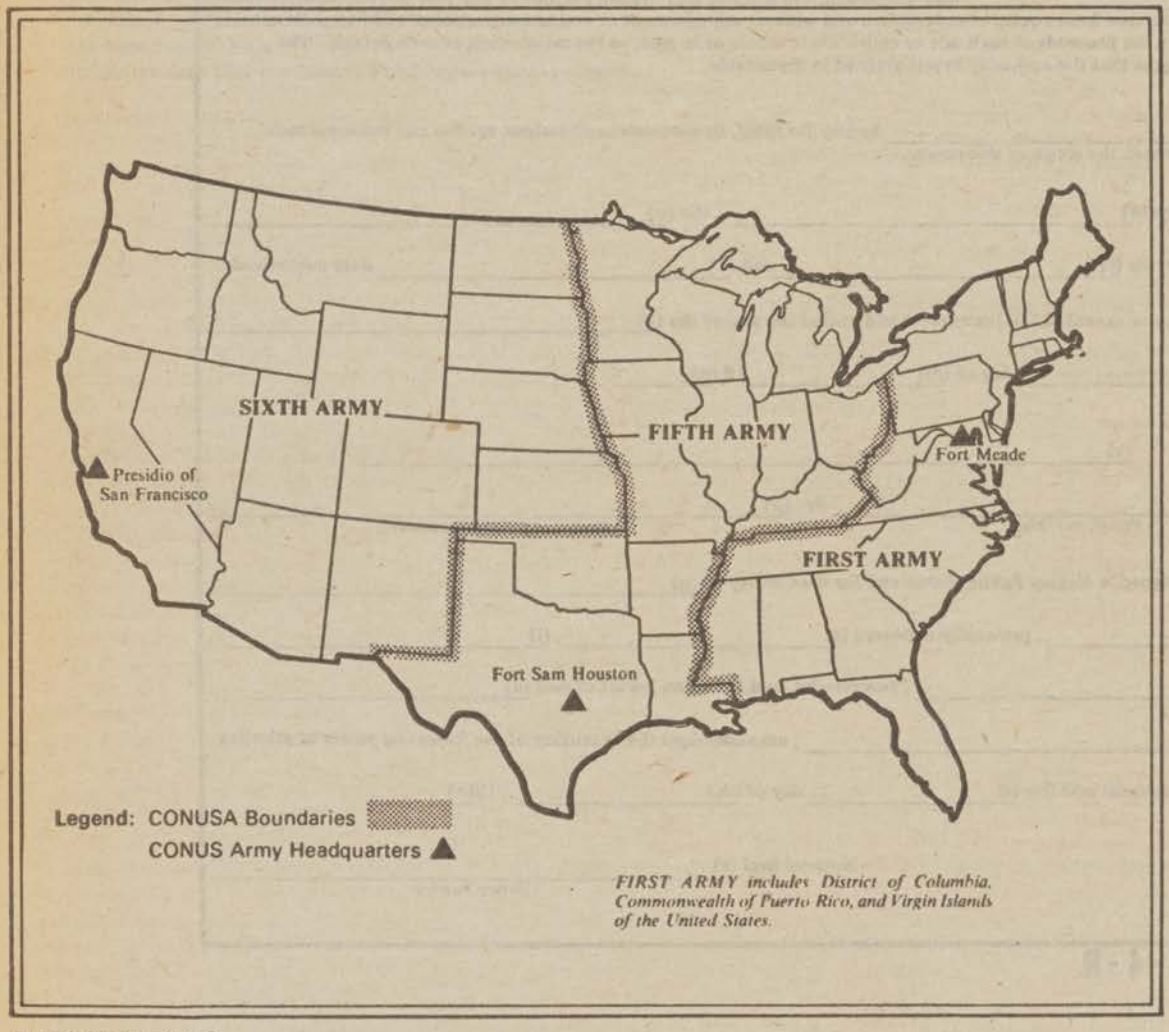
(q) Enter the name of the county in which the power of attorney is being signed.

(r) Enter the name of the State in which the Power of Attorney is being signed.

(s) Enter the name of the chief executive of the borrowing activity.

(t) Signature of the Notary Public.

APPENDIX G
CONTINENTAL US ARMY BOUNDARIES



BILLING CODE 3710-08-C

Appendix H—References

AR 1–4 Deployment of DA Resources in Support of the US Secret Service.
AR 15–17 Army Representation on Office of Preparedness; General Service Administration (OP/GSA) Regional Field Boards in Crisis Management Operations.
AR 28–19 Department of the Army Domestic Action Program.
AR 34–1 United States Army Participation in International Military Rationalization/Standardization/Interoperability (RSI) Programs.
AR 37–27 Accounting Policy and Procedures for Intragovernment, Intradefense; and Intra-Army Transactions.
AR 37–44 Accounting Procedures for Guaranteed Loans.
AR 37–48 Accounting and Reporting for Materiel, Services, and Facilities Furnished Allied Governments and International Organizations Under Emergency or Combat Conditions.
AR 37–60 Pricing for Materiel and Services.
AR 37–111 Working Capital Funds—Army Stock Fund; Uniform Policies, Principles, and Procedures Governing Army Stock Fund Operations.
AR 58–1 Management acquisition and use of administration use motor vehicles.
AR 130–44 Logistical Policies for Support.
AR 190–11 Physical Security of Weapons, Ammunition, and Explosives.
AR 190–49 Physical Security of Arms, Ammunition, and Explosives In-Transit.
AR 210–55 Funding Support for Morale, Welfare and Recreational Programs, and Facilities.
AR 230–1 The Nonappropriated Fund System.
AR 350–7 Training and Evaluation of Forces for Civil Disturbances.
AR 360–61 Army Information—Community Relations.
AR 500–1 Aircraft Piracy Emergencies.
AR 500–2 Search and Rescue (SAR) Operations.
AR 500–50 Civil Disturbances.
AR 500–60 Disaster Relief.
AR 500–70 Military Support of Civil Defense.
AR 525–90 Wartime Search and Rescue (SAR) Procedures.
AR 700–32 Logistic Support of US Nongovernmental, Nonmilitary Agencies, and Individuals in Oversea Military Commands.
AR 700–49 Loan of DSA Stock Fund Materiel.
AR 700–83 Army Support of United Seamen's Service.
AR 710–1 Centralized Inventory Management of the Army Supply System.
AR 710–2 Materiel Management for Using Units, Support Units, and Installations.
AR 725–1 Requisition and Issue of Supplies and Equipment—Special Authorization and Procedures for Issues, Sales, and Loans.
AR 725–50 Requisitioning, Receipt, and Issue System.
AR 735–5 Property Accountability—General Principles, Policies, and Basic Procedures.
AR 735–11 Accounting for Lost, Damaged, and Destroyed Property.
AR 795–25 Policies, Responsibilities, and Principles for Supply Support Arrangements.
AR 795–204 Policies and Procedures for Furnishing Defense Articles and Services on a Sale or Loan Basis.
AR 870–15 Historical Activities, Army Art Collection.
AR 870–20 Historical Activities, Historical Properties and Museums.
AR 920–15 National Board for the Promotion of Rifle Practice and Office of Director of Civilian Marksmanship.
AR 920–20 Civilian Marksmanship—Promotion of Practice with Rifled Arms.
AR 920–25 Rifles M14M and M14N for Civilian Marksmanship Use.
AR 930–5 Service Organizations—American National Red Cross Service Program and Army Utilization.
FM 20–150 Combatives.
MOU, 25 Apr 75, between DOD and Department of Agricultue and the Interior.
MOU, 24 Jun 75, between DOD and the American National Red Cross for Military Support.

[FR Doc. 80–28892 Filed 9–17–80; 8:45 am]

BILLING CODE 3710–08–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

National Flood Insurance Program; Final Flood Elevation Determinations; Alabama, et al.

Correction

In FR Doc. 80–24977 appearing at page 54448 in the issue for Wednesday, August 20, 1980, make the following corrections:

(1) On page 54450, for the State of Illinois, in the column headed "City/town/county", the entry "Urbane, Champaign County" should have read "Urbana, Champaign County".

(2) On page 54453, for the State of Missouri, for Caruthersville, Pemiscot County, source of flooding "local runoff in vicinity of southwestern corporate limits", in the first and third lines under "Location," the word "run" should have read "runway".

(3) On page 54459, for the State of Ohio, in the column headed "City/town/county", "Barlberton, Summit County" should have read "Barberton, Summit County".

(4) On page 54460, for the State of Ohio, in the entries for "Norton, Summit County", the source of flooding "Tributary No. 1 to Pigeon Creek" as printed aligns with the location "at corporate limits". This source should have been printed on the next line making it correspond with the location "Confluence with Pigeon Creek".

BILLING CODE 1505–01–M

COMMUNITY SERVICES ADMINISTRATION

45 CFR Part 1076

Rural Development Loan Program

AGENCY: Community Services Administration.

ACTION: Final rule.

SUMMARY: The Community Services Administration is filing a final rule governing its Rural Development Loan Program authorized under Title VII, Part C, of the Economic Opportunity Act of 1964, as amended. This final rule details the policies governing the Program, eligible applicants, the procedures to be followed in applying for financial assistance, and the post-award requirements. CSA will make guarantee loans under this Program based on the policies in this final rule.

EFFECTIVE DATE: This rule is effective October 20, 1980.

FOR FURTHER INFORMATION CONTACT: James V. Digilio, Chief, Program Development and Demonstration Division, Office of Economic Development, Community Services Administration, 1200 19th Street, N.W. Washington, D.C. 20506 (202) 254–5320.

SUPPLEMENTARY INFORMATION: Based on its published criteria, CSA has determined that this is a significant rule.

The Rural Development Loan Fund currently authorized under Title VII, Part C, Section 731 of the Economic Opportunity Act of 1964, as amended (EOA), grew out of the Title III–A rural loan program, a program established in 1964 by the EOA which authorized a revolving loan fund. Congress shifted the program to Title VII–C in 1972 and amended this Title in 1974 and 1978. The amendments include the transfer of the remaining assets of the Title III–A program to the new Revolving Loan Fund under Title VII and broadened the class of community-based eligible borrowers.

These regulations are the first to be developed for the Rural Development Loan Fund Program under Title VII–C.

The Rural Development Loan Fund Program covers two distinct types of loan and guaranty making mechanisms. The first is direct assistance, i.e., loans and guaranties made by CSA directly to eligible borrower organizations

(recipients); and the second, loans and guarantees from CSA to recipients which in turn relend or guaranty the funds to other eligible recipients and in certain limited cases to low-income families and businesses organized for profit.

Families and businesses organized for profit (except businesses more than 50 per centum owned or controlled by a CDC) can borrow only from recipients—not directly from CSA—and only if such relending activities are approved by CSA as a part of the recipient's approved work program. Eligible recipient organizations are generally cooperatives and non-profit tax-exempt organizations such as CAAs and CDCs.

All projects must be located in rural areas. Loans and guarantees to eligible recipient organizations can be made only for business facilities and community development projects, i.e., ventures aimed at providing increased income, employment and ownership opportunities for low income local residents. Preference in providing assistance will be given to those applicants who can demonstrate a concern for rural community economic development, a representative governing board, a program emphasis on providing new jobs, increased income and ownership opportunities for the rural poor, an ability to significantly affect rural economic enterprise and to leverage other sources of financial and technical assistance.

This final rule incorporates comments received based on the proposed rule published in the **Federal Register**, Vol. 45, Number 76, April 17, 1980, at pp. 26102–26105.

We received approximately 20 comments from national organizations, other Federal agencies, CSA's own regional offices, community-based economic development organizations, CDCs and CAAs. Many of these comments were quite helpful and upon consolidating them in full CSA has made a number of changes in the proposed rule as a result of those comments. These comments will be discussed in numerical order.

§ *1076.50–1 Definitions.*

(a) *Business Facilities and Community Development Projects.* A number of commentators suggested that in defining eligible projects, we not use the term "business facilities" and rely exclusively on the term "community development project." However, the words "business facilities" are explicitly used in the governing statute (the Economic Opportunity Act (EOA) of 1964, as amended) and cannot be summarily dropped from the regulations.

Also, in paragraph (a), a number of organizations suggested that we drop the word "group" as used in "group ventures" which further defines eligible "business facilities and community development projects." This suggestion has merit because individuals and businesses which are not necessarily "group ventures" are definitely eligible entities under the governing statute. Further, another section, 1076.50–5 dealing with priorities for making loans and guaranties, does place correct emphasis on "group ventures." Accordingly, the word "group" as used in the definition of eligibility for this paragraph has been eliminated. In so dropping this term from the definition of eligibility, however, CSA wishes to make clear that program priorities still favor group efforts and that individuals and profit-making businesses cannot borrow directly from CSA but from those eligible organizations which can relend and guaranty loans (see, § 1076.50–3).

In § 1076.50–1(a)(2), we have changed the language slightly in response to comments so that this subparagraph is explicitly broadened to include such eligible activities as "land development, community facilities and industrial and commercial projects." This somewhat broader language is meant to embrace the provision of decent housing opportunities for low income rural families as an eligible project. However, while provision of housing is definitely eligible under the definition of "business facilities and community development projects," CSA wishes to emphasize that there are also other federal resources available to fund housing activities. Accordingly, applicants for housing loans or guaranties should pay particular attention to § 1076.50–9(b)(vi) which calls for a statement of what other conventional resources might be available to fund the proposed project and why those non-CSA resources cannot be utilized.

(c) *Community-Based Organization.* A number of comments suggested that in our definition of "community-based organization" a percentage other than 50 percent be used to set the allowable percentage of a CBO's governing body which must be composed of local area residents. Some suggested a figure more than 50 percent; others 51 percent; and still others a different figure. However, "50 percent" is still statutorily consistent with other definitions such as the one used in Title VII of the EOA, and there seems to be no strong reasons for being inconsistent in this case, especially since many of those qualified under Part A also will apply under this program.

§ *1076.50–1.*

(g) *Indian Groups.* Our earlier definition for "Indian groups" contained a number of typographical errors. The new definition is identical to that used in Title VIII of the EOA dealing with Native American programs. Moreover, a new subparagraph (9) has been added to paragraph (a) of § 1076.50–3 to clearly indicate that "Indian groups" as so defined are definitely eligible for all financial assistance under the rural development loan fund.

§ *1076.50–1*

(j) *Rural.* The definition of "rural" has been slightly changed to provide eligibility for population densities of less than 100 persons per square mile rather than 200 persons as had been contained in the proposed rule. This change brings the definition of "rural" into accord with the definition used by FmHA's industrial development grant and business and industry loan program. This will enable FmHA in each state to share "rural area" determinations with CSA without the necessity of major adjustments.

A number of commentators suggested that the definition of "rural" was too broad and might permit diversion of resources away from the "truly" rural areas of the country. As explained above, however, we chose to make our definition consistent with eligibility determinations for other Federal programs, especially FmHA's. This, of course, does not prevent organizations applying to CSA for funds from using a more restrictive definition of "rural" areas. In other words, groups applying to CSA for relending may elect to focus their programs on more destitute or more sparsely settled areas so long as they can justify such program emphasis within the overall definition contained in this subparagraph (j).

Other Definitional Comments

One commentator desired that we make specifically eligible SBA-charterd local development corporations organized for assistance under § 502 of the Small Business Investment Act of 1958. This we have declined to do because our governing statute specifically identifies all eligible organizations and does not mention local development corporations. However, we believe that local development corporations will be able to qualify as eligible under other paragraphs of § 1076.50–1 such as "community-based organizations" or "private non-profit."

§ 1076.50–3 Eligible organizations.

(b)(3) Profit-Making Businesses. We agree with some commentators who believed that businesses which "employ primarily low-income residents" was too narrow. Accordingly, we have broadened this phrase to include businesses which "provide for significant income, ownership or employment opportunities."

A number of commentators suggested that those businesses which provide such opportunities to low-income residents should not also be required to meet the additional test of being unable to remain in, expand or move into the rural area without rural loan fund assistance. We have rejected this suggestion for two reasons: first, there is Internal Revenue Service precedent for linking low-income employment and income opportunities with requirements for retention, expansion or moving into an area in order to retain the charitable § 501(c)(3) exemption of the organizations providing the assistance; and second, we believe that the more restrictive definition as currently set forth, is supported by the legislation history of the loan fund. For loans made to profit making businesses, it is not enough that they employ low-income people; but the jobs must be new jobs that otherwise would not have been available.

§ 1076.50–4 Eligible activities.

(b) A minor change has been made in the guarantee paragraph to make clear that deposits in financial institutions to collateralize guaranties also may be made by eligible recipients.

(d) A new paragraph (d) had been added to this section to indicate the flexibility of financing techniques under this program. Further, in response to a number of comments, we wish to make clear that the proceeds of a loan or guaranty from CSA (or from those eligible to relend or guaranty) may be used to purchase equity interests in other businesses. We should caution, however, that borrowers who use the proceeds of a loan or guaranty for equity purchases may find themselves in a less liquid position than others and that such liquidity or lack thereof will be a factor in gauging the ability of a borrower to repay the borrowed funds under § 1075.50–9.

§ 1076.50–5 Priorities.

Some commentators felt that this section should contain more specific standards and criteria. Others felt that the priorities as set forth were too restrictive. We have declined to change the language of this section because we feel the current wording draws the proper line between being overly restrictive and too vague in establishing project selection priority. As more experience in program administration is gained, this initial decision may well change.

Also, a number of comments were received suggesting that subparagraph (a)(2) should specifically include priority for a "state" approach to community economic development. We believe that the existing, broadly descriptive words "national, regional or local" clearly include other terms such as "state," "district," or "territory" which tend to be more limited.

§ 1076.50–6 Loans, interest on.

Quite a few comments were received about the specific rate of interest which would be charged by the Director to eligible organizations and by eligible organizations who in turn relend or guaranty to others. Because these allowable rates of interest will vary according to the quotations received from the Secretary of the Treasury, we believe it is prudent to retain the statutory language rather than issuing new regulations whenever the Secretary of the Treasury should quote new rates to the Rural Development Loan Fund.

However, it is necessary to comment specifically on this process because many commentators were confused over what rates would be charged. First, it is clear that interest rates for the program must be initially established by the Secretary of the Treasury on a periodic basis. Second, the authority of the Director to lower such Treasury interest rates to as low as one precent for the first five years in, to quote the statute, "light of the particular needs of the borrower" may be delegated to those who relend and guarantee. In other words, relenders also may charge lower than Treasury interest rates "in light of the particular needs of the borrower" provided the standards and criteria for setting such rates are specifically approved by CSA under plans called for by § 1076.50–10(a)(1).

Further, the Director currently intends to lend or guaranty funds to those eligible organizations who are engaged solely in relending or guarantying activities at the lowest possible rate of interest. However, for those organizations borrowing funds either from the Director or from other relenders for use in their own business facilities or community development projects, it will be the rule rather than the exception that loans will be made at Treasury rates. Of course, exceptions may still be made in light of the particular needs of the borrowers.

§ 1076.50–10 Relending.

(a) We agree with certain comments that so long as applicants for relending and guarantying submit the work program called for under this section that is unnecessary to also submit the financial proposals for those borrowers already identified and accordingly this phrase has been eliminated.

Other CSA Comments

It should be noted that the Director reserves the right to publish in the **Federal Register** an appendix to this rule which will contain a specific loan agreement to be used by all recipients of funds under the Rural Development Loan Fund. This will enable loan or guaranty agreements to be much shortened by the use of terms which will be common to all recipients.

Lastly, a number of comments were received on the applicability of Office of Management and Budget Circular A–95. We have determined that Circular A–95 is not applicable to the Rural Development Loan Fund because most of the information contained in the applications for assistance will be privileged information directly relating to the financial condition or financial expectations of the borrower. Moreover, CSA does not require adherence to Circular A–95 for those business ventures submitted by CDCs under Title VII, Part A for the same reason.

William A. Allison,

Acting Director.

Authority: The provisions of this subpart are issued under section 602, 78 Stat. 530; 42 U.S.C. 2942.

45 CFR 1076 is hereby amended by adding new subpart, 1076.50 to read as follows:

Sec.

1076.50–1 Definitions.
1076.50–2 Objectives of the Rural Development Loan Fund Program.
1076.50–3 Organizations eligible for financial assistance under this program.
1076.50–4 Eligible activities.
1076.50–5 Program priorities.
1076.50–6 Loans; interest on; allowable costs.
1076.50–7 Terms of loans and guaranties.
1076.50–8 Application process.
1076.50–9 Content of applications.
1076.50–10 Loans and guaranties made by recipients to other eligible organizations.
1076.50–11 Security.
1076.50–12 Post-award requirements.
1076.50–13 Liquidation; default.
1076.50–14 Conflict of interest.

Authority: Sec. 602, 78 Stat. 530 (42 U.S.C. 2942).

§ 1076.50–1 Definitions.

For the purpose of providing assistance under this subpart:

(a) "Business facilities and community development projects" means ventures, including community development credit unions, located in rural areas. Such projects are primarily aimed at providing increased income, ownership, or employment opportunities for low-income rural area residents and which either (1) are organized to earn a profit or on a cooperative basis, or (2) directed primarily to improving the physical or environmental infrastructure such as land development, community facilities and industrial and commercial projects. The term does not embrace social service projects operated on a not-for-profit basis such as job training, day-care or health services.

(b) "Community action agency" means an organization as defined in Section 210(a) of the Economic Opportunity Act of 1964, (EOA), as amended.

(c) "Community-based organization" means a cooperative or private non-profit organization at least 50 per centum of whose governing body is composed of local area residents and which is eligible for financial assistance under Title II of the EOA. The term shall also include a national, regional or state organization at least 50 per centum of whose governing board is composed of representatives of other community-based organizations.

(d) "Community development corporation" means an organization receiving assistance from CSA under Part A of Title VII, of the EOA which includes any organization more than 50 per centum of which is owned or controlled by such a community development corporation.

(e) "Community development credit union" means a type of business facility and community development project which is a credit union participating in the Community Development Credit Union Program jointly administered by CSA and NCUA whose membership consists predominantly of rural area residents; or any Federal or state chartered credit union whose membership consists predominantly of low-income rural residents.

(f) "Cooperative" means an incorporated or unincorporated association, in existence or being organized: (1) whose members are allowed only one vote each; (2) at least 50 per centum of which is owned or controlled by low-income rural residents; (3) which conducts for the mutual benefit of its members such operations as producing, purchasing, marketing, processing and other activities primarily aimed at improving its members' income as producers or their purchasing power as consumer.

(g) "Indian groups" shall mean public and non-profit private agencies, including but not limited to, governing bodies of Indian tribes on Federal and State reservations, Alaska Native Claims Settlement Act, and such public and non-profit private agencies serving Hawaiian Natives, and Indian organizations in rural non-reservation areas.

(h) "Director" means the Director of the Community Services Administration (CSA).

(i) "Private non-profit" means an organization which is eligible for or has received exemption from Federal income taxes under Internal Revenue Code (IRC) § 501(c)(3).

(j) "Rural" includes all territory of a state that is not within the outer boundary of any city having a population of fifty thousand or more and its immediately adjacent urban area with a population density of more than one hundred persons per square mile as determined by the Secretary of Agriculture according to the latest decennial census.

(k) "Supportive organization of cooperatives" means an organization whose purpose is to provide economic, technical, or financial assistance to cooperatives.

§ 1076.50–2 Objective of the Rural Development Loan Fund Program.

(a) The objective of the Fund is to test the premise of community economic development financing concepts in rural areas. The program emphasizes an attack on rural poverty by organizations, representative of low-income area residents, experienced in dealing with economic development problems. It stresses group, rather than individual, efforts to provide expanded opportunities for rural residents to increase their ownership of, employment in, or income from local economic enterprise.

(b) In accomplishing this objective, the program seeks to coordinate and leverage its own resources with those of other government agencies and private sources. The Fund's monies should be complemented by provision of ample technical assistance in order to enhance the ability of rural group ventures to grow and prosper. However, while encouraging the development of new and imaginative community development ventures, CSA will assure that the program's operations are conducted on a sound business basis.

(c) The Program's purpose is not only provision of loans and guaranties to eligible borrowers at the lowest reasonable cost, but also embraces the broader objectives of arresting tendencies toward dependency, chronic unemployment, and community deterioration in rural areas. To this end, the Program seeks to attract additional private capital into rural communities, build and expand the ability of rural institutions to better serve the economic needs of local residents, and provide new employment and ownership opportunities for low-income persons through group ventures and community development financing techniques.

§ 1076.50–3 Organizations eligible for financial assistance under this program.

(a) CSA will provide financial assistance in the form of loans or guaranties under this Program to carry out eligible activities directly or indirectly through relending or guarantying to the following types of organizations.

(1) Community development corporations;

(2) Community action agencies;

(3) Supportive organizations of cooperatives;

(4) Local cooperatives;

(5) Public agencies;

(6) Private non-profit groups;

(7) Community-based organizations eligible for financial assistance under Title II of the EOA;

(8) Community development credit unions;

(9) Indian groups;

(b) Recipients who have received financial assistance for the purpose of re-lending or guaranteeing loans, may make loans and guaranties to:

(1) The type of organizations listed in (a) above;

(2) Low-income families; or

(3) Businesses organized for-profit which are 50% owned or controlled by low-income rural residents; or businesses organized for-profit which provide for significant increased income, or ownership, and/or employment opportunities for low-income rural residents and would not be retained, expanded, or moved into the rural areas without such assistance.

§ 1076.50–4 Eligible activities.

(a) Loans and guaranties from CSA to a recipient under this program may be used only for business facilities and community development projects in rural areas. These also are the only acceptable activities for use of the monies which recipients have received for re-lending or guarantying purposes.

(b) Guaranties may be made for the purpose of (1) guarantying principal only, interest only, or both principal and interest; or (2) guarantying up to 90 per centum of any loan in either an exposed or subordinated position. Deposits in

financial institutions to collateralize guaranties also may be made.

(c) Loans and guaranties under this program generally will not be made for refinancing existing debts of borrowers. Relenders must obtain prior CSA approval for any such exceptional refinancing activities.

(d) CSA encourages the use of flexible financing techniques. Thus, loans may be subordinated, or "wrapped around"; relenders may participate with banks and other financial institutions in extending credit or in purchasing existing loans. Loan or guaranty proceeds also may be used to invest in corporate stocks or debentures provided, of course, that such investment furthers the purposes of the Rural Development Loan Fund.

§ 1076.50–5 Priorities.

In making assistance available to eligible organizations for business facilities and community development projects, CSA will give priority to those applications which can best demonstrate one or more of the following:

(a) *Program Priorities.* (1) A program emphasis which is likely to provide increased income, ownership and employment opportunities for low-income rural residents;

(2) A national, regional, or local approach to community economic development which enables institutions to become more sensitive and responsive to the economic needs of low-income rural residents.

(3) A strategy which will leverage other sources of financial and technical assistance so as to appreciably affect the creation of increased ownership and provide employment and income opportunities for low-income rural residents.

(4) The creation of a model-type of non-profit community economic development finance corporation which would be controlled by a governing body which meets the organizational priorities in (b)(2) below, independent and professionally operated, and provide long-term financial support for eligible economic development organizations.

(b) *Organizational priorities.* (1) A history of rural community economic development efforts or concern for the problems of low-income residents.

(2) A governing body representative of the organizations or persons to be served by the program.

(3) The ability to get low-income rural residents to cooperate and pool their talents and resources and to create or expand economic enterprise of a significant scale.

§ 1076.50–6 Loans, interest on; allowable costs.

(a) Loans made under this subpart shall bear interest at a rate not less than a rate determined by the Secretary of the Treasury taking into consideration the average market yield of outstanding Treasury obligations of comparable maturity, plus such additional charge if any toward covering other costs of the program as the Director may determine to be consistent with its purposes, except that, for the five years following the date on which funds are initially available to the borrower, the rate of interest shall be set at a rate considered appropriate by the Director in light of the particular needs of the borrower which rate shall not be lower than 1 per centum.

(b) Interest repaid on loans, premiums earned on guaranties, investment or interest income, service fees or other authorized financing charges collected may be retained by those recipients relending or guarantying funds with written CSA approval, and may be used to cover the costs of administering the loan and guaranty program authorized hereunder.

(c) Costs of administering the loan and guaranty program authorized hereunder shall include, but not be limited to, costs of program administration and management: i.e., monitoring and evaluation; costs of collection, other charges and provision of technical assistance and training; legal and accounting services; preparation of financial, planning, management, feasibility, technical, product development and marketing reports and studies, and development of additional grant, loan or guaranty applications and proposals.

§ 1076.50–7 Terms of loans and guaranties.

No loan or guaranty can be extended hereunder by CSA to a recipient for a term exceeding 30 years.

§ 1076.50–8 Application process.

(a) *Dates of submission.* Annually or more often, CSA will publish in the **Federal Register** the dates for submission of applications for assistance.

(b) *Processing procedures.* Applications to CSA for loans or guaranties under the Rural Development Loan Fund may be made at any time by written submission to: Rural Development Loan Fund Program, Office of Economic Development, Community Services Administration, 1200–19th Street, NW., Washington, D.C. 20506.

§ 1076.50–9 Contents of applications.

All applications to CSA for assistance shall contain:

(a) *Eligibility documents.* (1) Standard Form 424, Financial Assistance.

(2) Articles of Incorporation (or Association), Bylaws, and where applicable, IRC § 501(c)(3) determination letter. If applicant is a non-profit corporation without such an IRS letter, it must include a certification by an attorney that it is so organized and operated that it would be eligible for a § 501(c)(3) determination. Cooperatives should submit their Articles or Certificate of Incorporation (Charter or Agreement of Association) and Bylaws.

(3) Description of its governing board and its representational nature, if applicable.

(4) Characteristics of the rural area where the project is to be located.

(5) Resumes of management team.

(6) Record of concern for and experience with community economic development on behalf of low-income rural residents.

(b) *Financial proposals.* (1) A full description of the proposed use of the requested financial assistance, whether it is a business facility or community development project, and how increased income, ownership or employment opportunities for low-income area residents will be provided. In order to assure CSA that there is reasonable assurance of repayment of the loan and that the amount of the loan, together with other funds available, is adequate to assure completion of the project or achievement of the purposes for which the loan is being made, this description also should be accompanied by:

(i) A summary statement detailing the total cost of the project, delineating fixed assets and working capital, and explaining what other funds may be available or committed;

(ii) Detailed and realistic feasibility studies and cost analyses;

(iii) Audited financial statements for the immediately preceding three years or from the commencement of its operation, whichever period is shorter, and if funds will be used for the acquisition, preservation or expansion of an existing business, similar audited financial statements for such venture;

(iv) Cash-flow projections and pro forma financial statements and balance sheets estimated for three years, with the cash flow projections on a monthly basis and (pro forma) financial statement on a yearly basis;

(v) estimated purchase price for any proposed purchase of real property, accompanied by an independent appraisal of the property establishing

that the proposed purchase price is reasonable;

(vi) A statement detailing what other conventional private sources or Federal, state or local programs have resources available, and why those resources are not being utilized for the proposed project.

(c) *Additional requirements for relending or guarantying.* If the assistance being requested is for relending or guarantying funds to other eligible recipients, applicants must also submit the information required by the next section.

§1076.50–10 Loans and guaranties made by recipients to other eligible organizations.

(a) Where the purpose of the financial assistance awarded by CSA to an organization is for relending or guarantying, the recipient, in addition to submitting the eligibility documents for itself, must submit its work program for such relending and guarantying activities. The work program must contain:

(1) Standards and criteria for relending and guarantying, including determinations of rates of interest, fees, terms, repayment schedules, collateral security, default and collection procedures and how the same may be adjusted.

(2) Basis for determining any priorities or preferences in awarding assistance.

(3) A plan for providing loan servicing including technical assistance, evaluation, and monitoring.

(b) When an applicant plans to relend or guaranty to low-income families or profit-making businesses, it must also show how such activity will contribute to community economic development and directly benefit rural residents.

(c) Applications to recipients with approved work programs for relending or guarantying under this subpart may be made at any time. CSA's Office of Economic Development will periodically publish in the **Federal Register** the names and addresses and amounts available from those organizations which CSA already has funded.

(d) Notice of availability of loans and guaranties from recipients with approved work programs shall be given the widest possible publicity among potential eligible applicants. Such recipients, however, may utilize RFPs to limit the number and diversity of applications by subject matter areas and amounts with the express written consent of CSA. RFPs, where used, generally should state total funds to be made available thereunder and approximate number or size of the expected awards.

§ 1076.50–11 Security.

(a) *As a Credit Factor.* The availability of collateral security normally shall be considered as an important factor in making loans or guaranties. The types and amount of collateral security required should be governed by the relative strengths and weaknesses of other credit factors. However, the taking of collateral as security should be considered in each loan making or guaranty transaction. Collateral security should be sufficient to provide the lender reasonable protection from loss in the case of adversity, but such security or lack thereof should not be used as the primary basis for deciding whether to extend credit. Endorsements or guaranties by other organizations, directors, or persons should be used only in unusual cases.

(b) *Security interests.* Security interests which may be taken by the lender or guarantor include but are not limited to liens on real or personal property, including leasehold interests, assignments of income and accounts receivable, and liens on inventory of proceeds of inventory sales, as well as marketable securities and cash collateral accounts.

(c) *Motor vehicles.* Liens ordinarily should be taken on licenses motor vehicles or boats purchased hereunder in order to be able to transfer title easily should the lender need to declare a default or repossess the property.

(d) *Additional security.* The lender or guarantor may require collateral security or additional security at any time during the term of a loan or guaranty if after review and monitoring an assessment indicates the need for such security.

(e) *Insurance on property secured.* Ordinarily, hazard insurance up to the amount of the loan or the depreciated replacement value of the property secured (whichever is less) will be taken naming the lendor as beneficiary. Such insurance includes fire and extended coverage, public liability, property damage, and other appropriate types of hazard insurance.

(f) *Appraisals.* Property serving as collateral security will be appraised by a qualified appraiser.

§ 1076.50–12 Post award requirements.

(a) *Applicability of CSA policies.* Financial assistance to recipients with approved work programs for relending or guarantying is subject to the conditions established in the loan agreement with CSA.

(b) Deposits. (1) Unless other wise specifically agreed to in writing by CSA, loan proceeds and any interest thereon not immediately needed or disbursed by the borrower should be deposited in an interest bearing account or time deposit in a bank or other financial institution which can be fully covered by a form of federal deposit insurance.

(2) Deposits and accounts in financial institutions owned or controlled by minorities shall be encouraged provided they are adequately covered by a form of federal deposit insurance.

(3) Any interest or other income earned as a result of such accounts or deposits shall be used by the borrower only for the authorized purposes of the loan involved of its approved work program.

§ 1076.50–13 Liquidation; default.

Should the Director determine that it is necessary of desirable to take action to protect or further the interests of CSA in connection with any default or breach of conditions under any loan or guaranty made hereunder, the Director may:

(a) Declare that the loan is immediately due and payable.

(b) Assign or sell at public or private sale, or otherwise dispose of for cash or credit, in his/her discretion and upon such terms and conditions as he/she shall determine to be reasonable, any evidence of debt, contract, claim, personal or real property, or security assigned to or held by the Director in connection with financial assistance extended hereunder.

(c) Adjust interest rates, use fixed or variable rates, grant moratoriums on repayment of principal and interest, collect or compromise any obligations held by him/her and take such other actions in respect to such loans and guaranties as are necessary or appropriate, consistent with the objections of the Program and this subpart.

(d) In taking the actions provided for in paragraph (c) above the Director shall take into account such factors as:

(1) The inherent difficulty of creating or expanding rural enterprises which can offer real and increased ownership, employment and income opportunities for low-income persons.

(2) The need for new and more responsive national, regional and local financial institutions to serve low-income rural residents.

(3) The lead time, mobilization of resources, and leveraging required for rural residents to successfully pool their talents and abilities to engage in meaningful community economic development.

(4) The need for adequate technical assistance, training and skills development to accompany financial

assistance for community-based, economic development efforts.

(5) The experimental and demonstrational nature of the program balanced with the desire to operate the program on a sound business basis.

(6) Other particular needs of the borrower.

§ 1076.50–14 Conflict of interest.

No recipient shall relend or guaranty to or for the benefit of:

(a) Any person who is also a board member of such recipient without specific prior CSA written approval given with knowledge of the relationship involved; or

(b) Any organization which has on its governing board or as agent, consultant or employee, a person who is also a board member of the recipient without specific prior CSA written approval given with knowledge of the relationship involved.

[FR Doc. 80–28685 Filed 9–17–80; 8:45 am]

BILLING CODE 6315–01–M

LEGAL SERVICES CORPORATION

45 CFR Part 1601

Bylaws of the Legal Services Corporation

Correction

In FR Doc. 80–26934, appearing at page 58363 in the issue for September 3, 1980, on page 58364, paragraph (a) of 1601.27, in the ninth line of that paragraph, delete the "s" on the word "members."

BILLING CODE 1505–01–M

45 CFR Part 1601

Bylaws of the Legal Services Corporation

AGENCY: Legal Services Corporation.

ACTION: Correction to final rule.

SUMMARY: This is a correction of the Legal Services Corporation regulation which amended the Corporation bylaws and was published in the **Federal Register** on September 3, 1980.

FOR FURTHER INFORMATION CONTACT: Linda E. Perle, (202) 272–4010.

In FR Doc 80–26934, appearing at page 58363 in the **Federal Register** of September 3, 1980, the following corrections should be made.

1. On page 58364, § 1601.18 is corrected to read as follows:

§ 1601.18 Agenda.

For each regular and special meeting, the Chairman of the Board or the President of the Corporation shall cause to be prepared an agenda of matters to be discussed at the meeting, and shall mail the agenda to all Directors with the notice required by §§ 1601.15 and 1601.16. Any matters appearing on the agenda which the Chairman of the Board or the President believes should be discussed in an executive session in accordance with § 1601.22 shall be so noted.

2. On page 58364, paragraph (b) of § 1601.19 is corrected in the eleventh line of that paragraph by substituting "regulations" for "Regulations".

4. On page 58364, paragraph (c) of § 1601.27 is corrected by deleting the comma (,) at the end of the third line of that paragraph.

5. On page 58365, the section heading for § 1601.29 is revised to read "§ 1601.29 Appointment, term of office and qualifications."

Dated: September 8, 1980.

Mario Lewis,

General Counsel, Legal Services Corporation.

[FR Doc. 80–28782 Filed 9–17–80; 8:45 am]

BILLING CODE 6820–35–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 61

[CGD 78–153A]

Tailshaft Examination

AGENCY: Coast Guard, DOT.

ACTION: Final rule correction.

SUMMARY: The following corrections should be made to FR Doc. 80–23831 appearing at page 52388 in the **Federal Register** of August 7, 1980:

(a) section 61.20–18(b)(1) is corrected by deleting the number "1/8" and inserting in its place the number "1/3";

(b) section 61.20–18(b)(2)(ii) is corrected by deleting the number "1/8" and inserting in its place the number "1/3"; and

(c) section 61.20–18(c) is corrected by deleting the word "is" and inserting in its place the word "to".

FOR FURTHER INFORMATION CONTACT: Lt. Michael P. Rolman, Office of Merchant Marine Safety (G–MVI–1/24), Room 2415, U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, D.C. 20593, (202) 426–1464.

Dated: September 15, 1980.

Henry H. Bell,

Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc. 80–28940 Filed 9–17–80; 8:45 am]

BILLING CODE 4910–14–M

FEDERAL MARITIME COMMISSION

46 CFR Part 543

[General Order 37]

Financial Report; Oil Pollution; Alaska Pipeline; Approval of Reporting Requirements by General Accounting Office

AGENCY: Federal; Maritime Commission.

ACTION: Final rule.

SUMMARY: Rules providing for the licensing of operators of vessels carrying oil which has been transported through the Trans-Alaska Pipeline are amended to reflect an extension of existing General Accounting Office clearance for the reporting requirements contained therein. The amendment is necessary to comply with GAO regulations.

EFFECTIVE DATE: September 18, 1980.

FOR FURTHER INFORMATION CONTACT: Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, D.C. 20573 (202) 523–5725.

SUPPLEMENTARY INFORMATION: 44 U.S.C. 3512 requires the General Accounting Office to review certain collections of information from 10 or more persons undertaken by independent Federal regulatory agencies.

This Commission has received clearance from the U.S. General Accounting Office for the reporting requirements contained in 46 CFR Part 543 (General Order 37). Title 4 CFR, § 10.12, Notification of General Accounting Office Action, requires that notices of such clearance appear in the agency's regulations.

The clearance information is presently included in General Order 37; however, it must be amended to reflect the more specific wording of GAO's latest clearance approval. Accordingly, the clearance information statement presently appearing as the last sentence of the Authority citation is hereby deleted and replaced with the following statement:

* * * "The reporting requirements contained in §§ 543.4(h), 543.4(i), 543.6(a)(3), 543.6(f), and 543.11 have been approved by the U.S. General Accounting Office under B–180233 (R0462)."

Effective date. Notice, public procedure and delayed effective date

are not necessary for the promulgation of this amendment because of its nonsubstantive nature. Accordingly, this amendment shall be effective September 18, 1980.

By the Commission, September 8, 1980.

Francis C. Hurney,

Secretary.

[FR Doc. 80-28809 Filed 9-17-80; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[Gen. Docket No. 78-316; FCC 80-496]

Fee Refunds and Future FCC Fees

AGENCY: Federal Communications Commission.

ACTION: Rulemaking (Second Report and Order, Docket 78-316).

SUMMARY: The FCC has adopted final procedures and dollar amounts to begin Phase II of its fee refund program which is set up to make appropriate refunds to eligible individuals who paid fees of $20 and less to the FCC between 1970 and 1976. The FCC is taking this action in response to several decisions by the U.S. Court of Appeals for the District of Columbia Circuit.

DATES: The beginning date for operation of Phase II of the Fee Refund Program is September 3, 1980.

The suspension of § 1.1103(b) is lifted effective October 1, 1980.

ADDRESS: Federal Communications Commission, Fee Refund Program, P.O. Box 19209, Washington, D.C. 20036.

FOR FURTHER INFORMATION CONTACT: Richard J. Keller, Chief, Fee Refund Branch, Telephones: Persons outside Washington, D.C., 800-424-2901 (Toll Free), Persons in Washington, D.C., 653-8515 or 653-8518.

Second Report and Order (See 44 FR 48287)

Adopted: April 11, 1980.

Released: August 29, 1980.

By the Commission:

On August 1, 1979, the Commission adopted a Second Notice of Inquiry in this proceeding setting forth proposals dealing with Phase II of the fee refund program. (*See* 44 FR 48287, 73 FCC 2d 4) Phase II of the refund program is concerned with refund of fees which were originally $20 and less and which were paid to the Commission between August 1, 1970 and December 31, 1976.[1]

Calculation of Refund Amounts

The amounts to be refunded in Phase II have been determined by recalculating the costs to the Commission of providing the specific services in each fee category involved in Phase II in accordance with the guidelines established by the court of appeals. This process was described in detail in the Second Notice. *See* 73 FCC 2d at 4-9. The few comments that were filed in response to the Second Notice generally did not question any of the refund amounts proposed there.[2] We have reviewed those amounts again and, taking into account the limitations in recalculating costs for a period nearly ten years ago, find the proposed refund amounts to be consistent with the directives of the court of appeals.[3] Accordingly, the final refund amounts that are set out in the table below have not been changed from the amounts proposed in the Second Notice. As the Second Notice pointed out, of the 53 fee categories potentially eligible for refund in phase II, refunds will be made in only 12 categories. Refunds will not be made in any of the other 41 categories either because the recalculated costs exceed the fee originally paid or because the refund would have been three dollars or less.[4] The 12 fee categories in which refunds will be made are set out in the table below. The 41 categories in which no refund will be made are set out in Appendix A to this report and order.

[1] The Commission's refund program has been established in response to December 1976 decisions of the United States Court of Appeals for the District of Columbia Circuit. For an extended discussion of the background of the refund program, see *Notice of Inquiry*, 43 Fed. Reg. 46658, 69 FCC 2d 741 (1978) and *First Report and Order, 44 Fed. Reg. 21267, 71 FCC 2d 171 (1979).*

[2] The comments of the American Radio Relay League questioned why the costs were the same for an amateur modification both with and without renewal and why the costs were the same for both a new and renewal application. In the former case, we have reexamined our figures, and they confirm that the costs in fact are the same for processing modification applications regardless of whether a request for renewal is also included. The difference in the work involved is so small as to be negligible. In the latter case, the Commission has always charged the same fee for new and renewal applications and we have attempted to maintain the same fee categories for refunding. There is, of course, a very small difference between the costs of processing a new and renewal amateur application, and the recalculated fee reflects a weighted average of these costs. The Aircraft Owners & Pilots Association questioned whether the cost of processing previous fee payments should be included in the recalculated costs. We see no basis for excluding such costs. It is clear that the Commission had the authority to collect some fee; thus the cost of collecting the fee was a legitimate element of the costs of processing applications and may properly be included as part of the cost basis for the fee.

[3] Although the Second Notice suggested the possibility that there might be some changes in the refunds proposed there, there have been no changes. Review of the costs that formed the basis for those proposals has confirmed that they were accurate, and we have concluded that there is no basis for adding or deleting any element of costs.

[4] As indicated in the Second Notice, we intend to apply to Phase II of the refund program the requirement of our rules limiting refunds to amounts greater than $3. The comments did not oppose this limitation, and we believe that it is reasonable. When the Commission suspended operation of the fee schedule effective January 1, 1977, that section of the rules (47 C.F.R. 1.1103(b)) was also inadvertently suspended although the intent at that time was only to suspend collection of fees. *See Order*, FCC 76-1197 (Dec. 23, 1976). We are, therefore, modifying that 1976 *Order* for the purpose of lifting the technical suspension of that section of the rules.

FCC Phase II Fee Refund Amounts [1]

Description of fee	Orginal fee amount	Recalculated costs	Amount of refund
Request for modification of a prototype certificated equipment operating under Part 18 with no change in model number (filing and grant fee paid)	$20.00	$16.72	$3.28
Cable Television—Notifications pursuant to 74.1105	10.00	3.50	6.50
Restricted radiotelephone operator permit (new, replacement) U.S. Citizen, lifetime permit	8.00	1.08	6.92
Amateur Radio Service: Initial license, renewal, new class of operator license	9.00	5.72	3.28
Amateur Radio Service: Modification of license with renewal	9.00	2.05	6.95
Aviation Radio Service: All other applications (other than microwave—new renewal or assignment)	20.00	4.12	15.88
Citizen's Radio Service: Application for station license	20.00	2.01	17.99
Industrial, Land Transportation, and Public Safety Services: Initial license modification, renewal, or assignments	20.00	10.25	9.75
Industrial, Land Transportation, and Public Safety Services: Microwave station used in CATV systems yearly renewal	15.00	2.85	12.15
Marine Radio Service: Ship station license (without interim authorization)	20.00	2.85	17.15
Marine Radio Service: All other applications (including exemptions from ship radio station requirements)	20.00	8.42	11.58
Duplicate station license for the Safety and Special Radio Services	6.00	1.21	4.79

[1] All refunds listed for Phase II are applicable for the period August 1970 through February 1975. No fees covered by Phase II of the Fee Refund Program and due subsequent to this period are eligible for any refund.

Administration of the Refund Program

Because potentially more than two million refund requests may be filed in Phase II of the refund program (see Appendix B), the Commission's fee refund staff has developed a system which will be as simple and convenient to refund requesters as possible, which will use data processing equipment as much as possible to speed processing of refund payments, and which will ensure that refunds are paid only to those entitled to receive them.

The refund request form, which is attached as Appendix C, is extremely simple, requiring only the requester's name and address and a description of the fee that was paid. There are only two pages of instructions for the form. The proposal to include on the form a waiver of right to any further refund has been deleted in the final version as unnecessary for Phase II. When these request forms are received, the information will be evaluated by a sophisticated computer system and, if the request is verified, the refund will be paid. Based on the simplicity of this system and the Commission staff's experience in Phase I of the refund program, we believe that this process will move very quickly.[5]

Because there are a large number of individuals who have no regular contact with the Commission who are potential refund recipients in Phase II, some time ago planning was begun on a comprehensive media campaign to explain the refund program to the public and to ensure that as large a percentage as possible of those entitled to refunds will be made aware of the program. This effort will focus on publicity in newspapers, magazines and on television and radio stations as the refund program begins in July and August. In addition an effort will be made to have the refund forms widely available throughout the country during this period, and toll-free telephone numbers will be provided for individuals to call to have forms mailed to them or to make other inquiries regarding the refund program.

Conclusion

Authority for the action taken herein is contained in Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), and Title V of the Independent Offices Appropriations Act of 1952, 31 U.S.C. 483a.

Accordingly, it is ordered that Phase II of the Fee Refund Program, as described above and in the Second Notice of Inquiry, is hereby adopted in compliance with the mandates of the United States Court of Appeals for the District of Columbia Circuit in *National Ass'n of Broadcasters* v. *FCC*, 554 F.2d 1118 and *Capital Cities Communications, Inc.* v. *FCC*, 554 F.2d 1135. (The effective date of the beginning of Phase II of the Fee Refund Program will be announced at a later date.)

It is further ordered that effective October 1, 1980, the Commission's Order of December 23, 1976 (FCC 76–1197) is modified so as to lift the suspension of Section 1.1103(b) of the Rules, 47 CFR 1.1103(b).

Federal Communications Commission.

William J. Tricarico,

Secretary.

[5] The Aircraft Owners & Pilots Association questioned why the Commission could not initiate the refund process on its own without requiring the filing of a refund request. We have repeatedly explained the reason for this and see no point in reiterating it. *See* 69 FCC 2d at 755, 71 FCC 2d at 187–88, 73 FCC 2d at 9–10.

Appendix A.—*FCC Phase II Fees Which Are Not Eligible for Refund*

Description of fee	Recalculated cost				Original fee
	Branch cost	Office/ division cost	Commission OGC/ OPP cost	Total	
Requests for modification of a prototype certificated equipment operating under part 18 with no change in model number (filing fee only paid)	$14.85	$0.19	$1.68	[1]$16.72	$5
Applications in the community antenna relay service (CARS):					
License or renewal (1970–75)	25.76	29.89	2.39	[1]58.04	15
License or renewal or reinstatement (after Mar. 1, 1975)	25.76	29.89	2.39	[1]58.04	5
Modification of construction permit or license (1970–75)	148.40	172.18	12.13	[1]332.71	15
Modification of construction permit or license (after Mar. 1, 1975)	148.40	172.18	12.13	[1]332.71	5
Assignment of license or of construction permit, or for transfer of control (after Mar. 1, 1975)	105.01	628.33	5.89	[1]739.23	10
Petition for waiver of hearing re carriage of distant signals within the grade A contour of a television broadcast station in a top 100 market per proposed (a) educational station, or (b) independent UHF station, distant signal (1970–75)	622.25	227.42	41.50	[1]891.17	10
Domestic public land mobile radio services:					
Application for modification of authorization to increase number of mobile units, blanket dispatch stations or standby transmitters without independent radiating systems—per unit or transmitter	7.27	0	.47	[1]7.74	6
Commercial operator radiotelephone and radiotelegraph licenses and permits:					
First class (new, duplicate renewal, replacement) (1970–75)	4.02	0	.52	[1]4.54	5
Second class (new, duplicate, renewal, replacement) (1970–75)	4.16	0	.54	[1]4.70	4
Third class (new, duplicate, renewal, replacement) (1970–75)	3.95	0	.52	[1]4.47	3
First class (new) (after Mar. 1, 1975)	4.02	0	.52	[1]4.54	4
Second class (new) (after Mar. 1, 1975)	4.16	0	.54	[1]4.70	4
Third class (new) (after Mar. 1, 1975)	3.95	0	.52	[1]4.47	4
First class (renewal, replacement, or duplicate) (after Mar. 1, 1975)	4.02	0	.52	[1]4.54	2
Second class (renewal, replacement, or duplicate) (after Mar. 1, 1975)	4.16	0	.54	[1]4.70	2
Third class (renewal, replacement, or duplicate) (after Mar. 1, 1975)	3.95	0	.52	[1]4.47	2
Provisional certificate for radiotelephone third class operator permit with broadcast endorsement (new, replacement, or duplicate)	3.05	0	.41	[1]3.49	2
Restricted radiotelephone operator permit (new, replacement), alien, aircraft pilot (5-year term renewable) (1970–75)	4.37	0	.58	[1]4.95	2
Restricted radiotelephone operator permit (aliens, 5-year term) (after Mar. 1, 1975)	4.37	0	.58	[1]4.95	4
Restricted radiotelephone operator permit (lifetime U.S. citizen only) (after Mar. 1, 1975)	.96	0	.12	[1]1.08	4
Restricted radiotelephone permit (replacement or duplicate) (after Mar. 1, 1975)	.96	0	.12	[2]1.08	2
Separate application for endorsement of license (1970–75)	3.80	0	.50	[1]4.30	2
Separate application for endorsement of license or permit (after Mar. 1, 1975)	3.80	0	.50	[1]4.30	2
Application for license verification card (FCC Form 758–F)	.19	0	.03	[2].22	2
Application for posting statement (FCC Form 759)	2.87	0	.39	[1]3.26	2
Amateur radio service:					
Initial license, renewal, new class of operator license (after Mar. 1, 1975)	3.26	2.03	.43	[1]5.72	4
Modification of license without renewal (1970–75)	1.18	.73	.14	[2]2.05	4
Modification of license without renewal (after Mar. 1, 1975)	1.18	.73	.14	[2]2.05	3
Modification with renewal (after Mar. 1, 1975)	1.18	.73	.14	[2]2.05	4
Aviation radio service:					
All other applications (other than microwave stations, new, renewal, or assignment) (after Mar. 1, 1975)	3.53	.18	.41	[1]4.12	4
Citizens radio service:					
Application for station license (after Mar. 1, 1975)	1.14	.71	.16	[2]2.01	4
Industrial, land transportation, and public safety services:					
Initial license, modification renewal, or assignment (after Mar. 1, 1975)	8.78	.51	.96	[1]10.25	4
Microwave station modification without renewal (1970–75)	21.43	1.25	1.94	[1]24.62	20
Microwave station modification without renewal (after Mar. 1, 1975)	21.43	1.25	1.94	[1]24.62	4
Microwave station used in CATV systems yearly renewal (after Mar. 1, 1975)	2.36	.14	.35	[2]2.85	5
Marine radio service:					
Ship station license (without interim authorization) (after Mar. 1, 1975)	2.40	.12	.33	[2]2.85	4
All other applications (including exemptions from ship radio station requirements) (after Mar. 1, 1975)	7.17	.36	.89	[1]8.42	4
Duplicate station license for the safety and special radio services	.74	.36	.11	[2]1.21	2

[1] Ineligible for refund because recalculated costs exceeded amount of fee paid.
[2] Ineligible for refund because refund would be three dollars or less. *See* 47 CFR 1.1103(b).

Appendix B.—*Proposed Total Refunds FCC Fee Refund Program—Phase II*

Bureau	Receipts	Projected refunds (items)	Projected refunds (dollars)	Percent of receipts refunded
Office of Chief Engineer	$240	12	$39.36	16
Cable Television	45,030	1,167	7,585.50	17
Common Carrier	8,802	0	0	0
Field Operations	8,606,087	527,078	3,647,379.76	42
Safety and Special Radio Services	66,835,631	1,838,865	27,515,128.07	41
Total	75,495,790	2,412,122	31,170,132.69	41

BILLING CODE 6712-01-M

Appendix C—Fee Refund Program (Phase II) Refund Request Form and Instructions

Federal Communications Commission

Fee Refund Program (Phase II)

Refund Request Form and Instructions

Note: CB licenses that cost $4.00 (granted March 1, 1975 or later) do not qualify for a refund. Do not file.

Please read the instructions in this booklet. Complete the refund request form, **sign, fold and staple where indicated,** and mail the completed refund request form to this address:

Federal Communications Commission
Fee Refund Program (Phase II)
Post Office Box 19209
Washington, D.C. 20036

If you have specific questions about the fee refund program you can call this toll free number: 800-424-2901. The hours of operation are from 9:00 a.m. to 5:30 p.m. (Eastern Time). Do not use these telephone numbers for complaints or other FCC business not related to fee refunds. Additional forms are available by writing to the FCC at the above address and at all FCC district offices.

General Information

Please read this section plus the specific instructions and the refund table before you start to fill out the refund request form. You may be able to file for refunds you did not think were included, or you may find that some or all of the fees you paid are not eligible for refunds because the amount you paid was not enough to cover the FCC's processing costs. (In such cases, the FCC will not try to recover the prior costs.)

How Will the FCC Use the Information On the Refund Request Form?

The FCC will compare the information you submit on your refund request form with information in FCC files to verify payment of the fee.

Notice to Individuals as Required by the Privacy Act of 1974*

Amounts paid to requesters are a matter of public record. The FCC will make available listings of those who request and receive refunds. If you file for and receive a refund, your name will appear on such a public listing.

*The Communications Act of 1934, as amended, and the Budget and Accounting Act of 1921, as amended, authorize the FCC to collect the information on this form. The purpose of this information is to determine whether you are eligible to receive a partial refund of fees paid and, if so, the amount of the refund. The information you give us will be used by FCC staff to determine the accuracy, completeness and correctness of your request. No refund can be granted unless all of the information that concerns your request is provided, and the form is signed and dated.

Who Should File For a Refund?

You (as an individual, association, or organization) should file for a refund if you can answer "yes" to these two questions:

1. Was a fee of $20.00 or less paid to the FCC between August 1, 1970 and February 28, 1975?

2. Is that fee listed in the refund table at the back of this booklet?

If the answer to either of these questions is "no", then do not file for a refund. If the answer to both questions is "yes", then you should file a refund request form with the FCC as soon as possible. Use the general information in this section and the specific instructions following to help you complete the form.

All of the fees that qualify for a refund in Phase II are included in the refund table in this booklet. If the fee you paid is not shown in this table, it is not eligible for a Phase II refund.

Specific Instructions

Instructions for Completing Part I

PART I consists of lines 1-9 on the refund request form. Each line must be filled in (unless otherwise specified) before the FCC can process your request. Do not type. Print clearly in ink.

Line 1—Individual/Company Designation

Check the appropriate box to designate whether you are filing as an individual or a company. If as an individual, skip lines 4 and 5. If a company, skip lines 2 and 3.
Note: Land Mobile Licensees - Individuals doing business as an organization or association should file as a company.

Line 2—Name of Person Obligated to Pay the Fee

Enter the name of the individual originally obligated to pay the fee(s) shown in PART II. Enter your first name, middle initial and last name in the areas provided.

Example: John Q. Doe paid for his Restricted radio telephone permit using his personal check. The entry for Line 2 should be "John Q. Doe" because he was obligated to pay for his own permit.

Line 3—Make Check Payable to

Enter the name of the person to whom the refund check should be made payable. If this entry is the same as that on line 2, then leave blank.

If the requester is not the same person obligated to pay the fee, then the requester must attach evidence which demonstrates that he/she is entitled to receive the refund check.

Line 4—Company Name

Enter the name of the organization, association or partnership originally obligated to pay the fee(s) shown in Part II.

Example: The law firm of Jones and Blackstone paid fees in behalf of its client, the XYZ Corporation, and then billed its client. The entry for line 4 is that of the company, not its attorneys.

Line 5—Make Check Payable to

Enter the name of the organization to which the refund check should be made payable. If this entry is the same as that on line 4, then leave blank.

If the requester is not the same organization obligated to pay the fee, then the requester must attach evidence which demonstrates how they are entitled to receive the refund check.

Line 6—Street Address

Enter the house number, street name or P.O. Box where the refund check will be mailed in the areas provided.

Lines 7, 8 and 9—City, State and Zip Code

Enter the city, state and zip code for check mailing. Please use the state abbreviations in Table 1. If country other than the United States enter foreign country after city, abbreviate if necessary. Leave state and zip code blank.

Specific Instructions for Completing Part II

FCC Form 199C lets you file up to five requests. For each refund request, you are required to complete three pieces of information.

Column 10—Fee Type

Use the refund table to enter the fee type which describes the fee you paid. Enter only one fee type letter code on each line.

Column 11—Call Sign or Equivalent

The entry for this column depends on the bureau/office which will process your refund request.

If your request is for fee type C, D, F, G, H, I, J or K, enter the call sign which is the subject of the request.

If your request is for fee type A, enter the trade name or model number for the equipment as it appeared on the filing or application when the fee was paid.

If your request is for fee type B, enter up to the first eight characters of your last name.

If your request is for fee type E, enter your call sign or FAA Registration "N" Number.

If your request is for fee type L, enter your community code number.

Column 12—Date Fee Paid or License Issuance Date

Enter the date you paid the fee which is the subject of this request. If you have an FCC receipt, then enter the date shown on the receipt. Otherwise, enter the date you put on your check or money order. Enter the date in the format of year/month/day.

Example: June 7, 1972 should appear as 72/06/07.

Specific Instructions for Part III

This part of the refund request form contains one paragraph which you should read before signing. The last line of the form must contain the signature of the individual authorized to file for this refund and the date when the form was signed. NO REFUND REQUESTS CAN BE PROCESSED WITHOUT AN AUTHORIZED SIGNATURE.

The refund request form must be signed by an individual entitled or empowered to receive the refund check when it is issued. If the requester is an individual, the form must be personally signed by that individual; if a partnership, by one of the partners, if a corporation, by an officer, and if an unincorporated association, by a member who is an officer.

Table 1

Abbreviations for States and Jurisdictions

AL Alabama	MD Maryland	SC South Carolina
AK Alaska	MA Massachusetts	SD South Dakota
AZ Arizona	MI Michigan	TN Tennessee
AR Arkansas	MN Minnesota	TX Texas
CA California	MS Mississippi	UT Utah
CO Colorado	MO Missouri	VT Vermont
CT Connecticut	MT Montana	VA Virginia
DE Delaware	NE Nebraska	WA Washington
DC Dist. of Columbia	NV Nevada	WV West Virginia
FL Florida	NH New Hampshire	WI Wisconsin
GA Georgia	NJ New Jersey	WY Wyoming
HI Hawaii	NM New Mexico	SA American Samoa
ID Idaho	NY New York	CZ Canal Zone
IL Illinois	NC North Carolina	GU Guam
IN Indiana	ND North Dakota	MQ Midway Island
IA Iowa	OH Ohio	VI Virgin Islands
KS Kansas	OK Oklahoma	WQ Wake Island
KY Kentucky	OR Oregon	TT Trust Territories
LA Louisiana	PA Pennsylvania	PR Puerto Rico
ME Maine	RI Rhode Island	TQ No. Mariana Islands

Federal Communications Commission
Post Office Box 19209
Washington, D.C. 20036
Fee Refund Program (Phase II)

Refund Request Form
(Print in Ink)

Part I

1 Check Appropriate Box ☐ Individual ☐ Company

2 Individual's First Name | M.I. | Last Name

3 Make Check Payable to First Name | M.I. | Last Name

4 Company Name

Fold Here

5 Make Check Payable to

Fold Here

6 Number | Street Name | P.O. Box

7 City | 8 State | 9 Zip Code

Part II

Fee Type (10)	Call Sign or Equivalent (11)	Date Fee Paid or License Issued Yr./Mo./Day (12) Year Month Day	For FCC Use Only

Fold Here

Fold Here

Part III

Certification: Under penalties of perjury, I declare that I have examined this form, including any accompanying documents and statements, and to the best of my knowledge and belief it is true, correct, and complete. I understand that if I intentionally make false statements on this form, I may be punished by as much as five years in jail and $10,000 fine. (Title 18, U.S. Code Sec. 1001.)

Authorized Signature	Date Signed

Approved by GAO
B-180227 (RO 679)

FCC Form 199-C
August 1980

Fee Refund Table

Fee Type	Description of Fee	Amount Paid	Refund Amount
A	**Office of the Chief Engineer** Type Certification Request for modification of a prototype certificated equipment operating under Part 18 with no change in model number. (Grant fee only)	$ 15.00	$ 3.28
B	**Field Operations Bureau** Restricted radio telephone permit. New, duplicate or replacement.	8.00	6.92
C	**Safety and Special Radio Services** Maritime radio services. Ship station license (without interim authorization).	20.00	17.15
D	All other maritime applications (modifications, co-stations)	20.00	11.58
E	Aviation Radio services - All Applications (other than microwave, new renewal or assignments)	20.00	15.88
F	Industrial Land Transportation and Public Safety Service - Initial license, modifications, renewals or assignments (land mobile).	20.00	9.75
G	Industrial Land Transportation and Public Safety Service - Microwave, CATV Systems yearly renewal.	15.00	12.15
H	Amateur Radio Service—New, renewal or new class.	9.00	3.28
I	Amateur Radio Service—Modification with renewal.	9.00	6.95
J	Citizens Radio Service—Station license	20.00	17.99
K	Duplicate Station License for all services listed under the Safety and Special Radio Services Bureau.	6.00	4.79
L	**Cable Television Bureau** Cable Television Notifications pursuant to Section 74.1105	10.00	6.50

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Post Office will not deliver without proper postage

Federal Communications Commission
Fee Refund Program (Phase II)
Post Office Box 19209
Washington, D.C. 20036

Staple together here

[FR Doc. 80-28069 Filed 9-17-80; 8:45 am]
BILLING CODE 6712-01-C

DEPARTMENT OF TRANSPORTATION

Materials Transportation Bureau

49 CFR Parts 172, 173, 177, 178, 179

[Docket No. HM-166D; Amdt. Nos. 172-61, 173-141, 177-50, 178-63, 179-26]

Hazardous Materials Regulations; Miscellaneous Amendments

AGENCY: Materials Transportation Bureau (MTB), Research and Special Programs Administration, DOT.

ACTION: Final rule.

SUMMARY: This action is being taken to incorporate into the Department's Hazardous Materials Regulations a number of changes based on rulemaking petitions from industry and from petitions within the Department. This action is necessary to update the regulations and to reduce MTB's backlog of rulemaking petitions.

EFFECTIVE DATE: September 18, 1980, except for § 172.203(f) which will become mandatory July 1, 1983.

FOR FURTHER INFORMATION CONTACT: Darrell L. Raines, Chief, Exemptions and Regulations Termination Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Research and Special Programs Administration, 400 7th Street, S.W. Washington, D.C. (202-472-2726).

SUPPLEMENTARY INFORMATION: On April 14, 1980, the Materials Transportation Bureau published a Notice of Proposed Rulemaking, Docket No. HM-166D, Notice No. 80-6 (45 FR 25083), which proposed a number of miscellaneous amendments to the Hazardous Materials Regulations. Notice No. 80-6 included a brief statement regarding each proposal and invited public comments prior to the closing date of June 15, 1980. Based on comments received on this notice, these proposals are being incorporated as final amendments to the Hazardous Materials Regulations.

The MTB received eight comments on Notice No. 80-6. Two commenters supported the proposed changes except they felt that MTB should have included all of the changes that were proposed by the Chemical Manufacturers Association (CMA), formerly known as the Manufacturing Chemist Association, in their petition (P-440) of May 16, 1978. In the initial draft of Notice 80-6, it was proposed to adopt all of the changes proposed by CMA. However, upon further review, it was determined that the proposed changes pertaining to special commodity requirements for new construction of MC-312 cargo tanks and for certain tanks cars are too complex to be included in this particular docket. A separate notice of proposed rulemaking on the remaining portion of petition P-440 will be considered at a later date.

The proposed correction for Strychnine, solid in Column (5)(b) of § 172.101 was included in the revised Hazardous Materials Table published on May 22, 1980, (45 FR 34560) and therefore, no correction appears in this document.

The significant changes made in this rulemaking that are different from the notice are (1) the word "flammable" has been added as part of the shipping name for the proposed entry "Poisonous liquid *or* gas, n.o.s., (2) an editorial change has been made in § 172.502(c), and (3) in order to avoid unnecessary expenses and to allow sufficient time for shippers to deplete existing stock of pre-printed shipping papers now on hand, or on order, the mandatory effective date of the provisions of § 172.203(f) has been extended to July 1, 1983. Because of this effective date, the proposed change of "Cargo-only aircraft" to "Cargo aircraft only" (other than in § 172.203(f)) will be phased in gradually throughout the Hazardous Materials Regulations during that time period.

Two commenters objected to the proposed deletion of § 173.264(a)(1), which authorizes the use of certain specification wooden boxes with inside containers made of various materials. One commenter requested that the Specification 15A wooden box not be deleted. Another commenter stated that they use all of the wooden boxes authorized in § 173.264(a)(1). In view of the comments received, reference to the various materials used in the inside containers has been deleted and general language authorizing acid resistant type containers has been added.

For clarity, one commenter requested that the words "or other means" be added to § 177.838(a) and this change has been made.

Three commenters requested minor changes to the proposed wording of § 178.0-3. That section has been revised to allow packagings to be marked with the United Nations symbol and packaging identification code as specified in Annex 1 of the IMCO Code.

In consideration of the foregoing, 49 CFR Parts 172, 173, 177, 178, and 179 are amended as follows:

PART 172—HAZARDOUS MATERIALS TABLES AND HAZARDOUS MATERIALS COMMUNICATIONS REGULATIONS

1. In § 172.101 the Hazardous Materials Table is amended by revising or adding as indicated the entries listed below:

BILLING CODE 4910-60-M

§172.101 Hazardous Materials Table

(1)	(2)	(3)	(3A)	(4)	(5) Passenger		(6) Maximum net quantity in one package		(7) Water shipments		
+/E/A/W/	Hazardous materials descriptions and proper shipping names.	Hazard class	Identification number	Label(s) required (if not excepted)	(a) Exception	(b) Specific requirements	(a) Passenger carrying aircraft or railcar	(b) Cargo only aircraft	(a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
	(Revise)										
	Arsine	Poison A	UN2188	Poison gas and Flammable gas	None	173.328	Forbidden	Forbidden	1	5	Segregation same as for flammable gases
+	Chloropicrin and methyl chloride mixture	Poison A	UN1582	Poison gas and Flammable gas	None	173.329	Forbidden	Forbidden	1	5	Keep cool. Segregation same as for flammable gases.
	Cyanogen gas	Poison A	UN1026	Poison gas and Flammable gas	None	173.328	Forbidden	Forbidden	1	5	Segregation same as for flammable gases
	Germane	Poison A	UN2192	Poison gas and Flammable gas	None	173.328	Forbidden	Forbidden	1	5	Segregation same as for flammable gases
E	Hydrocyanic acid (prussic) solution (5% or more hydrocyanic acid) (RQ-10/4.54)	Poison A	UN1613	Poison gas and Flammable gas	None	173.332	Forbidden	Forbidden	1	5	Shade from radiant heat. Aqueous solutions containing more than 20 percent hydrogen cyanide are not permitted in transportation by water. Segregation same as for flammable gases.
E	Hydrocyanic acid, liquefied (RQ-10/4.54)	Poison A	NA1051	Poison gas and Flammable gas	None	173.332	Forbidden	Forbidden	1	5	Segregation same as for flammable gases
	Phosphine	Poison A	UN2199	Poison gas and Flammable gas	None	173.328	Forbidden	Forbidden	1	5	Segregation same as for flammable gases
	(Add)										
	Poisonous liquid or gas, Flammable, n.o.s.	Poison A	NA1953	Poison gas and Flammable gas	None	173.328	Forbidden	Forbidden	1	5	Segregation same as for flammable gases
	(Delete)										
A	Manganese dioxide	ORM-B	NA1479	None	173.505	173.510	No limit	No limit			

2. In § 172.203, paragraph (f) is revised to read:

§ 172.203 Additional description requirements.

* * * * *

(f) *Transportation by air.* When a package containing a hazardous material is offered for transportation by air and this subchapter prohibits its transportation aboard passenger-carrying aircraft, the words "Cargo aircraft only" must be entered after the basic description. However, until July 1, 1983, the words "Cargo-only aircraft" may be used.

* * * * *

3. In § 172.502, the introductory text of paragraph (a) is revised; paragraph (c) is added as follows:

§ 172.502 Prohibited placarding.

(a) Except as provided in paragraph (c) of this section, no person may affix or display on a portable tank, freight container, motor vehicle or rail car any placard described in this subpart unless—

* * * * *

(c) The restriction in paragraphs (a) and (b) of this section do not apply to portable tanks, freight containers, motor vehicles or rail cars which, in addition to any placards required by this Part, may be placarded in conformance with the IMCO Code.

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

4. In § 173.63, paragraph (a)(3) is revised to read:

§ 173.63 High explosives with liquid explosive ingredient.

(a) * * *

(3) Specification 23F or 23H (§ 178.214 or § 178.219 of this subchapter). Fiberboard boxes having one inside 26-gauge metal container, measuring not over 8 inches in diameter and 31 inches long, containing high explosives (ammonium dynamite core) surrounded by a material classed as a blasting agent. Authorized gross weight not to exceed 65 pounds.

* * * * *

5. In § 173.93, paragraph (a)(4) is revised to read:

§ 173.93 Propellant explosives (solid) for cannon, small arms, rockets, guided missiles, or other devices, and propellant explosives (liquid).

(a) * * *

(4) Tight metal cases in tight wooden boxes, not over 200 pounds gross weight; or tight metal containers not over 200 pounds gross weight.

* * * * *

6. In § 173.157, paragraphs (a)(3), (a)(5), (b)(1), and (b)(3) are revised to read:

§ 173.157 Benzoyl peroxide, chlorobenzoyl peroxide (para), cyclohexanone peroxide, dimethylhexane dihydroperoxide, lauroyl peroxide, or succinic acid peroxide, wet.

(a) * * *

(3) Specification 12B (§ 178.205 of this subchapter). Fiberboard box with inside fiber containers securely closed by taping or gluing, or with securely closed inside paper bags lined with polyethylene at least 0.002 inch thick. The net weight (dry weight) in each inside container may not exceed 1 pound. Except for lauroyl peroxide, wet, each inside container must be surrounded by an appropriate fire-resistant cushioning material. The gross weight in Specification 12B65 fiberboard boxes may exceed 65 pounds, but may not exceed 80 pounds, provided the net weight (dry weight) of the contents does not exceed 50 pounds.

* * * * *

(5) Specification 12B (§ 178.205 of this subchapter). Fiberboard box with securely closed inside plastic containers made of polyethylene film at least 0.004 inch thick. The net weight (dry weight) in each inside container may not exceed 25 pounds. Each inside container must be surrounded by an appropriate fire-resistant cushioning material. Authorized only for benzoyl peroxide.

(b) * * *

(1) Specification 12B (§ 178.205 of this subchapter). Fiberboard box with securely closed inside paper bags lined with polyethylene at least 0.002 inch thick. The net weight (dry weight) in each bag may not exceed 1 pound. Each bag must be surrounded by an appropriate fire-resistant cushioning material.

* * * * *

(3) Specification 12B (§ 178.205 of this subchapter). Fiberboard box with securely closed inside plastic containers made of polyethylene film at least 0.004 inch thick. The net weight (dry weight) in each inside container may not exceed 25 pounds. Each inside container must be surrounded by an appropriate fire-resistant cushioning material. The net weight (dry weight) in each outside box may not exceed 50 pounds.

7. In § 173.158, paragraphs (a)(1) and (a)(3) are revised to read:

§ 173.158 Benzoyl peroxide, dry; chlorobenzoyl peroxide (para) dry; cyclohexanone peroxide, dry; lauroyl peroxide, dry; or succinic acid peroxide, dry.

(a) * * *

(1) Specification 15A or 15B (§ 178.168 or § 178.169 of this subchapter). Wooden boxes, with inside fiber containers securely closed by taping or gluing or inside securely closed paper bags lined with 0.002 inch thick polyethylene, not over 1 pound capacity each. Except for lauroyl peroxide, dry, each inside container must be surrounded by an appropriate fire-resistant cushioning material. The net weight in outside container must not exceed 50 pounds, except that for lauroyl peroxide, dry, a net weight not over 100 pounds is authorized.

* * * * *

(3) Specification 12B (§ 178.205 of this subchapter). Fiberboard boxes, with inside fiber containers securely closed by taping or gluing, or inside securely closed paper bags lined with polyethylene not less than 0.002 inch thick, not over 1 pound capacity each. Except for lauroyl peroxide, dry, each inside container must be surrounded by an appropriate fire-resistant cushioning material. The gross weight in Specification 12B65 boxes may be more than 65 pounds, but not more than 80 pounds, provided the net weight of contents does not exceed 50 pounds.

8. In § 173.178, the last sentence of paragraph (a)(1) is revised to read:

§ 173.178 Calcium carbide.

(a) * * *

(1) * * * Maximum rated capacity may not exceed 60 gallons.

* * * * *

9. In § 173.191, paragraph (a)(4) is deleted as follows:

§ 173.191 Phosphorus pentachloride.

(a) * * *

(4) [Reserved]

10. In § 173.245, paragraphs (a)(8) and (a)(11) are deleted as follows:

§ 173.245 Corrosive liquids not specifically provided for.

(a) * * *

(8) [Reserved]

* * * * *

(11) [Reserved]

* * * * *

11. In § 173.249, the introductory text of paragraph (b) is revised to read:

§ 173.249 Alkaline corrosive liquids, n.o.s.; alkaline liquids, n.o.s.; alkaline corrosive battery fluid; potassium fluoride solution; potassium hydrogen fluoride solution; sodium aluminate, liquid; sodium hydroxide solution; potassium hydroxide solution; boiler compound, liquid, solution.

* * * * *

(b) The hazardous materials named in paragraph (a) of this section, when offered for transportation by aircraft, must be packaged as follows (also authorized for transportation by rail freight, highway or water):

* * * * *

12. In § 173.252, the second sentence of paragraph (g)(3) is revised to read:

§ 173.252 Bromine.

* * * * *

(g) * * *

(3) * * * Each bottle must be enclosed in a strong metal can surrounded with an appropriate fire-resistant cushioning material. * * *

13. In § 173.253, paragraph (a)(2) is revised to read:

§ 173.253 Chloracetyl chloride.

(a) * * *

(2) Specification IM (§ 178.17 of this subchapter). Glass carboys in expanded polystyrene packagings. Not authorized for transportation by aircraft.

* * * * *

14. In § 173.257, paragraph (a)(2) is deleted as follows:

§ 173.257 Electrolyte (acid) alkaline corrosive battery fluid.

(a) * * *

(2) [Reserved]

* * * * *

15. In § 173.261, paragraph (b)(2) is revised to read:

§ 173.261 Fire-extinguisher charges.

* * * * *

(b) * * *

(2) Fire-extinguisher charges, consisting of chlorosulfonic acid in a hermetically sealed bottle not exceeding 2 ounces capacity, securely packed in a metal container inclosed in another metal container, the inner metal container being cushioned in the outer metal container with an appropriate fire-resistant cushioning material and the completed package embedded in potassium carbonate in outside fiberboard or wooden boxes.

* * * * *

16. In § 173.264, paragraphs (a)(1), the introductory text of paragraph (a)(8), paragraphs (a)(11) and (a)(19) are revised; paragraph (a)(7), Notes (1) (2) (3) (4) and (5) and footnote for paragraph (8) and (11) are deleted as follows:

§ 173.264 Hydrofluoric acid; White acid.

(a) * * *

(1) Specification 15A, 15B, 15C, 16A, or 19A (§§ 178.168, 178.69, 178.170, 178.185, 178.190 of this subchapter). Wooden boxes with inside containers which are hydrofluoric acid resistant. These containers are authorized only for strengths of acid for which they are adequate, but in no case may the strength of acid exceed 70 percent.

* * * * *

(7) [Reserved]

Note 1.—[Deleted]
Note 2.—[Deleted]
Note 3.—[Deleted]
Note 4.—[Deleted]
Note 5.—[Deleted]

(8) Specification 103AW, 105A100W, 111A100F2, 111A60W2, 111A100W4 (§§ 179.100, 179.101, 179.200, 179.201 of this subchapter). Unlined metal tanks which have been subjected to adequate passivity or neutralization process. Each metal container, before being put into service must be passivated by an efficient method. Authorized only for hydrofluoric acid of 60 to 80 percent strength. If tanks are washed out with water they must be resubjected to passivity before reshipment. * * *.

* * * * *

(11) Specification 103BW, 111A100W4, or 111A60W5 (§§ 179.200, 179.201 of this subchapter). Tank cars, rubber-lined tanks. Authorized only for acid not over 40 percent strength except Specification 111A100W4 tanks are authorized only for acid of 70 percent strength.

* * * * *

(19) Specification 12P (§ 178.211 of this subchapter). Fiberboard boxes with one inside Specification 2U (§ 178.24 of this subchapter) polyethylene container of not over 5-gallon capacity or two inside Specification 2U polyethylene containers of not over 2½-gallon capacity each. Authorized only for acid of 48 to 52 percent.

* * * * *

17. In § 173.266 paragraphs (b)(1) and (c)(4) are revised to read:

§ 173.266 Hydrogen peroxide solution in water.

* * * * *

(b) * * *

(1) Specification 15A, 15B, 15C, 16A, or 19A (§§ 178.168, 178.170, 178.185, 178.190 of this subchpater). Wooden boxes with glass or earthenware inside containers of not more than 1-gallon capacity each. Inside containers must be well cushioned with an appropriate fire-resistant cushioning material. Cushioning of inside containers in outside wooden boxes by means of elastic packing, such as wooden strips or large corks fastened securely in position, is authorized if the completed package will pass the swing test prescribed for boxed carboys in Specification 1A (§ 178.1 of this subchapter).

(c) * * *

(4) Specification 15A, 15B, 15C, 16A, or 19A (§§ 178.168, 178.169, 178.170, 178.185, 178.190 of this subchapter). Wooden boxes with inside containers of polyethylene, or other plastic material resistant to the landing, not over 1-pint capacity of 16 ounces by weight each. Inside containers must be securely cushioned with an appropriate fire-resistant cushioning material.

* * * * *

18. In § 173.267, paragraph (c)(3) is revised to read:

§ 173.267 Mixed acid (nitirc and sulfuric acid) (nitrating acid).

* * * * *

(c) * * *

(3) Each bottle must be placed in a tighty closed metal container and well cushioned therein on all sides with an appropriate fire-resistant cushioning material. The metal container must be packed in the outside container, and well cushioned by incombustible mineral packing material.

19. In§ 173.268 Paragraphs (h) and (i)(3) are revised to read:

§ 173.268 Nitric acid.

* * * * *

(h) Cushioning inside containers. Inside containers must be well cushioned. Except as provided in subparagraph (1) of this paragraph, all material for cushioning must be incombustible mineral material such as whiting, mineral wool, infusorial earth (Kieselguhr), sifted ashes, etc. The use of hay, excelsior, ground cork, or similar material, whether treated or untreated, is prohibited. Where the cushioning material is very fine or powdery, separate partitions for the individual inside containers shall be provided to prevent bottles from shifting and coming in contact with each other, and the box must be tight to prevent sifting of cushioning material.

(i) * * *

(3) Each bottle must be placed in a tightly closed metal container, and well cushioned therein on all sides with an appropriate fire-resistant cushioning material. The metal container must be packed in outside containers, and well cushioned by incombustible mineral packing material.

* * * * *

20. In § 173.269 Paragraph (e) is revised to read:

§ 173.269 Perchloric acid.

* * * * *

(e) Inside containers must be well cushioned with an appropriate fire-resistant cushioning material. The use of hay, excelsior, ground cork, or similar material either treated or untreated, is prohibited. Where the cushioning material is very fine or powdery, separate partitions for the individual inside containers should be provided to prevent the bottles from shifting and coming in contact with each other, and the box must be tight to prevent sifting of cushioning material.

* * * * *

21. In § 173.271 paragraph (a)(19) is added to read:

§ 173.271 Phosphorus oxybromide, phosphorus oxychloride, phosphorus trichloride, and thiophosphoryl chloride.

(a) * * *

(19) Specification 1M (§ 178.17 of this subchapter). Glass carboys in expanded polystyrene packagings. Authorized only for phosphorus oxychloride. Not authorized for transportation by aircraft.

22. In § 173.274, Note 1 of paragraph (a)(1) is revised to read:

§ 173.274 Fluosulfonic acid.

(a) * * *

(1) * * *

Note 1.—Bottles manufactured of Pyrex glass or glass of equal acid resistance, authorized only for material containing an excess of sulfur trioxide, with Pyrex glass stoppers, or glass stoppers of equal acid resistance, ground to fit and held in place by plaster of Paris covered by strong cloth securely tied; each bottle must be placed in a metal container, well cushioned therein with an appropriate fire-resistant cushioning material.

* * * * *

23. In § 173.287, paragraph (b)(4) is revised to read:

§ 173.287 Chromic acid solution.

* * * * *

(b) * * *

(4) Specification 12A or 12B (§§ 178.210 or 187.205 of this subchapter). Fiberboard box with one inside glass container not over 4-fluid ounce capacity, packed in a wax-lined cylindrical fiber carton with metal ends. The bottle closure must consist of a tighty secured, fitted, ground glass stopper. Space between the bottle and the inner surface of the fiber cylinder must be filled with an appropriate fire-resistant cushioning material in sufficient quantity to completely absorb the contents of the bottle in the event of breakage. Not authorized for solutions containing nitric acid.

* * * * *

PART 177—CARRIAGE BY PUBLIC HIGHWAY

24. In § 177.838, the last sentence of paragraph (a) is revised to read:

§ 177.838 Flammable solids and oxidizing materials.

(a) * * * Shipments in water-tight bulk containers do not have to be covered by a tarpaulin or other means.

* * * * *

PART 178—SHIPPING CONTAINER SPECIFICATIONS

25. In § 178.0, § 178.0–3 is added to read:

§ 178.0 Purpose, scope, and applicability.

* * * * *

§ 178.0–3 United Nations symbol and packaging identification code.

(a) In addition to the markings required by this subchapter, packagings may be marked with the United Nations symbol and packaging identification code as provided in Annex 1 of the IMCO Code, provided the person applying these markings has established that the packaging conforms to the applicable provisions of Annex 1 of the IMCO Code.

(1) If an indication of the country in which tests have been carried out is required, the letters "USA" shall be used.

(2) If an indication of "the name of the manufacturer or other identification of the packaging as specified by the competent authority" is required, the name and address or symbol of the person making the mark shall be entered. Symbols, if used, must be registered with the Associate Director for OE. Duplicate symbols are not authorized.

26. In § 178.172, § 178.172–18 paragraph (a) is revised to read:

§ 178.172 Specification 15E; wooden boxes, fiberboard lined.

§ 178.172–18 Closing for shipment.

(a) Box shall be securely closed. Nails, if used, shall be as prescribed in §§ 178.172–9, 178.172–10, 178.172–11, and 178.172–12.

* * * * *

PART 179—SPECIFICATIONS FOR TANK CARS

27. In § 179.201, § 179.201–7(b) is revised to read:

§ 179.201 Individual specification requirements applicable to non-pressure tank car tanks.

§ 179.201–7 Safety relief devices.

(a) * * *

(b) Safety vents, if used, shall be of approved design, at least 1¾ inches inside diameter, made of material not subject to rapid deterioration by the lading, and closed with a frangible disc of lead or other approved material of a thickness that will burst at not more than 100 percent of tank test pressure. Means for holding the disc in place shall be such as to prevent distortion or damage to the disc when applied. The safety vent closure shall be chained or otherwise fastened to prevent misplacement.

* * * * *

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53 and App. A to Part 1)

Note.—The Materials Transportation Bureau has determined that this document will not result in a major economic impact under the terms of Executive Order 12044 and DOT implementing procedures (44 FR 11034), nor a required environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 et seq.). A regulatory evaluation and environmental assessment are available for review in the docket.

Issued in Washington, D.C., on September 3, 1980.

L. D. Santman,

Director, Materials Transportation Bureau.

[FR Doc. 80–28392 Filed 9–17–80; 8:45 am]

BILLING CODE 4910–60–M

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. 80–01; Notice 3]

Federal Motor Vehicle Safety Standards; New Pneumatic Tires for Passenger Cars

AGENCY: National Highway Traffic Safety Administration, Department of Transportation.

ACTION: Final rule.

SUMMARY: Pursuant to petitions by the Japan Automobile Tire Manufacturers Association (JATMA), Michelin Tire Corporation (Michelin), and the Rubber Manufacturers Association (RMA), this notice amends Federal Motor Vehicle Safety Standard No. 109, *New Pneumatic Tires—Passenger Cars,* by adding certain tire size designations to Appendix A of that standard. This notice also corrects some dimensions for a tire size in which RMA calculated those dimensions using the wrong test

rim width. This amendment permits the introduction into interstate commerce of the new tire sizes.

EFFECTIVE DATE: October 20, 1980, if objections are not received before that date.

ADDRESS: Comments should refer to Docket No. 80–01 and be submitted to Docket Section, Room 5108, 400 Seventh Street, S.W., Washington, D.C. 20590. (Docket hours are 8 a.m. to 4 p.m., Monday through Friday.)

FOR FURTHER INFORMATION CONTACT: John Diehl, Office of Automotive Ratings, National Highway Traffic Safety Administration, 400 Seventh Street, S.W., Washington, D.C. 20590 (202–426–0852).

SUPPLEMENTARY INFORMATION: According to agency practice, the National Highway Traffic Safety Administration (NHTSA) responds to petitions for adding new tire sizes to Table I of Appendix A of Standard No. 109 by quarterly issuing final rules under an abbreviated rulemaking procedure for expediting such routine amendments. Guidelines for this procedure were published at 33 FR 14964; October 5, 1968, and amended at 36 FR 8298; May 4, 1971; 36 FR 13601; July 22, 1971, and 39 FR 28990; August 13, 1974. Those guidelines provide that these final rules become effective 30 days after their date of publication in the **Federal Register** if no comments objecting to them are received by NHTSA during this 30 day period. If objections are received, regular rulemaking procedures for issuing and amending motor vehicle safety standards are initiated.

On May 19, 1980, JATMA petitioned for the addition of a tire size to an existing table within Table I of Appendix A of Standard 109. On June 25, 1980, Michelin petitioned for the addition of two new tire sizes to an existing table. RMA petitioned for the addition of four new tire sizes to existing tables on May 27, June 6, July 10, and July 14. Additionally, RMA filed a petition requesting changes to the physical dimensions published for a tire size, because RMA had erroneously calculated those dimensions using the wrong test rim width.

The bases for accepting or denying requests to add new tire size designations to the tire tables are set forth in the introductory guidelines to Appendix A. Briefly, the tests are the appropriateness of the information submitted for inclusion in the tire tables and the appropriateness of the location within the tables of the requested tire size. The seven new tire size designations requested to be added to Standard No. 109 appear to meet these criteria. Accordingly, the JATMA, Michelin, and RMA petitions are granted, and seven new tire sizes are added to Table I of Appendix A of the Standard pursuant to the abbreviated rulemaking procedures. Additionally, the RMA request to correct the physical dimensions for a previously published tire size is granted, and the correction is made.

In consideration of the foregoing, 49 CFR 571.109 is amended as specified below, subject to the 30-day comment period outlined above.

§ 571.109 New Pneumatic Tires—Passenger Cars [Appendix amended]

1. Tables I–K, I–T, I–KK, I–QQ, and I–WW are amended by adding the following new tire size designations and corresponding values:

Table I–K.—*Tire Load Ratings, Test Rims, Minimum Size Factors, and Section Widths for "60 Series" Bias Ply Tires*

Tire size [1] designation	Maximum tire loads (pounds) at various cold inflation pressures (pounds per square inch)													Test rim width (inches)	Minimum size factor (inches)	Section width [2] (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
N60–14	1,500	1,600	1,700	1,790	1,880	1,970	2,050	2,130	2,210	2,280	2,360	2,430	2,500	8	39.17	11.65

[1] The letter "H", "S", or "V" may be included in any specified tire size designation adjacent to or in place of a "dash."
[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

Table I–T.—*Tire Load Ratings, Test Rims, Minimum Size Factors, and Section Widths for "70 Series" Radial Ply Tires*

Tire size [1] designation	Maximum tire loads (pounds) at various cold inflation pressures (pounds per square inch)													Test rim width (inches)	Minimum size factor (inches)	Section width [2] (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
235/70 R15	1,200	1,290	1,360	1,440	1,510	1,580	1,650	1,710	1,770	1,830	1,895	1,950	2,010	6½	36.50	9.21

[1] The letter "H", "S", or "V" may be included in any specified tire size designation adjacent to the "R".
[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

Table I–KK.—*Tire Load Rating, Test Rims, Minimum Size Factors and Section Widths for "P/60" Series ISO-Type Tires*

Tire size [1] designation	Maximum tire loads (kilograms) at various cold inflation pressures (kPa)									Test rim width (inches)	Minimum size factor (mm)	Section [2] width (mm)
	120	140	160	180	200	220	240	260	280			
P205/60R15	415	450	480	510	540	565	590	615	635	5½	817	203
P225/60R15	490	525	565	595	630	660	690	720	745	6	859	223

[1] The letters "D" for diagonal and "B" for bias belted may be used in place of the "R."
[2] Actual section width and overall width shall not exceed the specified width by more than the amount specified in § 4.2.2.2.

Table I–QQ.—*Tire Load Ratings, Test Rims, Minimum Size Factors, and Section Widths for All Milimetric "55 Series" Radial Ply Tires (TR or JM Rims)*

Tire size [1] designation	Maximum tire loads (pounds) at various cold inflation pressures (pounds per square inch)													Test rim width (mm)	Minimum size factor (mm)	Section width [2] (mm)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
240/55 R415	1,095	1,170	1,240	1,300	1,370	1,430	1,490	1,545	1,600	1,655	1,710	1,760	1,810	180	909	245

[1] The letter "H", "S", or "V" may be included in any specified tire size designation adjacent to the "R".
[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

Table I-WW.—*Tire Load Rating, Test Rims, Minimum Size Factors and Section Widths for "P/ " Series ISO-Type Tires*

Tire size [1] designation	Maximum tire loads (kilograms) at various cold inflation pressures (kPa)									Test rim width (inches)	Minimum size factor (mm)	Section [2] width (mm)
	120	140	160	180	200	220	240	260	280			
P215/65R14	465	500	535	570	600	630	655	680	710	6	837	216
P215/65R15	485	525	560	595	625	660	685	715	740	6	862	216

[1] The letters "D" for diagonal and "B" for bias belted may be used in place of the "R."
[2] Actual section width and overall width shall not exceed the specified width by more than the amount specified in § 4.2.2.2.

2. Table I–LL is amended, with the following values substituted for the T155/D9016 tire size:

Table I–LL.—*Tire Load Rating, Test Rims, Minimum Size Factors and Section Widths for "T/ " Series 60 lb/in² Tires*

Tire size [1] designation	Maximum tire loads (pounds at 60 lb/in² cold inflation pressure)									Test rim width (inches)	Minimum size factor (inches)	Section [2] width (inches)
	—	—	—	—	—	—	—	—	—			
T155/D9016					60 lb/in² / 2,335 lbs					4	32.48	5.98

[1] The letters "D" for diagonal and "B" for bias belted may be used in place of the "R."
[2] Actual section width and overall width shall not exceed the specified width by more than the amount specified in § 4.2.2.2.

Interested persons are invited to submit comments on these additions. Comments must be limited so as not to exceed 15 pages in length. Necessary attachments may be appended without regard to the 15 page limit. This limitation is intended to encourage commenters to detail their primary arguments in a concise fashion. Those persons desiring to be notified upon receipt of their comments in the rules docket should enclose a self-addressed, stamped postcard in the envelope with their comments. When the comments are received, the docket supervisor will return the post card by mail.

The agency has reviewed the impacts of this rule and determined that permitting the introduction of these tire sizes will benefit those manufacturers desiring to produce these sizes, and will have no effect on those manufacturers who do not. The public will be minimally affected by this rule. Accordingly, NHTSA has determined that this is not a significant regulation within the meaning of Executive Order 12044.

The program official and attorney responsible for the development of this rule are John Diehl and Stephen Kratzke, respectively.

(Secs. 103, 119, 201, and 202, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1407, 1421, and 1422); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8)

Issued on September 8, 1980.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 80-28394 Filed 9-17-80; 8:45 am]

BILLING CODE 4910-59-M

INTERSTATE COMMERCE COMMISSION

49 CFR Part 1048

[Ex Parte MC 37 (Sub-27)]

Commercial Zones; Spokane, Wash., Commercial Zone

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

SUMMARY: By decision entered October 28, 1977, in Ex Parte MC 37 (Sub-27), *Spokane, Wash., Commercial Zone*, 128 M.C.C. 376 (1977), the Commission modified the definition of the limits of the zone which is adjacent to and commercially a part of Spokane, WA, within the meaning of 49 U.S.C. 10526(b) [formerly section 203(b)(8) of the Interstate Commerce Act]. The new definition was added to part 1048 of Chapter X of Title 49 of the Code of Federal Regulations at 49 CFR 1048.17. However, notice of the new definition inadvertently was not published in the **Federal Register** and, consequently, does not appear in the Code of Federal Regulations. The purpose of this notice is to correct this omission by publication of the definition at this time.

EFFECTIVE DATE: September 18, 1980.

FOR FURTHER INFORMATION CONTACT:
Thomas J. Barry (202) 275–7982,
or
Donald J. Shaw, Jr. (202) 275–7292.

SUPPLEMENTARY INFORMATION: Part 1048 of Chapter X of Title 49 of the Code of Federal Regulations has been amended by addition of the following:

§ 1048.17 Spokane, Wash.

The zone adjacent to, and commercially a part of Spokane, WA, within which transportation by motor vehicle, in interstate or foreign commerce, not under control, management, or arrangement for shipment to or from points beyond such zone, is partially exempt from regulation under 49 U.S.C. 10526(b) includes and is comprised of all points as follows:

(a) the municipality of Spokane, WA, itself,

(b) all points within a line drawn 8 miles beyond the municipal limits of Spokane;

(c) all points within that area more than 8 miles beyond the municipal limits of Spokane bounded by a line as follows: From the intersection of the line described in (b) above and U.S. Highway 2, thence westerly along U.S. Highway 2 to junction Brooks Road, thence southerly along Brooks Road to junction Hallett Road, thence easterly along Hallett Road to its intersection with the line described in (b) above;

(d) all of any municipality any part of which is within the limits of the combined areas in (b) and (c) above; and

(e) all of any municipality wholly surrounded, or so surrounded except for a water boundary, by the municipality of Spokane or any other municipality included under the terms of (d) above.

Issued under the authority of 49 U.S.C. 10321 and 10526(b) and 5 U.S.C. 553.

Issued at Washington, D.C.

Agatha L. Mergenovich,

Secretary.

[FR Doc. 80-28825 Filed 9-17-80; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 32

National Wildlife Refuges in Indiana and Michigan; Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulations.

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

DATES: Effective on September 18, 1980, for duration of seasons noted below for individual refuge areas.

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

John Popowski, Area Manager, U.S. Fish and Wildlife Service, 1405 S. Harrison Rd., Room 202, East Lansing, Mich. 48823. Telephone (517) 337–6614.

Charles E. Scheffe, Refuge Manager, Muscatatuck National Wildlife Refuge, P.O. Box 631, Seymour, Indiana 47274. Telephone (812) 522–4352.

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

Robert G. Johnson, Refuge Manager, Shiawassee National Wildlife Refuge, 6975 Mower Road, Route 1, Saginaw, Mich. 48601. Telephone (517) 777–5930.

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

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

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

§ 32.22 Special regulations, upland game; for individual wildlife refuge areas.

Indiana

Muscatatuck National Wildlife Refuge

Muscatatuck National Wildlife Refuge will be open to hunting of two upland game species—rabbit and quail. Dates are: rabbit, November 7, 1979–January 31, 1981. Quail: November 7–December 25, 1980. Area of hunting is on the Muscatatuck National Wildlife Refuge, Indiana, only on refuge lands lying south of Myer Road, designated by signs as open to hunting. The area comprises 1,320 acres.

Michigan

Seney National Wildlife Refuge

Seney National Wildlife Refuge will be open to hunting of upland game species in accordance with all applicable State regulations subject to the following conditions: 1. Ruffed Grouse hunting is permitted only on 33,525 acres of the refuge designated as Area B from September 15 through November 12, 1980. Snowshoe hare hunting is permitted only on 33,525 acres of the refuge designated as Area B from October 1, through November 12, 1980. 2. Snowshoe Hare may be taken from December 1, 1980 through February 28, 1981 on 85,200 acres designated as Area A and Area B. 3. All motorized conveyances are prohibited from traveling on dikes or off established roads and trails. Motorized bikes, all-terrain vehicles and snowmobiles are not permitted on the refuge.

§ 32.32 Special regulations; big game; for individual refuge areas.

Michigan

Seney National Wildlife Refuge

Seney National Wildlife Refuge will be open to hunting of big game species in accordance with all applicable State regulations subject to the following conditions: 1. Deer and bear archery hunting is permitted only on 33,525 acres of the refuge designated as Area B, from October 1 through November 12, 1980 and deer only on the 85,200 acres of refuge designated as Area A and Area B, from December 1 through December 15, 1980. 2. Deer and bear may be taken by archers only from October 1 through November 12, 1980 and by gun hunters only from November 15 through November 30, 1980. Bear may not be taken with the aid of dogs. 3. Camping is permitted only west of the Driggs River except in designated wilderness area during the gun season. A Camp Registration Permit, obtainable at refuge headquarters, is required. 4. All motorized conveyances are prohibited from traveling on dikes or off established roads and trails. Motorized bikes, all-terrain vehicles and snowmobiles are not permitted on the refuge.

Shiawassee National Wildlife Refuge

Archery deer hunting is permitted on the entire refuge area from 6 a.m. to 7 p.m. EST each day from December 1, 1980 through December 31, 1980; with the exception of 1,500 acres known as the Johnson Tract, which will be closed to archery hunting from December 5, 1980 through December 14, 1980, only. Muzzle-loading firearms hunting for deer is permitted on the 1,500 acres known as the Johnson Tract from 6 a.m. to 7 p.m. each day from December 5, 1980 through December 14, 1980, only. Hunting shall be in accordance with all State regulations covering the hunting of deer, subject to the following conditions:

1. All bow and arrow hunters, and muzzle-loading firearm hunters, must

possess a valid Federal permit. These permits must be carried by the hunter whenever on refuge lands.

2. Applications for Federal permits must be received at the refuge office on or before October 31, 1980.

3. All hunters must exhibit their hunting license, Federal permit, deer tag, game, and vehicle contents to Federal and State officers upon request.

4. Bow and arrow hunters, and muzzle-loading firearm hunters, are prohibited from constructing or using any permanent blind, platform or scaffold.

5. All muzzle-loading guns must be a .44 caliber or larger.

6. There will be three permit periods each period comprising three to four days in length.

7. The harvest will consist of bucks only.

8. No archery deer hunting will occur within the muzzle-loader zone during the muzzle-loader hunt.

Dated: September 9, 1980.

Richard O. Winters,

Acting Area Manager.

[FR Doc. 80-28834 Filed 9-17-80; 8:45 am]

BILLING CODE 4310-55-M

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50 CFR Part 32

Certain National Wildlife Refuges in Oklahoma and Texas; Upland Game Hunting

AGENCY: U.S. Fish and Wildlife Service, Interior.

ACTION: Special Regulations.

SUMMARY: The Director has determined that the opening to hunting of certain National Wildlife Refuges in the states of Oklahoma and Texas is compatible with the objectives for which these areas were established, will utilize a renewable national resource, and will provide additional recreational opportunity to the public. This document establishes special regulations effective for the approaching upland game hunting season.

EFFECTIVE DATES: September 1, 1980 through February 15, 1981.

FOR FURTHER INFORMATION CONTACT: The Refuge Manager at the address and/or telephone number listed below in the body of these Special Regulations.

General

Public hunting is permitted on the National Wildlife Refuges indicated below in accordance with 50 CFR Part 32 and the following Special Regulations. Special conditions applying to individual refuges are listed on leaflets available at refuge headquarters and from the Area Manager, U.S. Fish and Wildlife Service, 300 E. 8th Street, Room G–121, Austin, Texas 78701.

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

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

Public hunting shall be in accordance with all applicable Federal and State laws and regulations subject to the following conditions:

§ 32.22 Special regulations; upland game; for individual wildlife refuge area.

Oklahoma

Sequoyah National Wildlife Refuge, Route 1, Box 18A, Vian, Oklahoma, 74962, telephone 918–773–5251. Upland Game.

Special conditions: Hunting seasons are as follows: squirrel, September 1, 1980 through January 1, 1981; quail, November 20, 1980 through the last day of the regular 1980–81 waterfowl season; rabbits, October 1, 1980 through the last day of the regular 1980–81 waterfowl season. Hunting shall be in accordance with all applicable State regulations covering the hunting of quail, squirrel, and rabbits, subject to the following special conditions:

1. Only shotguns without slug ammunition or longbow and arrow are permitted.

2. Firearms and/or archery equipment are prohibited in area not posted as open to public hunting, except the Kerr-McClellan Navigation Channel where they must be cased or broken down.

3. Dogs may be used for hunting quail or rabbit, but must be under immediate control or supervision and restrained from pursuit of protected species.

4. Camping or possession of firearms on the refuge from sunset to sunrise is prohibited.

5. All vehicles must be parked in designated parking areas as shown on maps available at refuge headquarters and at leaflet boxes thoughout the public hunting area.

Tishomingo National Wildlife Refuge, P.O. Box 248, Tishomingo, Oklahoma, 73460, telephone number 405–371–2402. Upland Game.

Special conditions: (1) Bobwhite, cottontail, and swamprabbit hunting is permitted in Zones 1 and 2 of the Management Unit during duck season on those dates and during the same hours that duck hunting is permitted in the area, except that it may not begin before November 20, 1980. After duck season these species may be hunted everyday until sunset through February 1, 1981 (for bobwhite) or through March 1, 1981 (for cottontails and swamprabbits). (2) A special permit is not required, but hunters must report to designated check stations during duck season and upon request furnish information regarding their hunts. (3) Vehicular access is available only during duck season, and vehicles must use only existing roads. (4) Dogs may be used for hunting and retrieving.

Washita National Wildlife Refuge, Route 2, Box 100, Butler, Oklahoma, 73625, telephone number 405–473–2205. Upland Game.

Special conditions: (1) Hunting seasons are as follows: quail, November 20, 1980 through February 1, 1981; rabbit, November 20, 1980 through February 1, 1981. (2) Shotguns only will be allowed for quail and rabbit hunting. Hunting is permitted Mondays, Tuesdays, Thursdays, Saturdays and all legal national holidays.

Texas

Aransas National Wildlife Refuge (Matagorda Unit), P.O. Box 100, Austwell, Texas, 77950, telephone number 512–286–3559. Upland Game.

Special Conditions: (1) Unless otherwise specified, all laws and regulations published by the Texas Parks and Wildlife Department concerning bobwhite quail hunting will be applicable. (2) Shotguns only will be allowed for quail hunting. (3) Hunting hours will be from 8:00 a.m. until 4:00 p.m. throughout the designated season. (4) All hunters must report to the island docks for briefing on endangered species and hunter conduct. Once hunters have arrived on the island they will be transported to or from the hunting area at 8:00 a.m., 12:00 p.m. and 4:00 p.m. only. (5) In the event whooping cranes begin using habitat within the

hunt area, all or portions of that area will be closed to hunting.

The provisions of this special regulation supplement the regulations which govern public hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32. The public is invited to offer suggestions and comments at any time.

Note.—The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 12044 and 43 CFR Part 14.

Effective Date: September 1, 1980.

James J. Hubert,

Acting Area Manager, Austin Texas.

[FR Doc. 80-28835 Filed 9-17-80; 8:45 am]

BILLING CODE 4310-55-M

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50 CFR Part 32

Hunting; Certain National Wildlife Refuges in California

AGENCY: U.S. Fish and Wildlife Service, Sacramento Area Office.

ACTION: Special Regulations.

SUMMARY: The Director has determined that the opening to hunting of certain National Wildlife Refuges in California is compatible with the objectives for which these areas were established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public. This document establishes special regulations effective for the upcoming hunting seasons for migratory birds and upland game.

EFFECTIVE DATES: October 18, 1980 through January 18, 1981.

FOR FURTHER INFORMATION CONTACT: The Refuge Manager at the address or telephone number listed below in the body of Special Regulations.

General Conditions

Hunting on portions of the following refuges shall be in accordance with applicable State and Federal regulations, subject to additional Special Regulations and conditions as indicated. Portions of refuges which are open to hunting are designated by signs and/or delineated on maps. Special conditions applying to individual refuges are listed on the maps available at refuge headquarters. No vehicle travel is permitted except on designated roads and trails.

§ 32.12 Special regulations: Migratory game birds; for individual wildlife refuge areas.

Migratory game birds, except pigeons and doves, may be hunted on the following refuges:

Salton Sea National Wildlife Refuge, P.O. Box 247, Calipatria, California 92233, Telephone number (714) 348–2323.

Special Conditions: (1) Hunters using the UNION TRACT must use goose decoys and must hunt from their blind site; (2) No alcoholic beverages are permitted within the hunting area.

Kern National Wildlife Refuge, P.O. Box 219, Delano, California 93215, Telephone Number (805) 725–5284.

Special Conditions: (1) All persons assigned to the space blind unit must remain within 50 feet of the numbered steel post (blind site), except when pursuing cripples, placing decoys or traveling to and from the parking lot; (2) Hunters assigned to the space blind unit must travel to and from parking areas and blind sites with firearms unloaded.

Merced National Wildlife Refuge, Headquarters: San Luis National Wildlife Refuge, P.O. Box 2176, Los Banos, California 93215, Telephone Number (805) 725–2767.

Sacramento National Wildlife Refuge, Route 1, Box 311, Willows, California 95988, Telephone Number (916) 934–2801.

Special Conditions: (1) All persons assigned to the spaced blind unit must remain in their blind except when pursuing cripples or retrieving birds, placing decoys or traveling to and from the parking lot. All shooting must be from assigned blinds only, except when pursuing crippled birds; (2) No snipe may be taken in the spaced blind unit; (3) Hunters assigned to the spaced blind unit must travel to and from parking areas and blinds with firearms unloaded.

Colusa National Wildlife Refuge, Route 1, Box 311, Willows, California 95988, Telephone Number (916) 934–2801.

Delevan National Wildlife Refuge, Route 1, Box 311, Willows, California 95988, Telephone Number (916) 934–2801.

Sutter National Wildlife Refuge, Route 1, Box 311, Willows, California 95988, Telephone Number (916) 934–2801.

Kesterson National Wildlife Refuge, P.O. Box 2176, Los Banos, California 93635, Telephone Number (209) 826–3508.

San Luis National Wildlife Refuge, P.O. Box 2176, Los Banos, California 93635, Telephone Number (209) 826–3508.

Clear Lake National Wildlife Refuge, Headquarters: Klamath Basin National Wildlife Refuges, Route 1, Box 76, Tulelake, California 96134, Telephone Number (916) 667–2231.

Special Conditions: (1) Air-thrust and inboard water-thrust boats are prohibited.

Lower Klamath National Wildlife Refuge, Headquarters: Klamath Basin National Wildlife Refuges, Route 1, Box 74, Tulelake, California 96134, Telephone Number (916) 667–2231.

Special Conditions: (1) During the first two days of waterfowl season, all hunters, 16 years of age and older, must have in their possession an entry permit for the controlled hunting unit in which they are hunting; (2) Posted retrieving zones are established on certain hunting units. Possession of firearms in these retrieving zones is prohibited, except unloaded firearms may be taken through these zones when necessary to reach or leave hunting areas. Decoys may not be set in retrieving zones; (3) Air-thrust and inboard water-thrust boats are prohibited; (4) Bow hunters must follow the same regulations as firearm hunters, the use of long bow is permitted; (5) Legal waterfowl shooting hours end at 1:00 p.m. daily on all California portions of the refuge; (6) No person may possess any weapon or ammunition that may not be legally used for the taking of waterfowl or pheasants.

Tule Lake National Wildlife Refuge, Headquarters: Klamath Basin National Wildlife Refuges, Route 1, Box 75, Tulelake, California 96134, Telephone Number (916) 667–2231.

Special Conditions: (1) During the first two days of waterfowl season, all hunters, 16 years of age and older, must have in their possession an entry permit for the controlled hunting unit in which they are hunting; (2) Posted retrieving zones are established on certain hunting units. Possession of firearms in these retrieving zones is prohibited, except, unloaded firearms may be taken through these zones when necessary to reach or leave hunting areas. Decoys may not be set in retrieving zones; (3) Air-thrust and inboard water-thrust boats are prohibited; (4) In designated spaced blind areas, hunters may not possess any loaded firearm further than 100 feet from the established blind stakes. Hunters will select blind sites by lottery at the beginning of each day's hunt. Hunters may shoot only from within their assigned blind sites; (5) No person may possess any weapon or ammunition that may not be legally used for taking waterfowl or pheasants; (6) The use of long bow is permitted. Bow hunters must follow the same regulations as

firearm hunters; (7) Legal waterfowl shooting hours end at 1:00 p.m. daily.

Modoc National Wildlife Refuge, P.O. Box 1610, Alturas, California 96101, Telephone Number (916) 233–3572.

Special Conditions: (1) First weekend only, entry permits are required to enter the hunting area for every individual with the exception of persons under 16 years of age; (2) After first weekend, hunting permitted on Tuesdays, Thursdays, and Saturdays during authorized seasons; (3) Hunters are required to enter hunting area via designated parking sites; (4) Hunting area is open for access from 90 minutes after sunset on days hunting is permitted.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

Ring-necked pheasant only may be hunted on the following refuge areas:

Colusa National Wildlife Refuge, Route 1, Box 311, Willows, California 95988, Telephone Number (916) 934–2801.

Delevan National Wildlife Refuge, Route 1, Box 311, Willows, California 95988, Telephone Number (916) 934–2801.

Kern National Wildlife Refuge, P.O. Box 219, Delano, California 93215, Telephone Number (805) 725–5284.

Special Condition: No pheasant hunting is permitted in the spaced blind unit.

Merced National Wildlife Refuge, P.O. Box 2176, Los Banos, California 93635, Telephone Number (209) 826–3508.

Sacramento National Wildlife Refuge, Route 1, Box 311, Willows, California 95988, Telephone Number (916) 934–2801.

Special Condition: No pheasant hunting is permitted in the spaced blind unit.

San Luis National Wildlife Refuge, P.O. Box 2176, Los Banos, California 95988, Telephone Number (209) 826–3508.

Sutter National Wildlife Refuge, Route 1, Box 311, Willows, California 95988, Telephone Number (916) 934–2801.

Lower Klamath National Wildlife Refuge, Headquarters: Klamath Basin National Wildlife Refuges, Route 1, Box 74, Tulelake, California 96134, Telephone Number (916) 667–2231.

Special Conditions: (1) Pheasant may not be hunted in the controlled waterfowl hunting area or in the retrieving zones; (2) In the controlled pheasant hunting area, entry permits are required throughout the pheasant season for all hunters 16 years of age or older. Advance reservations are required for the first two days of the hunt. Advance reservations are also available for the following seven days; (3) No person may possess any weapon or ammunition that may not be legally used for the taking of pheasant.

Tule Lake National Wildlife Refuge, Headquarters, Klamath Basin National Wildlife Refuges, Route 1, Box 74, Tulelake, California 96134, Telephone Number (916) 667–2231.

Special Conditions: (1) Pheasant may not be hunted in the controlled waterfowl hunting area or in the retrieving zones; (2) In the controlled pheasant hunting area, entry permits are required throughout the pheasant season for all hunters 16 years of age or older. Advance reservations are required for the first two days of the hunt. Advance reservations are also available for the following seven days; (3) No person may possess any weapon that may not be legally used for the taking of pheasant.

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

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

The primary author of this document is Lynn C. Howard, Sacramento Area Office, telephone FTS 468–4958, com'l (916) 484–4958.

(Sec. 2, 33 Stat. 614, as amended; sec. 5, 43 Stat. 651; sec. 5, 45 Stat. 449; sec. 10, 45 Stat. 1224; sec. 4, 48 Stat. 402, as amended; sec. 4, 48 Stat. 451, as amended; sec. 2, 48 Stat. 1270; sec. 4, 80 Stat. 927; 5 U.S.C. 301, 16 U.S.C. 685, 725, 690d, 715i, 664, 718d, 43 U.S.C. 315a; 16 U.S.C. 460k, 668dd; sec. 2, 80 Stat. 926; 16 U.S.C. 668bb)

Dated: September 11, 1980.

Gene F. Forbes,

Acting Area Manager—California/Nevada, U.S. Fish and Wildlife Service.

[FR Doc. 80–28864 Filed 9–17–80; 8:45 am]

BILLING CODE 4310–55–M

Proposed Rules

Federal Register
Vol. 45, No. 183
Thursday, September 18, 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.

DEPARTMENT OF ENERGY

Economic Regulatory Administration

10 CFR Part 212

[Docket No. ERA-R-80-26]

Maximum Lawful Selling Price for Unleaded Gasoline

AGENCY: Economic Regulatory Administration; Department of Energy.

ACTION: Notice of cancellation of public hearing.

SUMMARY: On August 8, 1980 the Economic Regulatory Administration of the Department of Energy issued a Further Notice of Proposed Rulemaking and Public Hearing (45 FR 54694, August 15, 1980) concerning several methods for imputing the May 15, 1973 selling price for unleaded gasoline. Two public hearings were announced in the Notice, one in Los Angeles, California on September 18, 1980, and one in Washington, D.C. on September 24, 1980. The California public hearing is hereby cancelled because there were no requests to make an oral presentation of comments.

FOR FURTHER INFORMATION CONTACT:

Lorrain Hall (Public Hearings Division), Economic Regulatory Administration, Room B-210, 2000 M Street, N.W., Washington, D.C. 20461 (202) 653-3974;

William L. Webb (Office of Public Information), Economic Regulatory Administration, Room B-110, 2000 M Street, N.W., Washington, D.C. 20461 (202) 634-2170; or

Chuck Boehl (Office of Regulatory Policy), Economic Regulatory Administration, Room 7108, 2000 M Street, N.W., Washington, D.C. 20461 (202) 653-3220.

Issued in Washington, D.C., September 12, 1980.

Douglas G. Robinson,

Deputy Administrator for Policy, Economic Regulatory Administration.

[FR Doc. 80-29062 Filed 9-17-80; 8:45 am]

BILLING CODE 6450-01-M

10 CFR Parts 503, 504, and 506

[Docket No. ERA-R-80-17]

Calculation for the Cost of Using Alternate Fuels Under the Powerplant and Industrial Fuel Use Act of 1978

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Extension of time for public comment on proposed rulemaking.

SUMMARY: On June 23, 1980, the Economic Regulatory Administration (ERA) issued a notice of proposed rulemaking to implement certain cost calculation provisions of the Powerplant and Industrial Fuel Use Act of 1978 (FUA or the Act). The comment period expired August 20, 1980. It has been brought to the attention of ERA that certain documents originally placed in the public file were mistakenly withdrawn prior to expiration of the public comment period, making it impossible for interested persons to review and comment upon all documents originally included in the public file relating to the proposed rulemaking proceeding. As a result, ERA is reopening the comment period for thirty days, to expire on October 20, 1980.

DATE: Comments should be received by October 20, 1980, by 4:30 p.m.

ADDRESSES: The documents are now located in the Public Information Office, Room B-110, 2000 M Street, N.W., Washington, D.C. Comments should be sent to: Department of Energy, Public Hearing Management, Docket No. ERA-R-80-17, Room B-210, 2000 M Street, N.W., Washington, D.C. 20461, and identified on the outside envelope and on each document with the designation "Calculation for the Cost of Using Alternate Fuel Under the Powerplant and Industrial Fuel Use Act of 1978." Fifteen copies should be submitted. All comments received will be available for public inspection in the ERA Office of Public Information, Room B-110, 2000 M Street, N.W., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT:

William L. Webb, Office of Public Information, Economic Regulatory Administration, Department of Energy, Room B-110, 2000 M Street, N.W., Washington, D.C. 20461 (202) 653-4055.

Stephen M. Stern, Office of Regulatory Policy, Economic Regulatory Administration, Department of Energy, Room 7002, 2000 M Street, N.W., Washington, D.C. 20461 (202) 653-3217.

Robert L. Davies, Office of Fuels Conversion, Economic Regulatory Administration, Department of Energy, Room 3002, 2000 M Street, N.W., Washington, D.C. 20461 (202) 653-3649.

G. Randolph Comstock, Office of General Counsel, Department of Energy, Room 6G-087, 1000 Independence Avenue, S.W., Washington, D.C. 20585 (202) 252-2967.

SUPPLEMENTARY INFORMATION: On June 23, 1980, the Economic Regulatory Administration (ERA) issued a notice of proposed rulemaking to implement certain cost calculation provisions of the Powerplant and Industrial Fuel Use Act of 1978 (FUA or the Act), 42 U.S.C. 8301 *et seq.* See 45 FR 42190. FUA provides for exemptions from the prohibitions of the Act in the case of new and existing facilities where it is demonstrated that the cost of using an alternate fuel "substantially exceeds" the cost of using imported petroleum. The Act also authorizes ERA to issue orders prohibiting the use of petroleum and natural gas in certain existing facilities if ERA finds that the use of an alternate fuel is "financially feasible." In addition, ERA is empowered to issue prohibition orders if use of a mixture of petroleum or natural gas and an alternate fuel is found to be "technically and financially feasible." The proposed rule issued by ERA provided the methodology for these FUA cost calculations and solicited comments thereon.

The comment period expired August 20, 1980. It has been brought to the atttention of ERA that certain documents originally placed in the public file were mistakenly withdrawn prior to expiration of the public comment period, making it impossible for interested persons to review and

comment upon all documents originally included in the public file relating to the proposed rulemaking proceeding. As a result, ERA is reopening the comment period for thirty days.

Any information or data considered to be confidential must be also identified and submitted in writing, one copy only. ERA reserves the right to determine the confidential status of the information or data and to treat it according to its determination.

Issued in Washington, D.C., on September 11, 1980.

Hazel R. Rollins,

Administrator Economic Regulatory Administration.

[FR Doc. 80-28830 Filed 9-17-80; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 80-AWE-14]

Alteration of Control Zone

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the description of the San Clemente Island, Calif, control zone by raising the ceiling from 5,000 feet MSL to 6,000 feet MSL and adding an extension. This proposed alteration would increase air safety by providing controlled airspace from Control Area 1177 to the San Clemente Island terminal area.

DATES: Comments must be received on or before October 20, 1980.

ADDRESSES: Send comments on the proposal in triplicate to:

Director, FAA Western Region, Attention: Chief, Air Traffic Division, Docket No. 80-AWE-14, Federal Aviation Administration, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009.

The official docket may be examined at the following location: FAA Office of the Chief Counsel, Rules Docket (AGC-204), Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591.

An informal docket may be examined at the office of the Regional Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:

Lewis Still, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591; telephone: (202) 426-8525.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received on or before October 20, 1980 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue, SW., Washington, D.C., 20591, or by calling (202) 426-8058. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

The Proposal

The FAA is considering an amendment to Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) that would raise the ceiling of the San Clemente Island, Calif., control zone from 5,000 feet MSL to 6,000 feet MSL and alter the control zone by adding an extension northward to the boundary of Control Area 1177. This action would permit aircraft operations at the Naval Auxiliary Landing Field, San Clemente Island to remain under continuous Instrument Flight Rules (IFR) control while en route to and from the mainland. Section 71.171 of Part 71 was republished in the **Federal Register** on January 2, 1980 (45 FR 356).

ICAO Considerations

As part of this proposal relates to the navigable airspace outside the United States, this notice is submitted in consonance with the International Civil Aviation Organization (ICAO) International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of, and Annex 11 to, the Convention on International Civil Aviation, which pertains to the establishment of air navigational facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as republished (45 FR 356) as follows:

Under § 71.171 San Clemente Island, Calif., would be revised to read as follows:

"Within a 5-mile radius of NALF San Clemente (Lat. 33°01'20" N., Long. 118°35'15" W.) extending upward from the surface to and including 6,000 feet MSL and within 3 miles on either side of the San Clemente 334°T(320°M) radial extending from the 5-mile radius to

Control Area 1177. The control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time thereafter will be continuously published in the Airport/Facility Directory."

(Secs. 307(a), 313(a), and 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a), and 1510; Executive Order 10854 (24 FR 9565); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.65)

Note.—The FAA has determined that this document involves a proposed regulation which is not significant under Executive Order 12044, as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). Since this regulatory action involves an established body of technical requirements for which frequent and routine amendments are necessary to keep them operationally current and promote safe flight operations, the anticipated impact is so minimal that this action does not warrant preparation of a regulatory evaluation and a comment period of less than 45 days is appropriate.

Issued in Washington, D.C., on September 9, 1980.

B. Keith Potts,

Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 80-28520 Filed 9-17-80; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 18605/80-AWA-6]

Alteration of Group II Terminal Control Area; Kansas City, Mo.

Correction

In FR Doc. 80-26709 appearing at page 58136 in the issue for Tuesday, September 2, 1980, make the following correction:

In § 71.401(b) appearing on page 58138, in the first column, under **"Kansas City, Mo., Terminal Control Area"**, in the paragraph *"Area C."*, in the 12th line, "98°00'00" W." should read "95°00'00" W.".

BILLING CODE 1505-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 240 and 249

[Release No. 34-17138; File No. S7-851]

FOCUS Reporting System; Requirements for Financial Reporting

AGENCY: Securities and Exchange Commission.

ACTION: Proposed amendments to Form and Rule 17a-5.

SUMMARY: The Commission proposes to revise and clarify certain financial and operational reporting requirements of the FOCUS reporting system and requests additional information to be used for regulatory and policy-making purposes by the Commission with respect to brokers and dealers. Certain forms now required would be eliminated. Paragraph (d) of Rule 17a-5 would be amended to require that two copies of the Annual Audited Report of Financial Statements be sent to the Commission's principal office in Washington, D.C., instead of the one copy currently required. This change is necessitated by the requirements of the Commission's micrographics program. In addition, the Commission requests interested persons to give their assessment of the present FOCUS reporting system and suggestions for modifying that system within the context of the proposed amendments.

DATE: Comments must be received on or before October 15, 1980.

ADDRESSES: All comments should be directed in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Comments should refer to File No. S7-851 and will be available for public inspection at the Commission's Public Reference Room, Room 6101, 1100 L Street, N.W., Washington, D.C.

FOR FURTHER INFORMATION CONTACT: James G. Moody, Division of Market Regulation, Securities and Exchange Commission, Washington, D.C. 20549, (202) 272-2370; or William J. Atkinson, Directorate of Economic and Policy Analysis, Securities and Exchange Commission, Washington, D.C. 20549, (202) 523-5493.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission today announced proposed amendments to Part I, Part II, and Part IIA of Form X-17A-5 (17 CFR 249.617), a financial and operational combined uniform single report under the Securities Exchange Act of 1934. Schedules I, II, and III of Form X-17A-5 and the Commission's Quarterly Survey of Specialists would be eliminated. The proposed amendments would revise the Form so as to clarify certain financial and operational reporting requirements of securities brokers and dealers, to require more detailed reporting of some items, and to eliminate or consolidate other items. Rule 17a-5 would be amended to require the filing of two copies of the annual audited report at the headquarters office instead of the single copy now required.

Introduction

Section 17(a)(1) of the Securities Exchange Act of 1934 provides that the Commission shall prescribe by rule the records to be kept and the reports to be made and disseminated by brokers and dealers. Under that section, the Commission has adopted Rule 17a-5 which is the basic reporting rule for brokers and dealers. It requires the filing of Form X-17A-5, the Financial and Operational Combined Uniform Single Report ("FOCUS Report"), which was the result of years of study and comment by representatives of the securities industry through advisory committees and through the normal rule proposal method.[1] The FOCUS Report was designed to eliminate all of the overlapping regulatory reports required by various self-regulatory groups and the Commission and to reduce reporting burdens as much as possible.

Rule 17a-5 requires three kinds of reports: (1) A monthly form (Part I of the FOCUS Report) which must be filed by every broker or dealer who clears transactions or carries customer securities; (2) a bifurcated quarterly reported composed of a comprehensive Part II which must be filed by every broker or dealer who clears transactions or carries customer accounts and a less detailed Part IIA which must be filed by brokers and dealers which do not clear transactions or carry customer accounts; and (3) an annual report that must be filed by every broker or dealer (with certain narrow exceptions) and audited by an indpendent public accountant.

The FOCUS Report and the annual audited report are the primary means of monitoring the financial condition of brokers and dealers and enforcing the financial responsibility rules. The completed forms are also used to determine which firms are engaged in various securities-related activities, the extent of those activities, and how economic events and government policies might affect various segments of the securities industry.

In the adopting release, the Commission stated its intention to periodically review the FOCUS Report "* * * in order to continue modifying and updating the financial and operational reporting systems to keep pace with the changing securities industry."[2] Because of the recent problems experienced in the securities industry and the changing nature of the business in the last several years, that

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[1] The Commission adopted the FOCUS Report as of January 1, 1976. See Securities Exchange Act Release No. 11935, December 17, 1975; 40 FR 59706, December 30, 1975.

[2] Id., at six.

time has come again. The amendments are proposed in this release (1) to provide more useful information that will assist the Commission in monitoring the operations and financial condition of broker-dealers and in evaluating the likely effect of proposed and existing regulations on the industry, (2) to define items more clearly so information will be reported in a consistent manner by all firms, and (3) to streamline the FOCUS Report and associated requirements so that the reporting burden is minimized, consistent with the attainment of other public policy objectives.

In general, changes are proposed to Part I of the FOCUS Report which would reorganize the Form so that it would follow a more logical progression from an accounting and operational viewpoint. Certain items such as a Schedule of Operational Exposure Items would be added to the Form, which would increase its value as a management and surveillance tool. The changes to Parts II and IIA of the FOCUS Report would require firms to disclose areas of potential exposure not now sought. Among other things, the form will request data on commodities and commodity futures contracts for delayed deliveries and standby transactions and affiliates and subsidiaries of the broker or dealer. The present Statement of Income (Loss) will be revised to provide more precise categories for revenue and expense items. Finally, certain schedules now required to be filed can be eliminated as unnecessary.

In reviewing the reporting requirements and in proposing amendments to the FOCUS Report, members of the Commission's staff have consulted informally with the staffs of self-regulatory organizations. Committees of the Securities Industry Association, broker-dealers, and accountants were also asked for and provided their views on changes to the reporting system. The recommended amendments to the FOCUS Report embody the contributions of all the parties.

Proposed Amendments

Part I of Form X-17A-5 [§ 249.617] [3]

Part I as amended would be completely reorganized and contain an appended Schedule of Operational Exposure Items. The revised Part I would follow a more logical progression from an accounting and operational viewpoint and would therefore have more value as a management and surveillance tool. The Commission would be especially interested in receiving comments from the public concerning the appropriate parameters for determining when a security or commodity position should be deemed concentrated.

Part II of Form X-17A-5 [§ 249.617] [4]

The proposed amendments discussed below are described in the order in which the particular statement or schedule appears in Part II.

(1) The cover page of Part II would be revised to indicate if subsidiaries or affiliates of a broker-dealer which are consolidated in accordance with Appendix C are guaranteed or flow-through and to clarify the distinction between broker-dealers that are required to file Part II from those that must file Part IIA.

A sentence will be added to the Excecution block on the cover page referring the signing parties to a sample letter of representation which will be included in the general instructions. This proposal would give the parties signing the report an opportunity to review the representations they are making.

(2) Cash segregated in compliance with federal and other regulations [page one of Part II].[5]

This item would be expanded into separate categories consisting of cash segregated in compliance with SEC Rules 15c2-4 (Transmission or maintenance of payments received in connection with underwritings) and 15c3-3 (Customer protection-reserves and custody of securities) as well as the Commodity Exchange Act. The final category would be All other. This proposal would give a more meaningful picture of the broker-dealer's regulatory cash position.

(3) Omnibus accounts [page one of Part II].

This item would be amended to include a category for commodity accounts.

(4) Clearing organizations [page one of Part II].

This item would also be amended to include a category for commodity accounts.

(5) Receivables from customers [page one of Part II].

The Securities accounts section of this item would include a category for Cash consisting of Delivery Versus Payment and Other. The Commodity accounts section of this item would include separate categories for regulated and other. The line items requesting information on assets "Includable in Formula for Reserve Requirements" would be eliminated.

(6) Receivables from non-customer [page one of Part II].

This item now consists of the combined categories of Cash and fully secured accounts and Partly secured and unsecured accounts. These items would be broken out into four independent categories and a category requesting data on commodity accounts would be added. This would generate a more comprehensive picture of receivables from non-customers.

(7) Securities purchased under agreements to resell [page one of Part II].

This item will have a new sub-category entitled Matched repurchase agreements. This will aid in determining the extent to which this type of business is currently being conducted by broker-dealers.

(8) Securities and spot commodities owned at market value [pages one and two of Part II]. This item would be amended to read "Securities and spot commodities owned at market value—including long positions in arbitrage accounts." The category that is now listed as Arbitrage would be eliminated. A new item, Direct participation programs, would be added.

(9) Securities Borrowed Under Subordination Agreements and Partners' Individual and Capital Securities Accounts, at Market Value [page two of Part II].

The instructions to this section would be amended to indicate clearly that, if a partner contributes capital through a secured demand note, the excess value of these securities over the face value of the secured note should also be added to this item.

(10) Secured demand notes-market value of collateral [page two of Part II].

A cash category would be added to this item to give a more complete picture.

(11) Other Assets [page two of Part II].

This item would be modified to require that any miscellaneous asset that is more than five percent of a broker-dealer's excess net capital be listed. A new category listing taxes receivable would be added to this item.

(12) Bank loans payable [page three of Part II].

New categories would be added to this item which would determine if the bank loans payable are collateralized by customer securities or assets which would not normally be deducted in computing net capital. A second new category would require the firm to report the amount of its bank overdrafts.

[3] The text of the proposed amended Part I is appended hereto as Appendix A.

[4] The text of the proposed amended Part II is attached hereto as Appendix B.

[5] All page numbers in brackets refer to the current FOCUS Part II.

(13) Payable to brokers or dealers and clearing organizations [page three of Part II].

A Commodity accounts section would be added to the Omnibus and Clearing accounts categories under this item. A Securities Accounts section would also be added to the Clearing Organizations Section. Line items requesting information relating to Reserve Formula Computations (except for "securities loaned") would be eliminated.

(14) Payable to customers: [page three of Part II].

The Commodities accounts category under this item would be sub-divided to determine if the liability is includable in the Commodity Exchange Act Segregated Funds computation.

(15) Securities sold not yet purchased at market value—including arbitrage [page three of Part II].

The heading for this item would be changed to "Securities and commodities sold short—including short positions in arbitrage accounts." Sub-categories under this item would be added to correspond with those listed under Securities and spot commodities owned at market value. The options category under this item would be divided into covered and uncovered subcategories.

(16) Accounts Payable and Accrued Liabilities and Expenses [page three of Part II].

This item would be amended to combine line 23–B, Accounts Payable, and 23–E, Accrued expenses and other liabilities. This combination would eliminate any confusion concerning which items should be listed in each category.

(17) Notes and mortgages payable [page four of Part II].

The secured category would be expanded to determine if the notes and mortgages payable are secured by assets which would normally be deducted in computing net capital or by some other assets.

(18) Total unsubordinated liabilities.

This is a new item designed to differentiate between subordinated and unsubordinated liabilities.

(19) Total liabilities [page four of Part II].

This item would be modified to specify total subordinated liabilities.

(20) Commodity futures contracts and spot commodities—proprietary capital charges [page five of Part II].

Three sub-categories will be added to this item to determine if the proprietary capital charge applies to Financial futures, Precious metals, or Other.

(21) Deductions and/or changes [page five of Part II].

The total non-allowable assets from Statement of Financial Condition category of this item would be expanded to request data on charges related to exempt securities. The additional charges for customers and non-customers commodity accounts section would specifically refer to futures, forward and spot commodity accounts including omnibus accounts. The Commodity futures contracts and spot commodities proprietary capital section of this category would specifically include commodity forward contracts and the other deductions and/or charges section would be expanded to require data on specific types of deductions and charges.

(22) Haircuts on Securities: (computed where applicable pursuant to 15c3–1(f): [page five of Part II].

The Contractual securities commitments category of this item would be expanded to request data on charges related to exempt and non-exempt securities. The Subordinated securities borrowings category would be changed to suspense accounts and the Options section of the Trading and Investment securities category would specify if the options are covered or uncovered.

(23) Capital Ratios [page six of Part II].

The instructions to these items would be amended to make clear that all ratios should be reported as whole percents.

(24) Statement of Income (Loss) [page seven of Part II].

The Statement of Income (Loss) would be replaced by a new, more detailed Statement of Revenue and Expense.[6] The new Statement will enable the Commission to better identify which firms are involved in various securities-related activities and to determine the amount of revenues firms derive from these activities. These data will be useful to the Commission in considering the effects of economic events and public policies on various segments of the securities industry, and it will also be useful to the securities industry for managerial and financial planning purposes. Retail mark-ups/mark-downs would be reported separately from other gains (losses) on principal transactions. Gains (losses) from making a market, on an exchange or over the counter, in various kinds of securities would be reported separately. Gains (losses) would be further classified into four categories: interest, dividends, other realized gains (losses), and unrealized gains (losses). Underwriting and other investment banking activities would be subclassified. Interest income and expense would be segmented into major categories in order to provide a better picture of how firms finance their securities-related activities and the amount of income they obtain by lending funds to customers and other firms.

Comments are requested regarding the merits of a proposal to allow smaller firms to file less detailed revenue and expense data on a quarterly basis. Under this proposal, only about three hundred of the largest firms would be required to file a more detailed Statement on a quarterly basis. These firms account for 95% of the securities industry's total assets and 85% of its gross revenues. The remainder of the industry would be required to file the more detailed Statement on an annual basis. Firms filing the more detailed Statement on an annual basis would be required to file a condensed version of the Statement quarterly. Smaller firms could also choose, voluntarily, to file the more detailed data quarterly.

(25) Monies borrowed collateralized by securities carried for the accounts of customers (see Note B) [page eight of Part II].

This item would be modified to read Monies borrowed and letters of credit collateralized by securities carried for the accounts of customer (see Note B).

(26) Market Value of short securities count differences over 30 calendar days old [page eight of Part II].

The words "or seven days if net capital is computed under Rule 15c3–1(f)" would be added to this item.

(27) Market value of short securities and credits (not to be offset by longs or by debits) in all suspense accounts over 30 calendar days [page eight of Part II].

The words "or seven days if net capital is computed under Rule 15c3–1(f)" would be added to this item.

(28) Information for Possession or Control Requirements (Under Rule 15c3–3) [page nine of Part II].

The sub-category concerning customers' fully paid and excess margin securities not in the possession of the broker-dealer has been deleted, as this figure is seldom used and often unreliable. In addition the reference notes currently found in § 240.15c3–3 would be added to Part II as a handy reference.

(29) Financial and Operational Data [page thirteen of Part II].

The Financial and Operational Data report will be replaced by a more comprehensive two-part report entitled Operational Exposure Items.[7]

[6] The text of the proposed Statement of Revenue and Expense is attached hereto as Appendix C.

[7] The text of the proposed Operational Exposure Items is attached hereto as Appendix D.

Part IIA of Form X-17A-5 [§ 249.617][8]

Part IIA of the FOCUS Report would be amended to make item in Part II and IIA comparable.

Schedule I

Schedule I of Form X-17A-5 requires the reporting of general information designed to measure certain economic and financial characteristics of a registered broker or dealer. Schedule I is a calendar year unconsolidated report which is filed by all registrants as a supplement to the regular fourth quarter Part II or IIA of Form X-17A-5 within seventeen business days after the end of the quarter. Certain information contained in Schedule I would be incorporated in Parts II and IIA in a new two-part report entitled Operational Data and Average Securities and Commodities Positions.[9] Schedule I would be eliminated.

Schedule II

Schedule II of Form X-17A-5 requires the listing of annual revenue and expense items, annual net income, and certain balance sheet items on both a consolidated and unconsolidated basis. The income and expense figures reported on Schedule II reflect the aggregate of all income and expenses during the calendar year. Schedule II of Form X-17A-5 will be eliminated.

Schedule III

Schedule III of Form X-17A-5 is an unconsolidated report required to be filed by any broker or dealer which files Part II of Form X-17A-5 and has annual gross revenue related to their securities business of $10 million or more for a calendar year. Schedule III of Form X-17A-5 will be eliminated.

Rule 17a-5 (§ 240.17a-5)

Paragraph (d) of Rule 17a-5 would be amended to require that two copies of the Annual Audited Report of Financial Statements be sent to the Commission's principal office in Washington, D.C., instead of the one copy currently required. This change is necessitated by the requirements of the Commission's micrographics program.

Impact on the Securities Industry

About 4,800 firms file Schedule I and about 3,000 firms file Schedule II annually. The elimination of these schedules would reduce the industry's reporting burden by about 648,000 line items per year. Schedule III is filed annually by approximately 125 firms. The elimination of this schedule would reduce the industry's reporting burden by about 12,500 items per year.

In addition, the Commission proposes to eliminate its quarterly Survey of Specialists which is filed by approximately 200 firms. Certain data now available only from this survey would be required under the proposed amendments to the FOCUS Report: (1) specialists' floor brokerage received on assigned stocks and options; (2) specialists', trading gains (losses) in assigned stocks and options; and (3) specialists' long and short positions in assigned stocks and options. The elimination of the survey would reduce the industry's reporting burden by about 70,000 line items per year.

More detailed reporting requirements in Parts II and IIA would largely offset the aforementioned reduction in the industry's reporting burden. In addition, Part I would be expanded to contain a new section on Operational Exposure Items. The additional information required is, however, both relevant and necessary to the Commission's regulatory and policy-making concerns.

The Commission does not believe that the proposed amendments to the FOCUS Report would unduly increase the reporting burden on the securities industry. Nevertheless, the Commission requests comments (accompanied by specific factual data, if possible) regarding the impact of the proposed amendment to the FOCUS Report on the securities industry.

Instructions

No instructions are being published for comment at this time. However, the Commission expects to review all of the current instructions to ensure their accuracy. No major changes are contemplated in the instructions. Brokers and dealers and others who prepare the reports for filing are requested to advise the Commission of any difficulties they have experienced with the instructions.

Conclusion

The Commission believes that the new information requested of brokers and dealers will not generally require much additional effort from brokers and dealers in preparing the FOCUS Report. It is believed that most of the data requested is presently captured by brokers and dealers for internal control purposes. Moreover, by proposing less stringent reporting requirements for small firms, the Commissions has attempted to bring into better balance the regulatory burden imposed on broker-dealers of different sizes and, in particular, to reduce the reporting burden on small businesses engaged in securities activities. This regulatory approach has been successfully implemented with respect to small corporate issuers, and it is the Commission's intention to experiment further with such innovative regulatory techniques. The Commission requests comment on this as well as on any other aspect of the reporting program of the Commission.

Accordingly, the Commission proposes to amend Parts 240 and 249 of Title 17 of the Code of Federal Regulations as follows:

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

1. By amending paragraph (d)(6) of § 240.17a-5 to read as follows:

§ 240.17a-5 Reports to be made by certain brokers and dealers.

* * * * *

(d) * * *

(6) One copy of the annual audit report shall be filed at the regional office of the Commission for the region in which the broker or dealer has its principal place of business and the principal office of the designated examining authority for said broker or dealer. Two copies of said report shall be filed at the Commission's principal office in Washington, D.C. Copies thereof shall be provided to all self-regulatory organizations of which said broker or dealer is a member.

* * * * *

PART 249—FORMS SECURITIES EXCHANGE ACT OF 1934

2. By amending § 249.617 as follows:

§ 249.617 Form X-17A-5, information required of certain brokers and dealers pursuant to section 17 of the Securities Exchange Act of 1934 and § 240.17a-5, § 240.17a-10, § 240.17a-11, and § 240.17a-20 of this chapter.

[The proposed amendments are attached as Appendies A to F.]

Statutory Basis and Competitive Considerations

Pursuant to the Securities Exchange Act of 1934 and particularly section 15(c)(3), 17 and 23 thereof, 15 U.S.C. 78o(c)(3), 78q and 78w, the Commission proposes to amend 17 CFR 249.617 in Part 240 of Chapter II of Title 17 of the Code of Federal Regulations in the manner set forth above. The Commission believes that any burden imposed upon competition by the proposed amendment is necessary and appropriate in furtherance of the

[8] The text of the proposed amended Part IIA is attached hereto as Appendix E.

[9] The text of the proposed report is attached hereto as Appendix F.

purposes of the Act, and particularly to implement the Commission's continuing mandate under section 15(c)(3) thereof, 15 U.S.C. 78o(c)(3), to provide minimum safeguards with respect to the financial responsibility of brokers and dealers.

Request for Comments

All interested persons are invited to submit, in triplicate, their written views and comments concerning the amendments to § 240.17a-5(d)(6) and § 249.617 proposed herein. All communications should be addressed to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, no later than October 15, 1980. All comments received will be available for public inspection.

By the Commission.

George A. Fitzsimmons,

Secretary.

September 9, 1980.

The proposed amendments are attached as Appendixes:

Appendix A—The Text of the Amended Part I.

Appendix B—The Text of the Amended Part II.

Appendix C—The Text of the Proposed Statement of Revenue and Expense.

Appendix D—The Text of the Proposed Report Entitled Operational Exposure Items.

Appendix E—The Text of the Amended Part IIA.

Appendix F—The Text of the Proposed Report Entitled Operational Data and Securities and Commodities Positions.

BILLING CODE 8010-01-M

Appendix A

Name of Broker/Dealer	
Name and Telephone No. of Person Completing This Report	
ID No.	FOR MONTH (IN THOUSANDS - 000's OMITTED)
SEC File No.	

	ITEM	MONTH
1710	1. Subordinated Loan Accounts - Cash	
880	2. Secured Demand Notes - Face Value	
102	3. Secured Demand Notes - Collateral Value	
3520	4. Total Subordinations Allowable for Net Capital	
1011	5. Total Equity Subordinations	
	6. Unconsolidated Income/Expense for the Month:	
3950	a. Trading and Investment Account Profit or (Loss)	
4212	b. Other Gross Income (Loss)	
4201	c. Expenses	
	d. Income Taxes	
	7. Net Profit or (Loss) for the Month	
	8. Other Additions (Exclude Non-Conforming Capital)	
	9. Other Deductions (Exclude Non-Conforming Capital)	
3500	10. Ownership Equity/Capital -- End of Month	
3530	11. Total Debt/Equity	
	Charges to Capital	
	12. Customers' and Non-Customers' Security Accounts	
	a. Cash Margin Deficiency - Exempt Securities	
	b. Cash Margin Deficiency - Non-Exempt Securities	
3560	13. Customers' and Non-Customers' Commodity Accounts	
	14. Money Suspense/Security Suspense/Short Security Differences	
	15. Commodity Suspense	
3540	16. Unsecured Loans and Advances	
101	17. Non-Allowable Assets (Not Includable Above)	
	18. Haircuts on Commodities	
	19. Other Charges to Capital	
	20. Tentative Net Capital Line 11 less 12 thru 19	
	21. Haircuts on Proprietary Security Positions	
	a. Exempt Securities - Including Contractual Commitments	
	b. Non-Exempt Securities - Including Contractual Commitments	
3740	22. Total Haircuts on Securities	
3750	23. Net Capital Line 20 less 22	
	24. Scheduled Capital Withdrawals Within 6 Months	
	25. Net Capital After Withdrawals Line 23 less 24	
	26. A.I./A.D.I.	
3840	a. Aggregate Indebtedness under SEC Rule 15c3-1	
4470	b. Aggregate Debits under SEC Rule 15c3-3 as adjusted	
3760	27. Minimum Net Capital Required	
	28. Ratios: and excess Net Capital	
3850	a. Aggregate Indebtedness to Net Capital	
3851	b. Net Capital to Aggregate Debit Items	
3770	c. Net Capital in Excess of Greater of 6 2/3% of AI or Minimum	
3910	d. Net Capital in Excess of Greater of 4% of ADI or Minimum	
3852	e. Option Deductions Net Capital Ratio	
	Rule 15c3-3 Reserve Formula	
4430	29. Total Credits	
4472	30. Total Debits - net	
4530	31. Net Amount in Reserve Bank Account	
	Commodity Exchange Act - Segregation Requirement	
7060	32. Amount Required to be Segregated	
7180	33. Amount in Segregated	
	Exposure Information	
	34. Firm Security Positions [including contractual commitments	
850	a. Long - Exempt	
	- Non-Exempt	
1620	b. Short - Exempt	
	- Non-Exempt	
	35. Security Concentration - Firm	
	- Customer	
	36. Commodity Concentration - Firm	
	- Customer	
	Statistical Information	
4980	37. Total Tickets	
114	38. Equity Markets a. NASDAQ	
116	b. Other	
770	39. Total Fails a. To Deliver	
1505	b. To Receive	
5362	40. Aged Fails a. To Deliver	
5365	b. To Receive	
	41. Clearing Agency Balances	
810	a. Due from Clearing	
1560	b. Due to Clearing	
750	42. Unrestricted Cash	
	43. Customers' Accounts (Securities)	
310	a. Secured Debits	
	b. Total Credits	
103	44. Securities Borrowed	
540	45. Allowable Assets under SEC Rule 15c3-1	

Name of Broker/Dealer	
Name and Telephone No. of Person Completing This Report	
ID No.	FOR MONTH (IN THOUSANDS - 000's OMITTED)
SEC File No.	

Operational Exposure Items

	No. of Items	Debits (Short Value)	Credits (Long Value)	Deductions in Computing Net Capital
1. Money suspense and balancing differences				
2. Securities differences with money balances unresolved at report date				
3. Market value of short and long security differences without money at report date (other than reported in Item 4 below)				
4. Market value of security record breaks				
5. Unresolved reconciling differences with others at report date				
A. Correspondents and broker/dealers				
B. Depositories				
C. Clearing Organizations				
D. Inter-company and inter-office accounts				
E. Bank Loans				
F. Bank Accounts				
G. Other				
6. Open transfers and reorganization account items over 40 days not confirmed or verified				
TOTAL				
7. Commodity suspense differences unresolved at report date				

Note - Exclude items that were resolved two business days subsequent to the reporting date that were not required to be deducted in computing net capital at the report date.

Appendix B

FOCUS REPORT
(Financial and Operational Combined Uniform Single Report)
PART II

FORM X-17A-5

(Please read instructions before preparing Form.)

This report is being filed pursuant to (Check Applicable Block(s)):

1) Rule 17a-5(a) ☐ 2) Rule 17a-5(b) ☐ 3) Rule 17a-11 ☐

4) Special request by designated examining authority ☐ 5) Other ☐

Name of Broker-Dealer — SEC File No.

Address of Principal Place of Business (Do Not Use P.O. Box No.) — Firm ID. No.

(No. and Street) — For Period Beginning (MM/DD/YY)

(City) (State) (Zip Code) — And Ending (MM/DD/YY)

Name and Telephone Number of Person to Contact in Regard to This Report — (Area Code) - Telephone No.

Name(s) of Subsidiaries or Affiliates Consolidated in This Report Pursuant to Appendix C of Rule 15c3-1:

	Guaranteed	Flow-Thru
	☐	☐
	☐	☐
	☐	☐

Does Respondent Carry Customer Accounts? Yes ☐ No ☐

Does Respondent Clear Transactions? Yes ☐ No ☐

(If you checked "Yes" to either of the two preceding questions, please complete Part II in lieu of Part IIA.)

Was the respondent operating under the alternative method for the computation of the net capital requirement during the reporting period? Yes ☐ No ☐

Is respondent filing an audited report? Yes ☐ No ☐

Execution:

The registrant/broker or dealer submitting this Form and its attachments and the person(s) by whom it is executed represent hereby that all information contained therein is true, correct and complete. It is understood that all required items, statements, and schedules are considered integral parts of this Form and that the submission of any amendment represents that all unamended items, statements and schedules remain true, correct and complete as previously submitted. See letter of representation included in the General Instructions.

TO BE COMPLETED WITH THE ANNUAL AUDIT REPORT ONLY:

INDEPENDENT PUBLIC ACCOUNTANT whose opinion is contained in this Report

Name (If individual, state last, first, middle name) | 70

ADDRESS Number and Street | City | State | Zip Code

71 | 72 | 73 | 74

Check One

( ) Certified Public Accountant 75

( ) Public Accountant 76

( ) Accountant not resident in United States or any of its possessions 77

FOR SEC USE

DO NOT WRITE UNDER THIS LINE . . . FOR SEC USE ONLY

WORK LOCATION	REPORT DATE MM/DD/YY	DOC. SEQ. NO.	CARD	
50	51	52	53	

FINANCIAL AND OPERATIONAL COMBINED UNIFORM SINGLE REPORT
PART II

Broker or Dealer

STATEMENT OF FINANCIAL CONDITION

As of (MM/DD/YY) _____
SEC File No. _____

Consolidated ☐
Unconsolidated ☐

ASSETS

	Allowable	Nonallowable	Total
1. Cash	$		$
2. Cash segregated in compliance with federal and other regulations:			
A. SEC Rule 15c2-4			
B. SEC Rule 15c3-3			
C. Commodity Exchange Act			
D. Other			
E. Total			
3. Receivables from brokers or dealers and clearing organizations:			
A. Failed to deliver			
B. Securities borrowed:			
(1) Customer			
(2) Non-Customer			
C. Omnibus accounts:			
(1) Securities Accounts			
(2) Commodities Accounts:			
a. Includable in CEA Segregated Funds Computation			
b. Other			
D. Clearing organizations:			
(1) Securities Accounts			
(2) Commodities Accounts:			
a. Includable in CEA Segregated Funds Computation			
b. Other			
E. Other			
4. Receivables from customers:			
A. Securities Accounts:			
(1) Cash accounts:			
a. DVP Accounts			
b. Other			
(2) Fully secured accounts			
(3) Partly secured accounts			
(4) Unsecured accounts			
B. Commodity accounts			
(1) Regulated			
(2) Other			
C. Allowance for doubtful accounts	( )	( )	

FINANCIAL AND OPERATIONAL COMBINED UNIFORM SINGLE REPORT
PART II

Broker or Dealer as of _____

STATEMENT OF FINANCIAL CONDITION

5. Receivables from non-customers:			
A. Cash accounts	_____		
B. Fully secured accounts	_____		
C. Partly secured accounts	_____	_____	
D. Unsecured accounts	_____	_____	
E. Commodity accounts	_____	_____	
F. Total non-customers			_____
6. Securities purchased under agreements to resell:			
A. Matched repurchase agreements	_____	_____	
B. All other	_____	_____	
C. Total			_____
7. Securities and spot commodities owned, at market value -- including long positions in arbitrage accounts:			
A. Bankers' acceptances, certificates of deposit and commercial paper	_____		
B. U.S. and Canadian government obligations	_____		
C. State and municipal government obligations	_____		
D. Corporate obligations	_____		
E. Stocks and warrants	_____		
F. Options	_____		
G. Direct participation programs	_____		
H. All other securities	_____		
I. Spot commodities	_____		
J. Total			_____
8. Securities owned not readily marketable:			
A. At cost $_____			
B. At estimated fair value	_____	_____	_____
9. Other investments not readily marketable:			
A. At cost $_____			
B. At estimated fair value	_____	_____	_____
10. Securities borrowed under subordination agreements and partners' individual and capital securities accounts, at market value	_____	_____	_____
A. Exempted securities $_____			
B. Other $_____			
11. Secured demand notes	_____	_____	_____
Market value of collateral:			
A. Exempted securities $_____			
B. Other securities $_____			
C. Cash $_____			
12. Memberships in exchanges:			
A. Owned at market value $_____			
B. Owned at cost		_____	
C. Contributed for use of company, at market value		_____	_____
13. Investment in and receivables from affiliates, subsidiaries and associated partnerships	_____	_____	_____

FINANCIAL AND OPERATIONAL COMBINED UNIFORM SINGLE REPORT
PART II

Broker or Dealer _____ as of _____

STATEMENT OF FINANCIAL CONDITION

14. Property, furniture, equipment, leasehold improvements and rights under lease agreements: At cost (net of accumulated depreciation and amortization).....	_____	_____	_____
15. Other Assets:			
A. Dividends and interest receivables.....	_____	_____	_____
B. Free shipments.....	_____	_____	_____
C. Loans and advances.....	_____	_____	_____
D. Taxes receivable.....	_____	_____	_____
E. Miscellaneous (list if allowable is over 5% of excess net capital)	_____	_____	_____
16. TOTAL ASSETS.....	$_____	$_____	$_____

LIABILITIES AND OWNERSHIP EQUITY

Liabilities	A.I. Liabilities*	Non-A.I. Liabilities*	Total
17. Bank loans payable:			
A. Collateralized by customer securities.....	_____	_____	_____
B. Collateralized by assets which would normally be deducted in computing net capital.....	_____	_____	_____
C. Bank overdrafts.....	_____	_____	_____
D. Other.....	_____	_____	_____
18. Securities sold under repurchase agreements:			
A. Matched repurchase agreements.....		_____	_____
B. All other.....		_____	_____
C. Total.....		_____	
19. Payable to brokers or dealers and clearing organizations:			
A. Failed to receive.....	_____	_____	_____
B. Securities loaned:			
(1) Customer related.....	_____	_____	_____
(2) Other.....	_____	_____	_____
C. Omnibus accounts:			
(1) Securities Accounts.....	_____	_____	_____
(2) Commodity Accounts:			
a. Includable in CEA Computation.....	_____	_____	_____
b. Other.....	_____	_____	_____
D. Clearing organizations:			
(1) Securities Accounts.....	_____	_____	_____
(2) Commodities Accounts:			
a. Includable in CEA Computation.....	_____	_____	_____
b. Other.....	_____	_____	_____
E. Other.....	_____	_____	_____

*If registrant computes its capital under the alternative net capital requirement, only the totals are applicable.

FINANCIAL AND OPERATIONAL COMBINED UNIFORM SINGLE REPORT
PART II

Broker or Dealer _____ as of _____

STATEMENT OF FINANCIAL CONDITION

20.	Payable to customers:			
	A. Securities accounts -- including free credits of..... $_____	_____		_____
	B. Commodities accounts:			
	(1) Includable in CEA Computation.....	_____	_____	_____
	(2) Other.....	_____	_____	_____
21.	Payable to non-customers:			
	A. Securities accounts.....	_____	_____	_____
	B. Commodities accounts.....	_____	_____	_____
22.	Securities and commodities sold short -- including short positions in arbitrage accounts:			
	A. Bankers acceptances, certificates of deposit and commercial paper.....		_____	_____
	B. U.S. and Canadian government obligations....		_____	_____
	C. State and municipal government obligations..		_____	_____
	D. Corporate obligations.....		_____	_____
	E. Stocks and warrants.....		_____	_____
	F. Options:			
	(1) Covered or hedged.....		_____	_____
	(2) Uncovered.....		_____	_____
	G. Other securities.....		_____	_____
	H. Spot commodities.....		_____	_____
	I. Total.....		_____	_____
23.	Accounts payable and accrued liabilities and expenses:			
	A. Drafts payable.....	_____		_____
	B. Accounts payable, accrued expenses and other liabilities.....	_____		_____
	C. Income taxes payable.....	_____		_____
	D. Deferred Income taxes.....			_____
	E. Other.....	_____	_____	_____
24.	Notes and mortgages payable:			
	A. Unsecured.....			
	B. Secured:			
	(1) Secured by assets which would normally be deducted in computing net cpaital.....	_____	_____	_____
	(2) Other.....	_____	_____	_____
25.	TOTAL UNSUBORDINATED LIABILITIES.....	$_____	$_____	$_____

FINANCIAL AND OPERATIONAL COMBINED UNIFORM SINGLE REPORT
Part II

Broker or Dealer _____ as of _____

STATEMENT OF FINANCIAL CONDITION

26. Liabilities subordinated to claims of general creditors:			
A. Cash borrowings			
1. From outsiders $			
2. Includes equity subordination (15c3-1(d)) of $			
B. Securities borrowings, at market value: From outsiders $			
C. Pursuant to secured demand note collateral agreements:			
1. From outsiders $			
2. Includes equity subordination (15c3-1(d)) of $			
D. Exchange memberships contributed for use of company at market value			
E. Accounts and other borrowings not qualified for net capital purposes			
27. TOTAL SUBORDINATED LIABILITIES	$	$	$
Ownership Equity			
28. Sole proprietorship			$
29. Partnership-limited partners $			
30. Corporations:			
A. Preferred stock			
B. Common stock			
C. Additional paid-in capital			
D. Retained earnings			
E. Total			
F. Less capital stock in treasury			( )
31. TOTAL OWNERSHIP EQUITY			$
32. TOTAL LIABILITIES AND OWNERSHIP EQUITY			$

FINANCIAL FOOTNOTES

I. For each subsidiary or affiliate which is consolidated pursuant to Appendix C of Rule 15c3-1, provide the following information:

Name of Subsidiary or Affiliate: _____
Nature of Business: _____

Guaranteed ☐ Flow-Through ☐

Total assets..... $_____

Liabilities:

Subordinated..... $_____

Other..... $_____

Ownership equity..... $_____

Net capital of the subsidiary or affiliate after eliminations and deductions specified in SEC Rule 15c3-1..... $_____

Net capital requirement if any (1)..... $_____
State net increase (decrease) parent's net capital..... $_____
Net income or (loss) before Federal Income Taxes..... $_____

Intercompany receivables or (payables)..... $_____

Were these assets, liabilities and ownership equity consolidated in the broker/dealer's net capital computation under Rule 15c3-1? Yes ☐ No ☐

II. Where not deducted in computing net capital, state the amount of unsecured or partially secured liabilities guaranteed by the broker or dealer, its guaranteed subisidiary or capital flow through affiliate. $_____

III. State the total amount of outstanding letters of credit commitments (including use for options and commodities).

Fully secured..... $_____

Unsecured..... $_____

IV. During the current period, has the organization been the subject of an investigation or proceeding by any government agency or self-regulatory organization? Yes ☐ No ☐

V. During the current period, has the organization been named as a defendant in any new litigation or arbitration proceeding or subjected to claims aggregating in excess of 5% of its net capital or $10,000 or more by a customer? Yes ☐ No ☐ If yes, submit detail.

Aggregate Amount..... $_____

VI. Contingencies

If not shown elsewhere in this report, describe total contingent liabilities which if deducted in computing net capital would result in a capital deficiency under Rule 15c3-1 or capital rules of the designated examining authority.

VII. Management projection of any major change which would affect a change in the firm's Excess Net Capital of at least 5% during the next six months.

Amount..... $_____

Describe significant changes including new product lines, branches acquisition, mergers, contracts, acquisition of non-allowable assets, expansion of customer or proprietary business, operating profits or losses, capital outflow, additional financing and computer systems.

VIII. SECURITY AND COMMODITY CONCENTRATION

	FIRM POSITIONS		CUSTOMER POSITIONS		FIVE LARGEST CUSTOMERS	
	LONG	SHORT	LONG	SHORT	LONG	SHORT
NAME OF EQUITY SECURITY *						
NAME OF COMMODITY - SPOT, FORWARD OR FUTURES *						

* BASED ON EXCEPTION REPORTING CRITERIA

* * * *

	Ledger Balance	Market Value
IX. a. FAILED TO DELIVER - 11 BUSINESS DAYS OR LONGER (21 BUSINESS DAYS OR LONGER FOR MUNICIPAL SECURITIES)	_____	_____
b. FAILED TO RECEIVE - 11 BUSINESS DAYS OR LONGER (21 BUSINESS DAYS OR LONGER FOR MUNICIPAL SECURITIES)	_____	_____

FINANCIAL AND OPERATIONAL COMBINED UNIFORM SINGLE REPORT

PART II

BROKER OR DEALER _____ as of _____

COMPUTATION OF NET CAPITAL

1. Total ownership equity (from Statement of Financial Condition)..... $ _____
2. Deduct: Ownership equity not allowable for net capital..... ( )
3. Total ownership equity qualified for net capital..... _____
4. Add:
   A. Liabilities subordinated to claims of general creditors allowable in computation of net capital..... _____
   B. Other (deductions) or allowable credits (List)..... _____
5. Total capital and allowable subordinated liabilities..... $ _____
6. Deductions and/or charges:
   A. Total non-allowable assets from Statement of Financial Condition (Note B and C)..... $ _____
      1. Additional charges for customers' and non-customers' security accounts..... _____

Charges related to exempt securities:

	Actual Positions	Contractual Positions
Charge included in 6.A.1. above	_____	_____
Total deficits in accounts	_____	_____
Face amount long	_____	_____
Face amount short	_____	_____

      2. Additional charges for customers' and non-customers' futures, forward and spot commodity accounts including omnibus accounts..... $ _____
   B. Aged fail-to-deliver: ..... _____
   C. Aged short security differences—less reserve of..... _____ number of items..... _____
   D. Secured demand note dificiency..... _____
   E. Commodity futures and forward contracts and spot commodities—proprietary capital charges..... _____
      1. Financial futures including foreign currencies..... _____
      2. Precious metals..... _____
      3. Other..... _____
   F. Other deductions and/or charges .....
      1. Securities dividends short..... _____
      2. Deficits in failed to receive and securities loaned..... _____
      3. Insurance claims..... _____
      4. Losses on contractual commitments..... _____
         Exempt securities..... _____
         Non-exempt..... _____
      5. Guarantees..... _____
      6. Miscellaneous..... _____
      7. Total..... _____

G. Deductions for accounts carried under Rule 15c3-1 (a)(6), (a)(7) and (c)(2)(x)..... _____

H. Total deductions and/or charges..... _____

7. Other additions and/or allowable credits (List)..... _____

8. Net Capital before haircuts on securities positions..... $ _____

9. Haircuts on securities: (computed, where applicable, pursuant to 15c3-1 (f)):

A. Contractual securities commitments..... _____

1. Charges related to exempt securities:

	Contractual Positions
Charges included in above	_____
Total mark to market losses	_____
Face amount long	_____
Face amount short	_____

2. Charges related to non-exempt securities..... _____

B. Suspense and difference accounts..... _____

C. Trading and investment securities:

1. Bankers' acceptances, certificates of deposit and commmercial paper..... _____
2. U.S. and Canadian government obligations ..... _____
3. State and municipal government obligations..... _____
4. Corporate obligations..... _____
5. Stocks and warrants..... _____
6. Options: _____
   a. Covered or hedged.....
   b. Uncovered..... _____
7. Arbitrage..... _____
8. Other securities..... _____

D. Undue concentration..... _____

E. Other (list)..... _____

10. Net Capital..... $ _____

OMIT CENTS

FINANCIAL AND OPERATIONAL COMBINED UNIFORM SINGLE REPORT
PART II

BROKER OR DEALER _____ as of _____

COMPUTATION OF BASIC NET CAPITAL REQUIREMENT

Part A

11.	Minimum net capital required (6-2/3% of line 19)	$	3756
12.	Minimum dollar net capital requirement of reporting broker or dealer and minimum net capital requirement of subsidiaries computed in accordance with Note (A)	$	3758
13.	Net capital requirement (greater of line 11 or 12)	$	3760
14.	Excess net capital (line 10 less 13)	$	3770
15.	Excess net capital at 1000% (line 10 less 10% of line 19)	$	3780

COMPUTATION OF AGGREGATE INDEBTEDNESS

16.	Total A.I. liabilities from Statement of Financial Condition		$	3790
17.	Add:			
	A. Drafts for immediate credit	$ 3800		
	B. Market value of securities borrowed for which no equivalent value is paid or credited	$ 3810		
	C. Other unrecorded amounts (List)	$ 3820	$	3830
18.	Deduct: Adjustment based on deposits in Special Reserve Bank Accounts (15c3-1 (c) (1) (vii))		$	3838
19.	Total aggregate indebtedness		$	3840
20.	Percentage of aggregate indebtedness to net capital (line 19 ÷ by line 10)		%	3850
21.	Percentage of Aggregate Indebtedness to net capital *after* anticipated capital withdrawals (line 19 ÷ by line 10 less item 4880 page 11)		%	3853

COMPUTATION OF ALTERNATE NET CAPITAL REQUIREMENT

Part B

22.	4% of combined aggregate debit items as shown in Formula for Reserve Requirements pursuant to Rule 15c3-3 prepared as of the date of the net capital computation including both brokers or dealers and consolidated subsidiaries' debits	$	3870
23.	Minimum dollar net capital requirement of reporting broker or dealer and minimum net capital requirement of subsidiaries computed in accordance with Note (A)	$	3880
24.	Net capital requirement (greater of line 22 or 23)	$	3760
25.	Excess net capital (line 10 less 24)	$	3910
26.	Percentage of Net Capital to Aggregate Debits (line 10 ÷ by line 17 page 8)	%	3851
27.	Percentage of Net Capital, *after* anticipated capital withdrawals, to Aggregate Debits (line 10 less item 4880 page 11 ÷ by line 17 page 8)	%	3854
28.	Net capital in excess of the greater of:		
	A. 5% of combined aggregate debit items or $120,000	$	3920
	B. 7% of combined aggregate debit items or $120,000	$	3930

OTHER RATIOS

Part C

29.	Percentage of debt to debt-equity total computed in accordance with Rule 15c3-1 (d)	%	3860
30.	Options deductions/Net Capital ratio (1000% test) total deductions exclusive of liquidating equity under Rule 15c3-1(a)(6), (a)(7) and (c)(2)(x) ÷ Net Capital	%	3852

NOTES:

(A) The minimum net capital requirement should be computed by adding the minimum dollar net capital requirement of the reporting broker dealer and, for each subsidiary to be consolidated, the greater of:
1. Minimum dollar net capital requirement, or
2. 6-2/3% of aggregate indebtedness or 4% of aggregate debits if alternative method is used.

(B) Do not deduct the value of securities borrowed under subordination agreements or secured demand notes covered by subordination agreements not in satisfactory form and the market values of memberships in exchanges contributed for use of company (contra to item 1740) and partners' securities which were included in non-allowable assets.

(C) For reports filed pursuant to paragraph (d) of Rule 17a-5, respondent should provide a list of material non-allowable assets.

FINANCIAL AND OPERATIONAL COMBINED UNIFORM SINGLE REPORT
PART II

BROKER OR DEALER _____ as of _____

COMPUTATION FOR DETERMINATION OF RESERVE REQUIREMENTS
FOR BROKER-DEALERS UNDER RULE 15c3-3
(See Rule 15c3-3, Exhibit A and Related Notes)

** IN THE EVENT THE NET CAPITAL REQUIREMENTS IS COMPUTED UNDER THE ALTERNATIVE METHOD, THIS "RESERVE FORMULA" SHALL BE PREPARED IN ACCORDANCE WITH THE REQUIREMENTS OF PARAGRAPH (f) OF RULE 15c3-1.

CREDIT BALANCES

1.	Free credit balances and other credit balances in customers' security accounts (see Note A, Exhibit A, Rule 15c3-3)		
2.	Monies borrowed and letters of credit collaterized by securities carried for the accounts of customers (see Note B)		
3.	Monies payable against customers' securities loaned (see Note C)		
4.	Customers' securities failed to receive (see Note D)		
5.	Credit balances in firm accounts which are attributable to principal sales to customers		
6.	Market value of stock dividends, stock splits and similar distributions receivable outstanding over 30 calendar days		
	**Market value of short security count differences over 30 calender days old or 7 days if net capital is computed under Rule 15c3-1(f)		
8.	**Market value of short securities and credits (not to be offset by longs or by debits) in all suspense accounts over 30 calendar days or 7 business days if net capital is computed under 15c3-1(f)		
9.	Market value of securities which are in transfer in excess of 40 calendar days and have not been confirmed to be in transfer by the transfer agent or the issuer during the 40 days		
10.	Other (List)		
11.	TOTAL CREDITS		$

DEBIT BALANCES

12.	**Debit balances in customers' cash and margin accounts excluding unsecured accounts and accounts doubtful of collection net of deductions pursuant Note E, Exhibit A, Rule 15c3-3		
13.	Securities borrowed to effectuate short sales by customers and securities borrowed to make delivery on customers' securities failed to deliver		
14.	Failed to deliver of customers' securities not older than 30 calendar days		
15.	Margin required and on deposit with the Options Clearing Corporation for all option contracts written or purchased in customer accounts (See Note F)		
16.	Other (List)		
17.	**Aggregate debit items		$
18.	**less 3% (for alternative method only--see Rule 15c3-1(f)(5)(i))		( )
19.	TOTAL 15c3-3 DEBITS		$

FINANCIAL AND OPERATIONAL COMBINED UNIFORM SINGLE REPORT
PART II

BROKER OR DEALER _____ as of _____

COMPUTATION FOR DETERMINATION OR RESERVE REQUIREMENTS
FOR BROKER-DEALERS UNDER RULE 15c3-3 (continued)

RESERVE COMPUTATION

20. Excess of total debits over total credits (line 19 less line 11)..... $ _____
21. Excess of total credits over total debits (line 11 less line 19)..... _____
22. If computation permitted on a monthly basis, enter 105% of..... _____
excess of total credits over total debits..... _____
23. Amount held on deposit in "Reserve Bank Account(s)," including value of qualified securities, at end of reporting period..... _____
24. Amount of deposit (or withdrawl) including $ _____ value of qualified securities..... _____
25. New amount in Reserve Bank Account(s) after adding deposit or subtracting withdrawal including value of qualified securities $ _____ ..... $ _____
26. Date of deposit (MMDDYY)..... _____

OMIT CENTS

FREQUENCY OF COMPUTATION

27. Daily _____ Weekly _____ Monthly _____

28. If an exemption from Rule 15c3-3 is claimed, identify below the section upon which such exemption is based (check one only)..... _____
A. (k) (1)—$2,500 capital category as per Rule 15c3-1..... _____
B. (k) (2)(A)--"Special Account for the Exclusive Benefit of customers" maintained..... _____
C. (k) (2)(B)--All customer transactions cleared through another broker-dealer on a fully disclosed basis. _____
Name of clearing firm _____
D. (k) (3)—Exempted by order of the Commission..... _____

Information for Possession or Control Requirements Under Rule 15c3-3

State the market valuation and number of items of:

1. Customers' fully paid securities and excess margin securities not in the respondent's possession control as of the report date (for which instructions to reduce to possession or control had been issued as of the report date) but for which the required action was not taken by respondent within the time frames specified under Rule 15c3-3. Notes G and H.....$ _____
A. Number of items..... _____

2. Customers' fully paid securities and excess margin securities for which instructions to reduce to possession or control had not been issued as of the report date, excluding items arising from "temporary lags which result from normal business operations" as permitted under Rule 15c3-3. Notes H, I, and J..... _____
A. Number of items..... _____

3. The system and procedures utilized in complying with the requirement to maintain physical possession or control of customers' fully paid and excess margin securities have been tested and are functioning in a manner adequate to fulfill the requirements of Rule 15c3-3..... Yes [X] No [ ]

FINANCIAL AND OPERATIONAL COMBINED UNIFORM SINGLE REPORT
PART II

BROKER OR DEALER _____ as of _____

COMPUTATION FOR DETERMINATINON OF RESERVE REQUIREMENTS
FOR BROKER-DEALERS UNDER RULE 15c3-3 (continued)

Note A

Item 1 shall include all outstanding drafts payable to customers which have been applied against free credit balances or other credit balances and shall also include checks drawn in excess of bank balances per the records of the broker or dealer.

Note B

Item 2 shall include the principal amount of Restricted Letters of Credit obtained by members of Options Clearing Corporation which are collateralized by customers' securities.

Note C

Item 3 shall include in addition to monies payable against customers' securities loaned the amount by which the market value of securities loaned exceeds the collateral value received from the lending of such securities.

Note D

Item 4 shall include in addition to customers' securities failed to receive the amount by which the market value of securities failed to receive and outstanding more than thirty (30) calendar days exceeds their contract value.

Note E

(1) Debit balances in margin accounts shall be reduced by the amount by which a specific security (other than an exempted security) which is collateral for margin accounts exceeds in aggregate value 15 percent of all securities which collateralize all margin accounts receivable; provided, however, the required reduction shall not be in excess of the amounts of the debit balance required to be excluded because of this concentration rule. A specified security is deemed to be collateral for a margin account only to the extent it represents in value not more than 140 percent of the customer debit balance in a margin account.

(2) Debit balances in special omnibus accounts, maintained in compliance with the requirements of Section 4(b) of Regulation T under the Act (12 CFR 220.4(b)) or similar accounts carried on behalf of another broker or dealer, shall be reduced by any deficits in such accounts (or if a credit, such credit shall be increased) less any calls for margin, mark to the market, or other required deposits which are outstanding 5 business days or less.

(3) Debit balances in customers' cash and margin accounts included in the formula under Item 10 shall be reduced by an amount equal to 1 percent of their aggregate value.

Note F

Item 15 shall include the amount of margin deposited with Options Clearing Corporation to the extent such margin is represented by cash, proprietary qualified securities, and letters of credit collateralized by customers' securities.

Note G

Do not include in item one customers' fully paid and excess margin securities required by Rule 15c3-3 to be in possession or control but for which no action was required by the respondent as of the report date or required action was taken by respondent within the time frames specified under Rule 15c3-3.

Note H

State separately in response to items 1 and 2 whether the securities reported in response thereto were subsequently reduced to possession or control by the respondent.

Note I

Be sure to include in item 2 only items not arising from "temporary lags which result from normal business operations" as permitted under Rule 15c3-3.

Note J

Item 2 must be responded to only with the report which is filed as of the date selected for the broker's or dealer's annual audit of financial statements, whether or not such date is the end of a calendar quarter. The reponse to item 2 should be filed within 60 calendar days after such date, rather than with the remainder of this report. This information may be required on a more frequent basis by the Commission or the designated examining authority in accordance with Rule 17a-5(a)(2)(iv).

FINANCIAL AND OPERATION COMBINED UNIFORM SINGLE REPORT
PART II

BROKER OR DEALER _____ as of _____

SCHEDULE OF SEGREGATION REQUIREMENTS AND FUNDS IN SEGREGATION

CUSTOMERS' REGULATED COMMODITY FUTURES ACCOUNTS

SEGREGATION REQUIREMENTS

1. Net ledger balance
   a. Cash..... _____
   b. Securities (at market)..... _____
2. Net unrealized profit (loss) in open futures contracts..... _____
3. Net equity (Deficit) (Total of 1 plus or minus 2)..... _____
4. Add: accounts liquidating to a deficit and accounts with debit balances with no open trade*..... _____
5. Amount required to be segregated (Total of 3 plus 4)..... _____

FUNDS ON DEPOSIT IN SEGREGATION

6. Deposited in segregated funds bank accounts:
   a. Cash..... _____
   b. Securities representing investments of customers' funds (at market)..... _____
   c. Securities held for customers in lieu of cash margins (at market)..... _____
7. Margins on deposit with clearing organizations of contract markets:
   a. Cash..... _____
   b. Securities representing investments of customer funds (at market)..... _____
   c. Securities held for customers in lieu of cash margin (at market)..... _____
8. Settlement due from (to) contract market clearing organization..... _____
9. Net equities with other FCMs..... _____
10. Segregated funds on hand:
    a. Cash..... _____
    b. Securities representing investments of customers' funds (at market)..... _____
    c. Securities held for customers in lieu of cash margins (at market)..... _____
11. Total amounts in segregation (Total of 6 through 10)..... _____
12. Excess funds (Insufficiency) in segregation (1 minus 5)..... _____

* State unsecured deficits and debits:
From prior period $_____
From current period $_____

FINANCIAL AND OPERATIONAL COMBINED UNIFORM SINGLE REPORT
PART II

BROKER OR DEALER _____ as of _____

Ownership Equity and Subordinated Liabilities maturing or proposed to be withdrawn within the next six months and accruals, (as defined below), which have not been deducted in the computation of Net Capital.

Type of Proposed withdrawal or Accrual See below for code to enter	Name of Lender or Contributor	Insider or Outsider? (In or Out)	Amount to be Withdrawn (cash amount and/or Net Capital Value of Securities)	(MMDDYY) Withdrawal or Maturity Date	Expect to Renew (yes or no)

TOTAL $_____

OMIT CENTS

* To agree with the total on Recap (Item No. 4880)

Instructions: Detail listing must include the total of items maturing during the six month period following the reported date, regardless of whether or not the capital contribution is expected to be renewed. The schedule must also include proposed capital withdrawals scheduled within the six month period following the report date including the proposed redemption of stock and payments of liabilities secured by fixed assets (which are considered allowable assets in the capital computation pursuant to Rule 15d3-1(c)(2)(iv), which could be required by the lender on demand or in less than six months.

WITHDRAWAL CODE:	DESCRIPTION
1.	Equity Capital
2.	Subordinated Liabilities
3.	Accruals
4.	15c3-1(c)(2)(iv) Liabilities

FINANCIAL AND OPERATIONAL COMBINED UNIFORM SINGLE REPORT
Capital Withdrawals
PART II

BROKER OR DEALER For the period (MMDDYY) from _____ to _____

RECAP

Ownership Equity and Subordinated Liabilities maturing or proposed to be withdrawn within the next six months, non-liquid assets and accruals, which have not been deduced in the computation of net capital.

1.	Equity Capital	
	A. Partnership Capital: (Notes)	
	1. General Partners	_____
	2. Limited	_____
	3. Undistributed Profits	_____
	4. Other (describe below)	_____
	5. Sole Proprietorship	_____
	B. Corporation Capital: (Notes)	
	1. Common Stock	_____
	2. Preferred Stock	_____
	3. Retained Earnings (Dividends and Other)	_____
	4. Other (describe below)	_____
2.	Subordinated Liabilities	
	A. Secured Demand Notes	_____
	B. Cash Subordinations	_____
	C. Debentures	_____
	D. Other (describe below)	_____
3.	Other Anticipated Withdrawals	
	A. Bonuses	_____
	B. Voluntary Contributions to Pension or Profit Sharing Plans	_____
	C. Other (describe below)	_____
	Total	$ _____
4.	Description of Other	

_____

_____

_____

STATEMENT OF CHANGES IN OWNERSHIP EQUITY
(SOLE PROPRIETORSHIP, PARTNERSHIP OR CORPORATION)

1.	Balance, beginning of period		$ _____
	A. Net income (loss)		_____
	B. Additions (Includes non-conforming capital of	$ _____	_____
	C. Deductions (Includes non-conforming capital of	$ _____	_____
2.	Balance, end of period (From Item 1800)		$ _____

STATEMENT OF CHANGES IN LIABILITIES SUBORDINATED
TO CLAIMS OF GENERAL CREDITORS

3.	Balance, beginning of period	$ _____
	A. Increases	_____
	B. Decreases	(_____)
4.	Balance, end of period (From item 3520)	$ _____

OMIT CENTS

NOTES: 1/ Total of personal capital borrowing due within six weeks. _____
2/ Planned capital expenditures for business expansions during next six months.

FINANCIAL AND OPERATIONAL COMBINED UNIFORM SINGLE REPORT
PART II

BROKER OR DEALER

As of (MM/DD/YY) _____
Trade Days Included _____

OPERATIONAL EXPOSURE ITEMS

	No. of Items	Debits (Short Value)	Credits (Long Value)	Deductions in Computing Net Capital
1. Money suspense and balancing differences at report date				
2. Securities differences with related money balances unresolved at report date				
3. Market value of short and long security differences without money at report date (other than reported in Item 4 below)				
4. Market value of security record breaks				
5. Unresolved reconciling differences with others at report date				
(A) Correspondents and broker/dealers				
(B) Depositories				
(C) Clearing Organizations				
(D) Inter-company and inter-office accounts				
(E) Bank loans				
(F) Bank accounts				
(G) Other				
6. Open transfers and reorganization account items over forty days not confirmed or verified				
TOTAL				
7. Commodity suspense and differences unresolved at report date				

*Exclude items resolved two business days subsequent to month end not charged to capital at report date.

OPERATIONAL STATISTICS

8. Number of open customer and non-customer accounts at report date	
(A) Security transactions	
(B) Commodity transactions	
9. Number of tickets (contracts) executed during the reporting period	
(A) Security transactions	
(B) Commodity transactions	
10. Customer extensions of time requested during the reporting period	
(A) Regulation T extensions requested	
(B) SEC 15c3-3(n) extensions requested	
11. Number of corrected customer confirmations mailed after settlement date during the reporting period	
12. Number of customer complaints	
(A) Received during the reporting period	
(B) Unresolved at report date over 60 days old	
13. Number of customer accounts carried by respondent for other brokers or dealers on a fully-disclosed basis at the end of the reporting period	
14. Number of omnibus accounts carried by respondent for other brokers or dealers at the end of the reporting period	
15. Number of customer accounts carried by respondent (other than those carried for other brokers or dealers) at the end of the reporting period	
16. Number of margin accounts carried by respondent at the end of the reporting period	
17. Number of margin accounts that represent in excess of five percent of aggregate margin balances at the end of the reporting period	

FINANCIAL AND OPERATIONAL COMBINED UNIFORM SINGLE REPORT

NAME OF BROKER-DEALER: _____

FOR THE PERIOD (MM/DD/YY) FROM: _ _/_ _/_ _ TO: _ _/_ _/_ _

STATEMENT OF REVENUE AND EXPENSE
(Comprehensive Annual/Quarterly Report)

REVENUES	AMOUNT ($) (Omit Cents)
1. Commissions on transactions in:	
a. Listed stocks and warrants executed on an exchange	
b. Listed stocks and warrants executed over-the-counter	
c. All other stocks and warrants	
d. Listed options	
e. All other options	
f. Municipal securities	
g. Corporate bonds	
h. All other securities	
i. Spot commodities	
j. Futures, forwards, and standbys	
k. Subtotal (1a thru 1j)	$
2. Retail mark-ups/mark-downs on principal transactions in: 1/	
a. Listed stocks and warrants	
b. All other stocks and warrants	
c. Options	
d. Municipal securities	
e. Corporate bonds	
f. All other securities	
g. Spot commodities	
h. Forwards and standbys	
i. Subtotal (2a thru 2h)	$
3. Gains (losses) on firm securities and commodities accounts: 2/	
a. Market making on an exchange in:	
(1) Listed stocks and warrants	
(2) Listed options	
b. Market making over-the-counter in:	
(1) Listed stocks and warrants	
(2) All other stocks and warrants	
c. All other proprietary accounts in:	
(1) Stocks and warrants	
(2) Options	

1/ Mark-ups/mark-downs represent the difference between the current market price and the price charged a customer on a principal transaction.

2/ Include all realized and unrealized gains (losses) on firm securities and commodities accounts, except (1) retail mark-ups/mark-downs on principal transactions and (2) gains (losses) from investment banking and related activities.

	(3) State and municipal government obligations		_____
	(4) U.S. and Canadian government obligations		_____
	(5) Bankers' acceptances, certificates of deposit and commercial paper		_____
	(6) Corporate obligations		_____
	(7) All other securities		_____
	(8) Spot commodities		_____
	(9) Futures, forwards and standbys		_____
d.	Subtotal (3a thru 3c) which includes:		
	(1) Interest income	$_____	
	(2) Dividend income	$_____	
	(3) Unrealized gains (losses) on investment accounts	$_____	
	(4) All other gains (losses) on investment accounts	$_____	
	(5) All other unrealized gains (losses)	$_____	
	(6) All other gains (losses)	$_____	
	(7) Subtotal (3d(1) thru 3d(6))	$_____	
4.	Gains (losses) from investment banking and related activities:		
a.	Sales of direct participation programs 3/		_____
b.	Sales of investment company securities		_____
c.	All other registered stock offerings		_____
d.	All other registered securities offerings		_____
e.	Municipal securities offerings		_____
f.	All other exempted securities offerings		_____
g.	Private placements of securities		_____
h.	Mergers and acquisitions		_____
i.	All other investment banking activities		_____
j.	Subtotal (4a thru 4i)	$_____	
5.	Gross interest income from:		
a.	Margin loans to public customers		_____
b.	Repurchase agreements		_____
c.	Securities loaned		_____
d.	All other loans		_____
e.	Subtotal (5a thru 5d)	$_____	
6.	Floor brokerage and clearance income:		
a.	Specialist floor brokerage in assigned stocks and warrants		_____
b.	Specialist floor brokerage in assigned options		_____
c.	All other floor brokerage		_____
d.	Clearance income		_____
e.	Subtotal (6a thru 6d)	$_____	
7.	All other revenues related to the securities business		_____
8.	All other revenues		_____
9.	Total revenues		_____

3/ A direct participation program is an investment vehicle which provides for flow-through tax consequences regardless of the structure of the legal entity or vehicle for distribution. It includes, but is not limited to, oil and gas programs, real estate programs, agricultural programs, cattle programs, condominium securities, Subchapter S corporate offerings and all other programs of a similar nature, regardless of the industry represented by the program or any combination thereof.

EXPENSES

10. Employment costs:		
a. All employment compensation and benefits paid to:		
(1) Firm owners 4/		
(2) Registered representatives		
(3) All other income-producing employees		
b. All other		
c. Subtotal (10a thru 10b)	$	
11. Gross interest expenses on:		
a. Repurchase agreements		
b. Bank loans collateralized by:		
(1) Customer securities		
(2) Firm securities		
c. Subordinated debt		
d. Securities borrowed		
e. All other obligations		
f. Subtotal (11a thru 11e)	$	
12. Floor brokerage, commissions and clearance		
13. Advertising and promotional		
14. Occupancy		
15. Communications equipment and services		
16. Data processing equipment and services		
17. Regulatory fees and expenses		
18. Losses due to errors and bad debts		
19. Non-recurring charges		
20. All other expenses		
21. Total expenses		

NET INCOME

22. Income (loss) before Federal income taxes (Item 9 less Item 21)		
23. Provision for Federal income taxes (for parent only)		
24. Equity in earnings (losses) of unconsolidated subsidiaries excluded above		
a. After Federal income taxes of	$	
25. Extraordinary gains (losses)		
a. After Federal income taxes of	$	
26. Cumulative effect of changes in accounting principles		
27. Net income (loss) after Federal income taxes and extraordinary items		

4/ Persons that have a direct or indirect equity interest in the firm equal to or greater than five percent of the firm's equity capital.

FINANCIAL AND OPERATIONAL COMBINED UNIFORM SINGLE REPORT

NAME OF BROKER-DEALER: _____

FOR THE PERIOD (MM/DD/YY) FROM: __/__/__ TO: __/__/__

STATEMENT OF REVENUE AND EXPENSE
(Condensed Quarterly Report)

		AMOUNT($) (Omit Cents)
REVENUES		
1.	Commissions on securities and commodities transactions	
2.	Gains (losses) on firm securities and commodities accounts:	
	a. Retail mark-ups/mark-downs	
	b. Interest and dividends	
	c. Unrealized gains (losses) on investment accounts	
	d. All other gains (losses) on investment accounts	
	e. All other realized gains (losses)	
	f. All other gains (losses)	
	g. Subtotal (2a thru 2f) $_____	
3.	Gains (losses) from investment banking and related activities	
4.	Gross interest income from repurchase agreements and loans	
5.	Floor brokerage and clearance income	
6.	All other revenues	
7.	Total revenues	
EXPENSES		
8.	Employment costs	
9.	Gross interest expenses	
10.	Floor brokerage, commissions and clearance	
11.	Losses due to errors and bad debts	
12.	Non-recurring charges	
13.	All other expenses	
14.	Total expenses	
NET INCOME		
15.	Income (loss) before Federal income taxes (Item 7 less Item 14)	
16.	Provision for Federal income taxes (for parent only)	
17.	Equity in earnings (losses) of unconsolidated subsidiaries excluded above	
18.	Extraordinary gains (losses)	
	a. After Federal income taxes of $_____	
19.	Cumulative effect of changes in accounting principles	
20.	Net income (loss) after Federal income taxes and extraordinary items	

FINANCIAL AND OPERATIONAL COMBINED UNIFORM SINGLE REPORT

NAME OF BROKER-DEALER: _____

AS OF (MM/DD/YY): __/__/__

[This report must be completed once each year as of December 31.]

OPERATIONAL DATA	YES	NO
1. Is the firm a member of the Securities Investor Protection Corporation?	☐	☐
2. Does the firm send quarterly statements to customers pursuant to Rule 10b-10(b) in lieu of daily or immediate confirmations?	☐	☐
3. Is the firm a subsidiary of a company ("parent") which is registered as a broker or dealer?	☐	☐
Name of parent: _____		
4. Is the firm a subsidiary of a company ("parent") which is not registered as a broker or dealer?	☐	☐
Name of parent: _____		

5. Number of branch offices operated by the firm at the end of the year. (Exclude the headquarters office.) _____

6. Average number of persons on the firm's payroll during the year.

   a. Firm's owners 1/ _____
   b. Registered representatives: _____
      (1) With limited registration _____
      (2) With general sales registration _____
   c. All other income-producing employees _____
   d. All other employees _____
   e. Total employees _____

7. Aggregate dollar amount of non-exempted, OTC sales of exchange-listed securities effected by the firm during the year (Omit cents). $ _____

1/ Persons who have an equity interest in the firm equal to or greater than five percent of the firm's equity capital.

A Broker or Dealer which does not make a market (either over the counter or on an exchange) in any stock, warrant or option is not required to complete the items below if the aggregate market value of the firm's securities and commodities accounts (long positions plus short positions) is less than $25 million as of the report date. Average positions are to be determined by averaging the market value of overnight positions at the end of each month during the year.

AVERAGE POSITIONS IN SECURITIES AND COMMODITIES

	LONG POSITIONS ($000)	SHORT POSITIONS ($000)
1. Positions for market making on an exchange in:		
a. Listed stocks and warrants		
b. Listed options		
2. Positions for market making over-the-counter in:		
a. Listed stocks and warrants		
b. All other stocks and warrants		
3. All other proprietary positions in:		
a. Stocks and warrants		
b. Options		
c. State and municipal government obligations		
d. U.S. and Canadian government obligations		
e. Bankers' acceptances, certificates of deposit and commercial paper		
f. Corporate obligations		
g. All other securities		
h. Spot commodities		
4. Total (1a thru 3h)		

Appendix C

STATEMENT OF REVENUE AND EXPENSE

The Statement of Revenue and Expense must be filed by every broker or dealer with each required filing of Part II or Part IIA. A broker or dealer may elect to file the Condensed Quarterly Report in lieu of the Comprehensive Quarterly Report provided that: (a) the firm's total revenues during the preceding calendar year amounted to less than $5 million; and (b) the firm's total assets at the end of the preceding calendar year amounted to less than $10 million. Any broker or dealer that files a Condensed Quarterly Report in a given year must also file the Comprehensive Annual Report with the last required filing of Part II or Part IIA for the year.

FINANCIAL AND OPERATIONAL COMBINED UNIFORM SINGLE REPORT

NAME OF BROKER-DEALER: _____

FOR THE PERIOD (MM/DD/YY) FROM: __/__/__ TO: __/__/__

STATEMENT OF REVENUE AND EXPENSE
(Comprehensive Annual/Quarterly Report)

REVENUES	AMOUNT ($) (Omit Cents)
1. Commissions on transactions in:	
a. Listed stocks and warrants executed on an exchange	
b. Listed stocks and warrants executed over-the-counter	
c. All other stocks and warrants	
d. Listed options	
e. All other options	
f. Municipal securities	
g. Corporate bonds	
h. All other securities	
i. Spot commodities	
j. Futures, forwards, and standbys	
k. Subtotal (1a thru 1j) $	
2. Retail mark-ups/mark-downs on principal transactions in: 1/	
a. Listed stocks and warrants	
b. All other stocks and warrants	
c. Options	
d. Municipal securities	
e. Corporate bonds	
f. All other securities	
g. Spot commodities	
h. Forwards and standbys	
i. Subtotal (2a thru 2h) $	
3. Gains (losses) on firm securities and commodities accounts: 2/	
a. Market making on an exchange in:	
(1) Listed stocks and warrants	
(2) Listed options	
b. Market making over-the-counter in:	
(1) Listed stocks and warrants	
(2) All other stocks and warrants	
c. All other proprietary accounts in:	
(1) Stocks and warrants	
(2) Options	

1/ Mark-ups/mark-downs represent the difference between the current market price and the price charged a customer on a principal transaction.

2/ Include all realized and unrealized gains (losses) on firm securities and commodities accounts, except (1) retail mark-ups/mark-downs on principal transactions and (2) gains (losses) from investment banking and related activities.

	(3) State and municipal government obligations		
	(4) U.S. and Canadian government obligations		
	(5) Bankers' acceptances, certificates of deposit and commercial paper		
	(6) Corporate obligations		
	(7) All other securities		
	(8) Spot commodities		
	(9) Futures, forwards and standbys		
d.	Subtotal (3a thru 3c) which includes:		
	(1) Interest income	$	
	(2) Dividend income	$	
	(3) Unrealized gains (losses) on investment accounts	$	
	(4) All other gains (losses) on investment accounts	$	
	(5) All other unrealized gains (losses)	$	
	(6) All other gains (losses)	$	
	(7) Subtotal (3d(1) thru 3d(6))	$	
4.	Gains (losses) from investment banking and related activities:		
a.	Sales of direct participation programs 3/		
b.	Sales of investment company securities		
c.	All other registered stock offerings		
d.	All other registered securities offerings		
e.	Municipal securities offerings		
f.	All other exempted securities offerings		
g.	Private placements of securities		
h.	Mergers and acquisitions		
i.	All other investment banking activities		
j.	Subtotal (4a thru 4i)	$	
5.	Gross interest income from:		
a.	Margin loans to public customers		
b.	Repurchase agreements		
c.	Securities loaned		
d.	All other loans		
e.	Subtotal (5a thru 5d)	$	
6.	Floor brokerage and clearance income:		
a.	Specialist floor brokerage in assigned stocks and warrants		
b.	Specialist floor brokerage in assigned options		
c.	All other floor brokerage		
d.	Clearance income		
e.	Subtotal (6a thru 6d)	$	
7.	All other revenues related to the securities business		
8.	All other revenues		
9.	Total revenues		

3/ A direct participation program is an investment vehicle which provides for flow-through tax consequences regardless of the structure of the legal entity or vehicle for distribution. It includes, but is not limited to, oil and gas programs, real estate programs, agricultural programs, cattle programs, condominium securities, Subchapter S corporate offerings and all other programs of a similar nature, regardless of the industry represented by the program or any combination thereof.

EXPENSES

10. Employment costs:		
a. All employment compensation and benefits paid to:		
(1) Firm owners 4/		_____
(2) Registered representatives		_____
(3) All other income-producing employees		_____
b. All other		_____
c. Subtotal (10a thru 10b)	$ _____	_____
11. Gross interest expenses on:		
a. Repurchase agreements		_____
b. Bank loans collateralized by:		
(1) Customer securities		_____
(2) Firm securities		_____
c. Subordinated debt		_____
d. Securities borrowed		_____
e. All other obligations		_____
f. Subtotal (11a thru 11e)	$ _____	_____
12. Floor brokerage, commissions and clearance		_____
13. Advertising and promotional		_____
14. Occupancy		_____
15. Communications equipment and services		_____
16. Data processing equipment and services		_____
17. Regulatory fees and expenses		_____
18. Losses due to errors and bad debts		_____
19. Non-recurring charges		_____
20. All other expenses		_____
21. Total expenses		_____

NET INCOME

22. Income (loss) before Federal income taxes (Item 9 less Item 21)		_____
23. Provision for Federal income taxes (for parent only)		_____
24. Equity in earnings (losses) of unconsolidated subsidiaries excluded above		_____
a. After Federal income taxes of	$ _____	
25. Extraordinary gains (losses)		
a. After Federal income taxes of	$ _____	_____
26. Cumulative effect of changes in accounting principles		
27. Net income (loss) after Federal income taxes and extraordinary items		_____

4/ Persons that have a direct or indirect equity interest in the firm equal to or greater than five percent of the firm's equity capital.

FINANCIAL AND OPERATIONAL COMBINED UNIFORM SINGLE REPORT

NAME OF BROKER-DEALER: _____

FOR THE PERIOD (MM/DD/YY) FROM: __/__/__ TO: __/__/__

STATEMENT OF REVENUE AND EXPENSE
(Condensed Quarterly Report)

		AMOUNT($) (Omit Cents)
REVENUES		
1.	Commissions on securities and commodities transactions	
2.	Gains (losses) on firm securities and commodities accounts:	
	a. Retail mark-ups/mark-downs	
	b. Interest and dividends	
	c. Unrealized gains (losses) on investment accounts	
	d. All other gains (losses) on investment accounts	
	e. All other realized gains (losses)	
	f. All other gains (losses)	
	g. Subtotal (2a thru 2f) $_____	
3.	Gains (losses) from investment banking and related activities	
4.	Gross interest income from repurchase agreements and loans	
5.	Floor brokerage and clearance income	
6.	All other revenues	
7.	Total revenues	
EXPENSES		
8.	Employment costs	
9.	Gross interest expenses	
10.	Floor brokerage, commissions and clearance	
11.	Losses due to errors and bad debts	
12.	Non-recurring charges	
13.	All other expenses	
14.	Total expenses	
NET INCOME		
15.	Income (loss) before Federal income taxes (Item 7 less Item 14)	
16.	Provision for Federal income taxes (for parent only)	
17.	Equity in earnings (losses) of unconsolidated subsidiaries excluded above	
18.	Extraordinary gains (losses)	
	a. After Federal income taxes of $_____	
19.	Cumulative effect of changes in accounting principles	
20.	Net income (loss) after Federal income taxes and extraordinary items	

Appendix D

FINANCIAL AND OPERATIONAL COMBINED UNIFORM SINGLE REPORT
PART II

BROKER OR DEALER

As of (MM/DD/YY) _____
Trade Days Included _____

OPERATIONAL EXPOSURE ITEMS

	No. of Items	Debits (Short Value)	Credits (Long Value)	Deductions in Computing Net Capital
1. Money suspense and balancing differences at report date				
2. Securities differences with related money balances unresolved at report date				
3. Market value of short and long security differences without money at report date (other than reported in Item 4 below)				
4. Market value of security record breaks				
5. Unresolved reconciling differences with others at report date				
(A) Correspondents and broker/dealers				
(B) Depositories				
(C) Clearing Organizations				
(D) Inter-company and inter-office accounts				
(E) Bank loans				
(F) Bank accounts				
(G) Other				
6. Open transfers and reorganization account items over forty days not confirmed or verified				
TOTAL				
7. Commodity suspense and differences unresolved at report date				

*Exclude items resolved two business days subsequent to month end not charged to capital at report date.

OPERATIONAL STATISTICS

8. Number of open customer and non-customer accounts at report date	
(A) Security transactions	
(B) Commodity transactions	
9. Number of tickets (contracts) executed during the reporting period	
(A) Security transactions	
(B) Commodity transactions	
10. Customer extensions of time requested during the reporting period	
(A) Regulation T extensions requested	
(B) SEC 15c3-3(n) extensions requested	
11. Number of corrected customer confirmations mailed after settlement date during the reporting period	
12. Number of customer complaints	
(A) Received during the reporting period	
(B) Unresolved at report date over 60 days old	
13. Number of customer accounts carried by respondent for other brokers or dealers on a fully-disclosed basis at the end of the reporting period	
14. Number of omnibus accounts carried by respondent for other brokers or dealers at the end of the reporting period	
15. Number of customer accounts carried by respondent (other than those carried for other brokers or dealers) at the end of the reporting period	
16. Number of margin accounts carried by respondent at the end of the reporting period	
17. Number of margin accounts that represent in excess of five percent of aggregate margin balances at the end of the reporting period	

Appendix C

FORM X-17A-5

FOCUS REPORT
(Financial and Operational Combined Uniform Single Report)
PART IIA

(Please read instructions before preparing Form.)

This report is being filed pursuant to (Check Applicable Block(s)):

1) Rule 17a-5(a) ☐ 2) Rule 17a-5(b) ☐ 3) Rule 17a-11 ☐

4) Special request by designated examining authority ☐ 5) Other ☐

Name of Broker-Dealer

SEC File No.

Address of Principal Place of Business (Do Not Use P.O. Box No.)

Firm ID. No.

(No. and Street)

For Period Beginning (MM/DD/YY)

(City) (State) (Zip Code)

And Ending (MM/DD/YY)

Name and Telephone Number of Person to Contact in Regard to This Report

(Area Code) - Telephone No.

Name(s) of Subsidiaries or Affiliates Consolidated in This Report Pursuant to Appendix C of Rule 15c3-1:

	Guaranteed	Flow-Thru
	☐	☐
	☐	☐
	☐	☐

Does Respondent Carry Customer Accounts? Yes ☐ No ☐

Does Respondent Clear Transactions? Yes ☐ No ☐

(If you checked "Yes" to either of the two preceding questions, please complete Part II in lieu of Part IIA.)

Was the respondent operating under the alternative method for the computation of the net capital requirement during the reporting period? Yes ☐ No ☐

Is the respondent filing an audited report? Yes ☐ No ☐

Execution:

The registrant/broker or dealer submitting this Form and its attachments and the person(s) by whom it is executed represent hereby that all information contained therein is true, correct and complete. It is understood that all required items, statements, and schedules are considered integral parts of this Form and that the submission of any amendment represents that all unamended items, statements and schedules remain true, correct and complete as previously submitted. See letter of representation included in the General Instructions.

TO BE COMPLETED WITH THE ANNUAL AUDIT REPORT ONLY:

INDEPENDENT PUBLIC ACCOUNTANT whose opinion is contained in this Report

Name (If individual, state last, first, middle name) | 70

ADDRESS Number and Street | City | State | Zip Code

71 | 72 | 73 | 74

Check One

( ) Certified Public Accountant 75

( ) Public Accountant 76

( ) Accountant not resident in United States or any of its possessions 77

FOR SEC USE

DO NOT WRITE UNDER THIS LINE . . . FOR SEC USE ONLY

WORK LOCATION	REPORT DATE MM/DD/YY	DOC. SEQ. NO.	CARD				
50	51	52	53				

FINANCIAL AND OPERATIONAL COMBINED UNIFORM SINGLE REPORT
PART IIA

Broker or Dealer

STATEMENT OF FINANCIAL CONDITION

As of (MM/DD/YY)
SEC File No.

Consolidated ☐

Unconsolidated ☐

ASSETS

	Allowable	Nonallowable	Total
1. Cash	$		$
2. Cash segregated in compliance with federal and other regulations			
3. Receivables from brokers or dealers:			
A. Clearance Accounts:			
(1) Securities		$	
(2) Commodities			
B. Other			
4. Receivables from non-customers			
(1) Securities			
(2) Commodities			
(3) Other			
5. Securities purchased under agreements to resell:			
A. Matched repurchase agreements			
B. All other			
C. Total			
6. Securities and spot commodities owned, at market value -- including long positions in arbitrate accounts:			
A. Bankers' acceptances, certificates of deposit and commercial paper			
B. U.S. and Canadian government obligations			
C. State and municipal government obligations			
D. Corporate obligations			
E. Stocks and warrants			
F. Options			
G. Direct participation programs			
H. All other securities			
I. Spot Commodities			
J. Total			
7. Securities owned not readily marketable:			
A. At cost $			
B. At estimated fair value			
8. Other investments not readily marketable:			
A. At cost $			
B. At estimated fair value			
9. Securities borrowed under subordination agreements and partners' individual capital securities accounts, at market value:			
A. Exempted securities $			
B. Other $			

FINANCIAL AND OPERATIONAL COMBINED UNIFORM SINGLE REPORT
PART IIA

Broker or Dealer _____ as of _____

STATEMENT OF FINANCIAL CONDITION

10. Secured demand notes market value of collateral:			
A. Exempted securities..... $			
B. Other..... $			
C. Cash..... $			
11. Memberships in exchanges:			
A. Owned at market value... $			
B. Owned at cost.....			
C. Contributed for use of company, at market value.....			
12. Investment in and receivables from affiliates, subsidiaries and associated partnerships.....			
13. Property, furniture, equipment, leasehold improvements and rights under lease agreements: At cost (net of accumulated depreciation and amortization).....			
14. Other Assets.....			
15. TOTAL ASSETS.....	$	$	$

LIABILITIES AND OWNERSHIP EQUITY

Liabilities	A.I. Liabilities*	Non-A.I. Liabilities*	Total
16. Bank loans payable:			
A. Collateralized by assets which would normally be deducted in computing net capital.....			
B. Bank overdrafts.....			
C. Other.....			
17. Securities sold under repurchase agreements:			
A. Matched repurchase agreements.....			
B. All other.....			
C. Total.....			
18. Payable to brokers or dealers:			
A. Clearance Account:			
(1) Securities Accounts.....			
(2) Commodities Accounts.....			
(3) Other.....			
19. Payable to non-customers.....			
20. Securities and commodities sold short — including short positions in arbitrage accounts:			
A. Bankers acceptances, certificates of deposit and commercial paper.....			
B. U.S. and Canadian government obligations.....			
C. State and municipal government obligations...			
D. Corporate obligations.....			
E. Stocks and warrants.....			

*If registrant computes its capital under the alternative net capital requirement, only the totals are applicable.

FINANCIAL AND OPERATIONAL COMBINED UNIFORM SINGLE REPORT
PART IIA

Broker or Dealer as of _____

STATEMENT OF FINANCIAL CONDITION

F. Options:			
1. Covered or hedged			
2. Uncovered			
G. Other securities			
H. Spot commodities			
I. Total			
21. Accounts payable, accrued liabilities, expenses, and other:			
A. Drafts payable			
B. Accounts payable, accrued expenses and			
C. Income taxes payable			
D. Deferred Income taxes			
E. Other			
22. Notes and mortgages payable:			
A. Unsecured	$		$
B. Secured			
23. TOTAL UNSUBORDINATED LIABILITIES			
24. Liabilities subordinated to claims of general creditors:			
A. Cash borrowings			
1. From outsiders $			
2. Includes equity subordination (15c3-1(d)) of $			
B. Securities borrowings, at market value: From outsiders $			
C. Pursuant to secured demand note collateral agreements:			
1. From outsiders $			
2. Includes equity subordination (15c3-1(d)) of $			
D. Exchange memberships contributed for use of company at market value			
E. Accounts and other borrowings not qualified for net capital purposes			
25. TOTAL SUBORDINATED LIABILITIES	$	$	$
Ownership Equity			
26. Sole proprietorship			$
27. Partnership-limited partners $			
28. Corporations:			
A. Preferred stock			
B. Common stock			
C. Additional paid-in capital			
D. Retained earnings			
E. Total			
F. Less capital stock intreasury			( )
29. TOTAL OWNERSHIP EQUITY			$
30. TOTAL LIABILITIES AND OWNERSHIP EQUITY			$

FINANCIAL AND OPERATIONAL COMBINED UNIFORM SINGLE REPORT

PART IIA

BROKER OR DEALER _____ as of _____

COMPUTATION OF NET CAPITAL

1. Total ownership equity (from Statement of Financial Condition)..... $ _____
2. Deduct: Ownership equity not allowable for net capital..... ( )
3. Total ownership equity qualified for net capital..... _____
4. Add:
   A. Liabilities subordinated to claims of general creditors allowable in computation of net capital..... _____
   B. Other (deductions) or allowable credits (List)..... _____
5. Total capital and allowable subordinated liabilities..... $ _____
6. Deductions and/or charges:
   A. Total non-allowable assets from Statement of Financial Condition (Note B and C)..... $ _____

   Charges related to exempt securities:

	Actual Positions	Contractual Positions
Charge included in 6.A.1. above	_____	_____
Total deficits in accounts	_____	_____
Face amount long	_____	_____
Face amount short	_____	_____

   B. Secured demand note deficiency..... $ _____
   C. Commodity futures and forward contracts and spot commodities—proprietary capital charges..... _____
      1. Financial futures including foreign currencies..... _____
      2. Precious metals..... _____
      3. Other..... _____
   D. Other deductions and/or charges .....
      1. Securities dividends short..... _____
      2. Deficits in failed to receive and securities loaned..... _____
      3. Insurance claims..... _____
      4. Losses on contractual commitments..... _____
         Exempt securities..... _____
         Non-exempt..... _____
      5. Guarantees..... _____
      6. Miscellaneous..... _____
      7. Total..... _____

E. Deductions for accounts carried under Rule 15c3-1 (a)(6), (a)(7) and (c)(2)(x)..... _____

F. Total deductions and/or charges..... _____

7. Other additions and/or allowable credits (List)..... _____

8. Net Capital before haircuts on securities positions..... $ _____

9. Haircuts on securities: (computed, where applicable, pursuant to 15c3-1 (f)):

A. Contractual securities commitments..... _____

1. Charges related to exempt securities:

	Contractual Positions
Charges included in above	_____
Total mark to market losses	_____
Face amount long	_____
Face amount short	_____

2. Charges related to non-exempt securities..... _____

B. Suspense and difference accounts..... _____

C. Trading and investment securities:

1. Bankers' acceptances, certificates of deposit and commercial paper..... _____
2. U.S. and Canadian government obligations ..... _____
3. State and municipal government obligations..... _____
4. Corporate obligations..... _____
5. Stocks and warrants..... _____
6. Options: _____
   a. Covered or hedged.....
   b. Uncovered..... _____
7. Arbitrage..... _____
8. Other securities..... _____

D. Undue concentration..... _____

E. Other (list)..... _____

10. Net Capital.....$ _____

OMIT CENTS

FINANCIAL AND OPERATIONAL COMBINED UNIFORM SINGLE REPORT
PART IIA

BROKER OR DEALER as of _____

COMPUTATION OF BASIC NET CAPITAL REQUIREMENT

Part A

11.	Minimum net capital required (6-2/3% of line 19)	$	3756
12.	Minimum dollar net capital requirement of reporting broker or dealer and minimum net capital requirement of subsidiaries computed in accordance with Note (A)	$	3758
13.	Net capital requirement (greater of line 11 or 12)	$	3760
14.	Excess net capital (line 10 less 13)	$	3770
15.	Excess net capital at 1000% (line 10 less 10% of line 19) ▼22	$	3780

COMPUTATION OF AGGREGATE INDEBTEDNESS

16.	Total A.I. liabilities from Statement of Financial Condition			$	3790
17.	Add:				
	A. Drafts for immediate credit ▼21	$	3800		
	B. Market value of securities borrowed for which no equivalent value is paid or credited	$	3810		
	C. Other unrecorded amounts (List)	$	3820	$	3830
19.	Total aggregate indebtedness			$	3840
20.	Percentage of aggregate indebtedness to net capital (line 19 ÷ by line 10)			%	3850
21.	Percentage of debt to debt-equity total computed in accordance with Rule 15c3-1 (d)			%	3860

COMPUTATION OF ALTERNATE NET CAPITAL REQUIREMENT

Part B

22.	4% of combined aggregate debit items as shown in Formula for Reserve Requirements pursuant to Rule 15c3-3 prepared as of the date of the net capital computation including both brokers or dealers and consolidated subsidiaries' debits	$	3870
23.	Minimum dollar net capital requirement of reporting broker or dealer and minimum net capital requirement of subsidiaries computed in accordance with Note (A) ▼23	$	3880
24.	Net capital requirement (greater of line 22 or 23)	$	3760
25.	Excess net capital (line 10 less 24)	$	3910
26.	Net capital in excess of the greater of:		
	A. 6% of combined aggregate debit items or $120,000	$	3920
	B. 7% of combined aggregate debit items or $120,000	$	3930

OMIT CENTS

NOTES:

(A) The minimum net capital requirement should be computed by adding the minimum dollar net capital requirement of the reporting broker dealer and, for each subsidiary to be consolidated, the greater of:
1. Minimum dollar net capital requirement, or
2. 6-2/3% of aggregate indebtedness or 4% of aggregate debits if alternative method is used.

(B) Do not deduct the value of securities borrowed under subordination agreements or secured demand note covered by subordination agreements not in satisfactory form and the market values of memberships in exchanges contributed for use of company (contra to item 1740) and partners' securities which were included in non-allowable assets.

(C) For reports filed pursuant to paragraph (d) of Rule 17a-5, respondent should provide a list of material non-allowable assets.

FINANCIAL AND OPERATIONAL COMBINED UNIFORM SINGLE REPORT
PART IIA

BROKER OR DEALER

For the period (MMDDYY) from _____ to _____

STATEMENT OF CHANGES IN OWNERSHIP EQUITY
(SOLE PROPRIETORSHIP, PARTNERSHIP OR CORPORATION)

1. Balance, beginning of period		$	4240
A. Net income (loss)			4250
B. Additions (Includes non-conforming capital of	$ 4262)		4260
C. Deductions (Includes non-conforming capital of	$ 4272)		4270
2. Balance, end of period (From item 1800)		$	4290

STATEMENT OF CHANGES IN LIABILITIES SUBORDINATED TO CLAIMS OF GENERAL CREDITORS

3. Balance, beginning of period		$	4300
A. Increases			4310
B. Decreases			4320
4. Balance, end of period (From item 3520)		$	4330

OMIT CENTS

FINANCIAL AND OPERATIONAL COMBINED UNIFORM SINGLE REPORT
PART IIA

BROKER OR DEALER _____ as of _____

Exemptive Provision Under Rule 15c3-3

25. If an exemption from Rule 15c3-3 is claimed, identify below the section upon which such exemption is based (check one only)

A. (k)	(1)—$2,500 capital category as per Rule 15c3-1	4550
B. (k)	(2)(A)—"Special Account for the Exclusive Benefit of customers" maintained	4560
C. (k)	(2)(B)—All customer transactions cleared through another broker-dealer on a fully disclosed basis. Name of clearing firm 4335	4570
D. (k)	(3)—Exempted by order of the Commission	4580

Ownership Equity and Subordinated Liabilities maturing or proposed to be withdrawn within the next six months and accruals, (as defined below), which have not been deducted in the computation of Net Capital.

Type of Proposed withdrawal or Accrual See below for code to enter	Name of Lender or Contributor	Insider or Outsider? (In or Out)	Amount to be Withdrawn (cash amount and/or Net Capital Value of Securities)	(MMDDYY) Withdrawal or Maturity Date	Expect to Renew (yes or no)
32 4600	4601	4602	4603	4604	4605
33 4610	4611	4612	4613	4614	4615
34 4620	4621	4622	4623	4624	4625
35 4630	4631	4632	4633	4634	4635
36 4640	4641	4642	4643	4644	4645
37 4650	4651	4652	4653	4654	4655
38 4660	4661	4662	4663	4664	4665
39 4670	4671	4672	4673	4674	4675
40 4680	4681	4682	4683	4684	4685
41 4690	4691	4692	4693	4694	4695

TOTAL $ 42 4699

OMIT CENTS

Instructions: Detail listing must include the total of items maturing during the six month period following the report date, regardless of whether or not the capital contribution is expected to be renewed. The schedule must also include proposed capital withdrawals scheduled within the six month period following the report date including the proposed redemption of stock and payments of liabilities secured by fixed assets (which are considered allowable assets in the capital computation pursuant to Rule 15c3-1(c)(2)(iv)), which could be required by the lender on demand or in less than six months.

WITHDRAWAL CODE:	DESCRIPTION
1.	Equity Capital
2.	Subordinated Liabilities
3.	Accruals
4.	15c3-1(c)(2)(iv) Liabilities

FINANCIAL AND OPERATIONAL COMBINED UNIFORM SINGLE REPORT

NAME OF BROKER-DEALER: _____

FOR THE PERIOD (MM/DD/YY) FROM: _ _/_ _/_ _ TO: _ _/_ _/_ _

STATEMENT OF REVENUE AND EXPENSE
(Comprehensive Annual/Quarterly Report)

REVENUES

	AMOUNT ($) (Omit Cents)
1. Commissions on transactions in:	
a. Listed stocks and warrants executed on an exchange	
b. Listed stocks and warrants executed over-the-counter	
c. All other stocks and warrants	
d. Listed options	
e. All other options	
f. Municipal securities	
g. Corporate bonds	
h. All other securities	
i. Spot commodities	
j. Futures, forwards, and standbys	
k. Subtotal (1a thru 1j)	
2. Retail mark-ups/mark-downs on principal transactions in: 1/ $	
a. Listed stocks and warrants	
b. All other stocks and warrants	
c. Options	
d. Municipal securities	
e. Corporate bonds	
f. All other securities	
g. Spot commodities	
h. Forwards and standbys	
i. Subtotal (2a thru 2h)	
3. Gains (losses) on firm securities and commodities accounts: 2/ $	
a. Market making on an exchange in:	
(1) Listed stocks and warrants	
(2) Listed options	
b. Market making over-the-counter in:	
(1) Listed stocks and warrants	
(2) All other stocks and warrants	
c. All other proprietary accounts in:	
(1) Stocks and warrants	
(2) Options	

1/ Mark-ups/mark-downs represent the difference between the current market price and the price charged a customer on a principal transaction.

2/ Include all realized and unrealized gains (losses) on firm securities and commodities accounts, except (1) retail mark-ups/mark-downs on principal transactions and (2) gains (losses) from investment banking and related activities.

(3) State and municipal government obligations _____
(4) U.S. and Canadian government obligations _____
(5) Bankers' acceptances, certificates of deposit and commercial paper _____
(6) Corporate obligations _____
(7) All other securities _____
(8) Spot commodities _____
(9) Futures, forwards and standbys _____

d. Subtotal (3a thru 3c) which includes:
(1) Interest income $_____
(2) Dividend income $_____
(3) Unrealized gains (losses) on investment accounts $_____
(4) All other gains (losses) on investment accounts $_____
(5) All other unrealized gains (losses) $_____
(6) All other gains (losses) $_____
(7) Subtotal (3d(1) thru 3d(6)) $_____

4. Gains (losses) from investment banking and related activities:
a. Sales of direct participation programs 3/ _____
b. Sales of investment company securities _____
c. All other registered stock offerings _____
d. All other registered securities offerings _____
e. Municipal securities offerings _____
f. All other exempted securities offerings _____
g. Private placements of securities _____
h. Mergers and acquisitions _____
i. All other investment banking activities _____
j. Subtotal (4a thru 4i) $_____

5. Gross interest income from:
a. Margin loans to public customers _____
b. Repurchase agreements _____
c. Securities loaned _____
d. All other loans _____
e. Subtotal (5a thru 5d) $_____

6. Floor brokerage and clearance income:
a. Specialist floor brokerage in assigned stocks and warrants _____
b. Specialist floor brokerage in assigned options _____
c. All other floor brokerage _____
d. Clearance income _____
e. Subtotal (6a thru 6d) $_____

7. All other revenues related to the securities business _____
8. All other revenues _____
9. Total revenues _____

3/ A direct participation program is an investment vehicle which provides for flow-through tax consequences regardless of the structure of the legal entity or vehicle for distribution. It includes, but is not limited to, oil and gas programs, real estate programs, agricultural programs, cattle programs, condominium securities, Subchapter S corporate offerings and all other programs of a similar nature, regardless of the industry represented by the program or any combination thereof.

EXPENSES

10. Employment costs:		
a. All employment compensation and benefits paid to:		
(1) Firm owners 4/		
(2) Registered representatives		
(3) All other income-producing employees		
b. All other		
c. Subtotal (10a thru 10b)	$	
11. Gross interest expenses on:		
a. Repurchase agreements		
b. Bank loans collateralized by:		
(1) Customer securities		
(2) Firm securities		
c. Subordinated debt		
d. Securities borrowed		
e. All other obligations		
f. Subtotal (11a thru 11e)	$	
12. Floor brokerage, commissions and clearance		
13. Advertising and promotional		
14. Occupancy		
15. Communications equipment and services		
16. Data processing equipment and services		
17. Regulatory fees and expenses		
18. Losses due to errors and bad debts		
19. Non-recurring charges		
20. All other expenses		
21. Total expenses		

NET INCOME

22. Income (loss) before Federal income taxes (Item 9 less Item 21)		
23. Provision for Federal income taxes (for parent only)		
24. Equity in earnings (losses) of unconsolidated subsidiaries excluded above		
a. After Federal income taxes of	$	
25. Extraordinary gains (losses)		
a. After Federal income taxes of	$	
26. Cumulative effect of changes in accounting principles		
27. Net income (loss) after Federal income taxes and extraordinary items		

4/ Persons that have a direct or indirect equity interest in the firm equal to or greater than five percent of the firm's equity capital.

FINANCIAL AND OPERATIONAL COMBINED UNIFORM SINGLE REPORT

NAME OF BROKER-DEALER: _____

FOR THE PERIOD (MM/DD/YY) FROM: __/__/__ TO: __/__/__

STATEMENT OF REVENUE AND EXPENSE
(Condensed Quarterly Report)

		AMOUNT($) (Omit Cents)
	REVENUES	
1.	Commissions on securities and commodities transactions	
2.	Gains (losses) on firm securities and commodities accounts:	
	a. Retail mark-ups/mark-downs	
	b. Interest and dividends	
	c. Unrealized gains (losses) on investment accounts	
	d. All other gains (losses) on investment accounts	
	e. All other realized gains (losses)	
	f. All other gains (losses)	
	g. Subtotal (2a thru 2f) $_____	
3.	Gains (losses) from investment banking and related activities	
4.	Gross interest income from repurchase agreements and loans	
5.	Floor brokerage and clearance income	
6.	All other revenues	
7.	Total revenues	
	EXPENSES	
8.	Employment costs	
9.	Gross interest expenses	
10.	Floor brokerage, commissions and clearance	
11.	Losses due to errors and bad debts	
12.	Non-recurring charges	
13.	All other expenses	
14.	Total expenses	
	NET INCOME	
15.	Income (loss) before Federal income taxes (Item 7 less Item 14)	
16.	Provision for Federal income taxes (for parent only)	
17.	Equity in earnings (losses) of unconsolidated subsidiaries excluded above	
18.	Extraordinary gains (losses)	
	a. After Federal income taxes of $_____	
19.	Cumulative effect of changes in accounting principles	
20.	Net income (loss) after Federal income taxes and extraordinary items	

FINANCIAL AND OPERATIONAL COMBINED UNIFORM SINGLE REPORT

NAME OF BROKER-DEALER: _____

AS OF (MM/DD/YY): __/__/__

[This report must be completed once each year as of December 31.]

OPERATIONAL DATA

	YES	NO
1. Is the firm a member of the Securities Investor Protection Corporation?	☐	☐
2. Does the firm send quarterly statements to customers pursuant to Rule 10b-10(b) in lieu of daily or immediate confirmations?	☐	☐
3. Is the firm a subsidiary of a company ("parent") which is registered as a broker or dealer?	☐	☐
Name of parent: _____		
4. Is the firm a subsidiary of a company ("parent") which is not registered as a broker or dealer?	☐	☐
Name of parent: _____		

5. Number of branch offices operated by the firm at the end of the year. (Exclude the headquarters office.) _____

6. Average number of persons on the firm's payroll during the year.

   a. Firm's owners 1/ _____
   b. Registered representatives: _____
      (1) With limited registration _____
      (2) With general sales registration _____
   c. All other income-producing employees _____
   d. All other employees _____
   e. Total employees _____

7. Aggregate dollar amount of non-exempted, OTC sales of exchange-listed securities effected by the firm during the year (Omit cents). $_____

1/ Persons who have an equity interest in the firm equal to or greater than five percent of the firm's equity capital.

A Broker or Dealer which does not make a market (either over the counter or on an exchange) in any stock, warrant or option is not required to complete the items below if the aggregate market value of the firm's securities and commodities accounts (long positions plus short positions) is less than $25 million as of the report date. Average positions are to be determined by averaging the market value of overnight positions at the end of each month during the year.

AVERAGE POSITIONS IN SECURITIES AND COMMODITIES

	LONG POSITIONS ($000)	SHORT POSITIONS ($000)
1. Positions for market making on an exchange in:		
a. Listed stocks and warrants		
b. Listed options		
2. Positions for market making over-the-counter in:		
a. Listed stocks and warrants		
b. All other stocks and warrants		
3. All other proprietary positions in:		
a. Stocks and warrants		
b. Options		
c. State and municipal government obligations		
d. U.S. and Canadian government obligations		
e. Bankers' acceptances, certificates of deposit and commercial paper		
f. Corporate obligations		
g. All other securities		
h. Spot commodities		
4. Total (1a thru 3h)		

Appendix F

FINANCIAL AND OPERATIONAL COMBINED UNIFORM SINGLE REPORT

NAME OF BROKER-DEALER: _____

AS OF (MM/DD/YY): __/__/__

[This report must be completed once each year as of December 31.]

OPERATIONAL DATA

		YES	NO
1.	Is the firm a member of the Securities Investor Protection Corporation?	☐	☐
2.	Does the firm send quarterly statements to customers pursuant to Rule 10b-10(b) in lieu of daily or immediate confirmations?	☐	☐
3.	Is the firm a subsidiary of a company ("parent") which is registered as a broker or dealer?	☐	☐
	Name of parent: _____		
4.	Is the firm a subsidiary of a company ("parent") which is not registered as a broker or dealer?	☐	☐
	Name of parent: _____		

5. Number of branch offices operated by the firm at the end of the year. (Exclude the headquarters office.) _____

6. Average number of persons on the firm's payroll during the year.

   a. Firm's owners 1/ _____
   b. Registered representatives: _____
      (1) With limited registration _____
      (2) With general sales registration _____
   c. All other income-producing employees _____
   d. All other employees _____
   e. Total employees _____

7. Aggregate dollar amount of non-exempted, OTC sales of exchange-listed securities effected by the firm during the year (Omit cents). $_____

1/ Persons who have an equity interest in the firm equal to or greater than five percent of the firm's equity capital.

A Broker or Dealer which does not make a market (either over the counter or on an exchange) in any stock, warrant or option is not required to complete the items below if the aggregate market value of the firm's securities and commodities accounts (long positions plus short positions) is less than $25 million as of the report date. Average positions are to be determined by averaging the market value of overnight positions at the end of each month during the year.

AVERAGE POSITIONS IN SECURITIES AND COMMODITIES

	LONG POSITIONS ($000)	SHORT POSITIONS ($000)
1. Positions for market making on an exchange in:		
a. Listed stocks and warrants		
b. Listed options		
2. Positions for market making over-the-counter in:		
a. Listed stocks and warrants		
b. All other stocks and warrants		
3. All other proprietary positions in:		
a. Stocks and warrants		
b. Options		
c. State and municipal government obligations		
d. U.S. and Canadian government obligations		
e. Bankers' acceptances, certificates of deposit and commercial paper		
f. Corporate obligations		
g. All other securities		
h. Spot commodities		
4. Total (1a thru 3h)		

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BILLING CODE 8010-01-C

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

24 CFR Parts 804, 805, and 841

[Docket No. R-80-856]

Low-Rent Housing Homeownership Opportunities (Turnkey III Program); Indian Housing; and Public Housing Development Phase; Maximum Limit on Total Development Cost (TDC)

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

ACTION: Proposed rule.

SUMMARY: This Rule would amend 24 CFR Parts 804, 805 and 841 to establish a maximum limit on the Total Development Cost (TDC) of low-income public housing and Indian housing projects developed under the United States Housing Act of 1937 exclusive of Section 8. The limit applies to the TDC on which the Annual Contributions Contract (ACC) is based.

DATE: Comments due: November 17, 1980.

ADDRESS: Interested persons should file written comments on or before the due date with the Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street, S.W., Washington, D.C. 20410. All comments received by the due date will be considered in the development of the final Rule. Copies of comments received will be available for inspection and copying at the above stated address.

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

SUPPLEMENTARY INFORMATION: The continuing escalation in the Total Development Cost (TDC) of low-income public housing and Indian housing projects has made it essential that specific dollar limits be imposed on the amount of TDC for any project to be included in any ACC. This Rule would establish a system for determining per unit TDC limits by size and structure type. The TDC limit for any particular project would be the sum of the per unit TDC limits applicable to all the units in that project.

The TDC limits will be in addition to the statutory prototype cost limits on dwelling construction and equipment costs and other limits provided for in the applicable regulations.

The TDC per dwelling unit limits stated in this Rule (the specified dollar amounts plus specified percentages for different structure types) are basic limits. The basic limits will be adjusted to reflect the different cost levels prevailing in the different market areas, as of the effective date of this Rule, by applying cost adjustment factors issued by the Assistant Secretary for Housing. As time goes on and changes in housing production costs occur, the TDC limits for the various market areas will be adjusted administratively by HUD field offices using an industry building cost index, to be specified by the Assistant Secretary for Housing. We believe this mechanism for administering the TDC limits will be sensitive to changes in housing production costs. Individuals needing information as to the maximum per unit TDC limits for a specific location may contact the local HUD Office.

A finding of inapplicability respecting the National Environmental Policy Act of 1969 has been made in accordance with HUD procedures. A copy of this finding will be available for public inspection during regular business hours at the Office of the Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 Seventh Street S.W., Washington, D.C. 20410.

A discussion of the proposed amendments follows:

The TDC per unit limits and procedures for their application established by this Rule are basically the same as the Replacement Costs Per Unit Limits and procedures for their application contained in the final Section 8 Housing Assistance Payments Program New Construction regulation, 24 CFR 880.204(c) published in the **Federal Register** 10/15/79. The following adaptations have been made due to significant differences between the programs:

(1) The limits under the proposed Rule will not allow for "additional cost not attributable to dwelling use," as is done in the Section 8 New Construction Program. This will simplify processing. To compensate for this restrictive feature, the basic dollar limits are five (5) percent higher than those provided in the Section 8 New Construction regulation.

(2) Separate limits are provided for row (townhouse) stuctures and for detached and semi-detached structures, because these structure types are often used in the low-income public housing, Indian housing and Turnkey III programs.

(3) Appropriately higher limits than for units in walkup structures are provided for the structure types mentioned in (2) above and for elevator structures in order to reflect the relatively higher dwelling construction and equipment costs associated with these structure types as indicated by the prototype costs under the United States Housing Act of 1937.

(4) The Assistant Secretary for Housing will issue to the field offices cost adjustment factors, and will specify the industry building cost index, to be applied to the basic TDC limits in order to compute dollar limits which will reflect the cost levels prevailing in the various market areas.

(5) The following will be allowable in addition to the TDC limits:

(a) Relocation costs, where applicable.

(b) Homebuyer and tenant training and counseling costs in the Turnkey III and Indian housing programs.

(c) Additional costs for energy collecting or generating equipment for active and passive solar systems or alternate energy systems.

The amendments made by the proposed Rule will not apply to projects for which execution of an ACC was authorized by HUD prior to the effective date of the Rule.

Accordingly, it is proposed to amend 24 CFR Parts 804, 805 and 841 to read as follows:

PART 841—PUBLIC HOUSING PROGRAM; DEVELOPMENT PHASE

§ 841.115 [Amended]

1. 24 CFR 841.115(b) is amended by adding a new subparagraph (2), and renumbering the prior subparagraphs (2), (3) and (4) as (3), (4) and (5) respectively. The new subparagraph (2) shall read as follows:

(2) The Total Development Cost for any project may not exceed the sum of the per unit Total Development Cost limits for the sizes and types of units in the project. The per unit Total Development Cost limits shall be determined as follows:

(i) For walk-up type structures, the basic limits shall be: (A) $24,906 per zero-bedroom dwelling unit; (B) $28,485 per dwelling unit with one bedroom; (C) $34,632 per dwelling unit with two bedrooms; (D) $44,328 per dwelling unit with three bedrooms; and (E) $49,384 per dwelling unit with four or more bedrooms.

(ii) For row (townhouse) type structures, the basic per unit limits shall

be those provided in paragraph (b)(2)(i) of this section plus 5 percent.

(iii) For detached and semi-detached type structures, the basic per unit limits shall be those provided in paragraph (b)(2)(i) of this section plus 10 percent.

(iv) For elevator type structures, the basic per unit limits shall be those provided in paragraph (b)(2)(i) of this section, plus 25 percent.

(v) The basic limits provided in the preceding provisions of this paragraph (b)(2) shall be adjusted to reflect the cost levels prevailing in the different market areas as of the effective date of these amendments and subsequent changes in housing production costs, by applying cost adjustment factors and an industry building cost index specified by the Assistant Secretary for Housing.

(vi) Subsequent changes to the basic limits provided in the preceding provisions of this paragraph (b)(2) will be published in the **Federal Register** to be effective on publication and will be available on request.

(vii) For any project which includes relocation costs pursuant to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act) or equivalent requirements, the amount of such costs as approved by HUD may be included in the Total Development Cost in addition to the maximum amount otherwise allowable under this paragraph (b)(2).

(viii) For any project which includes additional costs for energy collecting or generating equipment for active or passive solar systems or other alternate energy systems, the amount of such costs as approved by HUD may be included in the Total Development Cost in addition to the maximum amount otherwise allowable under this paragraph (b)(2).

(ix) The provisions of this paragraph (b)(2) shall not be applicable to any project for which execution of an ACC was authorized by HUD prior to (Effective date to be inserted).

PART 805—INDIAN HOUSING

§ 805.214 [Amended]

2. 24 CFR 805.214(a) is amended by designating the material after the paragraph heading as subpargraph (1), and adding a new subparagraph (2) to read as follows:

(2) The Total Development Cost for any project may not exceed the sum of the per unit Total Development Cost limits for the sizes and types of units in the project. The per unit Total Development Cost limits shall be determined as follows:

(i) For walk-up type structures, the basic limits shall be: (A) $24,906 per zero-bedroom dwelling unit; (B) $28,485 per dwelling unit with one bedroom (C) $34,632 per dewelling unit with two bedrooms; (D) $44,328 per dwelling unit with three bedrooms; and (E) $49,384 per dwelling unit with four or more bedrooms.

(ii) For row (townhouse) type structures, the basic per unit limits shall be those provided in paragraph (a)(2)(i) of this section, plus 5 percent.

(iii) For detached and semi-detached type structures, the basic per unit limits shall be those provided in paragraph (a)(2)(i) of this section plus 10 percent.

(iv) For elevator type structures, the basic per unit limits shall be those provided in paragraph (a)(2)(i) of this section, plus 25 percent.

(v) The basic limits provided in the preceding provisions of this paragraph (a)(2) shall be adjusted to reflect the cost levels prevailing in the different market areas as of the effective date of these amendments and subsequent changes in housing production costs, by applying cost adjustment factors and an industry building cost index specified by the Assistant Secretary.

(vi) Subsequent changes to the basic limits provided in the preceding provisions of this paragraph (a)(2) will be published in the **Federal Register** to be effective upon publicaton and will be available on request.

(vii) The following costs may be included in the Total Development Cost in addition to the maximum amount otherwise allowable under this paragraph (a)(2):

(A) The costs of training and counseling of tenant and homebuyer families in the amounts approved by HUD.

(B) For any project which includes relocation costs pursuant to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act), or equivalent requirements, the amount of such costs as approved by HUD.

(C) For any project which includes additional costs for energy collecting or generating equipment for active or passive solar system or other alternate energy systems, the amount of such costs as approved by HUD.

(viii) The provisions of this paragraph (a)(2) shall not be applicable to any project for which execution of an ACC was authorized by HUD prior to (*Effective date to be inserted*).

PART 804—LOW-RENT HOUSING HOMEOWNSHIP OPPORTUNITIES

§ 804.103 [Amended]

Turnkey III Program

3. 24 CFR 804.103(a) is amended by designating the material after the paragraph heading as subparagraph (1) and adding a new subparagraph (2) to read as follows:

(2) The Total Development Cost for any project may not exceed the sum of the per unit Total Development Cost limits for the sizes and types of units in the project. The per unit Total Development Cost limits shall be determined as follows:

(i) For walk-up type structures, the basic limits shall be: (A) $24,906 per zero-bedroom dwelling unit; (B) $28,485 per dwelling unit with one bedroom; (C) $34,632 per dwelling unit with two bedrooms; (D) $44,328 per dwelling unit with three bedrooms; and (E) $49,384 per dwelling unit with four or more bedrooms.

(ii) For row (townhouse) type structures, the basic per unit limits shall be those provided in paragraph (a)(2)(i) of this section, plus 5 percent.

(iii) For detached and semi-detached type structures, the basic per unit limits shall be those provided in paragraph (a)(2)(i) of this section plus 10 percent.

(iv) For elevator type structures, the basic per unit limits shall be those provided in paragraph (a)(2)(i) of this section, plus 25 percent.

(v) The basic limits provided in the preceding provisions of this paragraph (a)(2) shall be adjusted to reflect the cost levels prevailing in the different market areas as of the effective date of these amendments and subsequent changes in housing production costs, by applying cost adjustment factors and an industry building cost index specified by the Assistant Secretary for Housing.

(vi) Subsequent change to the basic limits provided in the preceding provisions of this paragraph (a)(2) will be published in the **Federal Register** to be effective on publication and will be available on request.

(vii) The following costs may be included in the Total Development Cost in addition to the maximum amount otherwise allowable under this paragraph (a)(2):

(A) The cost of training and counseling of homebuyer families in the amounts approved by HUD.

(B) For any project which includes relocation costs pursuant to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act) or equivalent

requirements, the amount of such costs as approved by HUD.

(C) For any project which includes additional costs for energy collecting or generating equipment for active or passive solar systems or other alternate energy systems, the amount of such costs as approved by HUD.

(viii) The provisions of this paragraph (a)(2) shall not be applicable to any project for which execution of an ACC was authorized by HUD prior to (Effective date to be inserted).

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

Issued at Washington, D.C., August 8, 1980.

Lawrence B. Simons,

Assistant Secretary for Housing—Federal Housing Commissioner.

[FR Doc. 80-28939 Filed 9-17-80; 8:45 am]

BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 43b

Preparation, Certification, and Approval of a Membership Roll of Delaware Indians of Western Oklahoma; Proposed Procedures

September 12, 1980.

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Proposed rule.

SUMMARY: The Bureau of Indian Affairs proposes to add a new part to its regulations to establish procedures to govern the preparation, certification, and approval of a membership roll of Delaware Indians of Western Oklahoma. The Act of August 1, 1980, (94 Stat. 968), Pub. L. 96–318, directs the Secretary of the Interior to prepare certain rolls of Delaware Indians to share in the distribution of funds awarded in judgments of the Indian Claims Commission. The membership roll of the Delaware Indians of Western Oklahoma is one of the rolls to be prepared to serve as a basis for the distribution of the judgment funds.

DATE: Comments must be received on or before October 20, 1980.

ADDRESS: Written comments should be directed to the Chief, Division of Tribal Government Services, Bureau of Indian Affairs, 1951 Constitution Avenue, NW., Washington, D.C. 20245.

FOR FURTHER INFORMATION CONTACT: Kathleen L. Slover, Branch of Tribal Enrollment Services, Division of Tribal Government Services, Bureau of Indian Affairs, telephone: 703–235–8276.

SUPPLEMENTARY INFORMATION: This proposed rule is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8. Four groups of Delaware Indians have competed for the division of the funds awarded under various dockets of the Indian Claims Commission. The Cherokee Delawares of Oklahoma and the Delaware Indians of Western Oklahoma, also referred to as Absentee Delaware, have claimed that they are entitled jointly to all the funds. The Kansas Delawares and the Idaho Delawares claim they should be entitled to share in all the funds awarded by the Indian Claims Commission equally with the two Oklahoma entities. They further claim that they are entitled to a disproportional share of the funds which have been appropriated in order to compensate them for their exclusion from a prior distribution which favored the Cherokee and Absentee Delawares.

The Act of August 1, 1980, (94 Stat. 968), Pub. L. 96–318, which authorizes the distribution of certain funds awarded to the Delaware Indians in judgments of the Indian Claims Commission, provides for participation by all four groups of Delaware Indians. It further provides for a compensation payment to certain persons who were precluded from participation in an earlier distribution. In order to apportion the funds, the 1980 Act directs the Secretary of the Interior to prepare three different rolls of persons who meet requirements specified in the Act. The rolls prepared will also serve as a basis for the per capita distribution of funds.

The requirements and the procedures necessary to prepare the rolls are significantly different. Consequently, in the interest of clarity the regulations to govern the preparation of the rolls required by the 1980 Act are being proposed in two different Parts: 43b and 43c. The regulations proposed in this part govern only the preparation of a membership roll of the Delaware Indians of Western Oklahoma.

The 1980 Act requires that the Secretary prepare a roll of members of the Delaware Tribe of Western Oklahoma who were living on the date of the Act and who are citizens of the United States. Membership requirements specified in the tribal constitution and bylaws will be used to determine eligibility for enrollment. Any determination by the Secretary or his/her authorized representative shall only affect the individual's eligibility to share in the distribution of judgment funds provided for by the 1980 Act and shall have no effect on an individual's membership for tribal purposes.

Although persons whose names currently appear on the tribal membership roll will not be required to file an application, their eligibility to share in the judgment funds will be subject to review by the Secretary or his/her authorized representative. Persons not already tribal members who desire to be enrolled and who believe they meet the requirements for enrollment including persons who shared in the distribution of funds to the Absentee Delawares authorized by the Act of September 21, 1968 (82 Stat. 861) Pub. L. 90–508, and/or the Act of October 3, 1972 (86 Stat. 762) Pub. L. 92–456, must file or have filed for them a completed application form before the deadline specified in the regulations in order to be eligible to share in the judgment funds. Absentee Delawares who established eligibility under the 1968 Act and/or the 1972 Act did so on the basis that their name or the name of a lineal ancestor appeared or was eligible to appear on the constructed base census roll as of 1940 of the Absentee Delaware Tribe of Western Oklahoma, approved by the Secretary, rather than on the basis of tribal membership. Because the information reflected on the applications filed under the 1968 and/or 1972 Act would not be sufficient on which to base a valid determination as to eligibility for enrollment under the 1980 Act, previous Absentee Delaware enrollees, unless they are current tribal members, are being required to file an application in order to be considered for enrollment. The proposed regulations do provide, however, for the Director to mail to each 1968 and/or 1972 Absentee Delaware enrollee at the last address of record, a notice advising them of the preparation of the rolls of Delaware Indians under the 1980 Act and the burden of applying for enrollment. Persons who have previously been denied enrollment by the tribe are being permitted to reapply in order to afford them the opportunity to appeal to the Secretary not provided for in the tribal constitution and bylaws.

The policy of the Department of the Interior is, whenever practical, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed rule.

The primary author of this document is Kathleen L. Slover, Branch of Tribal Enrollment Services, Division of Tribal Government Services, Bureau of Indian Affairs, telephone number 235–8276.

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

It is proposed to amend Subchapter F of Chapter I of Title 25 of the Code of Federal Regulations by the addition of a new part to read as follows:

PART 43b—PREPARATION OF A MEMBERSHIP ROLL OF DELAWARE INDIANS OF WESTERN OKLAHOMA

Sec.

43b.1 Definitions.
43b.2 Purpose.
43b.3 Qualifications for enrollment and the deadline for filing.
43b.4 Notices and application forms.
43b.5 Filing of applications.
43b.6 Burden of proof.
43b.7 Action by the Tribe.
43b.8 Action by the Superintendent.
43b.9 Appeals.
43b.10 Decision of the Secretary on appeals.
43b.11 Preparation of roll.
43b.12 Certification and approval of the roll.
43b.13 Special instructions.

Authority: 5 U.S.C. sec. 301, R.S. secs. 463 and 465; 25 U.S.C. 2 and 9, and 87 Stat. 466.

§ 43b.1 Definitions.

As used in these regulations:

(a) "1980 Act" means the Act of Congress approved August 1, 1980 (94 Stat. 968), Pub. L. 96–318, which authorizes and directs the Secretary to prepare rolls of persons who meet the requirements specified in the Act and to distribute certain judgment funds to such persons.

(b) "Secretary" means the Secretary of the Interior or his/her authorized representative.

(c) "Assistant Secretary" means the Assistant Secretary of the Interior for Indian Affairs or his/her authorized representative.

(d) "Director" means the Area Director, Anadarko Area Office, Bureau of Indian Affairs or his/her authorized representative.

(e) "Superintendent" means the Superintendent, Anadarko Agency, Bureau of Indian Affairs or his/her authorized representative.

(f) "Staff Officer" means the Enrollment Officer or other person authorized to prepare the roll.

(g) "Tribe" means the Delaware Tribe of Western Oklahoma.

(h) "Tribal Executive Committee" means the governing body of the Delaware Tribe of Western Oklahoma.

(i) "Tribal Membership Committee" means the tribal committee responsible for preparing and maintaining the tribal membership roll.

(j) "Tribal Membership Roll" means the list of names of persons who the tribe recognizes as members.

(k) "Tribal Member" means a person who has been enrolled by the tribe and whose name appears on the tribal membership roll.

(l) "Living" means born on or prior to and living on the date specified.

(m) "Lineal descendants" means those persons who are the issue of the ancestor through whom enrollment rights are claimed, namely the children, grandchildren, etc. It does not include collateral relatives such as brothers, sisters, nieces, nephews, cousins, etc.

(n) "Constitution and Bylaws" means the written organizational framework for the governing of the tribe.

(o) "Sponsor" means parent, recognized guardian, next friend, next of kin, spouse, executor or administrator of estate, the Superintendent, or other person who files an application for enrollment or appeal on behalf of another person. Where an adult or guardian having custody of a minor authorizes a sponsor to act on behalf of an individual, that sponsor assumes the burden of proof of eligibility and will be recognized as fully representative of the applicant in all matters arising under this part. Service on the sponsor of any document relating to the application or appeal shall be considered to be service on the individual.

(p) "1968 enrollee" means an individual whose name appeared on the roll of persons eligible to share in the distribution of certain judgment funds prepared pursuant to the Act of Congress approved September 21, 1968 (82 Stat. 861), Pub. L. 90–508, who established eligibility on the basis that his/her name or the name of a lineal ancestor was on or was eligible to be on the constructed base census roll as of 1940 of the Absentee Delaware Tribe of Western Oklahoma, approved by the Secretary.

(q) "1972 enrollee" means an individual whose name appeared on the roll of persons eligible to share in the distribution of certain judgment funds prepared pursuant to the Act of Congress approved October 3, 1972 (86 Stat. 762), Pub. L. 92–456, who established eligibility on the basis that his/her name or the name of a lineal ancestor was on or was eligible to be on the constructed base census roll as of 1940 of the Absentee Delaware Tribe of Western Oklahoma, approved by the Secretary.

§ 43b.2 Purpose.

The regulations in this part are to govern the compilation of a membership roll of persons who meet the requirements specified in section 4 of the 1980 Act to serve as the basis for distributing judgment funds awarded the Delaware Tribe of Indians and the Absentee Delaware Tribe of Western Oklahoma in Indian Claims Commission dockets 27–A and 241, 289, and 27–B and 338, 27–E and 202, and 27.

§ 43b.3 Qualifications for enrollment and the deadline for filing.

(a) The membership roll shall contain the names of persons living on August 1, 1980, who are citizens of the United States; and whose names appear on the tribal membership roll of the Delaware Tribe of Western Oklahoma, i.e., they meet the following requirements:

(1) The criteria specified in Article III of the constitution and bylaws of the Delaware Tribe of Western Oklahoma which states, in part:

Section 1. The membership of the Delaware Tribe of Western Oklahoma shall consist of the following persons; provided they have not received land or money by virtue of having been enrolled as a member of another Indian tribe:

(a) Those persons who prior to the ratification of this amendment [December 24, 1975] qualified for membership under previous membership requirements.

(b) All persons of Delaware Indian blood who received an allotment of land pursuant to the provisions of the Act of March 2, 1895, (82 Stat. 876), shall be included as full blood members of the tribe.

(c) All living lineal descendants of individuals eligible for membership under the provisions of Section 1(b) and Section 2 of the Article, who possess at least one-eighth (⅛) degree Delaware Indian blood and one of whose natural parents is a member of the Delaware Tribe of Western Oklahoma.

(d) All persons born on or after the effective date of the Constitution and Bylaws, [December 24, 1975] both of whose natural parents are members of the Delaware Tribe of Western Oklahoma regardless of Delaware Indian blood.

Section 2. All persons identified in Section 1(b) of this Article shall be considered as possessing ¼ths degree Delaware Indian blood for the purpose of computing eligibility of their descendants for membership under Section 1(c) or 1(d) of this Article. Brothers and sisters of Delaware Indian blood of all persons identified in Section 1(b) shall likewise be considered as possessing ¼ths degree Delaware Indian blood.

(2) They are adopted into membership by the tribe pursuant to any ordinance or resolution adopted by the tribe in accordance with Article III, Section 5 of the constitution and bylaws, and approved by the Secretary or his/her authorized representative.

(b) They file an application with the Superintendent, Anadarko Agency, Anadarko, Oklahoma 73005. Applications must be received by the Superintendent no later than close of

business on (120 days after publication of final rules in the **Federal Register**). Applications received after that date will be denied for inclusion on the roll being prepared for failure to file on time regardless of whether the applicant otherwise meets the requirements for enrollment. However, persons denied for late-filed applications may be considered for enrollment as members of the tribe for future purposes. If the filing deadline falls on a Saturday, Sunday, legal holiday or other nonbusiness day, the deadline will be the next working day thereafter. Except that current tribal members shall not be required to file applications in accordance with this paragraph.

§ 43b.4 Notices and application forms.

(a) The Director shall mail to each 1968 enrollee and/or 1972 enrollee at the last address of record a notice advising them of the preparation of rolls of Delaware Indians pursuant to the 1980 Act, the requirements for enrollment, and the need to file or have filed on their behalf a completed application form before the deadline specified in § 43b.3 in order to be eligible to share in the distribution of judgment funds. The notice shall also state how and where applicaton forms may be obtained.

(b) Application forms to be filed by applicants for enrollment will be furnished by the Superintendent, or other designated persons, upon written or oral request. Each person furnishing application forms shall keep a record of the names of individuals to whom applications are given, as well as the control numbers of the forms and the date furnished. Instructions for completing and filing applications shall be furnished with each form. The form shall indicate prominently the deadline for filing applications.

(c) Among other information, each application shall contain:

(1) Certification as to whether the application is for a natural child or an adopted child of the parent through whom eligibility is claimed.

(2) If the application is filed by a sponsor, the name and address of sponsor and relationship to applicant.

(3) A control number for the purpose of keeping a record of applications furnished interested individuals.

§ 43b.5 Filing of applications.

(a) Any person not already a tribal member who desires to be enrolled and who believes he/she meets the requirements for enrollment specified in the 1980 Act and the regulations in this part, including any person who has previously been denied enrollment by the Tribal Membership Committee, must file or have filed for them a completed application form with the Superintendent or other designated person on or before the deadline specified in § 43b.3.

(b) Written application forms for minors, mentally incompetent persons or other persons in need of assistance, for members of the Armed Services or other services of the U.S. Government and/or members of their families stationed in Alaska, Hawaii, or elsewhere outside the continental United States, or for a person who died after June 12, 1979, may be filed by the sponsor on or before the deadline.

(c) Every applicant or sponsor shall furnish the applicant's mailing address on the application. Thereafter, he/she shall promptly notify the Superintendent of any change in address, giving appropriate identification of the application, otherwise the address as stated shall be acceptable as the proper address.

(d) Criminal penalties are provided by statute for knowingly filing false information in such applications (18 U.S.C. 1001).

§ 43b.6 Burden of proof.

The burden of proof of eligibility for enrollment rests upon the person filing the application. Documentary evidence such as birth certificates, death certificates, baptismal records, copies of probate findings or affidavits must be used to support claims for enrollment. Records of the Bureau of Indian Affairs may also be used to establish eligibility.

§ 43b.7 Action by the Tribe.

(a) Applications received by the Superintendent shall be submitted to the Tribal Membership Committee for review. The Tribal Membership Committee shall, by resolution, make their decision. The decision shall state thr reason(s) for approval or rejection of the applicant for tribal membership.

(b) The Tribal Enrollment Committee shall prepare a tribal membership roll brought current as of August 1, 1980, and submit it to the Superintendent for review.

§ 43b.8 Action by the Superintendent.

(a) The Superintendent shall review the tribal membership roll and determine that only the names of persons who meet the requirements specified in § 43b.3 appear on the membership roll. If the Superintendent determines that the inclusion or omission of a name is clearly erroneous, he/she shall remove or add the name of the person. The Superintendent shall notify the Tribal Enrollment Committee of any such actions and the reasons therefor. The determination by the Superintendent shall only affect the individual's eligibility to share in the distribution of the judgment funds.

(b) Upon determining an individual's eligibility, the Superintendent shall notify the tribal member, parent or guardian having legal custody of a minor tribal member, applicant, or sponsor, as applicable, in writing of the decision. If the Superintendent decides the tribal member or applicant is not eligible, he/she shall notify the individual or sponsor, as applicable, in writing by certified mail, to be received by the addressee only, return receipt requested, and shall explain fully the reasons for the adverse action and of the right to appeal to the Secretary. If correspondence is sent out of the United States, it may be necessary to use registered mail. If an individual has filed applications on behalf of more than one person, one notice of eligibility or adverse action may be addressed to the applicant or sponsor who filed the applications. However, said notice must list the name of each applicant involved. If a certified or registered notice is returned as "Unclaimed" the Superintendent shall remail the notice by regular mail together with an acknowledgement of receipt form to be completed by the addressee and returned to the Superintendent. If the acknowledgement of receipt is not returned, computation of the appeal period shall begin on the date the notice was remailed. Certified or registered notices returned for any reason other than "Unclaimed" need not be remailed.

(c) A notice of eligibility or adverse action is considered to have been made on the date:

(1) Of delivery indicated on the return receipt;

(2) Of acknowledgement of receipt;

(3) Of personal delivery; or

(4) Of the return by the post office of an undelivered certified or registered letter.

(d) In all cases where an applicant is represented by an attorney, such attorney will be recognized as fully controlling the same on behalf of his/her client; and service of any document relating to the application shall be considered to be service on the applicant he/she represents. Where an applicant is represented by more than one attorney, service upon one of the attorneys shall be sufficient.

(e) To avoid hardship or gross injustice, the Superintendent may waive technical deficiencies in applications or other submissions. Failure to file by the deadline does not constitute a technical deficiency.

§ 43b.9 Appeals.

Appeals from tribal members or applicants who have been denied enrollment must be in writing and must be filed pursuant to Part 42 of this subchapter, a copy of which shall be furnished with each notice of adverse action. § 43b.10 Decision of the Secretary on appeals.

The decision of the Secretary on an appeal shall be final and conclusive, and written notice of the decision shall be given to the tribal member, applicant, or sponsor. When so directed by the Secretary, the Assistant Secretary shall cause to be entered on the roll the name of any person whose appeal has been sustained. The determination by the Secretary shall only affect the individual's eligibility to share in the distribution of judgment funds.

§ 43b.11 Preparation of roll.

The staff officer shall prepare a minimum of 5 copies of the roll of those persons determined to be eligible for enrollment. The names of the persons whose appeals are sustained will be added to the roll when they establish eligiblity. In addition to other information which may be shown, the complete roll shall contain for each person an identification number, name, address, sex, date of birth, date of death (if applicable), degree of tribal blood, and the authority for enrollment.

§ 43b.12 Certification and approval of the roll.

A certificate shall be attached to the roll by the Superintendent certifying that to the best of his/her knowledge and belief the roll contains only the names of those persons who were determined to meet the requirements for enrollment. The Director shall approve the roll.

§ 43b.13 Special instructions.

To facilitate the work of the Superintendent, the Assistant Secretary may issue special instructions not inconsistent with the regulations in this part.

Thomas W. Fredericks,

Deputy Assistant Secretary—Indian Affairs.

[FR Doc. 80-28810 Filed 9-17-80; 8:45 am]

BILLING CODE 4310-02-M

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25 CFR Part 43c

Preparation, Certification, and Approval of Rolls of Certain Delaware Indians; Proposed Procedures

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Proposed rule.

SUMMARY: The Bureau of Indian Affairs proposes to add a new part to its regulations to establish procedures to govern the preparation, certification, and approval of descendancy rolls of certain Delaware Indians. The Act of August 1, 1980, (94 Stat. 968), Pub. L. 96–318, directed the Secretary of the Interior to prepare certain rolls of Delaware Indians to share in the distribution of funds awarded in judgment of the Indian Claims Commission. A descendancy roll of Kansas and Idaho Delawares precluded from participation in a previous award amd a descendancy roll of Cherokee, Kansas, and Idaho Delawares are two of the rolls to be prepared to serve as a basis for the distribution of judgment funds.

DATE: Comments must be received on or before October 20, 1980.

ADDRESS: Written comments should be directed to the Chief, Division of Tribal Government Services, Bureau of Indian Affairs, 1951 Constitution Avenue, NW., Washington, D.C. 20245.

FOR FURTHER INFORMATION CONTACT: Kathleen L. Slover, Branch of Tribal Enrollment Services, Division of Tribal Government Services, Bureau of Indian Affairs, telephone: 703–235–8276.

SUPPLEMENTARY INFORMATION: This proposed rule is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 DM 8. Four groups of Delaware Indians have competed for the division of the funds awarded under various dockets of the Indian Claims Commission. The Cherokee Delawares of Oklahoma and the Delaware Indians of Western Oklahoma, also referred to as Absentee Delaware, have claimed that they are entitled jointly to all the funds. The Kansas Delawares and the Idaho Delawares claim they should be entitled to share in all the funds awarded by the Indian Claims Commission equally with the two Oklahoma entities. They further claim that they are entitled to a disproportional share of the funds which have been appropriated in order to compensate them for their exclusion from a prior distribution which favored the Cherokee and Absentee Delawares.

The Act of August 1, 1980, (94 Stat. 968), Pub. L. 96–318, which authorizes the distribution of certain funds awarded to the Delaware Indians in judgments of the Indian Claims Commission, provides for participation by all four groups of Delaware Indians. It further provides for a compensation payment to certain persons who were precluded from participation in an earlier distribution. In order to apportion the funds, the 1980 Act directs the Secretary of the Interior to prepare three different rolls of persons who meet requirements specified in the Act. The rolls prepared will also serve as a basis for the per capita distribution of funds.

The requirements and the procedures necessary to prepare the rolls are significantly different. Consequently, in the interest of clarity the regulations to govern the preparation of the rolls required by the 1980 Act are being proposed in two different Parts: 43b and 43c. The regulations proposed in this part govern only the preparation of descendancy rolls of certain Delaware Indians. The 1980 Act requires that the Secretary prepare a descendancy roll of Delaware Indians known as the Kansas and Idaho Delawares who were excluded by legislative oversight from the distribution of an Indian claims Commission judgment under the Act of October 1972 (86 Stat. 762), Pub. L. 92–456. Among the requirements for inclusion on the roll is to have been living on October 3, 1972, as well as living on August 1, 1980, be a citizen of the United States, and not have shared or been eligible to share in the distribution of funds under the 1972 Act. The Secretary is also required to prepare a descedancy roll of Delaware Indians comprised of Cherokee, Kansas and Idaho Delawares who were living on August 1, 1980, are citizens of the United States, and among other requirements, their names do not appear on the membership roll of the Delaware Indians of Western Oklahoma also being prepared under the 1980 Act.

Persons who desire to be enrolled and who believe they meet the requirements for enrollment must file or have filed for them completed application forms before the deadline specified in the regulations in order to be eligible to share in the judgment funds. Except that Cherokee, Kansas, and Idaho Delawares whose names appeared on the roll prepared under the 1972 Act or pursuant to the Act of September 21, 1968 (82 Stat. 861) Pub. L. 90–508, which authorized the disposition of funds awarded in Indian Claims Commission docket 337 will not be required to file applications. However, only those previous enrollees who meet the requirements specified in the 1980 Act will be eligible for enrollment. Previous enrollees who are descendants of Absentee Delawares, i.e., those enrollees who established eligibility under the 1968 and/or 1972 Act on the basis that their name or the name of a lineal ancestor was on or was eligible to be on the constructed base census roll of 1940 of the Absentee Delaware Tribe of Western Oklahoma,

approved by the Secretary, will be considered in the proposed regulations governing the preparation of the membership roll of Delaware Indians of Western Oklahoma pursuant to the 1980 Act which are being proposed in Part 43b.

In addition to a determination as to eligibility, certain provisions of the 1980 Act necessitate a determination as to whether an enrollee is affiliated with the Cherokee, Kansas, or Idaho Delawares. In order to accomplish this, the proposed regulations provide for the Director to make a determination as to affiliation based on the roll or record through which eligibility for enrollment is claimed or established. Persons who claim or establish eligibility because their name or the name of a lineal ancestor appears on the Delaware (Cherokee Delaware) Indian per capita payroll approved by the Secretary of the Interior on April 20, 1906, shall be considered affiliated with the Cherokee Delawares. Persons who claim or establish eligibility through a lineal ancestor's name on the "Registry" filed in the Office of the Commissioner of Indian Affairs pursuant to Article 9 of the Treaty with the Delaware Indians of July 4, 1866 (14 Stat. 793), shall be considered as affiliated with the Kansas Delawares. Persons who claim or establish eligibility through a lineal ancestor named on the "Register" prepared pursuant to the agreement dated April 8, 1867, between the Delaware Tribe of Indians and the Cherokee Nation shall be considered affiliated with the Idaho Delawares. Except that persons who share or were eligible to share in the distribution of funds under the 1972 Act will be considered to be affiliated with the Cherokee Delawares even though they may be able to claim or establish eligibility through an ancestor named on one of the other designated records.

The policy of the Department of the Interior is, whenever practical, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed rule.

The primary author of this document is Kathleen L. Slover, Branch of Tribal Enrollment Services, Division of Tribal Government Services, Bureau of Indian Affairs, telephone number 703–235–8276.

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

It is proposed to amend Subchapter F of Chapter I of Title 25 of the Code of Federal Regulations by the addition of a new part to read as follows:

PART 43c—PREPARATION OF ROLLS OF DELAWARE INDIANS

Sec.

43c.1 Definitions.
43c.2 Purpose.
43c.3 Qualifications for enrollment and the deadline for filing.
43c.4 Application and information forms.
43c.5 Filing of applications.
43c.6 Burden of proof.
43c.7 Action by the Director.
43c.8 Appeals.
43c.9 Decision of the Secretary on appeals.
43c.10 Preparation of the rolls.
43c.11 Certification and approval of the rolls.
43c.12 Special instructions.

Authority: 5 U.S.C. sec. 301, R.S. secs. 463 and 465; 25 U.S.C. 2 and 9, and 87 Stat. 466.

§ 43c.1 Definitions.

As used in these regulations:

(a) "1980 Act" means the Act of Congress approved August 1, 1980 (94 Stat. 968), Pub. L. 96–318, which authorizes and directs the Secretary to prepare rolls of persons who meet the requirements specified in the Act and to distribute certain judgment funds to such persons.

(b) "1972 Act" means the Act of Congress approved October 3, 1972 (86 Stat. 762), Pub. L. 92–456, which authorized the disposition of certain judgment funds awarded the Delaware Tribe of Indians and the Absentee Delaware Tribe of Western Oklahoma.

(c) "1972 enrollee" means an individual whose name appeared on the roll of persons eligible to share in the distribution of certain judgment funds pursuant to the 1972 Act except those persons who established eligibility on the basis that their name or the name of a lineal ancestor was on or was eligible to be on the constructed base census roll as of 1940 of the Absentee Delaware Tribe of Western Oklahoma, approved by the Secretary.

(d) "1968 Act" means the Act of Congress approved September 21, 1968 (82 Stat. 861), Pub. L. 90–508, which authorized the disposition of funds awarded the Delaware Nation of Indians in Indian Claims Commission Docket 337.

(e) "1968 enrollee" means an individual whose name appeared on the roll of persons eligible to share in the distribution of certain judgment funds pursuant to the 1968 Act except those persons who established eligibility on the basis that their name or the name of a lineal ancestor was on or was eligible to be on the constructed base census roll as of 1940 of the Absentee Delaware Tribe of Western Oklahoma, approved by the Secretary.

(f) "Secretary" means the Secretary of the Interior or his/her authorized representative.

(g) "Assistant Secretary" means the Assistant Secretary of the Interior for Indian Affairs or his/her authorized representative.

(h) "Director" means the Area Director, Muskogee Area Office, Bureau of Indian Affairs, or his/her authorized representative.

(i) "Staff Officer" means the Enrollment Officer or other person authorized to prepare the roll.

(j) "Living" means born on or prior to and living on the date specified.

(k) "Lineal ancestor" means an ancestor, living or deceased, who is related to the applicant by direct ascent; namely, parent, grandparent, etc. It does not include collateral relatives such as brothers, sisters, aunts, uncles, etc.

(l) "Sponsor" means parent, recognized guardian, next friend, next of kin, spouse, executor or administrator of estate, the Superintendent, or other person who files an application for enrollment or appeal on behalf of another person. Where an adult or guardian having legal custody of a minor authorizes a sponsor to act on behalf of an individual, that sponsor assumes the burden of proof of eligibility and will be recognized as fully representative of the applicant in all matters arising under this part. Service on the sponsor of any document relating to the application or appeal shall be considered to be service on the individual.

(m) "Kansas Delaware Tribe of Indians, Incorporated" means the corporation which represents that group of persons who establish eligibility through a lineal ancestor named on the "Registry" filed in the Office of the Commissioner of Indian Affairs pursuant to Article 9 of the Treaty with the Delaware Indians of July 4, 1866 (14 Stat. 793). Nothing in these regulations shall be construed as recognizing the Kansas Delaware Tribe of Indians, Incorporated, as a federally recognized Indian tribe.

(n) "Delawares of Idaho, Incorporated" means the corporation which represents that group of persons who establish eligibility through a lineal ancestor named on the "Register" prepared pursuant to the agreement dated April 8, 1867, between the Delaware Tribe of Indians and the Cherokee Nation. Nothing in these regulations shall be construed as recognizing the Delawares of Idaho, Incorporated, as a federally recognized Indian Tribe.

§ 43c.2 Purpose.

The regulations in this part are to govern the compilation of a roll of persons who meet the requirements specified in section 2 of the 1980 Act and the compilation of a roll of persons who meet the requirements specified in section 5 of the 1980 Act to serve as the basis for distributing judgment funds awarded the Delaware Tribe of Indians and the Absentee Delaware Tribe of Western Oklahoma in Indian Claims Commission dockets 27–A and 241, 289, and 27–B and 338, 27–E and 202, and 27.

§ 43c.3 Qualifications for enrollment and the deadline for filing.

(a) The roll prepared pursuant to section 2 of the 1980 Act shall contain the names of persons who meet the following requirements:

(1) They were living on August 1, 1980, *and* on October 3, 1972;

(2) They are citizens of the United States;

(3) The name of a lineal ancestor appears on the "Registry" filed in the Office of the Commissioner of Indian Affairs pursuant to Article 9 of the Treaty with the Delaware Indians of July 4, 1866 (14 Stat. 793) or the "Register" prepared pursuant to the agreement dated April 8, 1867, between the Delaware Tribe of Indians and the Cherokee Nation;

(4) They were not 1972 enrollees or were not eligible to be 1972 enrollees; and

(5) Their name does not appear on the membership roll of the Delaware Tribe of Western Oklahoma prepared pursuant to section 4 of the 1980 Act.

(b) The roll prepared pursuant to section 5 of the 1980 Act shall contain the names of persons who meet the following requirements:

(1) They were living on August 1, 1980;

(2) They are citizens of the United States;

(3) Their name or the name of a lineal ancestor appears on any of the following rolls or records:

(i) The "Registry," filed in the Office of the Commissioner of Indian Affairs pursuant to Article 9 of the Treaty with the Delware Indians of July 4, 1866 (14 Stat. 793);

(ii) The Delaware (Cherokee Delaware) Indian per capita payroll approved by the Secretary of the Interior on April 20, 1906; or

(iii) The "Register" prepared pursuant to the agreement of April 8, 1867, between the Delaware Tribe of Indians and the Cherokee Nation.

(4) Their name does not appear on the membership roll of the Delaware Tribe of Western Oklahoma prepared pursuant to section 4 of the 1980 Act.

(c) Applications must be filed with the Area Director, Bureau of Indian Affairs, Federal Building, Muskogee, Oklahoma 74401, and must be received in his/her office no later than the close of business on (120 days after publication of final rules in the **Federal Register**.) Applications received after that date will be rejected for failure to file on time, regardless of whether the applicant otherwise meets the requirements for enrollment. If the filing deadline falls on a Saturday, Sunday, legal holiday or other nonbusiness day, the deadline will be the next working day thereafter. Except that, 1968 enrollees and/or 1972 enrollees shall not be required to file applications in accordance with this paragraph. Only those 1968 enrollees and/or 1972 enrollees, however, who meet the requirements set out in this section shall be eligible for enrollment under the 1980 Act.

§ 43c.4 Application and information forms.

(a) The 1968 enrollees and/or 1972 enrollees shall be requested to complete an information form advising the Director of any changes in name and/or address. The Director shall mail an information form to each person whose name appeared on the rolls prepared pursuant to the 1968 Act and/or the 1972 Act using the last address of record. Changes to the enrollees' records will be made *only* if the information form is signed by an adult 1968 and/or 1972 enrollee, if living, or the parent or guardian having legal custody of a minor 1968 and/or 1972 enrollee. The information form may also be used to notify the Director of the date of death of a deceased 1968 and/or 1972 enrollee.

(b) Applications to be filed by applicants for enrollment will be furnished by the Director, or other designated persons upon written or oral request. Each person furnishing application forms shall keep a record of the names of individuals to whom applications are given, as well as the control numbers of the forms and the date furnished. Instructions for completing and filing applications shall be furnished with each form. The form shall indicate prominently the deadline for filing applications.

(c) Among other information, each application shall contain:

(1) Certification as to whether the application is for a natural child or an adopted child of the parent through whom eligibility is claimed.

(2) If the application is filed by a sponsor, the name and address of the sponsor and relationship to applicant.

(3) A control number for the purpose of keeping a record of applications furnished interested individuals.

§ 43c.5 Filing of applications.

(a) Any person, except a 1968 enrollee and/or 1972 enrollee, who desires to be enrolled and believes he/she meets the requirements for enrollment specified in the 1980 Act and the regulations in this part must file or have filed for him/her a completed application form with the Director or other designated person or before the deadline specified in § 43c.3.

(b) Written application forms for minors, mentally incompetent persons or other persons in need of assistance, for members of the Armed Services or other services of the U.S. Government and/or members or their families stationed in Alaska, Hawaii, or elsewhere outside the continental United States, or for a person who died after August 1, 1980, may be filed by the sponsor on or before the deadline.

(c) Every applicant or sponsor shall furnish the applicant's mailing address on the application. Thereafter, he/she shall promptly notify the Director of any change in address, giving appropriate identification of the application, otherwise the address as stated shall be acceptable as the proper address.

(d) Criminal penalties are provided by statute for knowingly filing false information in such applications. (18 U.S.C. 1001).

§ 43c.6 Burden of proof.

The burden of proof of eligibility for enrollment rests upon the person filing application. Documentary evidence such as birth certificates, baptismal records, death certificates, copies of probate findings or affidavits must be used to support claims for enrollment.

§ 43c.7 Action by the Director.

(a) The Director shall consider each application and the record for each 1968 enrollee and/or 1972 enrollee. Upon determining an applicant's or 1968 and/or 1972 enrollee's eligibility under paragraph (a) of § 43c.3 *and* under paragraph (b) of § 43c.3, the Director shall notify the person or sponsor, as applicable, in writing of his/her decision. If the decision is favorable, the name of the person shall be placed on the roll. If the Director decides the person is not eligible, he/she shall nofity the person or sponsor, as applicable, in writing by certified mail, to be received by the addressee only, return receipt requested, and shall explain fully the reasons for rejection and of the right to appeal to the Secretary. (If correspondence is sent out of the United States, it may be necessary to use

registered mail.) If an individual files applications on behalf of more than one person, one notice of eligibility or rejection may be addressed to the individual who filed the applications. However, said notice must list the name of each person involved. If a certified or registered notice is returned as "Unclaimed" the Director shall remail the notice by regular mail together with an acknowledgement of receipt form to be completed by the addressee and returned to the Director. If the acknowledgement of receipt is not returned, computation of the appeal period shall begin on the date the notice was remailed. Certified or registered notices returned for any reason other than "Unclaimed" need not be remailed.

(b) A notice of eligibility or rejection is considered to have been made on the date:

(1) Of delivery indicated on the return receipt;

(2) Of acknowledgement of receipt;

(3) Of personal delivery, or;

(4) Of the return by the post office of an undelivered certified or registered letter.

(c) In all cases where an applicant is represented by an attorney, such attorney will be recognized as fully controlling the same on behalf of his/her client; and service of any document relating to the application shall be considered to be service on the applicant he/she represents. Where an applicant is represented by more than one attorney, service upon one of the attorneys shall be sufficient.

(d) The Director shall consider those persons who claim or establish eligibility through a lineal ancestor named on the "Registry" filed in the Office of the Commissioner of Indian Affairs pursuant to article 9 of the treaty with the Delaware Indians of July 4, 1866 (14 Stat. 793), as being affiliated with the Kansas Delaware Tribe of Indians, Incorporated, and those persons who claim or establish eligibility through a lineal ancestor named on the "Register" prepared pursuant to the agreement dated April 8, 1867, between the Delaware Tribe of Indians and the Cherokee Nation, as being affiliated with the Delawares of Idaho, Incorporated. Except that, persons who were 1972 enrollees or were eligible to be enrolled under the 1972 Act even though they are also lineal descendants of a person named on one of the above records shall be considered affiliated with the Cherokee Delawares for the purposes of the 1980 Act. The Director shall consider those persons who claim or establish eligibility because their name or the name of a lineal ancestor appears on the Delaware (Cherokee Delaware) Indian per capita payroll approved by the Secretary of the Interior on April 20, 1906, as being affiliated with the Cherokee Delawares.

(e) To avoid hardship or gross injustice, the Director may waive technical deficiencies in applications or other submissions. Failure to file by the deadline does not constitute a technical deficiency.

§ 43c.8 Appeals.

Appeals from rejected persons must be in writing and must be filed pursuant to part 42 of this subchapter, a copy of which shall be furnished with each notice of rejection.

§ 43c.9 Decision of the Secretary on appeals.

The decision of the Secretary on an appeal shall be final and conclusive, and written notice of the decision shall be given to the person or sponor. When so directed by the Secretary, the Assistant Secretary shall cause to be entered on the roll the name of any person whose appeal has been sustained.

§ 43c.10 Preparation of the rolls.

The staff officer shall prepare a minimum of 5 copies of the roll of persons determined to be eligible for enrollment under paragraph (a) of § 43c.3 *and* a roll of persons determined eligible for enrollment under paragraph (b) of § 43c.3, after the Director has made a determination as to the eligibility of each applicant and 1968 enrollee and/or 1972 enrollee. The names of persons whose appeals are sustained will be added to the roll when they establish eligibility. In addition to other information which may be shown, the complete roll shall contain for each person an identification number, name, address, sex, date of birth and in the remarks column, when applicable, the section of the 1980 Act under which they qualify and whether they are affiliated with the Kansas Delaware Tribe of Indians, Incorporated, or the Delawares of Idaho, Incorporated.

§ 43c.11 Certification and approval of the rolls.

A certificate shall be attached to the rolls by the staff officer certifying that to the best of his/her knowledge and belief the rolls contain only the names of those persons who were determined to meet the requirements for enrollment. The Director shall approve the rolls.

§ 43c.12 Special instructions.

To facilitate the work of the Director, the Assistant Secretary may issue special instructions not inconsistent with the regulations in this part.

Thomas W. Fredericks,

Deputy Assistant Secretary—Indian Affairs.

[FR Doc. 80-28811 Filed 9-17-80; 8:45 am]

BILLING CODE 4310-02-M

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 917

Reopening of Public Comment Period on Portions of the Kentucky Permanent Submission for the Regulation of Surface Coal Mining

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), U.S. Department of the Interior.

ACTION: Proposed rule: reopening of public comment period on portions of the Kentucky permanent program submission for the regulation of surface coal mining.

SUMMARY: OSM is reopening the period for review and comment on portions of the proposed Kentucky regulatory program until the new comment period provides opportunity for the public to review and comment on supplemental information submitted by the Kentucky Department of Natural Resources and Environmental Protection after the close of the public comment period on July 28, 1980.

DATES: All comments must be received on or before 5:00 p.m. on September 23, 1980, to be considered in the Secretary's decision on the proposed Kentucky regulatory program.

ADDRESSES: Supplemental information submitted by Kentucky is available for review during regular business hours at:

Administrative Record Room, Office of Surface Mining, Region II, 530 Gay Street, SW., Suite 500, Knoxville, Tennessee.

Office of Surface Mining, Reclamation and Enforcement, Room 153, Interior South Building, 1951 Constitution Avenue, NW., Washington, D.C. 20240.

Written comments should be delivered by 5:00 p.m. on September 23, 1980 to:

Office of Surface Mining, Interior South Building, 1951 Constitution Avenue, NW., Room 153, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Carl C. Close, Assistant Director, State and Federal Programs, Office of Surface Mining, Interior South Building, 1951 Constitution Avenue, Washington, D.C. 20240 (202) 343-4225.

SUPPLEMENTARY INFORMATION: The Kentucky Department of Natural Resources and Environmental Protection provided OSM additional information relating to the Kentucky statute for implementing the Surface Mining Control and Reclamation Act of 1977 and Kentucky regulations which are based on remanded and suspended Federal regulations. The additional information is contained in letters dated August 18, August 19, August 26, August 28, and September 2, 1980. The new period for public comment is necessary to allow opportunity for the public to review and comment on this supplemental information. If the State should submit any additional information during the time that the comment period is open, the public is invited to comment on that information also. Copies of the letters are contained in the Administrative Record, located in the places identified under "Addresses." Public comment is solicated only on the five letters identified above and subsequent information on which may be provided by Kentucky. The Secretary will not consider comments on other aspects of the Kentucky program.

This announcement is made in keeping with OSM's commitment to public participation as a vital component in fulfilling the purposes of the Surface Mining Control and Reclamation Act of 1977.

General information on the Kentucky program submission can be found at 45 FR 15389–15390 (August 13, 1980), and other **Federal Register** notices cited there.

Dated: September 12, 1980.

Paul L. Reeves,

Acting Director, Office of Surface Mining.

[FR Doc. 80-28862 Filed 9-17-80; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD 80-114]

Drawbridge Operation Regulations; Bayou La Batre, Ala.

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: At the request of the city of Bayou La Batre, Alabama, the Coast Guard is considering changing the regulation governing the State Highway 188 drawbridge across Bayou La Batre, mile 2.3. The bridge presently is required to open on signal at any time. The proposed change would require that Monday through Friday except holidays, the draw need not open for the passage of vessels from 7:30 to 8:30 a.m. and 3:00 to 4:30 p.m. This action is designed to relieve overland traffic congestion during peak morning and afternoon vehicular traffic periods, while still providing for the reasonable needs of navigation.

DATE: Comments must be received on or before October 20, 1980.

ADDRESS: Comments should be submitted to and are available for examination at the Eighth Coast Guard District, Bridge Administration Branch, Hale Boggs Federal Building, 500 Camp Street, New Orleans, Louisiana 70130.

FOR FURTHER INFORMATION CONTACT: Joseph Irico, Chief, Bridge Administration Branch, at the address given above (504–589–2965).

SUPPLEMENTARY INFORMATION: Interested parties are invited to participate in this proposed rule making by submitting written views, comments, data or arguments. Persons submitting comments should include their name and address, identify the bridge, and give reasons for concurrence with or any recommended change in the proposal. Persons desiring acknowledgement that their comments have been received should enclose a stamped self addressed postcard or envelope.

DRAFTING INFORMATION: The principal persons involved in drafting this proposal are: Joseph Irico, Project Manager, District Operations Division, and Steve Crawford, General Attorney, District Legal Office.

Discussion of the Proposed Regulation

Bayou La Batre is mainly used by shrimp boats, with an occasional party boat or commerical fisher. Data submitted by the Alabama State Highway Department for 1979 and 1980 indicate that:

(1) The daily average (Monday through Friday) number of vehicles crossing the bridge between 7:30 and 8:00 a.m. was 825 vehicles. During this same hour period, the daily average number of bridge openings was less than one.

(2) The daily average (Monday through Friday) number of vehicles crossing the bridge between 3:00 and 4:30 p.m. was 1,630 vehicles. During this same one and a half hour period, the daily average number of bridge openings was about one.

Based on these data, the Coast Guard feels that this proposal should meet the reasonable needs of navigation while providing relief to overland traffic during peak hours.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations be amended by adding a new § 117.488 to read as follows:

§ 117.488 Bayou La Batre, Alabama, State Highway 188 bridge.

The draw need not open for the passage of vessels Monday through Friday except holidays, from 7:30 a.m. to 8:30 a.m. and 3:00 p.m. to 4:30 p.m. At all other times the draw shall open promptly on signal.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05–1(g)(3))

Dated: September 5, 1980.

P. A. Yost,

Rear Admiral, U.S. Coast Guard Commander, 8th Coast Guard District.

[FR Doc. 80-28864 Filed 9-17-80; 8:45 am]

BILLING CODE 4910-14-M

33 CFR Part 161

[CGD 74-029]

Houston—Galveston Vessel Traffic Service

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes regulations establishing a vessel traffic service (VTS) in the Houston-Galveston area, similar to the one presently in operation on a voluntary basis in that area. These regulations would require all vessels to comply with certain vessel traffic directives. In addition, all vessels subject to the Vessel Bridge-to-Bridge Radiotelephone Regulations and certain vessels of 100 or more gross tons seaward of the Gulf Intracoastal Waterway would be required to comply with various reporting and operating procedures before entering and while in the proposed VTS Area. The large number of facilities handling hazardous cargoes and the heavy vessel traffic in the area create a hazard to life, property, and the marine environment. The proposal regulations are intended to prevent collisions and groundings and protect the navigable waters of the VTS Area from environmental harm resulting from collisions and groundings.

DATES: 1. Comments must be received on or before November 3, 1980.

2. Public Hearing: The Coast Guard will hold a public hearing on October 28 and 29, 1980.

ADDRESSES: 1. Comments may be mailed to Commandant (G–CMC/24) (CGD 74–029), U.S. Coast Guard, Washington, DC 20593. Comments may

be delivered to and will be available for inspection or copying at the Marine Safety Council (G–CMC/24), Room 2418, U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC, between 7 a.m. and 5 p.m. Monday through Thursday, except holidays.

2. The Coast Guard will hold public hearings beginning at 1:30 p.m. and 7:30 p.m. at the Holiday Inn Central 4640 S. Main St. and Wheeler, Houston, TX on October 28, 1980. Also, hearings will be held at the same times on October 29, 1980 at the Wortham Auditorium, Rosenberg Library in Galveston, TX.

FOR FURTHER INFORMATION CONTACT: Ensign Edward G. LeBlanc, Office of Marine Environment and Systems (G–WWM–2), Room 1608 U.S. Coast Guard Headquarters, 2100 Second Street, S.W., Washington, DC 20593, (202) 426–4958 between 7:30 a.m. and 4:30 p.m. Monday through Thursday, except holidays.

SUPPLEMENTARY INFORMATION: The public is invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Comments should include the name and address of the person submitting them, identify this notice (CGD 74–029) and the specific section of the proposal to which each comment applies, and give the reasons for the comments. If an acknowledgement is desired, a stamped, addressed post card should be enclosed.

All comments received before the expiration of the comment period will be considered before final action is taken on this proposal.

The public is invited to attend the hearing and present oral or written statements on this proposed rulemaking. Anyone desiring to make comments should notify the Marine Safety Council (see ADDRESSES) at least 10 days before the scheduled date of the public hearing and specify the approximate length of time needed for the presentation. It is urged that a written summary or copy of the oral presentation be included with the request. Comments at the public hearing will normally be heard in the order that the requests to comment are received.

Drafting Information

The principal persons involved in the drafting of this proposal are Lieutenant (jg) George W. Molessa, Jr., and Ensign Edward G. LeBlanc, Project Managers, Office of Marine Environment and Systems, and Mr. Stephen H. Barber, Project Counsel, Office of the Chief Counsel.

Background

On October 17, 1978, the President signed into law the "Port and Tanker Safety Act of 1978" (Pub. L. 95–474, 92 Stat. 1471) which amends and supersedes the "Ports and Waterways Safety Act of 1972". The amendments are in response to the findings of Congress that—

(a) Navigation, vessel safety, and protection of the marine environment are matters of major national importance;

(b) Increased vessel traffic in the Nation's ports and waterways creates substantial hazard to life, property, and the marine environment; and

(c) Greater supervision of vessel and port operations is necessary in order to reduce the hazard created by increased vessel traffic.

For these reasons, section 4 of the amended Act authorizes the establishment of vessel traffic services for controlling and supervising vessel traffic by imposing reporting and operating requirements on vessel operations.

The Coast Guard established the Houston-Galvestion Vessel Traffic Service, currently operating on a voluntary basis, because this area has an unusually large number of facilities and vessels handling hazardous cargoes. Approximately seventy percent all cargo handled in the area is classified as dangerous. More than 150 vessels subject to the Vessel Bridge-to-Bridge Radiotelephone Regulations (33 CFR Part 26) transit this area each day and there are two ferry routes which cross main shipping channels.

This situation is further complicated by weather conditions in Galveston Bay which often make vessel transits hazardous. Reduced visibility caused by precipitation occurs 106 days out of the year, heavy fog is present 39 days out of the year, and winds of 30 m.p.h. or more can be expected at any time. Strong tidal currents prevail over much of the area.

Galveston Bay also supports a valuable fishery and is a habitat for an abundance of wildlife. These resources are vulnerable to pollution. With congested vessel traffic and extremely narrow channels, there exists an ever present threat of collisions, groundings, and the pollution resulting from these occurrences.

At the present time, approximately 95% of the vessel operators participate in the service by voluntarily reporting information on their intended routes and progress through the VTS. The vessel traffic center (VTC) in Houston, which operates the VTS, receives these reports by means of remote transceivers placed throughout the system. Based on these reports, as well as data supplied by a closed circuit television and radar system already in operation, the VTC personnel plot the progress of vessels through the VTS. Vessel operators are informed of the vessel which they should expect to encounter along their routes, and advised of defects in aids to navigation, adverse weather, vessels with operating difficulties, and other information affecting their vessel's passage.

The greatest potential for disaster lies in the remaining 5% of the vessel operators who have elected not to participate in the voluntary system. Unless the VTC is also informed of the intended routes and progress of these vessels, the reliability of all information the VTC gives on vessel traffic would be substantially affected and it's usefulness to vessel operators severely impaired. In view of the density of shipping, the presence of large quantities of dangerous cargo, the configuration of the ship channel, and the lack of room to maneuver, the Coast Guard believes that it is essential that all vessels paticipate in the service.

In order to assist users of the VTS, the Coast Guard has prepared a manual to describe the VTS operation and rules. The manual will be undated and reissued as necessary. Copies of the manual are available as indicated in proposed § 161.609.

Discussion of the Proposed Regulations

The proposed regulations would apply in the several channels which lead from Galveston Bay Entrance Channel Lighted Whistle Buoy 1 through Bolivar Roads, in the Houston Ship Channel, in the Galveston Channel, in the Texas City Channel and Turning Basin, in the Texas City or "Carbide" Canal and Turning Basin, in the Bayport Channel and Turning Basin, and in the Gulf Intracoastal Waterway (ICW) and Galveston-Freeport Cutoff from ICW mile 346 to mile 352. In the proposed regulations, this area is defined as the "VTS Area".

To a limited extent, all vessels using the VTS are affected by the proposed regulations. Proposed §§ 161.601 and 161.611 authorize the VTC to direct the movement of any vessel navigating in the VTS Area in an unsafe manner or with improperly functioning equipment. Also, the VTC would be authorized to control the flow and routing of all vessels in the event of congestion, adverse weather, or other hazardous condition. However, these provisions would not impose new burdens on the VTS users, because the Coast Guard is already authorized to perform these functions. The proposed regulations would only recognize the delegation of this authority to the VTC.

The majority of the proposed regulations, those requiring reports by radiotelephone, apply only to the larger, less maneuverable vessels, the ones likely to cause the greatest amount of damage in the event of an accident. All vessels subject to the Vessel Bridge-to-Bridge Radiotelephone Regulations (33 CFR Part 26) and, thus, already required to have a radiotelephone, would be required to report. In addition, vessels ranging from 100 to 300 gross tons (other than recreational vessels of 65 feet or less and fishing vessels) when operating in that part of the VTS Area seaward of the Gulf Intracoastal Waterway must meet the reporting requirements. Most of the vessels in this range are offshore oil and gas industry supply boats, which exist in ever growing numbers in the Galveston area.

In general, reporting under the proposed rules involves contacting the VTC just before entering the VTS, upon entering the VTS, when passing a reporting point listed in proposed § 161.685, and when anchoring in, mooring in, or departing from the VTS Area. Proposed § 161.639(b) adds an additional reporting point (at Buoys 25 and 26) for vessels engaged in towing that are entering the Houston Ship Channel from the Intracoastal Waterway or from the Texas City Channel. Because these vessels must engage in a considerable amount of maneuvering in order to make the sharp turn into the Houston Ship Channel, the actual time these vessels enter the channel would differ from that calculated by the VTC computer. Other vessels should not be subject to this delay and, therefore, would not be required to report at that point.

Proposed § 161.621(b) allows masters of vessels subject to the Vessel Bridge-to-Bridge Radiotelephone Regulations to discontinue the listening watch on the VTS frequency (Channel 12) if, in the opinion of the master, listening to it unduly interferes with hearing communications on the bridge-to-bridge frequency (Channel 13). Under these circumstances, it would be safer for the master to maintain communications with other vessels on Channel 13 than with the VTC on Channel 12. The VTC would still be able to contact the master on Channel 13 or Channel 16. This is permitted under the existing voluntary system.

A recent amendment to Federal Communications Commission (FCC) regulations (44 FR 73095; December 17, 1979) states that a listening watch on the distress, safety, and calling frequency (Channel 16) is not required "For vessels subject to the Bridge-to-Bridge Radiotelephone Act and participating in a Vessel Traffic Service (VTS) system as required or recommended by the U.S. Coast Guard, when an efficient listening watch is maintained on *both* the bridge-to-bridge frequency and a separate assigned VTS frequency." Conversely, if a listening watch is not maintained on the VTS frequency, the distress frequency must be monitored. Therefore, if under the proposed Coast Guard rule (§ 161.621(b)) a master discontinues monitoring the VTS frequency (Channel 12) because of difficulty hearing the bridge-to-bridge frequency (Channel 13), the master must, under the FCC rule, resume monitoring the distress frequency (Channel 16). When listening to multiple channels is a problem, switching to Channel 16 would usually be advantageous because it is normally less active than Channel 12.

Evaluation

The proposed regulations have been evaluated under the Department of Transportation Order 2100.5, "Policies and Procedures for Simplification, Analysis, and Review of Regulations", and have been determined to be nonsignificant. Because the expected impact of the proposed regulations is so minimal, the preparation of an evaluation is not warranted. The equipment required on vessels by the proposed regulations, a VHF–FM radiotelephone, is already required by the Vessel Bridge-to-Bridge Radiotelephone Regulations (33 CFR Part 26) for most vessels that would be affected. Those vessels not required to have a VHF–FM radiotelephone under 33 CFR Part 26 that would be required to have one under this proposal are vessels in the 100 to 300 gross tons range (other than recreational vessels of 65 feet or less and fishing vessels) when operating in that portion of the VTS Area which lies seaward of the Gulf Intracoastal Waterway. Most of these vessels are offshore oil and gas industry supply boats, which customary carry radiotelephones. Approximately 95% of the vessels that would be affected by the proposed requirements have already complied with them voluntarily since 1975. These regulations would ensure that the remaining 5% also comply with the requirements.

The environmental impact of these regulations is assessed in a Final Environmental Impact Statement filed with the Council on Environmental Quality on December 15, 1975. The EIS was prepared by the Coast Guard when the voluntary service was established. A copy if this document is available at the Marine Safety Council (see ADDRESSES).

Public Participation

An effort has been made to consult with, at the earliest time, representatives of the maritime community and other affected parties in the preparation of this proposed rule. After notice in the Coast Guard Local Notice to Mariners 1–80 (January 2, 1980), an informal meeting was held on January 15, 1980 in Houston. The meeting was well attended by major users of the VTS Area.

Continued consultation with the public is provided for in this notice by a request for comments and the scheduling of a public hearing (see DATES and ADDRESSES).

In consideration of the foregoing, it is proposed that Part 161 of Title 33 of the Code of Federal Regulations be amended by adding §§ 161.601 through 161.685.

PART 161—VESSEL TRAFFIC SERVICE

* * * * *

Houston-Galveston Vessel Traffic Service

General Rules

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Descriptions and Geographic Coordinates

161.681 VTS area.
161.683 Limited traffic area.
161.685 Reporting points.

Authority: 33 U.S.C. 1223 and 1231; 49 CFR 1.46(n)(4).

Houston-Galveston Vessel Traffic Service

General Rules

§ 161.601 Purpose and applicability.

(a) Sections 161.601 through 161.685 prescribe rules for vessel operation in the Houston-Galveston Vessel Traffic Service (VTS) Area to prevent collisions and groundings and to protect the navigable waters of the VTD Area from environmental harm resulting from collisions and groundings.

(b) The General Rules in §§ 161.601 through 161.615, except § 161.609, apply to the operation of all vessels.

(c) The VTS Operating Manual rules in § 161.609, the Communications Rules in §§ 161.621 through 161.629, the Reporting Rules in §§ 161.635 through 161.647, and the Special Rules concerning Limited Traffic Areas in §§ 161.671 and 161.673 apply to the operation of—

(1) All vessels subject to the Vessel Bridge-to-Bridge Radiotelephone Regulations in Part 26 of this chapter; and

(2) All vessels of 100 or more gross tons seaward of the Gulf Intracoastal Waterway, except fishing vessels under 300 gross tons and recreational vessels 65 feet or less.

§ 161.603 Definitions.

As used in §§ 161.601 through 161.685:

"Dangerous cargo" means any cargo listed in § 161.3(c) of this chapter.

"Limited Traffic Area" means any subarea within the Vessel Traffic Service Area where the Special Rules in §§ 161.671 and 161.673 apply. This area is described in § 161.683.

"Master" means licensed master or operator or, on vessels not requiring a licensed operator, the person in command of the vessel.

"Person" includes an individual, firm, corporation, association, partnership, or government entity.

"Vessel" means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water.

"Vessel Traffic Center" or "VTC" means the shore based facility that operates the Houston-Galveston Vessel Traffic Service.

"Vessel Traffic Servuce Area" or "VTS Area" means the area described in § 161.681.

§ 161.605 Vessel operation in the VTS Area.

No person may cause or authorize the operation of a vessel in the VTS Area contrary to the rules in §§ 161.601 through 161.685.

§ 161.607 Laws and regulations not affected.

Nothing in §§ 161.601 through 161.685 is intended to relieve any person from complying with—

(a) The Navigation Rules for Harbors, Rivers, and Inland Waters Generally (33 U.S.C. 151 through 232);

(b) Vessel Bridge-to-Bridge Radiotelephone Regulations (Part 26 of this chapter);

(c) Pilot Rules for Inland Waters (Part 80 of this chapter):

(d) The Federal Boat Safety Act of 1971 (46 U.S.C. 1451 through 1489); and

(e) Any other laws or regulations.

§ 161.609 VTS operating Manual.

The master of a vessel shall ensure that a copy of the current edition of the Houston-Galveston Vessel Traffic Service Operating Manual is available on board the vessel when it is in the VTS Area.

Note.—"Houston-Galveston VTS Operating Manual" includes the VTS regulations and navigation information. The manual is available from the Commander, Eighth Coast Guard District (m), Hale Boggs Federal Building, 500 Camp Street, New Orleans, Louisiana 70130 or from the Commanding Officer, Houston-Galveston Vessel Traffic Service, P.O. Box 501, Galena Park, Texas 77547.

§ 161.611 VTC directions.

(a) During conditions of vessel congestion, adverse weather, reduced visibility, or other hazardous circumstances in the VTS Area, the VTC may issue directions to control and supervise traffic and may specify times when vessels may enter, move within or through, or depart from ports, harbors, or other waters in the VTS Area.

(b) Whenever the VTC determines that a vessel in the VTS Area is navigating in an unsafe manner or with improperly functioning equipment, the VTC may direct the vessel's movement or direct it to anchor or moor.

(c) The master of a vessel in the VTS Area shall ensure compliance with each direction issued to the vessel under this section.

§ 161.612 Obstructing navigable channels.

Mooring in, anchoring in, or otherwise obstructing a navigable channel in any way is prohibited without first obtaining permission to do so from the VTC.

§ 161.613 Authorization to deviate from these rules.

(a) The Commander, Eighth Coast Guard District, may, upon written request, issue an authorization to deviate from any rule in §§ 161.601 through 161.685 if that officer finds that the proposed operation can be done safely. A request for an authorization must state the need for the authorization and describe the proposed operation.

(b) The VTC may, upon request, issue an authorization to deviate from any rule in §§ 161.601 through 161.685 for a voyage or part of a voyage on which a vessel is embarked or about to embark.

§ 161.615 Emergencies.

In an emergency, any master may deviate from any rule in §§ 161.601 through 161.685 to the extent necessary to avoid endangering persons, property, or the marine environment.

Communications Rules

§ 161.621 Radiotelephone listening watch.

(a) The master of a vessel in the VTS Area shall ensure that a continuous listening watch is maintained on Channel 12 (156.60 MHz), except when communicating on that or another frequency in the VHF–FM Maritime Mobile band.

(b) For vessels subject to the Vessel Bridge-to-Bridge Radiotelephone Regulations in Part 26 of this chapter, compliance with paragraph (a) of this section is not required when, in the opinion of the master, maintaining a listening watch on Channel 12 unduly interferes with or prevents maintaining a listening watch on Channel 13 (156.65 MHz).

§ 161.623 Radiotelephone reports.

Each report required by the Houston-Galveston VTS rules to be made by radiotelephone must be made on Channel 12 (156.60 MHz).

§ 161.625 English language.

Each report required by §§ 161.601 through 161.685 must be made in the English language.

§ 161.627 Time.

Time must be specified using the zone time in effect in the VTS Area and the 24-hour clock system.

§ 161.629 Radiotelephone equipment failure.

(a) Whenever a vessel's radiotelephone equipment fails before entering or while underway in the VTS Area—

(1) Compliance with § 161.621 on maintaining a listening watch is not required; and

(2) Compliance with §§ 161.635 through 161.641 on reporting is not required, unless those reports can be made by other reasonable means.

(b) Whenever a vessel's radiotelephone equipment fails before getting underway from within the VTS Area—

(1) Permission to proceed must first be obtained from the VTC;

(2) Compliance with § 161.621 on maintaining a listening watch is not required; and

(3) Compliance with §§ 161.637, 161.639, and 161.641 on reporting is not required, unless those reports can be made by other reasonable means.

(c) The master of the vessel shall ensure that the radiotelephone equipment is restored to operating condition as soon as possible.

Reporting Rules

§ 161.635 Initial report.

At least 10 minutes, but not more than 30 minutes, before a vessel enters or begins to navigate in the VTS Area, the master of the vessel shall ensure that the following information is reported during that period of time by radiotelephone to the VTC:

(a) Name of the vessel.

(b) Type of vessel (towing, fishing, supply, etc.)

(c) Point of entry in the VTS Area.

(d) Destination and route in the VTS Area.

(e) Length and draft of the vessel.

(f) Beam of the vessel.

(g) Anticipated average speed of the vessel over the bottom in knots.

(h) Any dangerous cargo that is on board the vessel or its tow.

(i) Any impairment to the operation of the vessel as described in § 161.647.

(j) If towing is involved, the configuration of the tow, the total length of the towing vessel and its tow, the draft of the vessel drawing the most water, and the beam of the widest vessel or combination of vessels.

§ 161.637 Followup reports.

When a vessel enters or begins to navigate in the VTS Area or deviates from its route plan as reported in the initial report, the master of the vessel shall ensure that the following information is reported at that time by radiotelephone to the VTC:

(a) Name of the vessel.

(b) Location of the vessel.

(c) All revisions to the information reported in the initial report under § 161.635.

§ 161.639 Movement reports.

(a) Each time a vessel passes a reporting point listed in § 161.685, the master of the vessel shall ensure that the following information is reported at that time by radiotelephone to the VTC:

(1) Name of the vessel.

(2) Name of the reporting point.

(3) All revisions to the information reported in the initial report under § 161.635.

(b) In addition to reporting at the other reporting points in § 161.685, the master of each vessel engaged in towing that is entering the Houston Ship Channel from the Gulf Intracoastal Waterway or from the Texas City Channel shall ensure that the information in paragraph (a) of this section is reported by radiotelephone to the VTC at the time the vessel passes Houston Ship Channel Buoys 25 and 26.

§ 161.641 Final report.

When a vessel anchors in, moors in, or departs from the VTS Area, the master shall ensure that the place of anchoring, mooring, or departure is reported at that time to the VTC.

§ 161.643 Ferries.

If the VTC is notifed of the scheduled route of a ferry, the ferry is not required to comply with the reporting requirements of §§ 161.635, 161.637, 161.639, and 161.641 while operating on that schedule and route.

§ 161.645 Dredges and floating plants.

(a) Whenever a dredge or floating plant is to be operated within the VTS Area, the master shall ensure that, at least 30 minutes prior to commencing operations, the following information is reported to the VTC:

(1) Location of the intended operation.

(2) Description of the intended operation.

(3) Configuration of the pipelines.

(4) Termination points of the pipelines.

(5) Time required to reopen the channel or move to allow the passage of other vessels.

(6) Any impairment to the operation of the vessel as described in § 161.647.

(b) The master shall ensure that the VTC is immediately notified of any changes in the information reported under paragraph (a) of this section.

(c) The master shall ensure that the VTC is notified when operations are completed.

§ 161.647 Report of equipment impairment.

The master of a vessel in the VTS Area shall report to the VTC as soon as possible—

(a) Any condition on the vessel that may impair its navigation, such as a fire or a defect in propulsion machinery, steering equipment, radar, gyrocompass, or echo depth sounding device;

(b) Any tow that the towing vessel is unable to control or can control only with difficulty;

(c) When involved in a collision or grounding; and

(d) Any radiotelephone equipment failure.

Special Rules

§ 161.671 Communications in a Limited Traffic Area.

Before a vessel meets, crosses ahead of, or overtakes another vessel in a Limited Traffic Area, the master shall attempt to arrange a safe passage with the master of the other vessle on channel 13 VHF–FM (156.65 MHz).

§ 161.673 Entering a limited traffic area.

A vessel may not enter a Limited Traffic Area when advised by the VTC that it may encounter another vessel, unless—

(a) Safe passage has been arranged in accordance with § 161.671; or

(b) The VTC grants the vessel permission to proceed.

Descriptions and Geographic Coordinates

§ 161.681 VTS Area.

The VTS Area consists of the following, including the Limited Traffic Area in § 161.683:

(a) Galveston Bay Entrance Channel shoreward of Buoy 1.

(b) Outer Bar Channel.

(c) Inner Bar Channel.

(d) Bolivar Roads Channel.

(e) Galveston Channel.

(f) Gulf Intracoastal Waterway from mile 346 to mile 352.

(g) Texas City Channel.

(h) Texas City Turning Basin.

(i) Texas City Canal Channel.

(j) Texas City Canal Turning Basin.

(k) Houston Ship Channel.

(l) Bayport Channel.

(m) Bayport Turning Basin.

(n) Houston Turning Basin.

§ 161.683 Limited traffic area.

Crown Bend Limited Traffic Area. A circular area of 1000 yards radius centered at latitude 29°43'32" N., longitude 95°12'44" W.

§ 161.685 Reporting points.

The reporting points are as follows:

Reporting point	Location
Galveston Bay Entrance Buoys 11 and 12.	Galveston Inner Bar Channel.
ICW Mile 349	ICW Mile 349.
ICW Mile 351	ICW Mile 351
Texas City Channel Buoy 12	Tesas City Channel.
Houston Ship Channel Lights 31 and 32.	Lower Houston Ship Channel.
Red Fish Bar Lights 1 and 2	Red Fish Bar.
Bayport Channel Lights 5 and 6	Bayport Channel.
Barbours Cut	Morgans Point.
Baytown Bend	Baytown.
Lynchburg Ferry Terminal	Lynchburg.
Shell Oil Terminal	Boggy Bayou.
Greens Bayou	Greens Bayou.
Warren Gas Terminal	Hunting Bayou.
Arco Terminal	Sims Bayou.
I–610 Highway Bridge	Manchester.

(33 U.S.C. 1223 and 1231; 49 CFR 1.46(n)(4))

Dated: September 3, 1980.

W. E. Caldwell,

Rear Admiral, U.S. Coast Guard Chief, Office of Marine Environment and Systems.

[FR Doc. 80-28882 Filed 9-17-80; 8:45 am]

BILLING CODE 4910-14-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

[CC Docket No. 79-245]

American Telephone & Telegraph Co.; Manual and Procedures for the Allocation of Costs; Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Order extending time for filing comments and reply comments.

SUMMARY: This Order is issued in response to a petition of Aeronautical Radio Inc. (ARINC) seeking an extension of time in which to file Comments in CC Docket No. 79-245, In the Matter of American Telephone and Telegraph Co. Manual and Procedures for the Allocation of Costs. The Order finds that a slight delay is justified and extends the time for filing Comments and Reply Comments.

DATES: Comments must be received on or before September 29, 1980. Reply Comments must be received on or before November 17, 1980.

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

FOR FURTHER INFORMATION CONTACT: Albert Halprin, Policy and Program Planning Division, Common Carrier Bureau, Federal Communications Commission, Washington, D.C. 20554 (202-632-9342).

In the matter of American Telephone and Telegraph Co. manual and procedures for the allocation of costs, CC Docket No. 79-245. Order granting extension. (45 FR 46121).

Adopted: August 28, 1980.

Released: August 29, 1980.

By the Chief, Common Carrier Bureau:

1. On August 22, 1980, Aeronautical Radio Inc. (ARINC) filed a motion seeking an extension in the time for filing initial comments in the above-mentioned proceeding from August 29, 1980 until September 29, 1980. In support of its motion ARINC cites the inclusion of new concepts in our proposed interim manual which have required more time to analyze. ARINC also notes that AT&T has indicated that it plans to file its revised WATS tariff on September 15, 1980 and expresses its belief that parties should have the benefit of AT&T's attempted implementation of the interim manual in forwarding their comments in this proceeding.

2. Because the date originally set for the filing of comments is so close, Common Carrier Bureau staff contacted parties to this proceeding and determined that, except for AT&T, none objected to the motion. AT&T indicates its concern that the schedule approved by the Court of Appeals for the D.C. Circuit for implementation of a revised WATS tariff might be excessively delayed if the motion is granted. However, Bell itself has delayed filing its interim tariff beyond the date set forth in the schedule because of the analyses required by our Notice of Proposed Rulemaking in this proceeding. We therefore believe that it would be appropriate to grant the motion.

3. The Commission intends to adhere, as closely as practicable, to the schedule submitted to and adopted by the Court of Appeals for the District of Columbia, in which we indicated that we would receive initial comments in this docket in August, 1980 and that reply comments would be due in October, 1980. While we believe a slight delay is justified, we are today notifying the Court of Appeals of this action by letter.

4. Therefore, it is ordered, That the date for filing comments in response to the Notice of Proposed Rulemaking in the above-captioned proceeding is extended to and including September 29, 1980 and the date for filing reply comments is extended to and including November 17, 1980.

5. This action is taken pursuant to authority found in Sections 4(i), 5(d)(1), and 303(f) of the Communications Act, as amended, and Section 0.291 of the Commission's Rules.

Federal Communications Commission.

Philip L. Verveer,

Chief, Common Carrier Bureau.

[FR Doc. 80-27954 Filed 9-17-80; 8:45 am]

BILLING CODE 6712-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL 1608-1]

Approval and Promulgation of Implementation Plans; Kentucky: Reproposal and Reopening of Comment Period for Kentucky's Particulate Part D Plan Revisions

AGENCY: Environmental Protection Agency.

ACTION: Proposed rulemaking.

SUMMARY: EPA is today reproposing and reopening the comment period to accept comments on the Kentucky Part D Particulate State Implementation Plan (SIP) revisions as proposed in the **Federal Register** of November 15, 1979 (44 FR 65781). In addition to reproposing (clarifying) the SIP deficiencies listed in the November 15, 1979 **Federal Register** at pages 65785 and 65786, this notice also describes deficiencies not discussed in the November 15, 1979 notice.

This notice responds to comments received in response to the November 15, 1979 proposal. All comments not addressed in this notice will be addressed in the final rule associated with this notice, including comments received in response to this **Federal Register** notice.

As indicated in the proposed action of November 15, 1979, correction of the deficiencies will not require extensive time or resources from the Commonwealth, and EPA expects no difficulty in receiving the necessary corrections by October 15, 1981. If the deficiencies are not corrected by that date, EPA will then disapprove the applicable portions of the revisions. As part of today's proposal, EPA will note all defects it believes to exist in the regulations relating to steel plants.

The public is invited to submit written comments on those issues elaborated on in today's proposed action, in accordance with the previous paragraph.

DATES: To be considered comments must be submitted on or before October 20, 1980. A thirty-day comment period is being used to enable publication of final action on the SIP at the earliest practicable date, because this material was addressed in the November 15, 1979 **Federal Register**, and the issues involved are not so complex as to warrant a longer comment period.

ADDRESSES: Written comments should be addressed to Barry Gilbert of EPA Region IV's Air Programs Branch (See EPA Region IV addressed below). Copies of the materials submitted by Kentucky may be examined during normal business hours at the following locations:

Public Information Reference, Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

Library, Environmental Protection Agency, Region IV, 345 Courtland Street NE., Atlanta, Georgia 30365.

Kentucky Division of Air Pollution Control, West Frankfort Office

Complex, U.S. 127 South, Frankfort, Kentucky 40601.

As part of the rulemaking docket on this notice, the relevant factual material supporting EPA's determinations on these regulations will be made available for inspection and copying at:

Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

Library, Environmental Protection Agency, Region IV, 345 Courtland Street NE., Atlanta, Georgia 30365.

FOR FURTHER INFORMATION CONTACT:

Barry Gilbert, EPA Region IV Air Programs Branch, 345 Courtland Street, NE., Atlanta, Georgia 30365, 404/881–3286 or FTS 257–3286.

SUPPLEMENTARY INFORMATION:

Background

Today's reproposal and reopening of the comment period for Kentucky's Part D particulate revisions is necessary because: (1) The first proposal (November 15, 1979 44 FR 65781) inadequately described certain deficiencies in Kentucky's SIP revisions. (2) Additional deficiencies in the Kentucky revisions have been discovered since publication of the November 15, 1979 proposal notice.

EPA has received comments relating to the November 15, 1979 proposed action. Those comments which relate directly to the deficiencies found to exist in the TSP portion of Kentucky's SIP revisions are addressed below in Part A of the "Discussion" section of this notice. Today's notice in Part B below describes all deficiencies found to exist in the TSP portion of Kentucky's SIP revisions.

Discussion

Today's proposal, in this order: (1) Responds to comments received in response to the November 15, 1979 **Federal Register**, in accordance with information given above. (2) Describes the deficiencies in the TSP portion of Kentucky's SIP revisions.

A. In response to comments which: (1) Take issue with EPA's interpretation of the requirements of Part D of the Clean Air Act and (2) disagree with EPA's interpretation of Congressional intent as to the time frames envisioned for compliance with existing and new SIP requirements. EPA offers the following responses:

1. Several comments were received concerning EPA's discussion of "reasonably available control technology" (RACT) requirements as they apply to nonattainment plans for total suspended particulates (TSP). The comments stated that EPA's concepts of RACT were interfering with the Congressional intent that the proper level of reductions from existing sources would be different for each State and even for different areas within the same state. The comments further suggested that EPA was improperly attempting to impose uniform, nationally applicable RACT requirements and limitations on the steel industry, and that EPA was improperly equating RACT with the limitations and controls which are embodied in consent orders negotiated between EPA and various steel companies. These comments, however, misapprehend the intended nature of EPA's action and the intent of EPA's references to the consent orders.

Although the states have a primary role in designing implementation plans, Section 172(b) of the Act requires that a plan provide for reasonable further progress towards the attainment of national ambient standards as expeditiously as practicable. A state is permitted to submit for EPA approval any mix of emission controls that will meet this requirement. As long as reasonable further progress and expeditious attainment are demonstrated, a state is free to choose its control strategy with opportunity for source participation at the state administrative level.

The requirement that the Part D plans impose RACT on existing sources derives from the following provisions of Section 172(b) of the Act:

> The plan provisions required by (§ 172(a)) shall—
>
> * * * * *
>
> (2) provide for the implementation of all reasonable available control measures as expeditiously as practicable; (and)
>
> (3) require, in the interim, reasonable further progress (as defined in section 171(1)) including such reduction in emissions from exisiting sources in the area as may be obtained through the adoption, at a minimum, of reasonably available control technology.

In other words, EPA has a statutory obligation to ensure not only that the Part D plan provides for attainment of the TSP NAAQS as expeditiously as practicable (under section 172(a)), but also that the plan provides for implementation of all reasonably available controls as expeditiously as practicable, and in such a fashion as to result in such emission reductions as will represent reasonable further progress towards attainment. In order to demonstrate reasonable further progress, a minimum of RACT or its equivalent must be adopted and imposed on existing sources.[1]

2. The commenters point out, however, that since the Act does not contain a statutory definition of RACT, Congress must have inteneded the term to be construed flexibly, taking into account social and economic costs and other factors on a case-by-case basis. Requiring every steel company to comply with the terms of various consent orders negotiated in other states, they argue, without consideration of the circumstances peculiar to particular plants in Kentucky, violates that perceived policy.

In addition, the commenters assert that EPA has already defined RACT in 40 CFR 51.1(0), and that EPA is bound to accept as RACT any adopted controls which are consistent with the examples contained in Appendix B to 40 CFR Part 51.

EPA does not dispute that deteminations of RACT may involve case-by-case determinations. But it does not agree that it is foreclosed from utilizing information derived from other existing sources—including such performance data as may be available following adoption of certain controls or as may have been committed to in consent decrees—in determining what controls are "reasonably available" for all sources within the same general category. Of course, EPA recognizes that all plants and processes are *not* alike and that a specific process at a specific plant may not be able to have its emissions controlled to the same extent as can another, similar process at

[1] For TSP nonattainment areas, EPA recognized the possibility that control measures and technology on traditional (i.e. industrial) sources might not be sufficient to attain the NAAQS by the December 31, 1982 deadline, due to the contribution of "nontraditional" sources (such as fugitive dust) to the existing NAAQS violations. In such cases, adoption of control measures for such nontraditional sources also would be required. However, because control measures for nontraditional sources are still in the infancy of their development and are relatively new to most states, EPA determined, as a matter of policy, to allow the states, after adoption of RACT requirements on traditional sources, to conduct demonstration projects and studies for controlling nontraditional sources of TSP in lieu of immediately adopting control measures for these sources. EPA further determined, as a matter of policy, that it would approve a state's Part D plan for TSP (assuming all other requirements were met) if the plan required RACT and all traditional sources, and contained a commitment to, and an enforceable schedule for, the expeditious development, adoption, submittal and implementation of control measures for nontraditional sources which would result in attainment by the statutory deadline. It is important to understand, however, that such schedules will be accepted in fulfillment of Part D requirements *only* if RACT has been required on traditional sources; such schedules are *not* approvable as an *alternative to* RACT requirements on tradional sources.

another plant. Accordingly, EPA is willing to consider, on a case-by-case basis, any circumstances (including economic considerations) which would require, for a particular source, different controls or different levels of control, from those which would otherwise generally appear to be "reasonably available" to all sources within the same category.

EPA's language concerning consent orders and their relationship to RACT in the notice of proposed rulemaking (44 FR 65785–65786, November 15, 1979) did not completely convey EPA's position. EPA does not intend to require every steel plant in the country to comply with the controls set out in the consent orders mentioned, and does *not* contend that the consent orders establish a uniform, nationally applicable definition of RACT for steel plants. EPA agrees that the referenced consent orders did not address electric arc furnace shops and for a variety of reasons such as "credits" against civil penalties, LAER or BACT requirements, etc. may in some instances, contain emission limitations which are more stringent than could be achieved by the installation of RACT. On the other hand, EPA does believe that the consent orders contain information which is relevant to its technological determination, for all sources within the same category, or the range of controls and levels of control which represent RACT for certain specific processes. Thus, while EPA may not have adequately qualified its statement that the consent orders "represent RACT", EPA maintains its position that the consent orders are valuable sources of technical information which, together with many other types of information (including actual performance data), properly guide EPA in its determination of whether particular controls or levels of control proposed by a state can fairly be said to represent RACT for a particular source or category of sources.[2]

Several commenters seemed to suggest that any use of the consent orders in evaluating whether certain controls represent RACT for other sources would be inappropriate, since consent orders are allegedly negotiated in an atmosphere which is adverse to the steel companies. However, the fact that consent orders may be negotiated in the context of a source's continued failure to comply with existing SIP requirements does not, in EPA's opinion, detract from the value of the technical information contained or reflected in them. Indeed, that a source represented by counsel and engineers, has agreed to install or achieve certain controls—often at the risk of substantial civil and future noncompliance penalties—is alone a very persuasive indication that the source considers such controls to be available to it. Although other factors may certainly have played a role in the final negotiated settlement, EPA does not believe that those factors would automatically, and in all cases, compel EPA to ignore the technical information contained in the consent orders.

Finally, EPA believes that the commenter's reliance on 40 CFR 51.1(o) is misplaced, for several reasons. That section, first promulgated in 1971, reads as follows:

> (o) "Reasonably available control technology" means devices, systems, process modifications, or other apparatus or techniques, the application of which will permit attainment of the emission limitations set forth in Appendix B to this part, provided that Appendix B to this part is not intended, and shall not be construed, to require or encourage state agencies to adopt such emission limitations without due consideration of (1) the necessity of imposing such emission limitations in order to attain and maintain a national standard, (2) the social and economic impact of such emission limitations, and (3) alternative means of providing for attainment and maintenance of such national standard.

Appendix B, also issued in 1971, is entitled "Examples of Emission Limitations Attainable with Reasonably Available Technology," and states that it "sets forth emission limitations which, in the Administrator's judgement, are attainable through the application of reasonable (sic) available emission control technology." In other words, these provisions referred to the state of the art as it existed over eight years ago—nearly six years before the problem of widespread nonattainment of NAAQS prompted Congress to enact extensive Amendments to the Act (Part D) specifically to remedy that problem. By its own terms, Appendix B was intended in 1971 to provide examples and guidance only, not to impose fixed RACT requirements, and accordingly was written in terms of general levels of control for broad categories of sources. (For example, Section 2.5 refers only to "Process industries—general".) Clearly, neither § 51.1(o) nor Appendix B was intended to prevent the more effective technologies which were expected to evolve for particular industries and particular processes, as the result of the basic "technology-forcing" nature of the Clean Air Act, from being incorporated into RACT requirements.

Moreover, EPA has much more recently expressed its view that RACT "defines the lowest emission limit that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility." (Memorandum from Roger Strelow, Assistant Administrator for Air and Waste Management to Regional Administrators, December 9, 1976; reprinted in 7 Environmental Reporter, Current Developments (BNA) 1210, Col. 2, December 17, 1976.) This definition of RACT appears in both the Senate and House Hearings on the Clean Air Act Amendments of 1977,[3] and was reiterated by EPA in the recent Supplement to the General Preamble for Proposed Rulemaking on Approval of Plan Revisions for Nonattainment Areas, 44 FR 53762 (September 17, 1979). In addition, as recently as March 27, 1980, the United States District Court for the District of Delaware relied upon this definition in construing the "reasonably available control technology" language of section 172(b)(3), and stated that "[i]t is clear that the term encompasses 'stringent, or even "technology-forcing"' requirements." *Rubber Manufacturers Ass'n, Inc. v. Costle,* Civil Actions No. 79–189, Slip Opinion at 4.

In short, EPA does not agree that it is bound in 1980 to accept the controls and levels of control mentioned in the general 1971 RACT examples as representing current RACT requirements for all processes and all industries.

3. Comments were received which challenged several of EPA's determinations that specific regulations contained in Kentucky's Part D SIP revision relating to steel plants do not represent RACT. Two commenters objected that they had not had an adequate opportunity to examine the technical, factual data supporting EPA's determinations that certain regulations did not represent RACT. In addition, one commenter demanded what would amount to, in effect, an adjudicatory

[2] One commenter suggested that the imposition of uniform, nationally applicable RACT limitations would usurp the state's right to choose between section 173(1)(A) and section 173(1)(B) as the means of accommodating new source growth. The commenter argued that if EPA imposed uniform limitations which represent the maximum available control for all sources, the alternative of adopting an offset policy for new sources under § 173(1)(A) would be rendered a nullity because no offsets would be achievable. However, not only is EPA *not* imposing uniform RACT limitations, but the commenter is also in error in equating "reasonably available" control technology with "maximum available" control technology.

[3] See Hearings on H.R. 4151, 4758 and 4444 before the Subcommittee on Health and the Environment, House Committee on Interstate and Foreign Commerce, 95th Cong., 1st Sess., Part 2 (Serial No. 95–59, March 8–11 and April 18, 1977) at 1227, 1427, also discussed in testimony at 1825. Hearings on S. 251, 252, 253 before the Subcommittee on Environmental Pollution, Senate Committee on Environment and Public Works, 95th Cong., 1st Sess., Part 2 (Serial No. 95–117, February 10, 1977) at 555.

hearing in which to litigate its contention that it cannot reasonably achieve the level of control referred to by EPA. While EPA does not agree that such a trial-type hearing is required, it is willing to concede that its discussion, in the November 15, 1979 Notice, of the factual basis for these determinations was arguably inadequate. A clarification is provided below, and the data are available as part of the rulemaking docket on this notice.

With regard to regulations 401 KAR 61:075, Steel Plants and Foundries Using Existing Electric Arc Furnaces and 401 KAR 61:080, teel Plants Using Existing Basic Oxygen Process Furnaces, two commenters expressed the opinion that the regulations were as stringent as those of neighboring states and thus constituted RACT. On the other hand, one commenter stated that 401 KAR 61:080 was not as stringent as the State of Pennsylvania's regulations and should be disapproved because it is significantly more lenient than existing control technology necessitates. Another commenter stated that their present gas cleaner had been installed to meet a less restrictive regulation, had been upgraded and maintained over the years, and thus should be considered to represent RACT. Comments were expressed that the regulations as proposed were nearly as stringent as NSPS for the sources in question and therefore, were equivalent to RACT. Further, that EPA's proposals were absurd and irrational because they were more restrictive than NSPS. Two commenters stated that EPA could not require Kentucky to adopt a test procedure for reading intermittent visible emissions that has not been evaluated for precision and accuracy. One commenter also contended that EPA could not require the visible emission procedure recommended in the proposed rulemaking without first going through rulemaking on the recommended procedure itself. Another commenter stated the purpose for the revision of Method 9 was to eliminate the significance of a single opacity reading and thus, there was no basis for EPA's prohibition of a single opacity reading in excess of 60 percent. Finally, commenters argued that the EPA proposals were technically infeasible and imposed an unreasonable economic burden on the sources in question.

Clearly, the determination of whether or not a proposed SIP revision requires the installation of RACT must be judged on whether or not the proposed regulations will result in the application of gas capture and cleaning equipment on all stationary sources, which will reduce emissions by an amount at least equivalent to that being achieved by identical or comparable process sources. Therefore, EPA rejects the notion that a regulation will require the installation of RACT simply because it is equivalent to a regulation in another state or states which also may be deficient or which may be applicable to sources which are not located in nonattainment areas and therefore, do not require the same degree of control.

Similarly, proper maintenance and marginal upgrading of a control device installed many years ago to meet much less restrictive requirements than those presently achievable cannot be characterized as RACT. Congress intended that at a minimum, the proposed regulations would require emission reductions comparable to those which could be achieved by the installation of control technology which is presently available for existing sources. Maintaining the status quo by preventing the deterioration of a control device that was installed years ago is clearly not sufficient in and of itself.

Concerning equivalency of the proposed regulations with Federal NSPS, the background documentation referenced in the SUMMARY section, above, gives the information EPA relied upon in our determination that Kentucky's regulations were not RACT. Major deficiencies exist with the standards submitted by Kentucky for both electric arc and basic oxygen furnaces. Namely, intermittent operations, i.e., charging, during the production of steel by electric arc furnaces typically last for much shorter periods of time than defined in the proposed regulations. Thus, compliance could be achieved by averaging charging opacities with opacities observed during noncharging periods when little or no process fugitive emissions are produced. Similarly, the sampling period defined in the mass standard for basic oxygen furnaces allows the inclusion of sampling periods when little or no emissions are being produced. Thus, once again compliance can be achieved by simply lengthening the nonproductive periods during a compliance test. Further, the proposed standard does not require the control of process fugitive emissions produced during charging, turndown, tapping, etc. Therefore, it would be most inappropriate for states to adopt as RACT a set of regulations for which there are known major deficiencies such that sources could avoid the need to install RACT.

The regulations submitted by Kentucky for EPA approval do not contain procedures for determining compliance with visible emission standards for sources whose emissions are intermittent. As the commenters point out, EPA recognized in the preamble to the promulgation of Method 9 and the U.S. District Court for the Western District of New York stated in *Donner Hanna Coke Corporation v. Costle*, 464 F. Supp. 1295 (W.D. N.Y. 1979):

> That certain types of opacity violations that are intermittent in nature require a different approach in applying the opacity standards than * * * (in) Method 9.

In order for its regulations to be approved by EPA, Kentucky must provide a procedure for enforcing the visible emissions standards it submitted. Kentucky did not include such a procedure for reading intermittent visible emissions in its submittal. EPA could not propose approval of the submittal insofar as no adequate procedure for determining compliance was included.

As to the precision and accuracy of the recommended procedure, EPA is studying the precision and accuracy of its recommended procedure. In the meantime, the procedure recommended by EPA to remedy the lack of a testing procedure was the same as that which had been agreed to by steel companies in various consent decrees for reading intermittent visible emissions. Kentucky is free to submit procedures other than the one recommended by EPA; as long as such a procedure provides for adequately reading intermittent visible emissions, EPA will propose approval.

The commenter who argued that EPA could not require the recommended test procedure without submitting the procedure to the rulemaking process, fails to recognize that any procedure for determining intermittent visible emissions promulgated as part of the Kentucky SIP would be subject to rulemaking. Their procedural rights would be thus protected.

As to the complaint concerning EPA's inclusion of a cap in the process fugitive visible emission standards for electric arc furnaces (EAFs) and basic oxygen furnaces (BOFs) which would prohibit any emissions which exceeded an opacity of 60 percent, EPA has taken the comment under advisement and in today's reproposal EPA has removed its recommendations that the visible emission standards for EAFs and BOFs contain a 60 percent cap.

In response to the commenters who stated that EPA's proposals for EAFs and BOFs were technically infeasible and imposed an unreasonable economic burden on the sources in question, EPA would once more state that the docket

on this notice contains the data upon which EPA bases its contention that the limitations discussed herein constitute RACT for EAFs and BOFs as a general category of sources. As stated previously, EPA is willing to consider, on a case-by-case basis, any circumstances (including economic considerations) which would require for a particular source, different controls or different levels of control, from those which would otherwise generally appear to be "reasonably available" to all sources within the same category. However, EPA believes that the burden of sustaining such a contention, along with the appropriate documentation, is that of the source and/or the state. Thus far EPA has not been presented with documentation which supports claims as to the technical infeasibility and economic problems which would accompany state adoption of the limitations discussed herein. Unless specific documentation is provided which convinces EPA that Kentucky's regulations are appropriate for a particular source, EPA intends to conditionally approve Kentucky's regulations on EAFs and BOFs contingent upon Kentucky adopting changes to the regulations which correct the noted deficiences.

4. Several commenters challenged EPA's authority to consider relaxations or revocations of existing plan requirements. The Administrator has not precluded states from relaxing or revoking existing plan requirements if the new requirements ensure reasonable further progress and standard attainment as expeditiously as practicable; the statute, however, is clear that attainment must be achieved as expeditiously as practicable and that December 31, 1982, is the last permissible attainment date, not merely a statutory goal. Section 172(a)(1). Congress in enacting the 1982 Amendments did not intend the 1977 attainment date to authorize relaxations or delays in compliance with old requirements. See 123 Cong. Rec. H 11958 (daily ed., November 1, 1977) (Remarks of Rep. Rogers), quoted *infra*. The Administrator, therefore believes it would be inconsistent with the Congressional intent to permit relaxation or revocation of existing requirements. As discussed in General Preamble at 44 FR 20373–20374 (April 4, 1979) EPA's continuity policy reflects and is consistent with the Congressional intent to prevent avoidance of pre-existing plan requirements.

5. Comments were received which claim that present SIP regulations (i.e. process weight and opacity regulations) were never intended to apply to intermittent emission sources. Further, that when considering whether proposed regulations are a "relaxation" of existing SIP requirements, it is the state's interpretation of the current regulations which the proposed regulations must be compared to rather than EPA's. If a particular regulation in conjunction with the general definition section of a SIP clearly encompasses a category or categories of intermittent sources, EPA has taken the position that the regulation says what it means. Thus, if a regulation by its own definition includes certain sources, state interpretations to the contrary should not preclude the legal obligation of such sources to comply with the applicable regulation. EPA believes that its position is justified by examination of the original air quality control strategies which accompanied the present SIPs. Such strategies either failed to include intermittent sources in the emissions inventory or claimed that implementation of the regulations would result in substantial reduction of such emissions. Clearly, neither approach would have been valid if no SIP regulations were intended to require the elimination or reduction of such emissions. Therefore, EPA disagrees that its enforcement of such regulations as they pertain to intermittent sources is enforcement afterthought and ignores the technical basis of SIPs. On the contrary, EPA believes that both the literal reading of the regulations as well as the SIP air quality control demonstration, which is the underlying basis for the original SIP approval, clearly indicate that the regulations were intended to apply to intermittent process fugitive emission sources.

6. One commenter took issue with EPA's retention of existing attainment dates despite the new attainment deadlines established in Section 172(a) of the Act, i.e., the Agency's continuity policy. *See* General Preamble, 44 FR 20373–20374 (April 4, 1979). The commenter's position is that the attainment date extensions in Section 172(a) permit states to accommodate those sources not in compliance with existing requirements, provided that reasonable further progress and attainment are demonstrated. The commenter has misconstrued the purpose of Section 172(a). In that Section, Congress established new attainment dates and provided additional time for previously regulated sources to comply with new, more stringent requirements, and time for sources not previously required to be controlled to comply with newly applicable emission limitations. These new deadlines were not intended to give sources that failed to comply with pre-1977 plan requirements more time to comply with those requirements. *See* 123 Cong. Rec. H 11958 (daily, ed., November 1, 1977) (Remarks of Rep. Rogers), quoted *infra*. The new attainment deadlines were not intended to delay or supersede the compliance deadlines of existing plan requirements. If this were the intention, then recalcitrant sources would be relieved of obligations established under the Act prior to the 1977 Amendments. In addition, existing requirements must be retained in order that sources not operate without controls (or with less stringent controls) while moving towards compliance with (or challenging) the new requirements. EPA's continuity policy reflects, and is consistent with, the Congressional intent to prevent avoidance of existing plan requirements.

On the same basis, EPA's continuity policy would preclude sources subject to pre-1977 requirements from receiving variances extending their compliance dates beyond the pre-1977 attainment deadlines. The only exception to this rule would be in cases where there is a conflict between the requirements of the new regulations and the requirements of the existing regulations; such that it would be impossible for a source to comply with the existing regulations while moving towards complaince with the new regulations.

Such extensions would also violate the requirement of Section 172(b) for reasonable further progress towards the attainment of national ambient standards as expeditiously as practicable.

7. One commenter took issue with EPA's citation of the Congressional remarks of Representative Paul Rogers, 123 Cong. Rec. H 11958 (daily ed., November 1, 1977), quoted *infra*, in support of its policy of retention of pre-1977 attainment dates. The commenter stated that the citation lacked authority for EPA's position because the remarks were submitted as explanatory material during consideration of the technical amendments to the 1977 Clean Air Act Amendments. However, as the agency charged with interpreting and enforcing Congressional directives, EPA finds the remarks of Representative Rogers to be both clear and helpful to the implementation of the 1977 Amendments:

> The first suggestion was that the Act be amended to make clear that a revised attainment date under Section 172(a) would not be the basis for delaying the effective date of the emission limit for any source in

effect prior to the adoption and submission of a plan revision under Part D. This Amendment was deemed unnecessary. Delays or relaxations of emission limits were not generally authorized or intended under Part D.

Id. Representative Rogers' remarks are no less clear or helpful by having been submitted during a discussion of the technical amendments.

8. One commenter stated that EPA has no authority under the statute to consider "enforceability" by reviewing state provisions for "clarity and specificity". See General Preamble, 44 20373 (April 4, 1979). Section 110 generally requires that a plan be enforceable. See Section 110(a)(1), (a)(2)(D). Based on those requirements, EPA must determine whether a plan is, in fact, enforceable. The requirements for enforceability would not be satisfied by unclear or imprecise plan provisions. Vagueness as to regulatory requirements or applicability would make it difficult, if not impossible, to enforce regulations against specific sources.

9. One commenter claims that EPA cannot disapprove only a portion of a Kentucky regulation, but rather under Section 110 EPA must approve or disapprove the entire regulation. EPA believes that disapproving portions of a regulation is consistent with Section 110. Section 110 states that Administrator shall approve a plan "or any portions thereof" if that plan or portion of a plan meets the criteria set out in Section 110(a)(2). Since the Administrator may approve portions of a plan, he certainly may disapprove other portions that do not meet the requirements of Section 110(a)(2). Hence, if portions of a regulation are inconsistent with those criteria, but the regulation without those portions meets those criteria and assures attainment and maintenance of ambient air quality standards, then nothing in Section 110 prevents the Administrator from approving the regulation, yet disapproving those inconsistent portions.

10. Numerous comments were received on Kentucky's alternative emission reduction plan. The commenter states that the plan did not expressly prohibit trades of emissions from coke oven operations against other less hazardous emissions, and that sources on a timetable for compliance would be eligible for participation in the plan regardless of whether or not a particular source was actually meeting the compliance timetable. Further, the plan did not specially require that proposed alternative emission plans be tied to enforceable testing techniques. Also, that it was not specified that existing emission limits remain in effect until EPA has approved any alternative emission plan. In addition, the regulation did not discuss opportunities for notice and hearing, making public participation in the process uncertain. Finally, the plan does not specify what emission limitations the remaining points in a bubble are subject to prior to a closed facility in a bubble being classified as a permanent shutdown.

EPA basically agrees with the comments submitted on Kentucky's alternative emission reduction plan. Further, EPA has incorporated those comments in today's proposal. (See B.3. below).

B. The following deficiencies have been determined to exist in the TSP portion of Kentucky's 1979 revisions. The deficiencies noted include a clarification of those deficiencies listed under "TSP conclusions" on pages 65785 and 65786 of the Thursday, November 15, 1979, **Federal Register** as well as a number of additional deficiencies discovered by EPA since publication of that **Federal Register** notice.

1. Kentucky Regulation 401 KAR 50:055 Section 2(3) indicates that Method 9 or Appendix A of 40 CFR Part 60 will be used to determine compliance with opacity standards. Method 9 is inappropirate for application to intermittent sources. A separate opacity method needs to be specified for intermittent sources.

2. Regulation 401 KAR 50:055 Section 2(6). Adjustment of opacity standards must be restricted to stack or control device discharges. It would be inappropriate for uncaptured process fugitive emissions to have opacity adjustments.

3. Regulation 401 DAR 50:055 Section 6, Alternative Emission Reduction Options, does not restrict particulate emissions from coke ovens from being traded against particulate emissions from other sources as required by D(1)(c)(i) of EPA's *Recommendations for Alternative Emission Reduction Options Within State Implementation Plans* published in the December 11, 1979, **Federal Register;** note that this **Federal Register** was published after Kentucky's SIP was developed. Section 6(1)(a)(3) must require that any source on a compliance schedule must be meeting the compliance timetable. Section 6 (1)(b)(2) indicates there are standards of performance contained in 401 KAR 63:010 but no such standards exist. Therefore, it is unclear as to what value is to be used for allowable emission rate in the formula contained in Appendix A. Sources without specific standards and test procedures should not be used in any alternative reduction plan. Section 6(4)(b) provides only that the department may require compliance testing. Testing must be required and specific enforceable testing techniques need to be indicated. Section 6(5)(a) must specify that existing emission limitations remain in effect until after EPA has approved the alternative plan. Section 6(5)(b) does not specify what emission limitations the remaining points in a bubble are subject to prior to a closed facility in a bubble being classified as a permanent shutdown. Under such circumstances, the source emission rate must not be allowed to exceed the sum of the previously allowable emission rates for the remaining operating facilities in the bubble. Finally, there must be specific requirements which insure public participation in the process, i.e. notice and public hearing. EPA recognizes that the basic criteria against which the alternative emission reduction plan was reviewed was published long after the plan was submitted. The "Bubble Policy"; however, is only a reiteration of past allowances in the SIP process, with certain exceptions, such as the prohibition of trades for coke oven emissions. Kentucky may correct this portion of the SIP, or delete it, since attainment is not jeopardized by its absence. However, any bubble must be submitted to EPA as a SIP revision.

4. 401 KAR 61:005 General Provisions. Sections 2(1) and 2(2). It is unclear whether the state is requiring a performance test to demonstrate compliance or whether it is just indicating that it may require a performance test. The regulation needs to require that a performance test be performed.

5. 401 KAR 61:020 Section 3, Standard for Particulate Matter, is unclear whether or not subsections (1)(a), (1)(b), (2)(a), and (2)(b) apply to process fugitive sources which are not subject to another process fugitive standard in Chapter 61. If they do not, then 401 KAR 63:010 would be the applicable regulation for such sources. Because 401 KAR 63:010 does not contain emission limitations or requirements which would insure the application of RACT to process fugitive emission sources, the regulation is unacceptable to EPA in its present form. Such a deficiency could be corrected in a number of ways. The state could adopt specific process fugitive regulations which would require the installation of RACT for all such sources in Chapter 61 of its regulations. Alternatively, the state could adopt opacity standards in 401 KAR 63:010 which would require the installation of RACT in order for process fugitive sources to be able to comply with the

limitations. Another approach would be to have 401 KAR 63:010 specifically require the installation of RACT. Individual permits could then specify the equipment and emission limitations which would be applicable to any specific process fugitive emission point. Each such permit would then be submitted to EPA as a plan revision. One of the above or another acceptable approach for insuring that process fugitive emission sources are equipped with RACT must be adopted by the State. If subsections (1)(a), (1)(b), (2)(a) and (2)(b) do apply to process fugitive emission sources, then enforceable test procedures need to be included with the regulations. Finally, an enforceable test procedure needs to be included for determining compliance with subsection (2)(d).

6. 401 KAR 61:075. Steel plants and foundries using existing electric arc furnaces. Method 9 is not appropriate for intermittent sources of emissions. Therefore, it is necessary for the state to include a specific method for reading the opacity of process fugitive emissions during charging, tapping, etc. EPA recommends the procedure indicated in the November 15, 1979, **Federal Register** proposal for Kentucky (i.e. EPA Method 9 except for Section 2.5). Further, EPA believes the data available as part of the rulemaking docket on this notice would support a standard for electric arc furnace shops which would restrict the opacity of emissions discharged from electric arc furnace shops, excluding discharges from control devices, to less than 20 percent opacity except for three minutes in any consecutive 60 minute period of time.

7. 401 KAR 61:080. Steel plants using existing basic oxygen process furnaces. Associated metallurgical equipment needs to be defined. Method 9 is not appropriate for intermittent sources of emissions. Therefore, it is necessary for the state to include a specific method for reading the opacity of process fugitive emissions during charging, tapping, etc. EPA recommends the procedure indicated in the November 15, 1979, **Federal Register** proposal for Kentucky (i.e. EPA Method 9 except for Section 2.5). EPA believes the data available as part of the rulemaking docket on this notice would support a standard for BOF shops which would restrict the opacity of emissions discharged from BOF shops, excluding discharges from control devices, to less than 20 percent opacity except for either three minutes in any consecutive 60 minute period of time or on a 3 minute moving average. Further, the opacity from any control devices employed must be restricted to 20 percent unless an equivalent opacity per 401 KAR 50:055 could be established for any control device(s) meeting either of the following mass standards.

EPA believes the data available as part of the rulemaking docket for this notice would support a standard which would restrict emissions from the primary BOF control device to 0.030 gr/dscf as tested only during the main oxygen blow and emissions from any secondary emissions control devices to 0.010 gr/dscf as tested only during the duration of the secondary operation. An alternative would be 0.10 pounds of emissions (aggregation of all BOF gas cleaner stacks)/ton of steel produced.

8. 401 KAR 61:140. Existing by-product coke manufacturing plants. EPA believes that the data available as part of the rulemaking docket on this notice would support the following changes to the proposed standards.

a. Charging emissions should be restricted to no visible emissions except for an average (averaged over 4 to 7 charges) of 25 seconds of any visible emissions (excluding water vapor) per charge with an exemption for a discarded charge reading (e.g. the highest charge in every 20 observed).

b. Battery topside leaks should be broken down into two separate standards. In its present format good control of charging ports would allow less than a RACT level of control for standpipes. The recommended standards are no more than 5 percent of the charging ports or 10 percent of the standpipes on operating ovens should be leaking at any time.

c. The proposed regulation requires 85 percent capture of total particulate matter generated during pushing. If an enforceable test procedure were included with the standard so that compliance could be documented, EPA would have no objections to the proposed regulation. However, in the absence of such a test procedure, EPA would recommend an opacity standard such as no visible emissions during pushing should equal or exceed 20 percent opacity except for 6 seconds per push (averaged over a number of pushes) as read over the collector main or 90 percent of Method 9, 15 second readings shall not equal or exceed 20 percent opacity during the pushing operation and the subsequent travel of the hot car to the quench tower.

d. Make up water used in the quenching operation should not contain TDS in excess of 750 mg/l. An acceptable alternative would be to restrict stack emissions to 0.60 pounds of emissions/ton of coke produced.

Other needed changes in 401 KAR 61:140 include an opacity reading procedure for combustion stacks. Method 9 would be an inappropriate procedure for determining compliance as the standard is presently proposed. Also, a specific visible emission test procedure will be needed for pushing. Finally, a number of the test methods and procedures proposed will need to be modified in light of the suggested changes in a number of the proposed emission limitations.

9. It will be necessary for the state to adopt specific regulations which will require the installation of RACT on blast furnace casthouses. Once again, EPA believes the data available as part of the rulemaking docket on this notice would support a visible emission standard which would restrict the opacity of emissions from blast furnace casthouses to less than 20 percent as read on a moving 6 minute average or restrict any emissions to below 20 percent opacity except for 6 percent of the individual 15 second readings per cast. In addition, emissions from the discharge of any air pollution control devices installed would need to be restricted to 0.01 gr/dscf as tested during casting.

10. It is proposed to disapprove a portion of the plan for all TSP nonattainment areas due to the following deficiency. Regulation 401 KAR 61:015, Existing Indirect Heat Exchangers, at paragraph (2)(d) of Section 8, Compliance Timetable, requires sources in nonattainment areas to demonstrate compliance * * *" as expeditiously as practicable but in no case later than December 31, 1982". Only sources which are subject to a more stringent emission limit due to this SIP revision may be allowed time to attain compliance. Section 8(2)(d) is deficient since it allows sources, which are not subject to more strict emission limits, time to achieve compliance. This disapproval in effect, removes the unapprovable portion of Section 8(2)(d) from the SIP, thereby enabling the affected part of SIP to be approved. As a result, Sections 176 and 110(a)(2)(I) of the CAA will not apply. The Commonwealth may remove this deficiency by modifying Section 8(2)(d) so that it does not apply to TSP sources.

Proposed Action

Based on the foregoing EPA is proposing to conditionally approve those portions of the Kentucky SIP revisions which were found to be deficient as explained in this notice. Therefore, the comment period is reopened for the deficiencies listed above. It is EPA's intent to fully approve the Kentucky revisions required under Part D, of Title I of the Clean Air Act, when the Commonwealth corrects the

deficiencies discussed in this notice, and those deficiencies discussed in the November 15, 1979 **Federal Register** and not further explained in this notice. If these corrections are not forthcoming by October 15, 1981, EPA will act to disapprove the related plan revisions.

Dated: August 13, 1980.

Rebecca W. Hanmer,

Regional Administrator.

[FR Doc. 80-28832 Filed 9-17-80; 8:45 am]

BILLING CODE 6560-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 123

[FRL 1608-2]

Arkansas: Submission for Approval of Interim Authorization Plan, Phase I

AGENCY: Environmental Protection Agency.

ACTION: Notice of public comment period.

SUMMARY: In the May 19, 1980 **Federal Register** (45 FR 33063), the Environmental Protection Agency promulgated regulations, pursuant to Subtitle C of the Resource Conservation and Recovery Act of 1976 (as amended), to protect human health and the environment from the improper mangement of hazardous waste. Included in these regulations, which become effective 6 months from the date of promulgation, were provisions for a transitional stage in which states would be granted interim program authorization. The interim authorization program will be implemented in two phases corresponding to the two stages in which an underlying Federal program will take effect.

As noted in the May 19, 1980 **Federal Register**, copies of state submittals for Phase I Interim Authorization are to be available for public inspection and comment. The purpose of this notice is to announce the availability of the Arkansas submittal for Phase I Interim Authorization for public review, to invite public comment, and give notice of a public hearing to be held on Arkansas' application. A listing and a description of requirements for interim authorization are stated in 40 CFR Section 123, subpart F.

DATE: Comments on the Arkansas Interim Authorization application must be received by October 27, 1980.

ADDRESSES: Copies of the Phase I Interim Authorization plan are available at the following addresses for inspection and copying:

Environmental Protection Agency, Region VI, Library, 28th floor, 1201 Elm Street, Dallas, Texas 75270, (214) 767-7341.

Arkansas Department of Pollution Control and Ecology, 8001 National Drive, Little Rock, Arkansas 72209, (501) 371-1701.

SEND WRITTEN COMMENTS TO: Environmental Protection Agency, Region VI, Air and Hazardous Materials Division, Attention: Thomas D. Clark, Solid Waste Branch, 1201 Elm Street, Dallas, Texas 75270, (214) 767-2645.

PUBLIC HEARING: EPA will hold a public hearing on Arkansas' application for Interim Authorization on Monday, October 20, 1980, at 7:00 p.m., in the Auditorium of the Arkansas Game and Fish Commission, No. 2 National Resources Drive, Little Rock, Arkansas.

FOR FURTHER INFORMATION CONTACT: Thomas D. Clark, Solid Waste Branch, U.S. EPA, Region VI, Dallas, Texas 75270, (214) 767-2645.

Dated: September 12, 1980.

Adlene Harrison,

Regional Administrator.

[FR Doc. 80-28833 Filed 9-17-80; 8:45 am]

BILLING CODE 6560-01-M

ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TRANSPORTATION

40 CFR Part 51

[FRL 1607-2]

Basic Transportation Needs

AGENCIES: Environmental Protection Agency (EPA), Department of Transportation (DOT).

ACTION: Notice of proposed policy.

SUMMARY: The purpose of this notice is to propose Federal policy and guidance on implementaton of the Clean Air Act requirement for meeting "basic transportation needs" (BTN). This requirement applies to areas needing an extension beyond 1982 to meet the carbon monoxide and/or ozone air quality standards. With this notice EPA and DOT are requesting public comment on the proposed policy and guidance.

DATE: In order to be considered, comments must be received on or before November 3, 1980.

ADDRESS: U.S. Environmental Protection Agency, Office of Transportation and Land Use Policy, 401 M Street, S.W., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Brian McLean, Office of Transportation and Land Use Policy, 401 M Street, S.W., Washington, D.C. 20460 (202) 755-0603 or James Getzewich, Urban Mass Transportation Administraton, Washington, D.C. 20590 (202) 426-4991.

SUPPLEMENTARY INFORMATION: Clean Air Act Authority. Sections 110(a)(3)(D) and 110(c)(5)(B) of the Clean Air Act (CAA) require areas unable to attain the National Ambient Air Quality Standards for ozone and/or carbon monoxide by December 31, 1982 to revise their State Implementation Plans (SIP's). This revision must "include comprehensive measures (including the written evidence required by part D), to: (i) establish, expand, or improve public transportation measures to meet basic transportation needs, as expeditiously as practicable; and (ii) implement transportation control measures necessary to attain and maintain national ambient air quality standards."

Also the "revised plan shall, for the purpose of implementing such comprehensive public transportation measures include requirements to use (insofar as is necessary) Federal grants, State or local funds, or any combinations of such grants and funds as may be consistent with the terms of the legislation providing such grants and funds".

EPA and DOT issued "Transportation-Air Quality Planning Guidelines" in June 1978. In these guidelines the two agencies stated that areas needing an extension for standard attainment had to commit in their 1979 SIP submission to "prepare and carry out" comprehensive measures to establish, expand or improve public transportation to meet basic transportation needs. EPA and DOT also stated that additional guidance on BTN would be issued.

All public transportation measures determined to be necessary to meet BTN must be contained in the 1982 SIP and should be accompanied by local and State commitments necessary to ensure implementation. Transportation measures designed to meet basic transportation needs should appear on the appropriate area's TIP/AE and State's 105 program in accordance with schedules contained in the SIP; implementing bodies must have the necessary statutory authority, to fund, construct, operate, and/or administer the measures.

Proposed Policy and Guidance on Meeting Basic Transportation Needs (BTN)

Sections 110(a)(3)(D) and 110(c)(5)(B) of the Clean Air Act (CAA) require areas unable to attain the National Ambient Air Quality Standards for ozone and/or carbon monoxide by

December 31, 1982 to revise their State Implementation Plans (SIP's). This revision must "include comprehensive measures (including the written evidence required by part D), to: (i) establish, expand, or improve public transportation measures to meet basic transportation needs, as expeditiously as practicable; and (ii) implement transportation control measures necessary to attain and maintain national ambient air quality standards."

Also the "revised plan shall, for the purpose of implementing such comprehensive public transportation measures include requirements to use (insofar as is necessary) Federal grants, State or local funds, or any combinations of such grants and funds as may be consistent with the terms of the legislation providing such grants and funds."

The goal of the transportation-air quality program is to reduce transportation-related emissions to meet air quality standards while sustaining mobility. The Clean Air Act requirements to establish, expand or improve public transportation to meet basic transportation needs recognize that, in order to sustain mobility while emissions are reduced, transportation modes that are less polluting must be seen as acceptable alternatives to the use of the private automobile. Public transportation and paratransit systems should offer a level of service that will accommodate shifts to transit and paratransit services.

Consequently, the examination of "basic transportation needs" should involve a review of those changes in public transportation service, facilities and/or policies that are necessary to maintain mobility as transportation control strategies are implemented.

It is crucial that this examination take place as an integral part of the 3–C transportation planning process. Although clean air goals are among the highest priorities of the planning process, the examination must consider the other goals and priorities of transportation programs. It is essential that any changes in the transportation system intended to meet "basic transportation needs" be coordianted within the regional transportation planning process in order that they may prove to be effective.

It is the intent of this policy that (1) basic transportation needs be defined locally in recognition of the wide diversity of transportation needs and pollution problems across this country, (2) necessary improvements be developed in accordance with the existing transportation planning, programming, and implementing process, and (3) assurances of implementation or commitments to satisfy the needs be made consistent with SIP requirements.

1.0 *Identifying Measures To Meet BTN*

1.1 The basic transportation needs requirement calls for development of transit and paratranist measures that are necessary to maintain mobility where transportation control strategies are implemented.

1.2 Agencies and officials participating in the 3–C process are responsible for identifying measures for meeting a locally determined definition of basic transportation needs.

1.3 The process should be open and participatory involving and soliciting input from all significant interests. The process should be in accordance with the EPA–DOT Expanded Guidelines for Public Participation, Federal Register/ Vol. 45, No. 122/Monday, June 23, 1980.

1.4 In establishing measures to meet BTN, consideration should be given to those factors which accommodate shifts to transit and paratransit services and thereby maintain mobility. The following factors, among others, should be considered in the development of measures to meet Basic Transportation Needs:

—relative travel times and costs among modes

—relative comfort and travel environment among modes

—relative availability and reliability among modes

—relative safety and personal security among modes

—relative cost effectiveness of alternatives

2.0 *BTN Planning and Programing* Procedures.

2.1 Public transportation measures intended to meet BTN should be developed and programmed as an integral part of the 3–C transportation planning and programming process and in accordance with the June 1978 EPA–DOT Transportation-Air Quality Planning Guidelines, the June 1978 EPA–DOT Memorandum of Understanding, the May 1980 EPA–DOT Expanded Guidelines for Public Participation, and the June 1980 DOT–EPA Procedures for Conformance of Transportation Plans, Programs and Projects with Clean Air Act State Implementation Plans.

This would mean that: (1) transportation planning activities directed toward meeting BTN would be included in the UPWP and would be scheduled as part of the analysis of alternatives (called for in the June 1978 EPA–DOT Guidelines) leading to the 1982 SIP, and (2) public transportation measures for meeting BTN would be selected for implementation through the normal TIP/AE development process, should continue to be developed subsequent to the 1982 SIP revision, and would be given priority in the ongoing transportation planning process in accordance with the June 1980 DOT–EPA Procedures for Conformance.

2.2 Specific transportation planning tasks related to meeting BTN should be incorporated into existing short range planning activities and should include: (1) identifying public and para transportation deficiencies in meeting BTN, (2) developing of BTN measures to correct deficiencies, and (3) identifying costs and sources of funds. The development of BTN measures (category 2) should include, among other things, the following subtasks:

(a) estimation of the demand that can be expected to shift to public transportation and paratransit as a result of implementation of transportation control measures.

(b) assessment of the extent to which existing public transportation service or paratransit activities could accommodate the new demand.

(c) identification of those additions, expansions, or improvements to public or para transportation services, facilities, and policies that should be undertaken to meet "basic transportation needs," given other planned actions and control measures.

(d) an assessment of estimated total costs, both operating and capital, of measures needed to meet BTN.

3.0 *Funding and Implementation of Measures To Meet BTN.*

Funding and implementation of measures necessary to meet basic transportation needs are essential if an area is to satisfy the Clean Air Act requirement. Any SIP which includes measures to meet BTN must include requirements to use (insofar as is necessary) Federal grants, State or local funds, or any combination of such grants and funds as may be consistent with the terms of the legislation providing such grants and funds.

Finally, identification of priority measures to meet basic transportation needs should be selected for implementation through the normal TIP/ AE development process.

Comments on this notice should be submitted to the address above. All

comments will be available for review at that address.

David G. Hawkins,

Assistant Administrator for Air, Noise and Radiation, U.S.E.P.A.

Donald Mazziotti,

Deputy Assistant Secretary for Policy and International Affairs, U.S.D.O.T.

[FR Doc. 80-29104 Filed 9-17-80; 10:35 am]

BILLING CODE 6560-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

Proposed Revision to the New York State Implementation Plan: Reopening of Comment Period

[FRL 1607-1]

AGENCY: Environmental Protection Agency.

ACTION: General notice to reopen comment period.

SUMMARY: This notice reopens the comment period for an additional 60 days on a notice of proposed disapproval of the portion of the New York State Implementation Plan that is intended to satisfy the Clean Air Act's requirement to meet basic transportation needs (June 30, 1980; 45 FR 43794). The public comment period is being reopened in response to requests for additional time and allow commentors to take into account a proposed national policy on meeting basic transportation needs published by DOT and EPA elsewhere in today's **Federal Register.**

DATES: The comment period is extended to November 17, 1980.

ADDRESSES: Written comments should be addressed to: Charles S. Warren, Regional Administrator, Environmental Protection Agency, Region II, 26 Federal Plaza, New York, New York 10278.

FOR FURTHER INFORMATION CONTACT: William S. Baker, Chief, Air Programs Branch, Environmental Protection Agency, Region II, 26 Federal Plaza, New York, New York 10278, (212) 264-2517.

SUPPLEMENTARY INFORMATION: This notice reopens for an additional 60 days, until November 17, 1980, the period for comment on a notice of proposed rulemaking published in the June 30, 1980 **Federal Register** (45 FR 43794). This June 30, 1980 notice proposes disapproval of certain portions of a revision to the New York State Implementation Plan related to public transportation improvements in the New York City metropolitan area (New York City and Nassau, Suffolk, Westchester and Rockland Counties). The original comment period closed on August 29, 1980.

The Environmental Protection Agency (EPA) is taking this action for the following reasons. EPA and the U.S. Department of Transportation (DOT) have agreed to a proposed national policy on meeting "basic transportation needs," which appears elsewhere in today's **Federal Register.** It will be appropriate for the final action on the New York State submittal discussed in the June 30, 1980 **Federal Register** to take into account this proposed national policy. In addition, several potential commentors have indicated to EPA that they need additional time to analyze thoroughly the complex issues raised in the June 30, 1980 notice of proposed rulemaking prior to preparing comments. EPA has also learned that other governmental agencies require additional time to prepare their comments. Finally, EPA wants to explore and solicit additional comment on whether alternative actions such as conditional approval of the New York State submission may be apropriate and under what circumstances.

This notice of additional time for comment will not result in any adverse impact on the State. As was explained in the Agency's June 30, 1980 notice of proposed rulemaking, the restrictions on federal funding provided for under the Clean Air Act are not in effect at the present time and will not be triggered either by this extension of the comment period or by a final action disapproving the transportation element of New York's State Implementation Plan. In order for the funding restrictions to be imposed, EPA must make a separate finding, involving a separate administrative notice and comment period, that the State is no longer making reasonable efforts to submit an adequate plan. The procedures for making such a finding are discussed in a joiint EPA-DOT policy statement published on April 10, 1980 at 45 FR 24692.

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

Dated: September 10, 1980.

Charles S. Warren,

Regional Administrator Environmental Protection Agency.

[FR Doc. 80-29105 Filed 9-17-80; 10:35 am]

BILLING CODE 6560-01-M

Notices

Federal Register
Vol. 45, No. 183
Thursday, September 18, 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

Forest Service

National Forest Land and Resource Management Plan; Cibola National Forest, Bernalillo, Catron, Lincoln, McKinley, Sandoval, Sierra, Socorro, Torrance, Valencia Counties, N. Mex.; Intent To Prepare an Environmental Impact Statement

Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, will prepare an environmental statement for the development of the proposed Land and Resource Management Plan for the Cibola National Forest.

The land and resource planning process will develop a range of alternatives for consideration. One alternative to be considered will be a continuation of current management direction and policy. Other alternatives will consider a range of Forest outputs and management directions.

Early in the process, Federal, State, and local agencies; Indian tribes; Forest permittees; Forest users; adjacent landowners; and other individuals and organizations who may be interested in or affected by the decision will be invited to participate by: (a) recommending issues to be addressed in the planning process, (b) recommending evaluation criteria to be applied.

Public workshops will also be held to identify issues, concerns and opportunities to be addressed in the plan and to discuss criteria which will be used to select a final plan. The scope of the plan will also be discussed during the workshops. Public workshops will be held as follows:

Date, place and time

October 6—Grants State Bank, Grants, New Mexico; 7–10 p.m.
October 7—Magdalena High School, Magdalena, New Mexico; 7–10 p.m.
October 8—Mountainair Ranger Station, Mountainair, New Mexico; 7–10 p.m.
October 9—Winrock Inn, Crystal Room, Albuquerque, New Mexico; 7–10 p.m.
October 14—Agriculture Pavilion, Cheyenne, Oklahoma; 7–10 p.m.
October 15—First National Bank, Clayton, New Mexico; 7–10 p.m.

The planning process is expected to require about 25 months. The draft environmental statement is scheduled to be available for public review in fall of 1982. The final environmental impact statement is scheduled for completion in August 1983.

Questions regarding the planning process and environmental impact statement should be directed to Lee Singer, Cibola National Forest, 10308 Candelaria, NE, Albuquerque, New Mexico, 87112, (505) 766–2185.

Written comments concerning this planning process should be sent to Keith T. Pfefferle, Forest Supervisor, Cibola National Forest, 10308 Candelaria, NE, Albuquerque, New Mexico, 87112.

M. J. Hassell, Regional Forester, Southwestern Reigon, is the responsible official.

September 12, 1980.

M. J. Hassell,

Regional Forester.

[FR Doc. 80-28854 Filed 9-17-80; 8:45 am]

BILLING CODE 3410-11-M

DEPARTMENT OF COMMERCE

International Trade Administration

Importers and Retailers' Textile Advisory Committee; Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), notice is hereby given that a meeting of the Importers and Retailers' Textile Advisory Committee will be held on October 8, 1980 at 10:30 a.m. in Room 6802, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

The Committee was established by the Secretary of Commerce on August 13, 1963 to advise U.S. Government officials of the effects on import markets of cotton, wool and man-made fiber textile agreements.

The agenda for the meeting will be as follows:

1. Review of import trends.
2. Implementation of textile agreements.
3. Report on conditions in the domestic market.
4. Other business.

A limited number of seats will be available to the public on a first-come basis. The public may file written statements with the Committee before or after each meeting. Oral statements may be presented at the end of the meeting to the extent time is available.

Copies of the minutes of the meeting will be made available on written request addressed to the ITA Freedom of Information Officer, International Trade Administration, Records Inspection Facility, Room 3102, U.S. Department of Commerce, Washington, D.C. 20230.

Further information concerning the Committee may be obtained from Arthur Garel, Director, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202/377–5078.

Dated: September 15, 1980.

Paul T. O'Day,

Deputy Assistant Secretary for Textiles and Apparel.

[FR Doc. 80-28867 Filed 9-17-80; 8:45 am]

BILLING CODE 3510-25-M

Management-Labor Textile Advisory Committee; Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (1976), notice is hereby given that a meeting of the Management-Labor Textile Advisory Committee will be held on October 8, 1980 at 1:30 p.m. in room 6802, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

The Committee was established by the Secretary of Commerce on October 18, 1961 to advise U.S. Government officials on problems and conditions in the textile and apparel industry and furnish information on world trade in textiles and apparel.

The agenda for the meeting will be as follows:

1. Review of import trends.
2. Implementation of textile agreements.
3. Report on conditions in the domestic market.
4. Other business.

A limited number of seats will be available to the public on a first-come basis. The public may file written statements with the Committee before or after each meeting. Oral statements may be presented at the end of the meeting to the extent time is available.

Copies of the minutes of the meeting will be made available on written request addressed to the ITA Freedom of Information Officer, International Trade Administration, Records Inspection Facility, Room 3102, U.S. Department of Commerce, Washington, D.C. 20230.

Further information concerning the Committee may be obtained from Arthur Garel, Director, Officer of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202/377–5078.

Dated: September 15, 1980.

Paul T. O'Day,

Deputy Assistant Secretary for Textiles and Apparel.

[FR Doc. 80–28866 Filed 9–17–80; 8:45 am]

BILLING CODE 3510–25–M

Maritime Administration

Retrofitting of Two MA Design T8–S–100b Tankers To Comply With the Port and Tanker Safety Act of 1978 (Pub. L. 95–474); Intent To Compute Foreign Cost

Notice is hereby given of the intent of the Maritime Subsidy Board, pursuant to the provisions of Section 502(b) of the Merchant Marine Act, 1936, as amended, to compute the estimated foreign cost for retrofitting two MA Design T8–S–100b tankers to comply with the Port and Tanker Safety Act of 1978 (Pub. L. 95–474).

Any person, firm or corporation having any interest (within the meaning of Section 502(b)) in such computations may file written statements by the close of business on September 24, 1980, with the Secretary, Maritime Subsidy Board, Maritime Administration, Room 3099B, Department of Commerce Building, 14th & E Streets, N.W., Washington, D.C. 20230.

Dated: September 10, 1980.

By Order of the Maritime Subsidy Board, Maritime Administration.

Robert J. Patton,

Secretary.

[FR Doc. 80–28858 Filed 9–17–80; 8:45 am]

BILLING CODE 3510–15–M

National Oceanic and Atmospheric Administration

Atlantic Herring Fishery

AGENCY: National Oceanic and Atmospheric Administration (NOAA)/Commerce.

ACTION: Notice of closure of the fishery for Atlantic herring in the Gulf of Maine north of 43°34′N latitude (Cape Elizabeth, Maine).

SUMMARY: This notice closes the fishery for adult Atlantic herring in the Gulf of Maine north of 43°34′N latitude (Cape Elizabeth, Maine) effective September 21, 1980. The fishery in this management area of herring age three years and older is being closed, because the summer/fall quota has been caught.

EFFECTIVE DATE: September 21, 1980.

FOR FURTHER INFORMATION CONTACT: Allen E. Peterson, Jr., Regional Director, Northeast Region, National Marine Fisheries Service, 14 Elm Street, Gloucester, MA 01930—Telephone (617) 281–3600.

SUPPLEMENTARY INFORMATION: Regulations governing fishing for Atlantic herring were published on August 8, 1980 (45 FR 52810). These regulations implement Amendment No. 3 to the Fishery Management Plan for the Herring Fishery of the Northwest Atlantic (FMP), as prepared by the New England Fishery Management Council (Council). Seasonal catch quotas by management areas are established in the regulations. When it is projected that the quota, less an anticipated amount taken incidentally, will be caught, the Assistant Administrator must close the area to fishing for Atlantic herring.

Catch statistics show that 11,123 metric tons (mt) of three-year old and older herring were taken from the Gulf of Maine north of 43°34′N latitude by August 15, 1980. The summer/fall quota (July 1–November 30) for this area is 8,850 mt.

Pursuant to 50 CFR 653.22(a), the Assistant Administrator has determined that the fishery for Atlantic herring in the Gulf of Maine north of 43°34′N latitude (Cape Elizabeth, Maine) will be closed, effective September 21, 1980. During the closure, vessels fishing in that area for other species may take an incidental catch of adult herring no greater than 5 percent by weight of all fish on board. In addition, a "vessel fishing for mackerel" in this management area may have an incidental catch of herring which does not exceed 20 percent by weight of the total catch on board. As defined in the regulations, a "vessel fishing for mackerel" has a catch on board consisting of at least 75 percent mackerel.

Signed at Washington, DC this 12th day of September, 1980.

(16 U.S.C. 1801 et seq.)

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 80–28893 Filed 9–17–80; 8:45 am]

BILLING CODE 3510–22–M

Mid-Atlantic Fishery Management Council's Recreational Fishery and Other Species Oversight Committee; Public Meeting

AGENCY: National Marine Fisheries Service, NOAA.

SUMMARY: The Mid-Atlantic Fishery Management Council, established by Section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94–265), has established a Recreational Fishery and Other Species Oversight Committee, which will meet to discuss Other Finfish Preliminary Management Plan, Squid, Mackerel and Butterfish Amendment No. 2, Scup, Sea Bass and other fishery management matters.

DATE: The meeting, which is open to the public, will convene on Friday, October 3, 1980, at approximately 10:00 a.m., and will adjourn at approximately 3:00 p.m.

ADDRESS: The meeting will be held in Room 2106 of the Federal Building, North and New Streets, Dover, Delaware 19901.

FOR FURTHER INFORMATION CONTACT: Mid-Atlantic Fishery Management Council,
North and New Streets, Room 2115, Federal Building, Dover, Delaware 19901, Telephone: (302) 674–2331.

Dated: September 15, 1980.

Robert K. Crowell,

Deputy Executive Director National Marine Fisheries Service.

[FR Doc. 80–28913 Filed 9–17–80; 8:45 am]

BILLING CODE 3510–22–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjusting the Import Levels for Certain Cotton Textile Products From Macau

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: (1) Applying swing to the import level established for cottton trousers in Category 347/348, produced or

manufactured in Macau, and (2) adjusting the level of restraint established for cotton knit shirts and blouses in Category 339 by deducting carryforward used during the 1979 agreement year in the amount of 17,704 dozen. Both adjustments are applicable to the levels of restraint established for the twelve-month period which began on January 1, 1980. (A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463) and August 12, 1980 (45 FR 53502)).

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 Macau provides for percentage increases in certain specific ceilings during an agreement year (swing) and for the borrowing of yardage from the succeeding year's level (carryforward) with the amount used being deducted from the succeeding year's level. Pursuant to the terms of the bilateral agreement, the import levels for Categories 339 and 347/348 are being adjusted for the twelve-month period which began on January 1, 1980.

EFFECTIVE DATE: September 18, 1980.

FOR FURTHER INFORMATION CONTACT: Ronald J. Sorini, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–5423).

SUPPLEMENTARY INFORMATION: On January 30, 1980, there was published in the **Federal Register** (45 FR 6826) a letter dated January 25, 1980, from the Chairman of the Committee for the Implementation of textile Agreements to the Commissioner of Customs, which established levels of restraint for certain specified categories of cotton, wool and man-made fiber textile products, produced or manufactured in Macau, which may be entered into the United States for consumption, or withdrawn from warehouse for consumption, during the twelve-month period which began on January 1, 1980 and extends through December 31, 1980. In the letter published below, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to reduce the level of restraint established for cotton textile products in Category 339 to 470,550 dozen during the twelve-month period which began on January 1, 1980 and to increase the level of Category 347/348 to 280,340 dozen during the same agreement period.

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

September 12, 1980.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C.

Dear Mr. Commissioner: On January 25, 1980, the Chairman, Committee for the Implementation of Texitle Agreements, directed you to prohibit entry during the twelve-month period beginning on January 1, 1980 and extending through December 31, 1980 of cotton, wool and man-made fiber texitle products, produced or manufactured in Macau, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment. [1]

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, as amended, between the Governments of the United States and Macau; 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 September 18, 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 textile products in Category 339 and 347/348, produced for manufactured in Macau, in excess of the following adjusted levels of restraint:

Category	Adjusted 12-mo level of restraint [2]
339	470,550 doz.
347/348	280,340 doz.

[2] The levels of restraint have not been adjusted to reflect any imports after December 31, 1979.

The actions taken with respect to the Government of the Macau and with respect to imports of cotton 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, these 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. 80–28868 Filed 9–17–80; 8:45 am]

BILLING CODE 3510–25–M

[1] The term "adjusted" refers to those provisions of 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 Macua, which provide, in part, that: (1) within the aggregate and group limits, specific levels of restraint may be exceeded by designated percentages; (2) these levels may also be increased for carryover and carryforward up to 11 percent of the applicable category limits; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

Announcing Import Restraint Levels for Certain Cotton and Manmade Fiber Textile Products Under a New Bilateral Agreement With the People's Republic of China

September 17, 1980.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Establishing import restraint levels for cotton textile products in Categories 331, 339, 340, 341, 347/348 and man-made fiber textile products in Category 645/646 produced or manufactured in the People's Republic of China and exported to the United States during the 12-month period which began on January 1, 1980. (A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463) and August 12, 1980 (45 FR 53506).)

SUMMARY: On September 17, 1980, the Governments of the United States and the People's Republic of China signed a Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement, beginning on January 1, 1980 and extending for three years through December 31, 1982. The agreement establishes specific levels of restraint for Categories 331, 339, 340, 341, 347/348, and 645/646 during the agreement year which began on January 1, 1980 and extends through December 31, 1980. The agreement also provides a consultation mechanism for categories of textile products which are to subject to specific ceilings and for which levels may be established during the year 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 terms of the bilateral agreement, to prohibit entry into the United States for consumption, or withdrawal from warehouse for consumption, of textile products in Categories 331, 339, 340, 341, 347/348 and 645/646, produced or

manufactured in the People's Republic of China and exported during the 12-month period which began on January 1, 1980 and extends through December 31, 1980, in excess of the designated levels of restraint. The level of restraint for Category 340 (540,000 dozen) has been adjusted in order to charge 200,000 dozen of the 1979 exports to the 1980 agreement year. The level of restraint for Category 645/646 (550,000 dozen) has been adjusted in order to permit entry of 48,000 dozen of the 1980 exports without charge.

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.

On October 29, 1979 and May 19, 1980, the Chairman of the Committee for the Implementation of Textile Agreements issued directives to the Commissioner of Customs under the terms of Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854), limiting imports of cotton and man-made fiber textile products in Categories 331, 339, 340, 341, 347/348, 635 and 645/646, produced or manufactured in the People's Republic of China and exported to the United States, variously, during the 12-month periods which began on October 31, 1979 and May 31, 1980. The letter published below also cancels and supersedes those directives.

EFFECTIVE DATE: September 22, 1980.

FOR FURTHER INFORMATION CONTACT: Carl J. Ruths, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, Washington, D.C. 20230 (202/377–5423).

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

September 17, 1980.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C. 20229.

Dear Mr. Commissioner: This directive cancels and supersedes, effective on September 22, 1980, the directives issued to you on October 29, 1979 and May 19, 1980 by the Chairman of the Committee for the Implementation of Textile Agreements which directed you to prohibit entry of cotton and man-made fiber textile products in Categories 331, 339, 340, 341, 347/348, 635 and 645/646, produced or manufactured in the People's Republic of China and exported during the 12-month periods which began on October 31, 1979 and May 31, 1980.

Under the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of September 17, 1980, between the Governments of the United States and the People's Republic of China, 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 September 22, 1980 and for the 12-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 and man-made fiber textile products in Categories 331, 339, 340, 341, 347/348 and 645/646 in excess of the following levels of restraint:

Category	12-mo. level of restraint [1]
331	3,213,600 doz pairs.
339	720,000 doz.
340	340,000 doz.
341	381,300 doz.
347/348	1,440,000 doz.
645/646	598,000 doz.

[1] The levels of restraint have not been adjusted to reflect any entries after December 31, 1979.

In carrying out this directive, entries of cotton and man-made fiber textile products in the foregoing categories, produced or manufactured in the People's Republic of China, that have been exported to the United States before January 1, 1980 shall not be subject to this directive.

Cotton and man-made fiber textile products in the foregoing categories that have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) or 1484(a)(1)(A) prior to the effective date of this directive shall not be denied entry under this directive.

The levels set forth above are subject to adjustment in the future according to the provisions of the bilateral agreement of September 17, 1980 between the Governments of the United States and the People's Republic of China, which provide, in part, that: (1) specific limits may be exceeded by designated percentages in any agreement year; (2) specific limits may be increased for carryover and carryforward up to 11 percent of the applicable category limit; and (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 be letter.

A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463) and August 12, 1980 (45 FR 53506).

In carrying out the above directions, the Commissioner of Customs should construe entry into the United States for consumption to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the People's Republic of China and with respect to imports of cotton and man-made fiber textile products from China have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, these 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. 80-29106 Filed 9-17-80; 9:53 am]

BILLING CODE 3510-25-M

COMMUNITY SERVICES ADMINISTRATION

Improving CSA Regulations Under E.O. 12044; Extension

AGENCY: Community Services Administration.

SUMMARY: Executive Order 12221 of June 27, 1980 amended Section 8 of Executive Order No. 12044 of March 23, 1978 to read "Unless extended this Order expires on April 30, 1981." Likewise, this notice amends the Final Notice published in the **Federal Register** December 14, 1978, Subject: Improving CSA Regulations Under Executive Order 12044, paragraph 9, to read, "Unless extended the procedures and policies noted herein will expire on April 30, 1981."

FOR FURTHER INFORMATION CONTACT: Jack Stoehr, 202–254–5300.

William W. Allison,

Deputy Director.

[FR Doc. 80-23768 Filed 9-17-80; 8:45 am]

BILLING CODE 6315-01-M

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF Scientific Advisory Board; Meeting

September 9, 1980.

The USAF Scientific Advisory Board Armament Division Advisory Group will meet on October 21 and 22, 1980 from 8:30 a.m. to 4:30 p.m. at the Armament Division, Eglin AFB, Florida, in Building 1, Room 204.

The group will receive classified briefings and participate in classified discussions relating to Air Force Armament Programs for Air-to-Air and Air-to-Ground Munitions.

The meetings concern matters listed in Section 552b(c) of Title 5, United States Code, specifically subparagraph

(1) thereof, and accordingly the meetings will be closed to the public.

For further information, contact the Scientific Advisory Board Secretariat at (202) 697–4648.

Carol M. Rose,

Air Force Federal Register Liaison Officer.

[FR Doc. 80–28942 Filed 9–17–80; 8:45 am]

BILLING CODE 3910–01–M

Department of the Army

Army Medical Research and Development Advisory Panel Ad Hoc Study Group on Viral and Rickettsial Diseases; Notice of Partially Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92–463), announcement is made of the following Committee meeting:

Name of Committee: United States Army Medical Research and Development Advisory Panel Ad Hoc Study Group on Viral and Rickettsial Diseases.

Date of Meeting: 8 and 9 October 1980.

Time and Place: 0845 hours, Room 3092, Walter Reed Army Institute of Research, Washington, DC.

Proposed Agenda: This meeting will be open to the public on 8 October 1980 from 0845 to 1015 to discuss the scientific research program of the Viral & Rickettsial Diseases Branch, Walter Reed Army Institute of Research. Attendance by the public at open sessions will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of P.L. 92–463, the meeting will be closed to the public on 8 October 1980 from 1015 to 1630 for the review, discussion and evaluation of individual programs and projects conducted by the U.S. Army Medical Research and Development Command, including consideration of personnel qualifications and performance, the competence of individual investigators, medical files of individual research subjects, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. If the review of research proposals requires additional time, the closed portion of the meeting may be extended into 9 October.

Dr. Howard Noyes, Associate Director for Research Management, Walter Reed Army Institute of Research, Building 40, Room 1111, Walter Reed Army Medical Center, Washington, DC 20012 (202/576–3061) will furnish summary minutes, roster of Committee members and substantive program information.

For The Commander.

Harry G. Dangerfield, M.D.,

Colonel, MC Deputy Commander.

[FR Doc. 80–28851 Filed 9–17–80; 8:45 am]

BILLING CODE 3710–08–M

Office of the Secretary

DOD Advisory Group on Electron Devices; Meeting

Working Group C (Mainly Imaging and Display) of DOD Advisory Group on Electron Devices (AGED) will meet in closed session 28 October 1980, at the institute for Defense Analysis, 400 Army Navy Drive, Arlington, Virginia, 22202.

The mission of the Advisory group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group C meeting will be limited to review of research and development programs which the military propose to initiate with industry, universities or in their laboratories. This special device area includes such programs as infrared and night vision sensors. The review will include classified program details throughout.

In accordance with 5 U.S.C. App 1, section 10(d) (1976), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1976), and that accordingly, this meeting will be closed to the public.

September 15, 1980.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

[FR Doc. 80–28877 Filed 9–17–80; 8:45 am]

BILLING CODE 3810–70–M

DOD Advisory Group On Electron Devices; Meeting

Working Group B (Mainly Low Power Devices) of the DoD Advisory Group on Electron Devices (AGED) will meet in closed session 15 October 1980, at the Palisades Institute for Research Services, Inc., 1925 North Lynn Street, Arlington, Virginia 22209.

The mission of the Advisory Group is to provide the Under Secretary of Defense for Research and Engineering, the Director, Defense Advanced Research Projects Agency and the Military Departments with technical advice on the conduct of economical and effective research and development programs in the area of electron devices.

The Working Group B meeting will be limited to review of research and development programs which the military propose to initiate with industry, universities or in their laboratories. The low power device area includes such programs as integrated circuits, charge coupled devices and memories. The review will include classified program details throughout.

In accordance with 5 U.S.C. App. 1, Section 10(d)(1976), it has been determined that this Advisory Group meeting concerns matters listed in 5 U.S.C. 552b(c)(1)(1976), and that accordingly, this meeting will be closed to the public.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

September 15, 1980.

[FR Doc. 80–28876 Filed 9–17–80; 8:45 am]

BILLING CODE 3810–70–M

Department of Defense Wage Committee; Closed Meetings

Pursuant to the provisions of section 10 of Public Law 92–463, the Federal Advisory Committee Act, effective January 5, 1973, notice is hereby given that a meeting of the Department of Defense Wage Committee will be held on Tuesday, November 4, 1980; Wednesday, November 12, 1980; Tuesday, November 18, 1980; and Tuesday, November 25, 1980 at 10:00 a.m. in Room 3D–325, The Pentagon, Washington, D.C.

The Committee's primary responsibility is to consider and submit recommendations to the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) concerning all matters involved in the development and authorization of wage schedules for Federal prevailing rate employees pursuant to Public Law 92–392. At this meeting, the Committee will consider wage survey specifications, wage survey data, local wage survey committee reports and recommendations, and wage schedules derived therefrom.

Under the provisions of section 10(d) of Public Law 92–463, the Federal Advisory Committee Act, meetings may be closed to the public when they are "concerned with matters listed in section 552b. of Title 5, United States Code." Two of the matters so listed are those "related solely to the internal personnel rules and practices of an agency," (5 U.S.C. 552b. (c)(2)), and those involving "trade secrets and

commercial or financial information obtained from a person and privileged or confidential" (5 U.S.C. 552b. (c)(4)).

Accordingly, the Deputy Assistant Secretary of Defense (Civilian Personnel Policy) hereby determines that all portions of the meeting will be closed to the public because the matters considered are related to the internal rules and practices of the Department of Defense (5 U.S.C. 552b. (c)(2)), and the detailed wage data considered by the Committee during its meetings have been obtained from officials of private establishments with a guarantee that the data will be held in confidence (4 U.S.C. 552b (4)).

However, members of the public who may wish to do so are invited to submit material in writing to the Chairman concerning matters believed to be deserving of the Committee's attention. Additional information concerning this meeting may be obtained by writing the Chairman, Department of Defense Wage Committee, Room 3D–281, The Pentagon, Washington, D.C.

M. S. Healy,

OSD Federal Register Liaison Officer, Washington Headquarters Services, Department of Defense.

September 15, 1980.

[FR Doc. 80–28875 Filed 9–17–80; 8:45 am]

BILLING CODE 3810–70–M

DEPARTMENT OF EDUCATION

Metric Education Program; Closing Date for New Projects

AGENCY: Department of Education.

ACTION: Notice of closing date for new projects under the metric education program.

Applications are invited for new projects under the Metric Education Program.

Authority for this program is contained in the Metric Education Act of 1978 as enacted by the Education Amendments of 1978, Pub. L. 95–561.

(20 U.S.C. 2951–2954)

Under this program the Secretary may award grants to State educational agencies, local educational agencies, institutions of higher education, and public and private nonprofit agencies and organizations, and to combinations of these.

The purpose of the awards is to encourage and to support programs that prepare students to use the metric system of measurement (International System of Units (SI)) with ease and facility as a part of the regular educational program.

Closing Date for Transmittal of Applications: An application for a grant must be mailed or hand delivered by *November 25, 1980.*

Applications Delivered by Mail: An application sent by mail must be addressed to the U.S. Department of Education, Application Control Center, Attention: 84.079, Washington, D.C. 20202.

The applicant must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary of Education. If an application is sent through the U.S. Postal Service, neither of the following is acceptable to the Secretary as proof of mailing: (1) a private metered postmark, or (2) a mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should specifically request that a dated post mark be affixed by its local post office.

An applicant is encouraged to use registered or at least first class mail. Each late applicant will be notified that its application will not be considered.

Application Deliverd by Hand: An application that is hand delivered must be taken to the U.S. Department of Education, Application Control Center, Room 5673, Regional Office Building 3, 7th & D Streets, S.W., Washington, D.C.

The Application Control Center will accept a hand-delivered application between 8:00 a.m. and 4:30 p.m. (Washington, D.C. time) daily, except Saturdays, Sundays, and Federal holidays.

An application that is hand delivered will not be accepted after 4:30 p.m. on the closing date.

Preapplications: Preapplications are not required for fiscal year 1980 funding consideration.

Program Information: Examples of activities that may be supported by the Program are specifically set forth in 45 CFR 161b.10 of the regulations.

All awards will be for new projects. No funds are reserved for continuation awards.

Available Funds: Approximately $1,840,000 will be available for the Metric Education Program in FY 1981. It is estimated that these funds will support 46 to 50 new projects with an average award of approximately $33,000. It is estimated that awards will range between $25,000 and $75,000.

Where justified by design, projects that include statewide or multi-State activities are expected to be funded in the range of $35,000 to $40,000. Projects in which activities are implemented by a group of eligible applicants, such as a consortium, or which are national in scope are expected to be funded in the range of $50,000 to $75,000. Projects which include the operation of mobile metric education laboratories are expected to be funded in the range of $50,000 to $80,000.

Where justified by design, projects that include metric educational activities within a single agency or institution and do not implement activities comparable in scope to those described above, are expected to be funded in the range of $25,000 to $35,000.

These estimates, however, do not bind the U.S. Department of Education to a specific number of grants nor to the awarding of grants for a specific amount unless that amount is otherwise specified by statute or regulations.

Application Forms: Application forms and program information packages are expected to be available for mailing no later than October 6, 1980. They may be obtained by writing to the Metric Education Program, U.S. Department of Education which is located at 1832 M Street, N.W., Suite 835. The mailing address is 400 Maryland Avenue, S.W., Washington, D.C. 20202.

Applications must be prepared and submitted in accordance with the regulations, instructions, and forms included in the program information package. The Secretary strongly urges that the narrative portion of the application not exceed 50 pages in length. The Secretary further urges that applicants not submit information that is not requested.

Applicable Regulations: Regulations applicable to this program include the following:

(a) Regulations governing the Metric Education Program (45 CFR Part 161b); and

(b) The Education Division General Administrative Regulations (EDGAR) (45 CFR Parts 100a and 100c).

Further Information: For further information, contact Dr. Floyd A. Davis, Director, Metric Education Program, OERI, U.S. Department of Education, which is located at 1832 M Street, N.W., Suite 835, Washington, D.C. 20208. The mailing address is 400 Maryland Avenue, S.W., Washington, D.C. 20202. Telephone: (202) 653–5920.

(Catalog of Federal Domestic Assistance No. 84.079, Metric Education Program Part I of OMB Circular A-95 does not apply to this program)

(20 U.S.C. 2951-2954)

F. James Rutherford,

Assistant Secretary for Research and Improvement.

[FR Doc. 80-28780 Filed 9-17-80; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Subsidization of Motor Fuel Marketing: Request for Comments on Part I of the Title III Study; Solicitation of Written Comments

AGENCY: Office of Competition, Department of Energy.

ACTION: Solicitation of Written Comments.

SUMMARY: On January 17, 1979, the Office of Competition published in the **Federal Register** (44 FR 3548), the methodology that would be used in the Study required by Title III of the Petroleum Marketing Practices Act (Pub. L. 95-297). This notice specifically requested comments on the proposed scope and methodology of the Study. This plan was primarily based on a public hearing held October 6-7, 1979. Only two comments were received. Recently, Part I of the Study was published. In keeping with our prior policy embodied in the above referenced notice, we are requesting written comments on Part I of the title III Study. These comments will be evaluated by the staff and forwarded, where appropriate, with Part II of the Study to Congress.

FOR FURTHER INFORMATION CONTACT:

James B. Delaney, Robert N. Fenili, Department of Energy, Office of Competition, Policy and Evaluation, 1000 Independence Avenue, S.W., Mail Stop 7E-088, Washington, D.C. 20585 (202) 252-8406;

Thomas C. Newkirk, Deputy General Counsel for Regulations, Department of Energy, 1000 Independence Avenue, SW., Room 6A-245, Washington, D.C. 20585 (202) 252-6732.

SUPPLEMENTARY INFORMATION:

I. Background.
II. Specific Comments Requested.
III. Comment Procedures.

I. Background

On April 30, 1980, Part I of the Title III Study was transmitted to the Congress. Part I of the Study focused on three areas:

(i) Nationwide trends in the relative shares of gasoline sales by various channels of distribution;

(ii) Trends in the relative sizes of allocation base period volumes for alternative classes of trade; and

(iii) Net-back calculations for refiner operated gasoline stations in Fort Wayne, Indiana.

The results in Part I have been criticized by several industry groups. These criticisms include: (1) the lack of regional market share data, (2) the exclusion of depreciation from the net-back calculation, and (3) the omission of any treatment of increases in dealer rentals, so-called "predatory costing."

Each of these criticisms will be addressed in Part II of the title III Study. However, as part of its effort to afford interested parties an opportunity to present their views, the Office of Competition requests written comments on Part I of the Title III Study.

II. Specific Comments Requested

The Office of Competition is interested in receiving comments on Part I of the Title III Study and, in particular, on the following matters:

(i) The net-back calculation procedure;

(2) The 18.6 billion gallon increase in branded and unbranded jobber sales between 1972 and 1978, in comparison to the 6.9 billion gallon increase experienced at refiner operated gasoline stations;

(3) The significant increase in the jobber/chain retailer share of the allocation base period volume;

(4) The effect of DOE regulations on refiner marketing practices not highlighted in Part I; and

(5) The underlying factors affecting the number, ownership, and volume of gasoline retail outlets.

III. Comment Procedures

You are invited to submit written comments with respect to the areas listed above. Comments should be submitted to the following address: Department of Energy, Office of Competition, Policy and Evaluation, 1000 Independence Avenue, S.W., Mail Stop 7E-088, Washington, D.C. 20585.

Comments should be identified on the outside envelop with the designation 'Title III Study Comments.' Ten copies should be submitted. All comments will be available for public inspection in the DOE Reading Room at the above address.

Identify separately any information or data you consider to be confidential and submit one copy only. The DOE reserves the right to determine the confidential status of the information or data and to treat it according to its determination. The comment period will end October 20, 1980.

Issued in Washington, D.C.

William W. Lewis,

Assistant Secretary for Policy and Evaluation.

September 12, 1980.

[FR Doc. 80-28788 Filed 9-17-80; 8:45 am]

BILLING CODE 6450-01-M

Advisory Committee on Atmospheric Carbon Dioxide; Renewal of Charter

This notice is published in accordance with the provisions of Section 7 of the Office of Management and Budget Circular A-63, as amended. Pursuant to Section 14(a)(2)(A) of the Federal Advisory Committee Act, and following consultation with the Committee Management Secretariat, General Services Administration, notice is hereby given that the Advisory Committee on Atmospheric Carbon Dioxide has been renewed for a 24-month period ending on September 8, 1982.

The renewal of the Committee has been determined necessary and in the public interest. The Committee will operate in accordance with the provisions of the Federal Advisory Committee Act (Pub. L. 92-463), the Department of Energy Organization Act (Pub. L. 95-91), OMB Circular No. A-63 (Revised), and other directives and instructions issued in implementation of those Acts.

Further information regarding this Advisory Committee may be obtained from the Department of Energy Advisory Committee Management Office (202-252-5187).

Issued at Washington, D.C. on September 10, 1980.

Tina Hobson,

Advisory Committee Management Officer.

[FR Doc. 80-28872 Filed 9-17-80; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

[Docket No. ERA-FC-80-011; OFC Case No. 62002-9026-05-12]

Exxon Co. U.S.A.; Order Granting an Exemption

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Order Granting an Exemption from the Prohibitions of the Powerplant and Industrial Fuel Use Act of 1978.

SUMMARY: On February 21, 1980, Exxon Company U.S.A. (Exxon) filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) for a permanent fuels mixture exemption for a new major fuel

burning installation (MFBI) from provisions of the Powerplant and Industrial Fule Use Act of 1978 (FUA or the Act) (42 U.S.C. 8301 *et seq.*), which prohibit the use of petroleum or natural gas as a primary energy source in certain new MFBIs. Interim Rules establishing criteria for petitioning for exemptions from the prohibitions of FUA were published by ERA on May 15 and 17, 1979 (10 CFR, Part 500, *et seq.*) (44 FR 28530 and 44 FR 28950) (Interim Rules), Final Rules were published in the **Federal Register** on June 6, 1980 (45 FR 38276 and 38302) and became effective August 5, 1980.

Exxon requested a permanent fuels mixture exemption under 10 CFR 505.28 of the Interim Rules for a field-erected boiler to be constructed at its Baytown, Texas, refinery in order to use a mixture of fluid catalytic cracking unit (FCCU) regenerator flue gas and an amount of refinery blend gas (which consists of natural gas and petroleum) not to exceed 25 percent of the total annual Btu heat input of the primary energy sources used in that unit.

Section 103(a)(3) of the Act defines the term "natural gas" to mean any fuel consisting in whole or in part of natural gas. Therefore, Exxon's refinery blend gas is hereinafter referred to as natural gas.

Preceding the issuance of this order, ERA accepted Exxon's petition on March 31, 1980, and published notice of its acceptance in the **Federal Register** on April 4, 1980 (45 FR 23054). The Notice of Acceptance provided a 45-day comment period during which interested persons could submit written comments on the petition for exemption and could request a public hearing. As required by Sections 701 (f) and (g) of the Act, ERA also provided a copy of Exxon's petition, to the Environmental Protection Agency and the Federal Trade Commission for their comment. No comments were received. No hearing was requested. On July 31, 1980, ERA published in the **Federal Register** a Notice of Availability of the Tentative Staff Determination made on Exxon's petition and provided a 14-day period for interested persons to submit written comments (45 FR 50860).

Pursuant to Section 212(d) of the Act, and 10 CFR 503.38, this order grants a permanent fuels mixture exemption subject to specified terms and conditions stated herein, to Exxon to permit the use of fluid catalytic cracking unit (FCCU) regenerator flue gas in a mixture with natural gas in Boiler SG–501C. the total amount of natural gas which may be used in the unit shall not exceed 25 percent of the total annual Btu heat input of the primary energy sources used in that unit.

In accordance with Section 702(a) of the Act, this order shall not take effect earlier than November 17, 1980.

FOR FURTHER INFORMATION CONTACT:

Constance L. Buckley, Chief, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street, NW., Room 3128, Washington, D.C. 20461. Phone (202) 653–4226.

Ellen Russell, Case Manager, New MFBI Branch, Office of Fuel Conversion, Economic Regulatory Administration, 2000 M Street, NW., Room 3128–F, Washington, D.C. 20461. Phone (202) 653–4236.

Marilyn Ross, Office of the General Counsel, Department of Energy, Forrestal Building, Room 6G–087, 1000 Independence Avenue, SW., Washington, D.C. 20585. Phone (202) 252–2967.

The public file containting a copy of all documents and supporting materials on this proceeding is available for inspection upon request at: ERA, Room B–110, 2000 M Street, NW., Washington, D.C., Monday through Friday, 8:00 a.m.—4:30 p.m.

SUPPLEMENTARY INFORMATION: The Economic Regulatory Administration (ERA) published Interim Rules on May 15, and 17, 1979 (10 CFR, Parts 500 *et seq.*) (44 FR 28530 and 44 FR 28950), to implement provisions of Title II of the Powerplant and Industrial Fuel Use Act of 1978 (FUA or the Act). Title II of FUA prohibits the use of natural gas or petroleum in certain new MFBIs unless an exemption for such use has been granted. Final Rules were published in the **Federal Register** on June 6, 1980 (45 FR 38276 and 38302) and became effective August 5, 1980.

Under the provisions of Section 505.28 of the Interim Rules, Exxon Company U.S.A. (Exxon) filed a petition with ERA on February 21, 1980, requesting a permanent exemption from the prohibitions of Title II of FUA for a field-erected boiler to be constructed at its Baytown, Texas, refinery. Exxon requested a permanent fuels mixture exemption for the new MFBI (designated Boiler SG–501C) in order to burn a mixture of fluid catalytic cracking unit (FCCU) regenerator flue gas (which has been determined by ERA to be an alternate fuel) and natural gas. The MFBI will have a design heat input rate capaility of 510 million Btu's per hour and a steam generating capacity of 320,000 pounds per hour. Exxon certified in its petition that the total amount of natural gas that is proposed to be used in Boiler SG–501C will not exceed 25 percent of the total annual Btu heat input of the primary energy sources used in that unit.

ERA's staff reviewed the information contained in the record of this proceeding and based on that review made a Tentative Staff Determination on July 25, 1980, which recommended that an order be issued which would grant a permanent fuels mixture exemption to Exxon which would permit the use of natural gas in a mixture with FCCU regenerator flue gas in Boiler SG–501C, provided that the total amount of natural gas used in the unit does not exceed 25 percent of the total annual Btu heat input of the primary energy sources used in that MFBI.

Based upon its analysis of the entire record of this proceeding, ERA has determined that Exxon has adequately demonstrated, pursuant to Section 212(d)(1)(A) of the Act, that it will use a mixture of natural gas and FCCU regenerator flue gas (alternate fuel) in Boiler SG–501C and, by its certification, that the total amount of natural gas used in the MFBI will not exceed 25 percent of the total annual Btu heat input of the primary energy sources of that unit.

Pursuant to Section 212(d) of the Act, and subject to the terms and conditions stated below. ERA hereby grants Exxon a permanent fuels mixture exemption to permit the use of natural gas in a mixture with FCCU regenerator flue gas in Boiler SG–501C. The total amount of natural gas used in the unit shall not exceed 25 percent of the total annual Btu heat input of the primary energy sources used in that unit. In granting this exemption, ERA has taken into account the purposes for which the minimum percentage of natural gas provided by a fuels mixture exemption is to be used, i.e. to maintain reliability of operation, consistent with maintaining a reasonable level of fuel efficiency. Accordingly, ERA will not exclude from the definition of primary energy source any fuel used in Boiler SG–501C for the purposes of unit ignition, start-up, testing, flame stabilization and control uses.

Terms and conditions: Section 214(a) of the Act gives ERA the authority to attach terms and conditions to any order granting an exemption. Based upon an analysis of the information contained in the record of this proceeding, this order is granted subject to the following terms and conditions:

(1) The amount of natural gas (a refinery blend gas consisting of both petroleum and natural gas), to be used in this MFBI shall not exceed 25 percent of the total annual Btu heat input of the

primary energy sources used by the unit;

(2) In accordance with the reporting requirement in 10 CFR 503.38(d), Exxon will submit an annual report to the ERA, Case Control Unit (Fuel Use Act), Box 4629, Room 3214, 2000 M Street, NW., Washington, D.C. 20461, each year on the anniversary of the date Boiler SG–501C is placed in service containing the following:

A certified statement of percentage of natural gas used in this MFBI identifying the actual quantities of FCCU regenerator flue gas and natural gas used during the year, as well as the higher heating value (in Btu's per MCF) of those fuels. The following report format shall be used:

Fuel type	Amount used (MCF)	Btu equivalent	Percent of annual fuel consumption
FCCU regenerator flue gas			
Natural gas (refinery blend gas)			

The certification must be executed by Exxon's duly authorized representative.

(3) In accordance with 10 CFR 503.38(e)(2) all steam pipes associated with Boiler SG–501C must be insulated and steam traps properly maintained.

The exemption granted by this order shall not become effective earlier than November 17, 1980.

Pursuant to Section 702(c) of the Act, any person aggrieved by this order may at any time before November 17, 1980, petition for judicial review in accordance with the procedures outlined in 10 CFR 501.69.

Based upon information provided by Exxon, ERA has conducted an analysis which has been reviewed by the DOE's Office of Environment, with consultation from the Office of the General Counsel, and DOE has concluded that the granting of this exemption will not be a major Federal action significantly affecting the quality of the human environment, within the meaning of the National Environmental Policy Act of 1969 (NEPA). Accordingly, neither an environmental impact statement nor an environmental assessment is required.

Issued in Washington, D.C., on September 11, 1980.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 80-28787 Filed 9-17-80; 8:45 am]

BILLING CODE 6450-01-M

[Docket No. ERA-FC-80-005; OFC Case Nos. 56400-9073-01-12, 56400-9073-02-12, 56400-9073-03-12]

Shell Oil Co.; Order Granting Exemptions

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Order Granting Exemptions from the Prohibitions of the Powerplant and Industrial Fuel Use Act of 1978.

SUMMARY: On January 25, 1980, Shell Oil Company (Shell or the Company) filed a petition with the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) for an order granting a permanent fuels mixture exemption for each of three new major fuel burning installations (MFBIs) from provisions of the Powerplant and Industrial Fuel Use Act of 1978 (FUA or the Act) (42 U.S.C. 8301 *et seq.)*, which prohibit the use of petroleum or natural gas as a primary energy source in certain new MFBIs. The petition was filed in accordance with 10 CFR Part 500, *et seq.*, implementing the provisions of FUA (Interim Rule). ERA published Final Rules relating to new facilities on June 6, 1980 (45 FR 38276 and 38302), which became effective August 5, 1980.

The MFBIs for which the petition is filed are three identical field erected boilers identified as Boilers EPP–NCR–BLR–1, –2, and –3 (Boilers No. 1, No. 2, and No. 3) to be installed at Shell's new olefins plant located in its manufacturing complex at Norco, Louisiana. Each boiler has a design heat input rate of 820 million Btu's per hour and is rated at 600,000 pounds of steam per hour. Each boiler has a design capacity of burning coal, petroleum, and a mixtue of pyrolysis pitch and pyrolysis gas-oil.

Shell petitioned ERA for a permanent fuels mixture exemption under 10 CFR 505.28 to burn a mixture of pyrolysis pitch (a liquid residue by-product of its naphtha and gas-oil cracking units) and pyrolysis gas-oil in each of the three boilers. Shell contended that the pyrolysis pitch is an alternate fuel because it is an unavoidable waste by-product of refinery operations that is commerically unmarketable by reason of its quality. On April 22, 1980, ERA determined that the pyrolysis pitch is an alternate fuel. The pyrolysis gas-oil Shell proposes to use a distillate fuel oil (gas-oil) from its cracking unit. It is a blend stock that has a lower Btu heat content and heavier gravity rating than commerical grade No. 2 fuel oil.

Shell stated that when its new olefins plant is operating at its normal design specification rate, producing products and the by-product, pyrolysis pitch, at anticipated volumes, the amount of petroleum (gas-oil) used in the proposed fuels mixtures will not exceed 25 percent of the total annual Btu heat input of the primary energy sources of each boiler. The Company submitted a duly authorized certification to that effect for each unit.

Pursuant to Section 212(d) of the Act, and subject to specified terms and conditions stated herein, this order grants a permanent fuel mixture exemption to Shell to permit the use of petroleum, i.e., pyrolysis gas-oil, in a mixture with pyrolysis pitch in each of the above identified three boilers.

In accordance with Section 702(a) of the Act, this order shall not take effect earlier than November 17, 1980.

FOR FURTHER INFORMATION CONTACT:

Constance L. Buckley, Chief, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street, NW, Room 3128, Washington, DC 20461. Phone (202) 653–4226.

Edward J. Peters, Jr., Case Manager, New MFBI Branch, Office of Fuels Conversion, Economic Regulatory Administration, 2000 M Street, NW, Room 3126–A, Washington, DC 20461. Phone (202) 653–4253.

James Renjilian, Office of the General Counsel, Department of Energy, 1000 Independence Avenue, SW., Room 6G–087, Washington, DC 20585. Phone (202) 252–2967.

The public file containing a copy of all documents and supporting materials on this proceeding is available for inspection upon request at: ERA Room B–110, 2000 M Street, NW, Washington, DC, Monday—Friday, 8:00 am—4:30 pm.

SUPPLEMENTARY INFORMATION: Shell Oil Company (Shell or the Company) petitioned ERA, on January 25, 1980, for a permanent exemption from the prohibitions of Title II of the Powerplant and Industrial Fuel Use Act of 1978 (FUA or the Act) for each of three new field-erected boilers located at its olefins complex at Norco, Louisiana. The petition requested a permanent fuels mixture exemption for each new boiler (identified as EPP–NCR–BLR–1, –2, and –3 (Boilers No. 1, No. 2, and No. 3) to burn a mixture of pyrolysis pitch, an unavoidable commercially unmarketable waste by-product of the production process (alternate fuel) and pyrolysis gas-oil (petroleum) under the provisions of Section 505.28 of ERA's Interim Rules.

Shell also requested that ERA classify the pyrolysis pitch to be produced by its olefins cracking unit at Norco, Louisiana, as an alternate fuel pursuant to Section 507.4(e), which excludes from

the definition of petroleum any liquid, solid, or gaseous waste by-product of refinery operations which is commerically unmarketable by reason of its quality or quantity. On April 22, 1980, ERA determined that the pyrolysis pitch is unmarketed by reason of quality, and is therefore an alternate fuel.

In its petition for fuels mixture exemptions, Shell demonstrated to the satisfaction of ERA that:

(1) It proposes to use a mixture of petroleum and an alternate fuel as a primary energy source; and

(2) The amount of petroleum proposed for use in the mixture will not exceed the minimum percentage of the total annual btu heat input of the primary energy sources needed to maintain operational reliability of the installation consistent with maintaining a reasonable level of fuel efficiency.

If a fuels mixture exemption is granted to an MFBI, ERA may not require that the percentage of petroleum or natural gas used in the mixture be less than 25 percent of the total annual Btu heat input of primary energy sources of the installation.

Shell stated that, beginning in January 1982, when the olefins plant is operating at its normal design specification rate, the amount of gas-oil used in the proposed fuel mixture will not exceed 25 percent of the total annual Btu heat input of the primary energy sources of each boiler. Shell submitted a duly authorized certification to that effect for each unit.

Prior to such time, to achieve this normal operating rate for each boiler with the proposed fuel mixture, some additional gas-oil is needed in the fuels mixture for use in each boiler. The percentages of gas-oil required for the year ending August 31, 1981, will be 86% each for Boilers –1, –2, and 83% for Boiler –3; and for the period from September 1, 1981 to December 31, 1981 will be 57% each for Boilers –1, –2, and –3. Shell provided evidence to demonstrate the need for such additional gas-oil to maintain reliability of operation of each of the units consistent with maintaining a reasonable level of fuel efficiency.

Preceeding this determination and the issuance of this order, and in accordance with the procedural requirements of FUA and ERA's implementing Interim Rules, ERA accepted Shell's petition for a permanent fuel mixture exemption for each boiler on February 26, 1980. Notice of that acceptance and a statement of the reasons contained in the petition for requesting the exemptions were published in the **Federal Register** on March 3, 1980, (45 FR 13803), commencing a 45-day public comment period pursuant to Section 701 of FUA. As required by Sections 701 (f) and (g) of the Act, ERA also provided a copy of Shell's petition to the Environmental Protection Agency and the Federal Trade Commission for their comment. During this period, interested persons were also afforded an opportunity to request a public hearing. The period for submitting written comments and for requesting a public hearing closed on April 17, 1980. A public hearing was not requested. One letter in support of Shell's petition for the fuels mixture exemptions was received from the Manager, Government Controls Coordination, Atlantic Richfield Company.

On August 15, 1980, ERA published in the **Federal Register** a Notice of Availability of the Tentative Staff Determination recommending Shell's petition be granted and provided a 15-day period for interested persons to submit written comments or request a public hearing (45 FR 54405). That period ended August 29, 1980. No comments were received nor was a public hearing requested.

Therefore, ERA has determined that Shell has met all the requirements for the requested permanent fuels mixture exemptions from the prohibitions of Title II of the Act to enable it to burn a mixture of pyrolysis pitch and gas-oil in boilers No. 1, No. 2, and No. 3, and by its certification that the total amount of gas-oil in the fuels mixture with pyrolysis pitch to be used in each unit, after the first commencement of normal plant production in January 1982, does not exceed 25 percent of the total annual Btu heat input of the primary energy sources of each boiler, has satisfied the evidentiary requirement of Section 212(d)(1)(B) of the Act. Further, ERA is persuaded that Shell has demonstrated that the amount of gas-oil proposed to be used in each boiler prior to December 31, 1981, represents the minimum amounts needed to maintain operational reliability and a reasonable level of fuel efficiency.

Pursuant to Section 212(d) of the Act, and subject to the terms and conditions stated below, ERA hereby grants Shell a permanent fuels mixture exemption to permit the use of pyrolysis gas-oil in a mixture with pyrolysis pitch to be used in boilers No. 1, No. 2, and No. 3. As specified in the terms and conditions of this order the total amount of pyrolysis gas-oil used in each boiler after the first commencement of normal plant production in January 1982, shall not exceed 25 percent of the total annual Btu input of the primary energy sources of each boiler. Also included in the terms and conditions of this order is an allowance for the use of specified, restricted amounts of gas-oil in a mixture with pyrolysis pitch prior to January 1982, necessary to produce the process steam needed to obtain and maintain a reliable stream of pyrolysis pitch from the cracking unit to be used in the fuels mixture for each of the three subject boilers.

This order takes into account the purposes for which the minimum percentage of gas-oil provided by a fuels mixture exemption is to be used, i.e., to maintain reliability of operation consistent with maintaining a reasonable level of fuel efficiency. Therefore, ERA will not exclude from the definition of primary energy source any fuel used in each boiler for the purposes of unit ignition, startup, testing, flame stabilization and control.

Terms and conditions: Section 214(a) of the Act gives ERA the authority to attach terms and conditions to any order granting an exemption. Based upon analysis of information contained in the record of this proceeding, this order is granted subject to the following terms and conditions:

(1) Shell will provide ERA with a compliance plan setting forth a complete schedule of milestones for the full completion and start-up of the plant within thirty (30) days of the date of this order. If, as the work on the plant progresses, a completion date is missed or it appears that such milestone will be delayed for more than thirty (30) days, Shell shall report such occurrence to ERA giving the reasons therefore and an appraisal of the effect, if any, the delay will have on the final completion of the plant and compliance with this order;

(2) Shell must make effective use of each of the fuel conservation measures identified in the Fuels Decision Report submitted as part of its petition for exemption for exemptions and shall operate each new installation with a maximum excess air of 10 percent and equip each boiler with the most effective control system available for controlling excess air;

(3) Shell shall evaluate the feasibility of installing an automatic system at the facility to control parameters such as excess air and boiler operation to insure maximum boiler efficiency. Shell shall indicate the results of such study in

accordance with the requirements of item (9) below;

(4) Shell must notify Economic Regulatory Administration (ERA), Case Control Unit (Fuel Use Act), Box 4629, Room 3214, 2000 M Street, NW, Washington, DC 20461, in writing of the commencement of the use of distillate fuel oil in each boiler subject to this order;

(5) Distillate fuel oil (gas-oil) may be used in fuels mixture as a primary energy source in boiler EPP–NCR–BLR–1 in an amount not to exceed 549,000 net liquid fuel equivalent (NLFE) barrels containing 5,960,000 Btu's per barrel during the year ending August 31, 1981, and in an amount not to exceed 123,000 NLFE barrels during the period from September 1, 1981, to December 31, 1981, to provide process steam to establish the reliable production of the pyrolysis pitch (residue) in sufficient quantity to become the primary energy source of the proposed fuels mixture to be used during the normal operating mode;

(6) Distillate fuel oil (gas-oil) may be used in a fuels mixture as a primary energy source in a fuel mixture in boiler EPP–NCR–BLR–2 in an amount not to exceed 549,000 net liquid fuel equivalent (NLFE) barrels containing 5,960,000 Btu's per barrel during the year ending August 31, 1981, and in an amount not to exceed 123,000 NLFE barrels during the period from September 1, 1981 to December 31, 1981, to provide process steam to establish the reliable production of the pyrolysis pitch (residue) in sufficient quantity to become the primary energy source of the proposed fuel mixture to be used during the normal operating mode;

(7) Distillate fuel oil (gas-oil) may be used in a fuels mixture as a primary energy source in a fuel mixture in boiler EPP–NCR–BLR–3 in an amount not to exceed 445,000 net liquid fuel equivalent (NLFE) barrels containing 5,960,000 Btu's per barrel during the year ending August 31, 1981, and in an amount not to exceed 123,000 NLFE barrels during the period from September 1, 1981 to December 31, 1981, to provide process steam to establish the reliable production of the pyrolysis pitch (residue) in sufficient quantity to become the primary energy source of the proposed fuel mixture to be used during the normal operating mode;

(8) No later than January 31, 1982, Shell will submit to ERA, at the address given in item (4) above, a certified statement using the format provided in item (9) below, that, from the commencement of the use of distillate fuel oil (gas-oil) through August 31, 1981, and that from September 1, 1981, to December 31, 1981, the amount of distillate fuel oil used in each boiler did not exceed the amounts stated in items (5)–(7) above;

(9) Pursuant to the reporting requirements of 10 CFR 503.3(g) of the Final Rules, Shell will submit an annual report to the ERA at the address given in item (4), not later than January 31, of each year, beginning in 1983, containing the following:

A certified statement identifying the actual quantities of pyrolysis pitch (residue) (in NLFE barrels) and distillate fuel oil (gas-oil) (in NLFE barrels) used during the year in each boiler as well as the hearing value (in Btu's) of those fuels. The percentages will be calculated on a Btu basis.

The following format for quantities shall be used for each boiler:

Fuel type	Amount used barrels	Btu equivalent	Percentage of annual fuel consumption

The certification must be executed by a duly authorized representative of Shell.

The exemption granted by this order shall not become effective earlier than November 17, 1980.

Pursuant to Section 702(c) of the Act, any person aggrieved by this order may at any time before November 17, 1980, petition for judicial review in accordance with the procedures outlined in 10 CFR 501.69.

Based upon information provided by Shell, ERA has conducted an analysis which has been reviewed by the DOE's Office of Environment, with consultation from the Office of the General Counsel, and DOE has concluded that the granting of this exemption will not be a major Federal action significantly affecting the quality of the human environment, within the meaning of the National Environmental Policy Act of 1978 (NEPA). Accordingly, neither an environmental impact statement nor an environmental assessment is required.

Issued in Washington, D.C., on September 12, 1980.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 80–28789 Filed 9–17–80; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[Docket No. RP80–141]

Locust Ridge Gas Co.; Proposed Changes in FERC Gas Tariff

September 12, 1980.

Take notice that Locust Ridge Gas Company (Locust Ridge) on September 9, 1980, tendered for filing proposed changes in its FERC Gas Tariff Original Volume No. 3. The proposed changes would increase revenues from jurisdictional sales and service by $896,177 based on the twelve (12) month period ending May 31, 1980, as adjusted. Locust Ridge states that the prinicpal reasons for the proposed rate increases are increased operating costs and to partially offset a net operating revenue deficiency.

Copies of the filing were served upon the company's customers subject to such Tariff.

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, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before September 26, 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.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80–28919 Filed 9–17–80; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. CP80–514]

Mid Louisiana Gas Co.; Application

September 12, 1980.

Take notice that on August 22, 1980, Mid Louisiana Gas Company (Applicant), 300 Poydras Street, New Orleans, Louisiana 70103, filed in Docket No. CP80–514 an application pursuant to Section 7(c) of the Natural Gas Act for Certificate of public convenience and necessity authorizing the transportation for the direct sale of natural gas to Liquid Carbonic Corporation (Liquid Carbonic) and the construction and operation of facilities necessary therefor, all as more fully set forth in the application which is on file with the

Commission and open to public inspection.

Applicant proposes herein to transport up to 6,000 Mcf of natural gas per day to Liquid Carbonic on an interruptible basis for use in Liquid Carbonic's plant located near Geismar, Ascension Parish, Louisiana. Applicant has executed a contract agreeing to supply gas to Liquid Carbonic beginning December 15, 1980.

Liquid Carbonic's plant is located approximately 25 miles south of the terminus of Applicant's existing transmission system, it is stated. The plant is, however, located adjacent to transmission facilities of United Gas Pipe Line Company (United), and Applicant states United has agreed to accept deliveries up to 6,000 Mcf of gas per day from Applicant and deliver thermally equivalent quantities, less gas required for fuel use, to Liquid Carbonic for the account of Applicant.

Applicant asserts the gas would be delivered to United through an existing interconnection between the transmission facilities of the companies near Fowler, in Ouachita Parish, Louisiana. In order to make this delivery, Applicant proposes to construct and operate an additional 300 horsepower compressor unit and related facilities at its existing DeSaird compressor station in Ouachita Parish. Applicant states that because the extent and consistency of the fully interruptible deliveries are not now known and because the sales contract can be terminated by either party on January 1, 1982, or on December 31 of any succeeding year, Applicant has concluded it should not incur at this time the capital cost of purchasing and installing the compressor unit. Accordingly, Applicant proposes to lease a unit to be owned and maintained by a lessor at an estimated rental of $4,000 per month. Applicant states it would operate the compressor unit and has existing metering and related facilities to deliver the gas into United's system without the necessity of additional construction. Rental costs, it is stated, would be financed from cash on hand.

Applicant indicates that it proposes to change the General Terms and Conditions contained in its FERC Gas Tariff in order to provide changes in interruptible deliveries under Section 13 of the tariff. Accordingly, Applicant requests that the requested authorization be conditioned upon the service's being fully interruptible in accordance with Section 13 as the same may be changed, amended, or revised from time to time. Further, Applicant requests that the authorization also be conditioned upon United's performing the transportation service for the account of Applicant.

It is indicated that Liquid Carbonic would use the subject gas for feed stock and as fuel for a natural gas reformer.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 6, 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 the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to 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 therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-28920 Filed 9-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RA80-70]

Mrjenovich Shell; Further Extension of Time

September 12, 1980.

On September 8, 1980, Mrjenovich Shell filed a request for a further extension of time to file a petition for review of a Decision and Order issued May 27, 1980, by the Department of Energy's Office of Hearings and Appeals (DOE Case No. DEO-0326). The motion states that additional time is required to allow the applicant to procure documents from the Department of Energy relative to previous applications and appeals which were filed on behalf of Mrjenovich Shell. The motion further states, in support of this request, that a recent family emergency has caused additional delays for the applicant. Upon consideration, notice is hereby given that a further extension of time for the filing of a petition for review is granted to and including October 22, 1980.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-28921 Filed 9-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-520]

Natural Gas Pipeline Co. of America; Application

September 12, 1980.

Take notice that on August 28, 1980, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP80-520 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the limited term transportation and sale of natural gas to Coronado Gas Transmission Company (Coronado), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant seeks authorization to implement the terms of a gas sales agreement between it and Coronado dated August 13, 1980. Applicant states that pursuant to this agreement, it would sell a maximum of 10,000,000 Mcf of gas to Coronado at four possible existing delivery points in Brazoria, Jim Wells, Liberty and Jefferson Counties, Texas. It is further stated that the sale of gas would be on a best-efforts basis for a term of 364 days from the date of initial delivery. Applicant states that it would deliver the gas to the four delivery points and would not provide any additional transportation services for Coronado. Additionally, applicant asserts that it need not construct any new facilities in order to effectuate the sale.

It is stated that Coronado would pay $2.25 per million Btu for the gas to be purchased from Applicant. If Coronado purchases less than that volume of gas during the term of the agreement, it is asserted that Coronado would pay for the volume not taken at the rate of $2.25

per million Btu. It is further asserted that Coronado would request no less than 25,000 Mcf of gas per day with the option to request a daily volume not in excess of 50,000 Mcf of gas per day. Applicant states that Coronado's minimum purchase obligation would be reduced by an amount up to 50,000 Mcf per day to the extent that Applicant is unable to deliver volumes requested for delivery on any day during the term of the agreement. The gas to be purchased by Coronado would be used to supplement its system supply, it is asserted.

Applicant asserts that all revenues from the sale in excess of Applicant's average purchased gas cost would be credited to Account 191 of the Uniform System of Accounts Prescribed for Natural Gas Companies.

Applicant states that it is proposing the sale to Coronado in order to find a market for certain volumes of gas which it would othrwise be unable to take from its suppliers during 1980 and 1981, but for which Applicant must pay pursuant to minimum purchase provisions in certain of its gas supply contracts.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 6, 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 the Commission's rules of practive and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to 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 therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-28922 Filed 9-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. ER76-304, etc.]

New England Power Co.; Filing

September 12, 1980.

The filing Company submits the following:

Take notice that on September 2, 1980, New England Power Company submitted for filing a refund report pursuant to the Commission's letter order, issued July 28, 1980, in the above-referenced proceeding, as modified by decision of the Court of Appeals for the District of Columbia Circuit, issued August 6, 1980 (D.C. Cir. No. 80-1343).

A copy of this filing has been sent to the parties to this proceeding.

Any person desiring to be heard or to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such protests should be filed on or before September 30, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-28923 Filed 9-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. ER76-149 E-9537]

Public Service Company of Indiana; Filing

September 12, 1980.

The filing Company submits the following:

Take notice that on August 22, 1980, Public Service Company of Indiana submitted for filing a compliance report pursuant to the Commission's Opinion and Order, issued June 28, 1979, in the above-referenced proceeding.

Any person desiring to be heard or to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such protests should be filed on or before September 30, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-28924 Filed 9-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RA80-108]

Rainwater Car Wash Ltd.; Extension of Time

September 12, 1980.

On September 9, 1980, Rainwater Car Wash Ltd. filed a request for an extension of time to file a petition for review of a Decision and Order issued August 4, 1980, by the Department of Energy's Office of Hearings and Appeals (DOE Case No. BEO-05-0113, BEE 090425). The motion states that additonal time is required to allow counsel for the company to confer with his client and perform appropriate research relative to this petition for review.

Upon consideration, notice is hereby given that an extension of time for the filing of a petition for review is granted to and including October 4, 1980.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-28925 Filed 9-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Dockets Nos. E-8953 and ER76-20]

Superior Water, Light & Power Co.; Filing

September 12, 1980.

The filing Company submits the following:

Take notice that on August 28, 1980, Superior Water, Light & Power Company submitted for filing a compliance filing in the above-referenced proceeding.

Any person desiring to be heard or to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such protests should be filed on or before September 30, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file

with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-28926 Filed 9-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-394]

Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Amendment to Application

September 12, 1980.

Take notice that on August 26, 1980, Tennessee Gas Pipeline Company, a Division of Tenneco, Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP80-394 pursuant to Section 7(c) of the Natural Gas Act an amendment to its pending application so as to reflect the conversion of natural gas service by Applicant to Entex, Inc. (Entex) at Entex's Lambert Service Area pursuant to Applicant's Rate Schedule G-1 in lieu of Applicant's Rate Schedule GS-1, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant states that on June 6, 1980, it filed for authorization to consolidate all of its eight separate gas sales contracts with Entex into a single new gas sales contract pursuant to Applicant's Rate Schedule CD-1. In the June 6, 1980, application, it is stated that the Entex-Lambert Service Area gas contract was listed under Applicant's Rate Schedule G-1, whereupon Applicant was informed that this revision constituted a change in service for which certificate authorization would be required.

Applicant proposes herein the conversion of service by Applicant to Entex-Lambert from Applicant's Rate Schedule GS-1 to its Rate Schedule G-1 pursuant to the terms and conditions of an April 1, 1980, gas sales contract between the parties.

Applicant states that the requested conversion in rate schedule is mandatory under the terms and conditions of the Availability Section of its Rate Schedule GS in Applicant's FERC Gas Tariff. Ninth Revised Volume No. 1. It is noted that Section 1(d) provides that Applicant's Rate Schedule GS ceases to be available two months after Entex recieves more than 5,100 Mcf per day at any delivery point and the Entex received over 5,100 Mcf in January 1980.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before October 6, 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 the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to 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 therein must file a petition to intervene in accordance with the Commission's rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-28914 Filed 9-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP77-62]

Tennessee Gas Pipeline Co.; Withdrawal of Prior Order and Issuance of Substitute Order

September 10, 1980.

Take notice that the order issued in the above-captioned proceeding on August 7, 1980, was issued erroneously due to administrative error. The attached order is hereby issued in substitution for the order of August 7, 1980, and the order of August 7 is withdrawn.

Kenneth F. Plumb,

Secretary.

BILLING CODE 6450-85-M

[Docket No. RP77-62]

Tennessee Gas Pipeline Co.; Order Denying Motion To Amend Settlement Cost of Service

September 10, 1980.

On December 18, 1979, Tennessee Gas Pipeline Company (Tennessee) filed a motion to amend its previously filed Period I settlement cost of service in this docket. Period I is the 12 month period ended October 31, 1978. The Period I cost of service was originally filed by Tennessee on March 15, 1979, pursuant to the terms of the settlement filed by Tennessee on February 23, 1979, and was approved concurrently with the settlement on July 3, 1979, in the absence of objection by any party.

In its motion to amend, Tennessee argues that the Period I cost of service must be adjusted upward by some $874,000 in order to carry out the intent of the settlement, and that unless the adjustment is allowed, Tennessee will fail to recover the cost of service assured by the settlement. The proposed adjustment amounts to less than one tenth of one percent of the total Period I cost of service of over $1 billion. It will be helpful at this point to state our understanding of the theory underlying Tennessee's proposed adjustment.

Tennessee owns a liquids extraction plant, the Gabe Plant, located on its main transmission line in Kentucky. For ratemaking purposes, the costs of the Gabe Plant are included in Tennessee's cost of service and all revenues from the plant are credited to the cost of service. Among the costs of operating the Gabe Plant is the cost of gas volumes lost through liquids extraction (shrinkage) and gas consumed for fuel.

In computing the Period I settlement, Tennessee calculated all gas costs, including costs attributable to Gabe Plant shrinkage and fuel, at 60.62 cents per Mcf, this representing the settlement base cost of gas. The base cost of gas is utilized for cost of service purposes since increases in gas costs above the base cost are recovered through Tennessee's purchased gas adjustment clause. However, under Tennessee's PGA clause, increases in purchased gas costs are allocated to the Gabe Plant in proportion to the volumes of gas consumed at the plant. That portion of increased gas costs allocated to the Gabe Plant is not flowed through to Tennessee's gas customers and must be recovered instead through the sale of extracted liquids.

Tennessee argues that it should not be required to credit all revenues from the Gabe Plant to its cost of service since these revenues represent, in part, recoupment of increased gas costs which were not included in the settlement cost of service because of the base cost limitation. In order to rectify this alleged error, Tennessee apparently would recompute Gabe Plant shrinkage and fuel costs using actual Period I gas costs rather than the base cost. The difference, amounting to $874,400, represents the claimed understatement of the cost of service. Tennessee proposes to deduct this $874,400 from the revenues to be credited to the cost of service. (This adjustment is equivalent to increasing the expense component of the cost of service by $874,400 and crediting actual Gabe Plant revenues.)

On January 11, 1980, the Commission staff filed a response in opposition to Tennessee's requested cost of service adjustment. The staff relies upon legal principles entirely, arguing (1) that the proposed amendment would constitute retroactive ratemaking, (2) that the amendment would be contrary to the filed rate doctrine, and (3) that the

amendment is precluded because under the terms of the settlement, the Period I cost of service has become final.[1] Tennessee responded in opposition to the staff on January 16, 1980, and on May 23, 1980, filed a supplement to its motion.

Upon review of this matter, the Commission finds that Tennessee's motion must be denied. Article I, Section 2 of the underlying settlement states that the Period I cost of service shall be determined on the basis of per book amounts for the period in accordance with the principles set forth in Appendix A to the settlement. Section B1 of settlement Appendix A specifically states that the cost of gas in FERC Account Nos. 772 (gas shrinkage) and 773 (fuel) shall be adjusted to the base cost.[2] Section B7 of settlement Appendix A provides that with one minor exception not pertinent here, all miscellaneous revenues shall be credited to the cost of service unless such revenues have been or will be flowed through to Tennessee's customers.[3]

There is no question that under the settlement Tennessee was required to compute gas costs attributable to shrinkage and fuel at the base cost. The question of revenue credits is not so clear. It can be argued (although Tennessee does not do so specifically) that by computing shrinkage and fuel at the base cost, Tennessee has *in effect* flowed through to its customers all Gabe Plant revenues attributable to gas costs in excess of the base cost and therefore should not be required also to credit such revenues to the cost of service.

While this argument has much merit, we decline to adopt it as the basis for our decision because we believe it requires too much to be read into section B7 of the settlement appendix. We find no basis upon which to conclude that the parties to the settlement understood and agreed that use of the base cost for purposes of computing settlement gas costs would be treated as representing a flowthrough of a portion of Gabe Plant revenues. No such intention is disclosed in section B7 or elsewhere in the settlement. As a result we are unable to conclude that the issue presented is one of mistake or that the proposed adjustment is necessary to carry out the intent of the parties. Tennessee's original Period I cost of service is consistent with the express terms of the settlement, and we conclude that Tennessee has failed to demonstrate good cause to amend it. In view of our disposition of this matter, we find it unnecessary to consider the staff's arguments.

The Commission orders:

Tennessee's motion filed herein on December 18, 1979, is denied.

By the Commission.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-28927 Filed 9-17-80; 8:45 am]

BILLING CODE 6450-85-M

[1] Article I, section 3 of the settlement provides as follows: On or before March 15, 1979, Tennessee shall file with the Commission and serve on all parties computations of the Settlement Cost of Service, Settlement Base Tariff Rates, and Unit Rate Differentials for Period I determined in accord with Section 2 of this Article I. Such computations shall be deemed to be approved and accepted by the Commission unless any party, including the Commission's Staff, files a formal objection with the Commission on or before May 1, 1979.

[2] Section B1 states as follows: *"Operating Expenses.* Operating expenses shall be the actual expenses applicable to the period; *provided, however, that (1) the cost of gas included in FERC Account Nos. 772,773 * * * shall be adjusted to 60.62 cents per Mcf* * *"* (emphasis added).

[3] Section B7 states as follows: *"Miscellaneous Revenues Credited to Cost of Service.* All revenues applicable to Period I except revenues attributable to the Gas Research Institute Rate Adjustment * * * shall be credited to the cost of service unless such revenues have been or will be flowed through to Tennessee's customers at the direction of the Commission."

[Docket No. CP80-507]

Texas Eastern Transmission Corp.; Application

September 12, 1980.

Take notice that on August 18, 1980, Texas Eastern Transmission Corporation (Applicant), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP80-507 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of an additional delivery point to serve Philadelphia Electric Company (PEC), all as more fully set forth in the application which is on file with the Commisssion and open to public inspection.

Specifically, Applicant proposes herein to construct and operate a new delivery point to be located in East Whiteland Township, Chester County, Pennsylvania. The additional delivery point would have a maximum daily delivery obligation of 30,000 dekatherms equivalent per day, it is stated. It is further asserted, there would be no increase in the presently authorized total daily or annual contract quantities.

The proposed point would obviate construction of more expensive large diameter pipeline from PEC's existing system to the market area to be served from the new point, it is asserted.

Applicant estimates the cost of the proposed facilities to be $398,000 which would be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 6, 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 the Commission rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to 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 therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-28915 Filed 9-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RA80-110]

Thunderbird Chevron Service; Extension of Time

September 12, 1980.

On September 11, 1980, Thunderbird Chevron Service filed a request for an extension of time to file a petition for review of a Decision and Order issued August 4, 1980, by the Department of Energy's Office of Hearings and Appeals (DOE Case No. DEO-0378). The motion states that the Applicant in this proceeding requires additional time to

perform appropriate research relative to this petition for review.

Upon consideration, notice is hereby given that an extension of time for the filing of a petition for review is granted to and including October 10, 1980.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-28916 Filed 9-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP70-160]

United Gas Pipe Line Co. and Texas Eastern Transmission Corp.; Petition To Amend

September 12, 1980.

Take notice that on August 20, 1980, United Gas Pipe Line Company (United) P.O. Box 1478, Houston, Texas 77001, and Texas Eastern Transmission, Corporation, P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP70-160 a joint petition to amend the order issued April 30, 1970,[1] in the instant docket pursuant to Section 7(c) of the Natural Gas Act so as to authorize an extension of the gas exchange agreement between the parties and an increase in the volume of gas exchanged, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioners state that they are authorized by order issues on April 30, 1970, in Docket No. CP70-160 to exchange a maximum of 6,000 Mcf of natural gas per day. Pursuant to this authorization, Texas Eastern delivers gas to United at a point of interconnection in Madison County, Mississippi, near United's Jackson-Canton 6-inch lateral line, and United delivers an equivalent volume of gas to Texas Eastern near Kosciusko, Attala County, Mississippi, it is asserted.

It is stated that this exchange was subject to terms of an agreement executed on December 19, 1969, which would expire in the near future. Applicants state that pursuant to an agreement dated March 18, 1980, they propose to extend the exchange agreement and to increase the volume of gas exchanged by Applicants up to 10,000 Mcf per day.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before October 6, 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 the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to 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 therein must file a petition to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-28917 Filed 9-17-80; 8:45 am]

BILLING CODE 6450-85-M

[1] This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the commission.

[Docket No. RP79-66, etc.]

Western Gas Interstate Co., et al.; Filing of Pipeline Refund Reports and Refund Plans

September 12, 1980.

Take notice that the pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed refund reports or refund plans. The date of filing, docket number, and type of filing are also shown on the Appendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports and plans. All such comments should be filed with or mailed to the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before September 29, 1980. Copies of the respective filings are on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary

Appendix

Filing date	Company	Docket No.	Type filing
9/3/80.....	Western Gas Interstate Co..	RP79-66	Report.
9/3/80.....	Southern Natural Gas Co..	RP78-36	Plan.

[FR Doc. 80-28918 Filed 9-17-80; 8:45 am]

BILLING CODE 6450-85-M

Federal Energy Regulatory Commission

[Docket No. CP79-234]

Algonquin Gas Transmission Co.; Filing of Tariff Sheets and Service Agreements Under Rate Schedule T-X Under Algonquin Gas' FERC Gas Tariff, First Revised Volume No. 1, and Rate Schedule X-27 Under Algonquin Gas' FERC Gas Tariff, Original Volume No. 2

September 12, 1980.

Take notice that Algonquin Gas Transmission Company (Algonquin Gas) on September 8, 1980, filed the following

tariff sheets to its FERC Gas Tariff, First Revised Volume No. 1:

Fifth Revised Sheet No. 1
Fourteenth Revised Sheet No. 2–A
Original Sheet No. 37
Original Sheet No. 38
Original Sheet No. 39
Original Sheet No. 40
Original Sheet No. 41
Original Sheet No. 42
Original Sheet No. 43–99
First Revised Sheet No. 200
Original Sheet No. 231
Original Sheet No. 232
Original Sheet No. 233
Original Sheet No. 234
Original Sheet No. 235
Original Sheet No. 236
Original Sheet No. 237–299
10th Revised Sheet No. 10–A

Algonquin Gas also filed copies of service agreements executed by Algonquin Gas and Participating Customers under Rate Schedule T–X. Algonquin Gas and Algonquin LNG, Inc., in a related filing, have submitted copies of an executed Operating Agreement between them in their respective Volume No. 2 FERC Gas Tariffs related to service under Rate Schedule T–X. Algonquin Gas' Volume No. 2 filing is under Rate Schedule X–27 in Original Sheet No. 225, Original Sheet No. 226 and Fourteenth Revised Sheet No. 1–A.

Algonquin Gas states that the purpose of said tariff sheets is to incorporate into Algonquin Gas' FERC Gas Tariff, a limited-term transportation-exchange service authorized by the Federal Energy Regulatory Commission (Commission) in its order issued May 30, 1980, as clarified July 24, 1980, in Docket No. CP79–234, under which Algonquin Gas: (1) will recieve liquefied natural gas (LNG) in liquid or vapor phase at a point or points near Everett, Massachusetts, for the account of certain gas distribution companies (Participating Customers); and (2) will redeliver thermally equivalent quantities of gas either at existing delivery points or at existing interconnections between Algonquin Gas and another pipeline company, *i.e.*, Texas Eastern Transmission Corporation, for the account of the Participating Customers. The Participating Customers are the Brooklyn Union Gas Company, The Connecticut Gas Company, Providence Gas Company and South Jersey Gas Company.

Algonquin further states that service under Rate Schedule T–X includes the right to receive quantities of LNG from Participating Customers by Algonquin Gas' subsidiary, Algonquin LNG, Inc., (Algonquin LNG) for the purpose of maintaining cooling in its LNG facilities in Providence, Rhode Island, to the extent necessary, and subsequent release of thermally equivalent quantities of natural gas to Algonquin Gas.

Service under Rate Schedule T–X was made available to Participating Customers on September 1, 1980, as reflected by the proposed effective date of the tariff sheets of September 1, 1980.

A copy of this filing is being served upon all affected parties and interested state commissions.

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 §§ 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 September 29, 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.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80–28900 Filed 9–17–80; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. CP80–503]

Arkansas Louisiana Gas Co.; Notice of Application

September 12, 1980.

Take notice that on August 15, 1980, Arkansas Louisiana Gas Company (Applicant), P.O. Box 21734, Shreveport, Louisiana 71151, filed in Docket No. CP80–503 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of up to 200 taps per year on jurisdictional pipelines, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate up to 200 taps per year on jurisdictional pipelines and related delivery facilities to permit retail sales of natural gas to be made by Applicant to residential and commercial customers.

Applicant states that there are parties outside of Applicant's distribution systems but which are along Applicant's pipelines and are in need of gas service. May, it is stated, are right-of-way grantors.

Applicant proposes herein to establish a simple procedure to permit the sale of gas to such customers which is more expeditious than receiving Commission approval for each tap.

Applicant states that the estimated cost of a typical tap would be $720.00 which cost be financed out of funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 6, 1980, file with the Federal Energy Regulatory Commision, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to 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 therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant to the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80–28901 Filed 9–17–80; 8:45 am]

BILLING CODE 6450–85–M

[Dockets Nos. E–7738, E–8855, ER76–445, ER76–90, ER77–558, ER79–216, ER79–217, E–8187, and E–8700]

Boston Edison Co.; Notice of Filing

September 12, 1980.

The filing Company submits the following:

Take notice that on July 3, 1980, Boston Edison Company submitted for filing a refund report pursuant to the Commission's letter order, of June 26, 1980, in the above-referenced proceedings.

Any person desiring to be heard or to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such protests should be filed on or before September 22, 1980. Protests will be considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-28902 Filed 9-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RA80-47]

Brock Exploration Corp.; Termination of Proceeding

September 12, 1980.

On July 23, 1980, Brock Exploration Corporation (Brock), the petitioner in this proceeding, filed a motion to withdraw without prejudice its petition for review, filed June 10, 1980, of an alleged *de facto* denial of Brock's application for an exception from the Secretary's Mandatory Petroleum Price Regulations.

The motion was deemed a notice of withdrawal under Section 1.11(d) of the Commission's Rules of Practice and Procedure.[1] Since no hearing had been held or convened in this proceeding, withdrawal without prejudice of the petition for review became effective 30 days after Brock's motion was filed. Such withdrawal terminates the present proceeding.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-28903 Filed 9-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. SA80-82]

Callon Petroleum Co.; Notice of Extension of Time

September 10, 1980.

On September 5, 1980, Commission Staff Counsel filed a request for an extension of time to file comments on the Proposed Order of Presiding Officer Affirming Denial of Adjustment Relief issued September 3, 1980, in the above-docketed proceeding. The motion states that additional time is required because of the heavy caseload of Commission Staff Counsel.

Upon consideration, notice is hereby given that an extension of time for the filing of comments is granted to and including September 29, 1980.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-28904 Filed 9-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP80-518]

Cities Service Gas Co.; Notice of Application

September 12, 1980.

Take notice that on August 27, 1980, Cities Service Gas Company (Applicant), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP80-518 an application pursuant to Section 7(b) of the Natural Gas Act and Section 157.7(e) of the Regulations thereunder (18 CFR 15.7(e)) for permission and approval to abandon, during the calendar year 1981, direct sales service and facilities no longer required for deliveries of natural gas to Applicant's customers, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in abandoning service and removing direct sales measuring, regulating and related facilities. Applicant states that it would abandon service and facilities only when deliveries to any one direct sales customer would not have exceeded 100,000 Mcf of natural gas during the last year of service.

The application further states that Applicant would not abandon any service unless it would have received a written request or written permission from the customer to terminate service. In the event such request or permission could not be obtained, a statement certifiying that the customer has no further need for service would be filed with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should on or before October 6, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to invervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to 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 therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-28905 Filed 9-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. CP80-43, CP66-110, et al., CP70-19, et al., CP70-100, et al., CP71-222, et al., and CP71-299, et al.]

Great Lakes Gas Transmission Co.; Amendment to Application

September 10, 1980.

Take notice that on August 28, 1980, Great Lakes Gas Transmission Company (Applicant), 2100 Buhl Building, Detroit, Michigan 48226, filed in Docket No. CP80-43, *et al.*, pursuant to Section 7(c) of the Natural Gas Act an amendment to its application for a certificate of public convenience and necessity pending in the instant docket so as to reflect changes in the daily contract quantities of natural gas to be transported for Northern Natural Gas Company, Division of InterNorth, Inc. (Northern), all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Applicant states that it initially proposed to render a transportation service for Northern under the terms

[1] That section is applicable to this proceeding pursuant to Section 1.40(a)(2)(vi) of the Commission's Rules of Practice and Procedure, governing review of adjustment request denials.

and conditions of a precedent agreement dated June 29, 1979, and the *pro forma* agreements attached thereto. Applicant states that the precedent agreement has now been amended to provide for a change in the daily contract quantities to be transported by Applicant for Northern for the fifth through eighth years. It is states that pursuant to the amending agreement, the daily contract quantities for these years would be as follows:

Contract year	Million cubic feet per day year	
	Old	New
Fifth	140,000	90,000
Sixth	100,000	40,000
Seventh	60,000	0
Eighth	20,000	0

Applicant states that the change is required to conform the contract quantities to the export license GL–61 issued to Northern's supplier, Consolidated Natural Gas Limited, by the National Energy Board of Canada on November 9, 1979, and approved by Order in Council dated December 6, 1979.

It is further stated that the *pro forma* transportation contract between Applicant and Northern has also been amended to provide that Northern may notify Applicant by giving 12 months rather than 24 months notice of an election to reduce its contract quantity by diverting certain volumes to the Monchy, Saskatchewan delivery point for transportation by Northern Border Pipeline Company. Applicant states that the amending agreement also makes certain other changes in the precedent agreement and attached *pro forma* agreements as are necessary to implement the foregoing.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before September 22, 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 the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to 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 therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80–28906 Filed 9–17–80; 8:45 am]

BILLING CODE 6450–85–M

[Docket No. ES80–66]

Gulf States Utilities Co.; Supplemental Application

September 12, 1980.

Take notice that on September 11, 1980, Gulf States Utilities Company (Applicant) filed an amendment to its application seeking authorization to negotiate the placement of up to 500,000 shares of New Preferred Stock, $100 par value, instead of by competitive placement as previously authorized by Chief Accountant's letter dated August 15, 1980.

Any person desiring to be heard or to make any protest with reference to said application should on or before September 24, 1980, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80–28907 Filed 9–17–80; 8:45 am]

BILLING CODE 6450–85–M

[Project No. 2930]

Idaho Power Co.; Renotice of Intent To Prepare Environmental Impact Statement and Notice of Scoping Meeting

September 12, 1980.

An application has been filed with the Federal Energy Regulatory Commission by Idaho Power Company for a major federal license for the construction and operation of the proposed North Fork Payette River Hydroelectric Project, FERC No. 2930 in Gem, Valley, and Boise Counties, Idaho. Public notice of the Application has been given with October 6, 1980 as the last date for filing protests or petitions to intervene. The application was mailed out on August 29, 1980 for agency review and comments.

The Commission's staff has determined that issuance of the proposed license would be a major federal action significantly affecting the quality of the human environment. The staff therefore intends to prepare an environmental impact statement in accordance with the National Environmental Policy Act. Possible alternatives to the proposed action will be addressed fully in the environmental impact statement.

Interested persons are invited to participate in a scoping meeting to be convened by the Commission's staff at 9:00 a.m. on October 17, 1980 at the Idaho Fish and Game Building, Large Conference Room, 600 South Walnut Street, Boise, Idaho.[1] The meeting will be recorded by a stenographer.

The primary goal of this meeting is to encourage affected parties to assist the Commission staff in identifying and determining the scope of the significant issues to be analyzed in depth in the environmental impact statement, and to identify and eliminate from detailed study issues which are not significant or which have been covered by prior environmental review.

The Commission staff will identify, and requests that interested persons also identify, the significant issues that should be addressed in the environmental impact statement. If you are unable to send a representative to this meeting you are encouraged to provide detailed comments by mail. If we do not receive your comments by October 9, 1980, we will assume that you have no further comments concerning the issues to be discussed in depth in the environmental impact statement.

Questions concerning the proposed action and the environmental impact statement should be directed to: Ms. Stephanie Story, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 at (202) 376–1910.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80–28908 Filed 9–17–80; 8:45 am]

BILLING CODE 6450–85–M

[Project No. 2890]

Kings River Conservation District; Fixing Place and Procedures for Public Sessions

September 10, 1980.

On November 28, 1978, Kings River Conservation District filed an application for a major license for the proposed Dinkey Creek Project No. 2890 to be located on Dinkey Creek in the Sierra National Forest, near the City of Fresno. The Dinkey Creek Project would be a hydroelectric facility with an

[1] This notice supersedes an earlier notice of scoping meeting which gave October 9 and 9:30 a.m. as the date and time of the meeting.

installed capacity of 120 megawatts. The project would consist of a 380-foot high dam, two powerhouses, 4 diversion dams (or weirs), and a reservoir with a surface area of about 950 acres.

On August 29, 1980, the Commission's staff issued its final environmental impact statement on the proposed project. Before the Commission reviews the application to decide if the application should be granted or denied, or in the alternative to require that an evidentiary hearing be held to address disputed issues of fact, it has been determined that two public sessions should be held. These public sessions will allow members of the general public an opportunity to present any information they may have which should be brought to the attention of the Commission. The two public sessions will be held in the Fresno City Council Chambers, City Hall, 2326 Fresno St., Fresno, California 93721, at 10:00 a.m. and 7:00 p.m. on October 8, 1980. Any members of the public, including parties to this proceeding, desiring to present their views or information on the proposed project may do so orally and in writing. All oral and written statements presented will be transcribed by a court reporter into the written record of the public session. These public sessions do not constitute evidentiary hearings which as of this date have not been ordered by the Commission.

To avoid confusion and to ensure that all persons wishing to present their positions can do so, the following procedures will be observed at the public meeting:

All persons desiring to be heard or wishing to submit written statements should, prior to the convening of the sessions listed above, fill out cards with their names, addresses, and the organization they represent, if any. The cards then should be given to the Commission staff members. Blank cards will be available at the entrance to the City Council Chambers.

When a person's name is called, the person should come forward and state his name, address, and organization, if any. If he has a written statement, he should give the reporter a copy. If an oral statement is to be given, the person should proceed to make the statement. In cases where a person submits a written statement and also wishes to make an oral statement, the oral remarks should only summarize briefly the highlights of the written statement, since all written statements will be copied into the record as though read. The statements made at the public session do not constitute evidence, and the persons giving statements will not be subject to cross-examination.

If a person desires to make a statement for the record but is unable to be present at the time their name is called, they may leave a copy of their statement with the reporter, and such statement will be copied into the record as though read or presented orally. If for any reason a person desiring to be heard is unable to attend the public session in person, he may submit a written statement by October 17, 1980, to the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, and such statement will be made a part of the record of the public session.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-28909 Filed 9-17-80; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. RP80-139]

Tennessee Gas Pipeline Co., a Division of Tenneco Inc.; Notice of Tariff Filing

September 12, 1980.

Take notice that on September 8, 1980, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), tendered for filing proposed tariff sheets to its FERC Gas Tariff, Ninth Revised Volume No. 1, consisting of the following:

Original Sheet Nos. 3C, 3D, 3E, 204A, 207A and 220A
First Revised Sheet Nos. 3A, 3B, 200 through 204, 206 through 208, 210, 220, 222, 222A and 223
Second Revised Sheet Nos. 209 and 219A
Third Revised Sheet No. 1
Fifth Revised Sheet No. 3

Tennessee states that the purpose of these tariff sheets is to make minor revisions to the Table of Contents and General Terms and Conditions of its Tariff to reflect, *inter alia*, updated measurement and quality standards and to provide for the receipt of notices from the affected parties by telecommunications equipment.

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, NE., Washington, D.C. 20426, in accordance with §§ 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 September 26, 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 in this proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 80-28928 Filed 9-17-80; 8:45 am]

BILLING CODE 6450-85-M

Office of Environment

Environmental Advisory Committee; Renewal

This notice is published in accordance with the provisions of Section 7 of the Office of Management and Budget Circular A-63, as amended. Pursuant to Section 14(a)(2)(A) of the Federal Advisory Committee Act, and following consultation with the Committee Management Secretariat, General Services Administration, notice is hereby given that the Environmental Advisory Committee has been renewed for a 24-month period ending on September 15, 1982.

The renewal of the Committee has been determined necessary and in the public interest. The Committee will operate in accordance with the provisions of the Federal Advisory Committee Act (Pub. L. 92-463), the Department of Energy Organization Act (Pub. L. 95-91), OMB Circular No. A-63 (Revised), and other directives and instructions issued in implementation of those Acts.

Further information regarding this Advisory Committee may be obtained from the Department of Energy Advisory Committee Management Office (202-252-5187).

Issued at Washington, D.C. on September 15, 1980.

Tina Hobson,

Advisory Committee Management Officer.

[FR Doc. 80-28873 Filed 9-17-80; 8:45 am]

BILLING CODE 6450-01-M

Office of Fossil Energy

Fossil Energy Advisory Committee; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770), notice is hereby given of the following advisory committee meeting:

Title: Fossil Energy Advisory Committee.
Date and time: Wednesday, October 15, 1980—8:30 a.m.—4:30 p.m.
Place: Grand Forks Energy Technology Center, 15 North 23rd Street, Grand Forks, North Dakota 58202.

Contact: Georgia Hildreth, Director, Advisory Committee Management, Department of Energy, Room 8G087, 1000 Independence Avenue SW., Washington, D.C. 20585, Telephone: 202–252–5187.

Purpose of committee: To provide the Department of Energy with advice in developing through research, new and more efficient methods of mining, preparing and utilizing coal.

Tentative agenda:

- Welcome and Introduction,
- Review of the Low-Rank Coal Mission and Study report,
- Role and Mission of the Grand Forks Energy Technology Center,
- Peat Technology,
- Pilot Plant and Field Demonstration Needs for Low-Rank Coals,
- Review of the Great Plains/ANG Commercial Coal Gasification Project,
- Public Participation—Questions and Answers.

Public participation: The meeting is open to the public. The Chairperson of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements pertaining to agenda items should contact the Advisory Committee Management Office at the address or telephone number listed above. Requests must be received at least 5 days prior to the meeting and provision will be made to include the presentation on the agenda.

Transcripts: Available for public review and copying at the Public Reading Room, Room 5B180, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C., between 8:00 a.m. and 4:30 p.m. Monday through Friday, except Federal holidays.

Executive summary: Available approximately 30 days following the meeting from the Advisory Committee Management Office.

Issued at Washington, D.C. on September 15, 1980.

Georgia Hildreth,

Director, Advisory Committee Management.

[FR Doc. 80–28871 Filed 9–17–80; 8:45 am]

BILLING CODE 6450–01–M

Federal Loan Guarantee for the Great Plains Gasification Project

AGENCY: Department of Energy, Office of Resource Applications

ACTION: Opportunity for public comment.

Pursuant to requirement of 10 CFR 796.40(c)(2), the Department of Energy (DOE) announces that it plans to issue a loan guarantee for the Great Plains Gasification Associates (Great Plains) Coal Gasification Project to be located in Mercer County, North Dakota. Great Plains will construct and operate a 125 million cubic feet per day coal gasification facility which will occupy a 600 acre site located in the Beulah-Hazen area of Mercer County, North Dakota. The facility will employ a Lurgi, pressurized fixed bed gasification process. During construction, up to approximately three thousand workers will be employed at the site. When operating, the project is expected to employ about 500 workers. During operation, the facility will process approximately 14,000 tons a day of lignite coal from mines adjacent to the facility. The DOE plans to issue a Federal loan guarantee to support construction of the facility.

This notice is intended to provide parties who are interested in this project and its effect on Mercer County with an opportunity to comment upon the DOE's plan to issue financial assistance for this facility. Copies of this notice will also be published in local newspapers of general circulation in the geographic area where the project is located.

Please send written comments to: Phillip Gallo, Resource Manager, High Btu Gas, Mail Stop 3344, Federal Building, DOE, 12th St. and Pennsylvania Avenue, N.W., Washington, D.C. 20461.

Comments must be received no later than thirty days after the date of issuance of this notice to be considered.

Issued in Washington, D.C. on September 15, 1980.

John C. Sawhill,

Deputy Secretary, U.S. Department of Energy.

[FR Doc. 80–28874 Filed 9–17–80; 8:45 am]

BILLING CODE 6450–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL 1607–6; OPTS–59032A]

Approval of Exemption Application

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: On July 22, 1980 EPA received an exemption application for test marketing purposes from a certain company claiming its identity confidential. The Test Marketing Exemption (TME) number assigned to the substance is T–80–36. EPA has determined that the manufacturer's test marketing of the chemical substance will not present any unreasonable risk of injury to health or the environment. Therefore, the Agency has granted the manufacturer an exemption from the TSCA premanufacturing reporting requirements for test marketing in the manner described in the application.

EFFECTIVE DATE: September 12, 1980.

FOR FURTHER INFORMATION CONTACT: Carolyn Brown, Premanufacturing Review Division (TS–794), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Washington, D.C. 20460, 202–426–3980.

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA, anyone who intends to manufacture or import a new chemical substance for commercial purposes in the United States must submit a notice to EPA before manufacture or import begins. A "new" chemical substance is one that is not on the Inventory of existing substances compiled by EPA under section 8(b) of TSCA. Section 5(a)(1) requires each premanufacture notice (PMN) to be submitted in accordance with section 5(d) and any applicable requirements of section 5(b). Section 5(d)(1) defines the contents of a PMN and section 5(b) contains additional reporting requirements for certain new chemical substances.

Section 5(h), "Exemptions," contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorizes EPA, upon application, to exempt persons from any requirement of section 5(a) or section 5(b), to permit them to manufacture or process chemical substances for test marketing purposes. To grant an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and under section 5(h)(6) the Agency must publish a notice of its disposition in the **Federal Register.** If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

On July 22, 1980 EPA received an application from a certain company claiming its identity confidential for an exemption from the requirements of section 5(a) and 5(b) of TSCA, to manufacture the substance identified under the generic name of 2 (substituted) ethylamine fractionation forecuts-phosphonomethylated and its sodium salt for test marketing purposes.

A **Federal Register** notice published on August 13, 1980 (45 FR 53867) announced the receipt of the exemption application and requested comment on the appropriateness of granting the exemption. The Agency received no comment concerning the application. The company stated in the application that the substance would be used as a scale inhibitor (specific use claimed confidential) which serves to prevent

the formation of mineral deposits on industrial equipment. During review of this application, the Agency identified a significant impurity in the TME substance which is of concern. However, the TME substance is not expected to be easily absorbed through the gastrointestinal tract or the skin. Further, there are no other toxicological concerns regarding this chemical substance.

There will be possible dermal and inhalation exposure to the TME substance for two workers for 4–8 hours a day, 3–6 days a year during manufacture of the substance. During drumming of the formulated product there's a potential for brief dermal and inhalation exposure to two workers. Finally, during use of the TME substance, dermal exposure could occur to four workers for 15 minutes and once every 1–3 weeks.

Therefore, considering both the toxicity and exposure, the Agency has determined that this substance's manufacture, production, and use, in the manner described in the test market application, will not present any unreasonable risk to the people who come into contact with it during manufacture, processing, or use. There are no environmental concerns with the substance's release or disposal. Thus, the Agency has decided to grant a test market exemption to this company for the limited manufacture of 2 (substituted) ethylamine fractionation forecuts-phosphonomethylated and its sodium salt.

At least 90 days prior to manufacturing this substance for commercial purposes other than test marketing or in small quantities solely for research and development activities, the manufacturer must submit a premanufacture notice (PMN) as required under section 5(a) of TSCA. This exemption is granted solely to the applicant of TME 80–36 with the following provisions:

1. That the company not exceed the production amount specified on the test market application;

2. That worker exposure not exceed the levels specified;

3. That the company only use the TME substance at the planned locations mentioned in the test market application;

4. That the duration of the test market period not exceed the eight month period specified in the test market application;

5. That a material safety data sheet or similar document shall accompany the product and be available for employees who come into contact with it during its processing and use;

6. That the company maintain records of customers to whom the test market substances have been given or sold and that these records may be inspected by EPA.

Dated: September 12, 1980.

Douglas M. Costle,

Administrator.

[FR Doc. 80-28820 Filed 9-17-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1608-6; OPTS-51131]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

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 commences. Section 5(d)(2) requires EPA to publish in the **Federal Register** certain information about each PMN within 5 working days after receipt. This notice announces receipt of two PMN's and provides a summary of each.

DATES: Written comments by: PMN 80–219, October 19, 1980. PMN 80–228, October 25, 1980.

ADDRESS: Written comments to: Document Control Officer (TS–793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460, 202–755–8050.

FOR FURTHER INFORMATION CONTACT: George Bagley, Premanufacturing Review Division (TS–794), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460, 202–426–3936.

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA [90 Stat. 2012 (15 U.S.C. 2604)], 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 or import commences. 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 Intitial Inventory was published in the **Federal Register** of May 15, 1979 (44 FR 28558) and the notice of availability of the Revised Inventory was published on July 29, 1980 (45 FR 50544). The requirement to submit a PMN for new chemical substances manufactured or imported for commerical purposes became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the **Federal Register** issues of January 10, 1079 (44 FR 2242) and October 16, 1979 (44 FR 59764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in the **Federal Register** of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 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 use(s) of the substance, 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(s), 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.

After receipt, EPA has 90 days to review a PMN under 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).

Therefore, under the Toxic Substances Control Act, summaries of the data taken from the PMN's are published herein.

Interested persons may, on or before the dates shown under "DATES", submit to the Document Control Officer (TS–793), Rm. E–447, Office of pesticides and Toxic Substances, 401 M St., SW, Washington, DC 20460, written comments regarding these notices. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS–51131]" and the specific PMN number. Comments received may be seen in the above office between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: September 12, 1980.

Warren R. Muir,

Deputy Assistant Administrator for Toxic Substances.

PMN 80–219.

Close of Review Period. November 18, 1980.

Importer's Identity. Claimed confidential business information.

Specific Chemical Identity. Claimed confidential business information. Generic name provided: An aliphatic ester.

The following summary is taken from data submitted by the importer in the PMN.

Use. Claimed confidential business information.

Import Estimates.

	Kilograms per year	
	Minimum	Maximum
1st year	10	100
2d year	10	1,000
3d year	10	2,000

Physical/Chemical Properties

Form—Liquid.
Color—Medium to dark yellow.
Refractive index at 25° C—1.481–1,489
Specific gravity at 25° C—0.980–1.000
Flash point—Above 100° F
Toxicity Data.

	Bio-Test Research Laboratories	Food and Drug Research Laboratories
Acute dermal, LD_{50} (rabbits).	>3,038 mg/kg	>2g/kg.
Acute oral, LD_{50} (rats)	>10,250 mg/kg.	>5 g/kg.
Primary skin irritation (rabbits).		Mildly irritating.

Exposure. The importer states that potential exposure to users exists through inhalation. Two workers may be exposed 20 days a year at less than an hour per day, with an average concentration of 1–10 part(s) per million (ppm).

Environmental Release/Disposal. The importer states that less than 10 kg of the PMN sustance may be released to the atmosphere per year, and that no disposal problems are anticipated.

PMN 80–228.

Close of Review Period. November 24, 1980.

Manufacturer's Identity. Uniroyal Chemical Co., a Division of Uniroyal, Inc., Naugatuck, CT 06770.

Specific Chemical Identity. Benzene propanoic acid, 3,5-bis (1,1-dimethylethyl)-4-hydroxy-(1,2-dioxo-1,2-ethanediyl) bis (imino-2,1ethanediyl) ester.

The following summary is taken from data submitted by the manufacturer in the PMN.

Use. High performance antioxidant in various polymers.

Production Estimates. No data were submitted.

Physical/Chemical Properties.

Appearance—White, crystalline substance in two isomorphic states.

Melting points—135–136° C and 176–177° C.

Solubilities at room temperature: gm/100 ml solvent.

Methanol—1
Isopropanol—0.3
Toluene—3.2
Acetone—17.2
Chloroform—35
Styrene—5
Hexane—0.03
Water—<0.01

Stability—Completely stable up to 225°C.

Flammability:

Flash point (TOC)—500° F.

Fire point (TOC)—525° F.

Toxicity Data.

Oral LD_{50} (rats)—<10 gm/kg.

Eye irriation test (rabbits)—Non-irritant.

Skin irriation test (rabbits)—Non-irritant.

Ames *Salmonella* mutagenicity test—Negative.

Exposure. The submitter states that potential exposure to two or three workers exists during the manufacturing process when the product is centrifuged, dried, and packaged; that production will run 240 days per year, 24 hours a day.

Environmental Release/Disposal. Uniroyal Chemical Co. states that during the manufacturing operation some emission of alcohol vapors to the atmosphere could occur, however, engineering controls will be in place to capture this solvent to the most practical extent; that disposal of any residue generated will be in a regulated disposal facility in a manner consistent with all local, state, and federal regulations.

[FR Doc. 80–28817 Filed 9–17–80; 8:45 am]

BILLING CODE 6560–01–M

[FRL 1608–8; OPTS–51133]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

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 commences. Section 5(d)(2) requires EPA to publish in the **Federal Register** certain information about each PMN within 5 working days after receipt. This Notice announces receipt of two PMN's and provides a summary of each.

DATE: Written comments by October 25, 1980.

ADDRESS: Written comments to: Document Control Officer (TS–793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460, (202–755–8050).

FOR FURTHER INFORMATION CONTACT: David Dull, Premanufacturing Review Division (TS–794), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460, (202–426–2601).

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA [90 Stat. 2012 (15 U.S.C.

2604)], 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 or import commences. 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), and the notice of availability of the Revised Inventory was published on July 29, 1980 (45 FR 50544). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the **Federal Register** issues of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in the **Federal Register** of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 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 use(s) of the substance, as well as a description of any test data submitted under section 5(d). 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 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(s), 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 PMN submitter, will publish an amended **Federal Register** notice. EPA immediately will review confidentiality claims for chemical identity, chemical use(s), 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.

After receipt, EPA has 90 days to review a PMN under 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).

Therefore, under the Toxic Substances Control Act, summaries of the data taken from the PMN's are published herein.

Interested persons may, on or before October 25, 1980, submit to the Document Control Officer (TS-793), Rm. E-447, Office of Pesticides and Toxic Substances, 401 M St., SW, Washington, DC 20460, written comments regarding these notices. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS -51133]" and the specific PMN number. Comments received may be seen in the above office between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: September 12, 1980.

Warren R. Muir,

Deputy Assistant Administrator for Toxic Substances.

PMN 80-221.

Close of Review Period. November 24, 1980.

Manufacturer's Identity. E. I. du Pont de Nemours & Co., 1007 Market St., Wilmington, DE 19898.

Specific Chemical Identity. Cyclohexanecarbonitrile, 1,1'-azobis.

The following summary is taken from data submitted by the manufacturer in the PMN.

Use. Polymerization and halogenation initiator.

Production Estimates. Claimed confidential business information.

Physical/Chemical Properties.

Appearance—White crystalline powder.
Melting point—115-116° C.
Solubility—Soluble in aromatic hydrocarbons, acetone, chlorinated hydrocarbons, and esters; partially soluble in alcohols; and insoluble in petroleum ether and water.

Toxicity data.

Approximate lethal dose (ALD) (rats)—11,800 mg/kg.
Eye irritation test (rabbit)—Mild irritant.
Skin irritation test (rabbit)—Non-irritant.

Exposure.

Activity	Exposure route	Maximum number exposed	Maximum duration		Concentration (ppm)	
			Hour/day	Day/year	Average	Peak
Manufacture	Inhalation, dermal.	20	8	25	0-1	1-10
Use	Inhalation	4	1	300		

Environmental Release/Disposal.

Manufacturing:

Media—Amount/Duration of Chemical Release (kg/yr).

Air—100-1,000. 24 hr/da; ~ 25/yr.
Water—Less than 10. 24 hr/da; ~ 25/yr.

PMN 80-222.

Close of Review Period. November 24, 1980.

Manufacturer's Identity. Claimed confidential business information.

Specific chemical Identity. Cyclohexanecarbonitrile, 1-amino.

The following summary is taken from data submitted by the manufacturer in the PMN.

Use. Chemical intermediate.

Production Estimates. Claimed confidential business information.

Physical/chemical Properties. No data were submitted. Toxicity Data.

Eye irritation test—Severe to moderate irritant, reversible if washed immediately.
D.O.T. skin corrosion—Negative.
Class B poison test—Positive.
Acute oral test, approximate—lethal dose (ALD)—200 mg/kg.
Primary skin irritation and sensitization tests—Negative.

Exposure. The manufacturer states that possible exposure to five workers, four days a year may occur during cleaning of equipment and packaging of product.

Environmental Release/Disposal. The manufactuere claims that there will be no release of the new substance into the environment and that waste materials (waste stream and washings) will be collected and sent to a licensed incineration facility.

[FR Doc. 80-28819 Filed 9-17-80; 8:45 am]
BILLING CODE 6560-01-M

[FRL 1608-3; OPTS-51135]

Naphthalene, 1,2,3,4-Tetrahydro-1,1,4,4-Tetramethyl; Premanufacture Notice

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

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 commences. Section 5(d)(2) requires EPA to publish in the **Federal Register** certain information about each PMN within 5 working days after receipt. This Notice announces receipt of a PMN and provides a summary.

DATE: Written comments by October 27, 1980.

ADDRESS: Written comments to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., S.W., Washington, DC 20460 (202-755-8050).

FOR FURTHER INFORMATION CONTACT: Rick Green, Premanufacturing Review Division (TS-794), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460 (202/426-2601).

SUPPLEMENTARY INFORMATION: Section 5(a)(1) of TSCA [90 Stat. 2012 (15 U.S.C. 2604)], 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 or import commences. 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** of May 15, 1979 (44 FR 28558), and the notice of availability of the Revised Inventory was published on July 29, 1980 (45 FR 50544). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

EPA has proposed premanufacture notification rules and forms in the **Federal Register** issues of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764). These regulations, however, are not yet in effect. Interested persons should consult the Agency's Interim Policy published in the **Federal Register** of May 15, 1979 (44 FR 28564) for guidance concerning premanufacture notification requirements prior to the effective date of these rules and forms. In particular, see page 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 use(s) of the substance, 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(s), 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(s), 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.

After receipt, EPA has 90 days to review a PMN under section 5(a)(1). The section 5(d)(2) **Federal Register** notice indicates the date when the review period ends for eacn 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).

Therefore, under the Toxic Substances Control Act, a summary of the data taken from the PMN is published herein.

Interested persons may, on or before October 27, 1980, submit to the Document Control Officer (TS-793), Rm. E-447, Office of Pesticides and Toxic Substances, 401 M St., SW, Washington, DC 20460, written comments regarding this notice. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS-51135]" and the PMN number. Comments received may be seen in the above office between 8:00 a.m. and 4:00 p.m., Monday through Friday, excluding holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: September 12, 1980.

Warren R. Muir,

Deputy Assistant Administrator for Toxic Substances.

PMN 80-231.

Close of Review Period. November 26, 1980.

Manufacturer's Identity. Claimed confidential business information. Generic information provided:

Annual sales—Between $100,000,000 and $499,999,999.
Manufacturing site—Mid-Atlantic region, U.S.
Standard Industrial Classification Code—284.

Specific Chemical Identity. Naphthalene, 1,2,3,4,-tetrahydro-1,1,4,4,-tetramethyl.

The following summary is taken from data submitted by the manufacturer in the PMN.

Use. Claimed confidential business information. The submitter states that the substance will be used in a destructive use that will release less than 50 kilograms (kg) of the substance to the environment per year and that the use will involve exposure to chemical industry employees occasionally during batch manufacture with a very low potential for contact.

Exposure.

Activity	Exposure route	Maximum number exposed	Maximum duration		Concentration(ppm)	
			hour/day	Day/year	Average	Peak
Manufacture	Dermal, inhalation.	Accidental contact only.			0–1	1–10
Use	Dermal, inhalation.	Acccidental contact only.			0–1	1–10
Disposal	Dermal, inhalation.	Accidental contact only.			0–1	1–10

Production Estimates.

	Kilograms per year	
	Minimum	Maximum
1st year	4,000	6,000
2d year	18,000	25,000
3d year	22,000	30,000

Physical/Chemical Properties.
Boiling point—125°C at 25 mm. Hg.
Appearance—White colorless liquid.
Solubility—Insoluble in water; soluble in organic solvents.

Toxicity Data. The submitter claimed that there are no available data on the substance.

The manufacturer claims that there will be no consumer exposure to the substance.

Environmental Release/Disposal. The manufacturer states that there will be a mimimal release of the substance to the environment in an industrial waste stream to an on-site effluent treatment plant and mimimal industrial release as loss to the air.

[FR Doc. 80-28814 Filed 9-17-80; 8:45 am]
BILLING CODE 6560-01-M

[FRL 1608-7; OPTS-51086A]

P-80-137 Benzenamine, 4,4′ methylene bis[N-(1-methylhexylidene), and P-80-138 Benzenamine, 4,4′ methylene bis[N-(1-methylbutylidene); Premanufacture Notice; Extension of Review Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is extending the review period for two premanufacture notices (PMNs) for which the review period commenced on June 17, 1980, under section 5 of the Toxic Substances Control Act (TSCA). The identities for the substances covered by the PMNs are "P-80-137 Benzenamine, 4,4′ methylene bis[N-(1-methylhexylidene) and P-80-138 Benzenamine, 4,4′ methylene bis[N-(1-methylbutylidene)."

The review period for these substances is now scheduled to end on October 30, 1980. The PMN's described chemical substances that would be manufactured for use as curing agents or crosslinkers. The submitter of the two PMN's claimed his identity to be confidential along with the specific use and production volume information.

FOR FURTHER INFORMATION CONTACT: Kirk Maconaughey, Chemical Control Division (TS-794), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460 (202-426-3936).

SUPPLEMENTARY INFORMATION:

Background

Under section 5 of TSCA any person who intends to manufacture in, or import into, the United States a new chemical substance for commercial purposes must submit a premanufacture notice (PMN) to EPA prior to commencemnt of manufacture or import. In general, section 5 provides that EPA must complete its review of a PMN within 90 days of its receipt by the Agency. However, under section 5(c) EPA may extend the notice period for good cause for additional periods, not to exceed an aggregate of 180 days from the date of receipt.

EPA issued proposed rules to implement the premanufacture notification program published in the **Federal Register** of January 10, 1979 (44 FR 2263). Section 720.35 of the proposed regulation addressed the section 5(c) extension authority and provided examples of situations in which the Agency believed there would be good cause to extend the notice period. Although EPA has not yet promulgated these rules, the example in the proposal that would apply in this case is that:

EPA has received the notice and has determined that there is a significant possibility that the chemical will be regulated under section 5(e) or section 5(f) of the Act, but the Agency is unable to initiate regulatory action within the initial 90-day period (44 FR 2273).

Review to Date

EPA's initial evaluation of the subject PMN substances entailed review of information that the manufacturer supplied in the PMNs and in subsequent submissions to EPA. EPA also conducted literature searches on the PMN substances and on structurally similar substances, i.e., structural analogues.

Using the information, EPA assessed seven major areas of potential concern: process chemistry, uses, worker and consumer exposures, environmental releases, health effects, environmental fate, and ecological effects. The Agency also considered other factors, such as economics and impacts on technological innovation, that are not directly associated with the assessment of the risks that the PMN substances may present to human health and the environment. When EPA completed this initial screening of the substances, the Agency concluded that it needed to conduct a more thorough review of certain aspects to focus on specific areas of concern. Therefore, EPA has entered the PMNs into another series of analyses, the Detailed Review Process. During the Detailed Review, Agency staff is conducting further evaluations and assessments of the following: (1) The exposure associated with the manufacture, processing, use, and disposal of the PMN substances and (2) the degree to which the MDA produced by hydrolysis may cause effects of concern to human health. (The submitter indicated that the PMN substances readily hydrolyze to MDA.)

Extension of the Notice Review Period

The results of the reviews alluded to are summarized below:

(1) EPA is concerned about potential risks that the substances may pose to humans. The use and exposure to the PMN substances can reasonably be expected to produce MDA as a hydrolysis product. MDA is currently on the Interagency Testing Committee (ITC) list for testing under section 4 of TSCA. The ITC has recommended that tests for carcinogenicity, mutagenicity, teratogenicity and other chronic health effects and that epidemiology studies be performed. EPA is concerned that the two PMN substances may exhibit carcinogenic potential. The manufacturer supplied no information in the PMNs or in subsequent submissions that would comment or bear any light on these substance's potential for carcinogenic/tumorgenic/teratogenic activity.

(2) EPA can predict that some workers both in manufacturing and processing operations will come into contact with the substances. Such contact will involve both dermal and inhalation exposure routes. While exposure to the general public is not considered a major concern, worker exposure does present a concern. The lack of toxicity information on the PMN substances, themselves, the health concerns expressed for the hydrolysis product, MDA, and the known exposure of workers to these substances gives rise to the significant possibility that the chemicals will be regulated under section 5 of the Act.

On the basis of the cited concerns raised during EPA's evaluation of the PMN substances, the significant possiblity of further regulation under section 5, and because of the limited time before the end of the review period for the substances (which closes on September 15, 1980), EPA has determined that good cause exists to extend the notice period for an additional 45 days, until October 30, 1980.

EPA needs additional time to assess these chemical substances to determine if regulatory controls are appropriate. During the additional 45 days EPA will: (1) evaluate the need for additional data on the PMN substances, (2) determine the need for regulatory control in light of EPA's concerns about the PMN substances, and (3) examine possible control options. Extension of the notice period preserves EPA's authority to initiate a regulatory action under section 5 of TSCA if the Agency concludes that such an action is appropriate.

The PMNs, summaries of communications between the submitter and EPA, and other written material, are available for public inspection in Room 447, East Tower, at the EPA Headquarters address given above. The public record is available from 8 a.m. to 4 p.m., Monday through Friday, except legal holidays. All information that the manufacturer has claimed to be confidential has been deleted from the documents in the public record.

Dated: September 12, 1980.

Steven D. Jellinek,

Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 80-28818 Filed 9-17-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1608-5; OPTS-51109A]

Polyester of Adipic and Phthalic Anhydride, Propanediol 1,2 and Alkylene Diol, and Octyl Alcohol; Premanufacture Notice; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice corrects certain data published in the **Federal Register** of August 15, 1980 regarding the premanufacture notice (PMN) on the new substance polyester of adipic and phthalic anhydride, propanediol 1,2 an alkylene diol, and octyl alcohol submitted by the Union Camp Corp. in accordance with section 5(a)(1) of the Toxic Substances Control Act (TSCA).

FOR FURTHER INFORMATION CONTACT: Rick Green, Premanufacturing Review Division (TS-794), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW., Washington, D.C. 20460, 202/426-2601.

SUPPLEMENTARY INFORMATION: On August 15, 1980, EPA published the receipt of a PMN (FR Doc. 24706; 45 FR 54422) on the new substance polyester of adipic and phthalic anhydride, propanediol 1,2 an alkylene diol, and octyl alcohol submitted by the Union Camp Corp., Chemical Div., P.O. Box 2668, Savannah, GA 31402. On the first column, page 54424, under PMN 80-171, the *Environmental Release/Disposal.* Manufacture: data are corrected to read as follows:

Water—Less than 10 pounds/year; 12 hours/day; 6 days/year.
Land—100 to 1,000 pounds/year.

Dated: September 12, 1980.

Warren R. Muir,

Deputy Assistant Administrator for Toxic Substances.

[FR Doc. 80-28816 Filed 9-17-80; 8:45 am]

BILLING CODE 6560-01-M

[FRL 1608-4; OPTS-59033]

Polymer of: D-Glucose; Acetic Acid; Propanoic Acid, 2-Oxo; Arabinose; D-Mannose; L-Mannose, 6-Dexoy; D-Glucuronic Acid; Premanufacture Exemption Application

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1)(A) of the Toxic Substances Control Act (TSCA) requires any person intending to manufacture or import a new chemical substance for a commercial purpose in the United States to submit a premanufacture notice (PMN) to EPA at least 90 days before he commences such manufacture or import. Under Section 5(h) the Agency may, upon application, exempt any person from any requirement of section 5 to permit such person to manufacture or process a chemical for test marketing purposes. Section 5(h)(6) requires EPA to issue a notice of receipt of any such application for publication in the **Federal Register.** This notice announces receipt of an application for an exemption from the premanufacture reporting requirements for test marketing purposes and requests comments on the appropriateness of granting the exemption.

DATE: The Agency must either approve or deny this application by October 11, 1980. Persons should submit written comments on the applications no later than October 3, 1980.

ADDRESS: Written comments to: Document Control Officer (TS-793), Office of Pesticides and Toxic Substances, Environmental Protection Agency, 401 M St., SW, Washington, DC 20460, 202-755-8050.

FOR FURTHER INFORMATION CONTACT: Robert Jones, Premanufacturing Review Division (TS-794), Office of Pesticides and Toxic Substances, Environmental Protection Agency, Washington, DC 20460, 202-426-2601.

SUPPLEMENTARY INFORMATION: Under section 5 of TSCA [90 Stat. 2012 (15 U.S.C. 2604)], any person who intends to manufacture or import a new chemical substance for commercial purposes in the United States must submit a notice to EPA before the manufacture or import begins. A "new" chemical substance is any chemical substance that is not on

the Inventory of existing chemical 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** of May 15, 1979 (44 FR 28558) and the notice of availability of the Revised Inventory was published on July 29, 1980 (45 FR 50544). The requirement to submit a PMN for new chemical substances manufactured or imported for commercial purposes became effective on July 1, 1979.

Section 5(a)(1) requires each PMN to be submitted in accordance with section 5(d) and any applicable requirement of chemical substances that are subject to testing rules under section 4. Section 5(b)(2) requires additional information in PMN's for substances which EPA, by rules under section 5(b)(4), has determined may present unreasonable risks of injury to health or the environment.

Section 5(h), "Exemptions," contains several provisions for exemptions from some or all of the requirements of section 5. In particular, section 5(h)(1) authorized EPA, upon application, to exempt persons from any requirement of section 5(a) or section 5(b) to permit the persons to manufacture or process a chemical substance for test marketing purposes. To grant such an exemption, the Agency must find that the test marketing activities will not present any unreasonable risk of injury to health or the environment. EPA must either approve or deny the application within 45 days of its receipt, and the Agency must publish a notice of its dispostion in the **Federal Register.** If EPA grants a test marketing exemption, it may impose restrictions on the test marketing activities.

Under section 5(h)(6), EPA must publish in the **Federal Register** a notice of receipt of an application under section 5(h)(1) immediately after the Agency receives the application. The notice identifies and briefly describes the application (subject to section 14 confidentiality restrictions) and gives interested persons an opportunity to comment on it and whether EPA should grant the exemption. Because the Agency must act on the application within 45 days, interested persons should provide comments within 15 days after the notice appears in the **Federal Register.**

EPA has proposed Premanufacture Notification Requirements and Review Procedures published in the **Federal Register** of January 10, 1979 (44 FR 2242) and October 16, 1979 (44 FR 59764) containing proposed premanufacture rules and notice forms. Proposed 40 CFR 720.15 (44 FR 2268) would implement section 5(h)(1) concerning exemptions for test marketing and includes proposed 40 CFR 720.15(c) concerning the section 5(h)(6) **Federal Register** notice. However, these requirements are not yet in effect. In the meantime, EPA has published a statement of Interim Policy published in the **Federal Register** of May 15, 1979 (44 FR 28564) which applies to PMN's submitted prior to promulgation of the rules and notice forms.

interested persons may, on or before October 3, 1980, submit to the Document Control Officer (TS–793), Rm. E–447, Office of Pesticides and Toxic Substances, 401 M St., SW, Washington, DC 20460, written comments regarding this notice. Three copies of all comments shall be submitted, except that individuals may submit single copies of comments. The comments are to be identified with the document control number "[OPTS–59033]". Comments received may be seen in the above office between 8:00 a.m. and 4:00 p.m., Monday through Friday excluding holidays.

(Sec. 5, 90 Stat. 2012 (15 U.S.C. 2604))

Dated: September 12, 1980.

Warren R. Muir,

Deputy Assistant Administrator for Toxic Substances.

TM 80–38.

Close of Review Period. October 11, 1980.

Manufacturer's Identity. Kelco, Div. of Merck & Co., Inc., 8355 Aero Drive, San Diego, CA 93223.

Specific Chemical Identity. Polymer of: *D*–Glucose; acetic acid; propanoic acid, 2-oxo; arabinose; *D*-mannose; *L*-mannose, 6-deoxy; *D*-glucuronic acid.

The following summary is taken from data submitted by the manufacturer in the test marketing exemption application.

Use. The submitter states that the major use application of the PMN substance will be as a thickener/stabilizer/gelling agent in slurry explosives.

Production Estimates. The submitter states that the maximum quantity to be manufactured for test marketing purposes is 10,000 pounds. The test marketing activity is for a period of one year from date of approval.

Physical/Chemical properties

Physical state—Powder.

Solubility—Soluble in water, lower alcohols and acetone; insoluble in organic solvents.

Vapor pressure—Nil.

Decomposition point—<250≤C.

Toxicity Data

Acute oral LD_{50} (rats)—≤5,000 mg/kg.

No other data submitted.

Exposure. The manufacturer states that a maximum of 100 workers in ten customer plants, and 25 in the manufacturer's site, may be exposed to the new substance thru skin contact and dust inhalation.

Environmental Release/Disposal. No data were submitted.

[FR Doc. 80–28815 Filed 9–17–80; 8:45 am]

BILLING CODE 6560–01–M

FEDERAL MARITIME COMMISSION

[Docket No. 80–61; Independent Ocean Freight Forwarder License No. 619]

Chumet Shipping Co., Inc.; Order of Investigation and Hearing

Chumet Shipping Co., Inc. (Chumet) located at 401 Broadway, New York, New York 10013, is an independent ocean freight forwarder operating under FMC License No. 619, issued on February 12, 1964. Information has been developed by the Commission's staff which indicates that Chumet has apparently violated §§ 510.5(a)(4), 510.5(c), 510.23(c), 510.23(d), 510.23(e), 510.23(f), and 510.23(j) of the Commission's General Order 4 (46 CFR Part 510). Chumet's apparent disregard for the rules and regulations of the Commission is the type of conduct which can render a licensee unfit to carry on the business of forwarding pursuant to section 44(b) of the Shipping Act, 1916 (46 U.S.C. 841(b)).

During the course of a compliance investigation of the licensee it was disclosed that:

(1) Chumet appeared to violate § 510.5(a)(4) and (c) of the Commission's General Order 4 by failing to notify the Commission of a change in the licensee's qualifying corporate officer and a change in the officers and owners of the licensee.

(2) Chumet appeared to violate § 510.23(c) of General Order 4 by participating in an export transaction whereby the licensee prepared a commercial invoice dated May 23, 1978, misrepresenting, by lowering, the selling price of merchandise to the purchaser on a shipment which moved under an ocean bill of lading dated May 26, 1978.

(3) Chumet appeared to violate § 510.23 (d), (e), and (f) of General Order 4 on the above transaction by failing to disclose to its principal a 5 percent discount ($210.44) received from one of the manufacturers from whom the merchandise shipped was purchased by check dated June 5, 1978, thereby

imparting to a principal false information relative to a forwarding transaction, withholding information relative to a forwarding transaction from its principal, and not promptly accounting to its principal on overpayment of charges.

(4) Chumet appeared to violate § 510.23(f) of General Order 4 by failing to account to its shipper principal, Cardinal Export Corp., for insurance money ($426.92) paid to Chumet as a result of an insurance claim filed on behalf of the shipper principal. Chumet received insurance claim compensation in the amount of $1,387.40 and paid its shipper principal $960.48.

(5) Chumet appeared to violate § 510.23(j) of General Order 4 which requires every licensee to separately state on its invoices the insurance value, insurance rate, premium cost of insurance arranged and charges applicable to insurance arranged. The licensee failed to separately assess the actual insurance rate and premium cost of insurance arranged relating to 313 randomly sampled shipments for the billing period June 1, 1977 through February 28, 1978, by inflating these cost factors above the actual insurance premium paid by Chumet to the insurance company. Chumet billed its shipper principal on the subject shipments a total of $91,914.30 while the actual insurance premium paid the insurance company amounted to $59,621.33.

The licensee's apparent flagrant and persistent violations of § 510.23(j) of General Order 4 during the period covered by the compliance investigation raise the possibility that Chumet may have engaged in similar violations during other periods outside of June 1977 to February 1979. This investigation shall also determine whether the pattern of violative activity extends beyond that cited in this Order and, if so, to what extent it adversely reflects upon the licensee's managerial responsibility and fitness

Therefore, it is ordered, Pursuant to sections 22, 32, and 44 (46 U.S.C. 821, 831, and 841(b)) of the Shipping Act, 1916, and section 510.9 of the Commission's General Order 4 (46 CFR 510.9) that a proceeding be instituted to determine:

(1) Whether Chumet violated § 510.5(a)(4) of General Order 4 by failing to notify the Commission of a change of the firm's qualifying officer within 30 days after the occurrence of the change.

(2) Whether Chumet violated § 510.5(c) of General Order 4 by failing to notify the Commission of a change of the firm's officers and owners within 30 days after the occurrence of the change.

(3) Whether Chumet violated § 510.23(c) of General Order 4 by participating in an export transaction whereby the licensee prepared a commercial invoice dated May 23, 1978, misrepresenting, by lowering, the selling price of the merchandise to the purchaser on a shipment which moved under ocean bill of lading dated May 26, 1978.

(4) Whether Chumet violated § 510.23(d) of General Order 4 by not exercising due diligence in imparting information to its principal and/or by knowingly imparting false information to its principal in regard to a manufacturer's discount received on merchandise purchased by check dated June 5, 1978, relative to an ocean freight forwarding transaction handled under bill of lading dated May 26, 1978.

(5) Whether Chumet violated §§ 510.23(e) and 510.23(f) of General Order 4 by: (1) withholding information from its principal in regard to a manufacturer's discount received on merchandise purchased by check dated June 5, 1978; and (2) not promptly accounting to its principal for an overpayment of charges relative to an ocean freight forwarding transaction handled under bill of lading dated May 26, 1978.

(6) Whether Chumet violated § 510.23(f) by failing to account to its shipper principal, Cardinal Export Corp., the insurance money paid to Chumet relative to an insurance claim filed on behalf of the shipper principal which was in excess of the amount sought by the shipper principal.

(7) Whether Chumet violated § 510.23(j) of General Order 4 by failing to state separately on its invoices or other forms of billing to its shipper principals the actual amount of the insurance value, insurance rate, and premium cost of insurance arranged for shipments handled during the billing period June 1, 1977 through February 28, 1979.

(8) Whether Chumet violated § 510.23(j) by failing to state separately on its invoices or other forms of billing to its shipper principals the actual amount of the insurance value, insurance rate, and premium cost of insurance arranged in regard to ocean shipments forwarded by the licensee during the past five years.

(9) Whether civil penalties should be assessed against Chumet pursuant to section 32(e), Shipping Act, 1916, for violations of the Shipping Act, 1916, and/or the Commission's rules and regulations, and, if so, the amount of any such penalty which should be imposed taking into consideration factors in possible mitigation of such a penalty.

(10) Whether Chumet's independent ocean freight forwarder license should be suspended or revoked for:

(a) willful violations of the Shipping Act, 1916, and the Commission's rules and regulations pursuant to section 44(d) of the Shipping Act, 1916.

(b) failure to comply with the requirements of section 510.5(a)(4) of General Order 4 pursuant to section 510.5(a)(5) of General Order 4.

(c) failure to respond to a lawful inquiry or to comply with the rules and regulations of the Commission in accordance with section 510.9(b) of General Order 4.

(d) such conduct as the Commission finds renders Chumet unfit to carry on the business of forwarding in accordance with section 510.9(e) of General Order 4.

It is further ordered, That Chumet Shipping Co., 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 within the time limits specified in Rule 61 (46 CFR 502.61) of the Commission's Rules of Practice and Procedure. 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 in accordance with Rule 42 of the Commission's Rules of Practice and Procedure (46 CFR 502.42), the Commission's Bureau of Hearing Counsel shall be a party to this proceeding.

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, Chumet Shipping Co., Inc.

It is further ordered, That any person other than Respondent 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.

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. 80-28781 Filed 9-17-80; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Bank Holding Companies; Proposed de Novo Nonbank Activities

The bank holding company listed in this notice has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. § 1843(c) (8)) and section 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to this application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on the application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank indicated for the application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than October 14, 1980.

A. *Federal Reserve Bank of San Francisco* (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120:

Security Pacific Corporation, Los Angeles, California (finance and credit-related insurance activities; Kansas): to engage through its subsidiary, The Bankers Investment Company d.b.a. Security Pacific Finance Corp. in making or acquiring for its own account or for the account of others, loans and extensions of credit, including making consumer installment personal loans, purchasing consumer installment sales finance contracts, making loans to small businesses and other extensions of credit, such as would be made by a factoring company or a consumer finance company and acting as broker or agent for the sale of credit-related life, accident and health insurance and credit-related property and casualty insurance. These activities would be conducted form an office of Security Pacific Finance Corp. located in Overland Park, Kansas, serving the State of Kansas, and would constitute a relocation of an existing office of Security Pacific Finance Corp., which is currently located at 707 Minnesota Avenue, Kansas City, Kansas 66101.

B. *Other Federal Reserve Banks:* None.

Board of Governors of the Federal Reserve System, September 11, 1980

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-28887 Filed 9-17-80; 8:45 am]

BILLING CODE 6210-01-M

Liberty Bancshares, Inc.; Formation of Bank Holding Company

Liberty Bancshares, Inc., Liberty, Missouri, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (121 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Commercial Bank of Liberty, N.A., Liberty, Missouri. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than October 9, 1980. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, September 11, 1980.

Cathy L. Petryshyn,

Assistant Secretary of the Board.

[FR Doc. 80-28888 Filed 9-17-80; 8:45 am]

BILLING CODE 6210-01-M

FEDERAL TRADE COMMISSION

Early Termination of the Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Union Pacific Corporation is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain assets of Industrial Energy Partners. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by Union Pacific Corp. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: September 5, 1980.

FOR FURTHER INFORMATION CONTACT: Naomi Licker, 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-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 80-28837 Filed 9-17-80; 8:45 am]

BILLING CODE 6750-01-M

Early Termination of the Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: Daniel W. Varel is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of certain stock of Geosource, Inc. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by Geosource, Inc. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: August 27, 1980.

FOR FURTHER INFORMATION CONTACT: Naomi Licker, 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-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 80–28838 Filed 9–17–80; 8:45 am]

BILLING CODE 6750–01–M

Early Termination of the Waiting Period of the Premerger Notification Rules

AGENCY: Federal Trade Commission.

ACTION: Granting of request for early termination of the waiting period of the premerger notification rules.

SUMMARY: LTV Corporation is granted early termination of the waiting period provided by law and the premerger notification rules with respect to the proposed acquisition of all stock of Skagit Corporation from Bendix Corporation. The grant was made by the Federal Trade Commission and the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice in response to a request for early termination submitted by both parties. Neither agency intends to take any action with respect to this acquisition during the waiting period.

EFFECTIVE DATE: September 5, 1980.

FOR FURTHER INFORMATION CONTACT: Naomi Licker, 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-Rodino Antitrust Improvements Act of 1976, requires persons contemplating certain mergers or acquisitions to give the Commission and Assistant Attorney General advance notice and to wait designated periods before consummation of such plans. Section 7A(b)(2) of the Act permits the agencies, in individual cases, to terminate this waiting period prior to its expiration and requires that notice of this action be published in the **Federal Register.**

By direction of the Commission.

Carol M. Thomas,

Secretary.

[FR Doc. 80–28839 Filed 9–17–80; 8:45 am]

BILLING CODE 6750–01–M

Schedule for Awarding SES Bonuses and Announcement of PRB Members

The Federal Trade Commission plans to award bonuses to Senior Executive Service members on or about September 30, 1980.

The Federal Trade Commission has two Performance Review Boards. The members of the first Performance Review Board are:

Leroy Richie
Linda Dorian
Louis Goldfarb
Wallace Snyder
Benjamin Sharp
Michael Schlanger
Walter Winslow
William Baer
Barry Rubin

The members of the second Performance Review Board are:

Christian S. White
Perry Johnson
Albert Kramer
Michael Lynch
Robert Reich
James Sneed
W. Randolph Smith
Carol Thomas
Deborah Leff
Kenneth Hunter

For further information, please call Kenneth Hunter, Director, Division of Personnel, Federal Trade Commission, (202) 523–3986.

Kenneth Hunter,

Director, Division of Personnel.

[FR Doc. 80–28991 9–16–80; 1:54 pm]

BILLING CODE 6750–01–M

GENERAL ACCOUNTING OFFICE

Regulatory Reports Review; Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on September 11, 1980. See 44 U.S.C. 3512(c) and (d). The purpose of publishing this notice in the **Federal Register** is to inform the public of such receipts.

The notice includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FMC requests are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed requests, comments (in triplicate) must be received on or before October 6, 1980, and should be addressed to Mr. John M. Lovelady, Senior Group Director, Regulatory Reports Review, United States General Accounting Office, Room 5106, 441 G Street, NW, Washington, DC 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202–275–3532.

Federal Maritime Commission

The FMC requests an extension-without-change clearance of the reporting requirements contained in 46 CFR 531 (Commission General Order 38), Publishing, Filing and Posting of Tariffs in the Domestic Offshore Commerce. Part 531 sets forth standards concerning the construction and manner of filing tariffs in the domestic offshore commerce by waterborne common carriers. The reporting requirements are contained in §§ 531.3 (filing of tariffs, general), 531.6 (statements of rates and changes), and 531.18 (transfer of operations, transfer of control and changes to carrier name). The FMC estimates respondents will number approximately 367 waterborne carriers in the U.S. domestic offshore trades and that reporting burden will average 4 hours for an initial tariff filing, 1 hour for

a revised tariff, 5 minutes for a delegation of authority statement and 10 minutes for a notification of public of tariff changes; these requirements are contained in § 531.3. The reporting burden for § 531.6 will average 30 minutes for each project rate justification, and for § 531.18 the burden will average 2 hours for each special permission application.

The FMC requests an extension-without-change of the annual, voluntary letter addressed to automobile manufacturers who are members of the American Automobile Association, requesting information on the cubic measurements and weights of new and used automobiles. The information received by FMC is compiled in a guide entitled "Automobile Manufacturers Measurements." The guide is used by carriers transporting automobiles in the domestic offshore trade and is designed to assist in their compliance with 46 CFR 531.5(b)(8)(xiv). The FMC estimates that respondents will number approximately 20 automobile manufacturers and that the time to assemble the data (which the manufacturers already have on hand) and to prepare a two or three line cover letter will average 7.5 minutes.

Norman F. Heyl,

Regulatory Reports Review Officer.

[FR Doc. 80-28898 Filed 9-17-80; 8:45 am]

BILLING CODE 1610-01-M

GENERAL SERVICES ADMINISTRATION

Office of the Federal Register

Uniform Building Code; Notice of Conference on Education and Code Development

AGENCY: Office of the Federal Register, General Services Administration.

ACTION: Notice of public meeting.

SUMMARY: The International Conference of Building Officials (ICBO) will hold its annual Conference on Education and Code Development. The Conference will include hearings on proposed changes to the Uniform Building Code. All interested parties are invited to participate at this open meeting. The Office of the Federal Register is announcing this meeting as a public service.

DATE: September 23, 1980 through September 26, 1980.

ADDRESS: Albuquerque Hilton Inn, Albuquerque, NM.

FOR FURTHER INFORMATION CONTACT: Registration information and code change agenda: James E. Bihr, Executive Director, International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, CA 90601. (213) 699-0541. **Federal Register** contact: Gary Segal, (202) 523-4534.

Martha B. Girard,

Acting Director, Office of the Federal Register.

[FR Doc. 80-28865 Filed 9-17-80; 8:45 am]

BILLING CODE 6820-27-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Center for Disease Control

Environmental Control Infections Work Group; Open Meeting

On September 29, 1980, the Center for Disease Control will convene an open meeting of a work group to reevaluate guidelines for environmental control infections to provide the most reasonable and practical guidance to infection control committees in hospitals. The meeting is open to the public, limited only by space available.

The meeting is scheduled to convene at 8:00 a.m., in Classroom 3, Building 2, Center for Disease Control, 1600 Clifton Road, NE., Atlanta, Georgia.

For further information, please contact: Bryan P. Simmons, M.D., Hospital Infections Branch, Bacterial Diseases Division, Bureau of Epidemiology, Center for Disease Control, 1600 Clifton Road, NE., Atlanta, Georgia 30333, Telephones: FTS: 236-3805, Commercial: 404/329-3805.

Dated: September 12, 1980.

William H. Foege,

Director, Center for Disease Control.

[FR Doc. 80-28878 Filed 9-17-80; 8:45 am]

BILLING CODE 4110-86-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Availability of Draft Environmental Impact Statement on the Management; Charles M. Russell National Wildlife Refuge, Mont.

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: This notice advises the public that the draft Environmental Impact Statement on the management of Charles M. Russell National Wildlife Refuge, Montana, is available for public review; comments and suggestions are requested.

Proposed are management actions to improve wildlife habitat from fair to good or excellent condition by the year 2000 and development of new recreation facilities. These actions include a 33 percent average reduction in livestock grazing, soil ripping, prescribed burning and grazing, shrub planting, a modest amount of fencing and water developments to control livestock use, and changes in livestock seasons of use. One new recreation area and several sport fishing access sites are also proposed. Constructing interpretive trails and exhibits and expanding existing campsites and recreation areas will be accomplished as needed.

DATES: Written comments are requested by November 17, 1980. Public hearings will be held as follows: September 29, 7:00 p.m., Village Red Lion Motor Inn, 100 Madison, Missoula, Montana; September 30, 7:00 p.m., Civic Center 309 5th Ave. So., Lewistown, Montana; October 1, 7:00 p.m., County Court Room, Valley County Court House, Glasgow, Montana; October 7, 10:00 a.m., Interior Auditorium, Main Interior Building, 18th and C. St. NW, Washington, D.C.

ADDRESS: Comments should be addressed to: Edwin W. Steucke, Area Manager, Fish and Wildlife Service, Federal Building, Room 3035, 316 North 26th Avenue, Billings, Montana 59101.

FOR FURTHER INFORMATION CONTACT: Bill Knauer, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225.

Individuals wishing copies of this EIS for review should immediately contact the above individual. Copies have been sent to all agencies and individuals who participated in the scoping process and to all others who have already requested copies.

SUPPLEMENTARY INFORMATION: Bill Knauer is the primary author of this document. The Fish and Wildlife Service (FWS), Department of the Interior, has prepared a draft EIS on its proposal. Black-footed ferrets, peregrine falcons, bighorn sheep and swift fox would be reintroduced as they become available. Wildlife habitat conditions would be substantially enhanced by 2000 with most grazing reductions and other major actions implemented by 1985 and the remainder by 2000. Wildlife habitat management objecties would be met or exceeded refuge-wide by 2000. Significant management actions would include reduction in livestock grazing as well as changing existing livestock seasons of use and modifying existing grazing systems to benefit wildlife. Some soil ripping, shrub planting and construction of enclosures would occur. Some boundary fences and interior fences would be constructed. New

reservoirs would be built plus one water pipeline and several troughs. Wildlife habitat would be evaluated periodically to ensure that wildlife objectives were being met; necessary conrrections in management would be made. Farming along the Missouri River would be phased out but some lure crop farming would be implemented to decrease elk depredation on private lands.

Livestock AUMs would eventually be reduced 33 percent. Some inholdings would be acquired and ownership of all lands within CMR would be ascertained.

Present high and low density recreation areas would be retained and expanded as needs dictate. A new boat access site would be established at Fourchette Bay. Private cabin sites would remain as they are. Interpretive programs would be emphasized and access to recreational areas and facilities would be improved.

This action is designed to clarify management and land ownership, improve wildlife habitat, evaluate archeological and historical resources, reintroduce certain endangered species and provide an improved recreation experience on the refuge. The action will result in the accomplishment of wildlife, range and recreation objectives. Range conditions will improve and regional income and employment are expected to increase. Livestock grazing will be adversely impacted and regional income from this source will decrease.

The major alternatives under consideration that were analyzed and evaluated during planning are:

(1) No action—Management would continue unchanged. Livestock numbers would not change. Major management actions would include surveys, issuing grazing licenses, some cooperative farming and wildfire control. There would be no significant improvement in range conditions or wildlife habitat. Recreational developments would remain essentially unchanged.

(2) Intensive wildlife management—Changes in State Land Board and FWS policy would have to occur to fully implement this alternative. A substantial budget increase would be necessary and Corps of Engineers/FWS legislative conflicts would have to be resolved in favor of FWS. Endangered and unique species introductions would be as stated in the Proposed Action alternative with the addition of bison. About 2000 acres would be farmed to increase wildlife food supplies and habitat diversity. Waterfowl ponds would be developed. Spawning habitat for fish would be developed and wildlife habitats would be enhanced to maximum potential for most species in a minimum time span. Burning would be considerably more extensive than the Proposed Action. Periodic habitat evaluation would occur and most wildfires on CMR would be suppressed as stated in the Proposed Action. Some prescribed burning would occur. All inholdings would be acquired. The naturalness management concept would be eliminated in favor of developments which would provide maximum benefits to wildlife. Livestock grazing would be employed as a tool to achieve or maintain desired wildlife habitat. Livestock AUMs would be reduced about 55 percent. Range improvements would be limited to approximately 400 miles of boundary fence to regulate livestock plus ripping of all suitable panspots and dense clay range sites outside wilderness areas.

Recreation would be oriented toward wildlife activities. Private cabins would be eliminated and areas returned to wildlife habitat. More primitive fishing access sites would be provided and replace some existing high and low density recreation areas. Nature trails would be established at several locations.

(3) Multiple use—This alternative would require Congressional action to implement. It would emphasize all resources equally instead of just wildlife. This alternative would provide only slight improvements in habitat quality and wildlife objectives would not be met by the year 2000. About 41,000 acres would be improved for wildlife habitat by prescribed burning, soil ripping, shrub planting and farming. Ten miles of exclosure fence would be constructed. Most wildfires would be controlled as soon as possible. Waterfowl production areas would be expanded at UL Bend. Endangered and unique species introductions would be more limited than the Proposed Action alternative. Livestock AUMs would increase about 2 percent. There would be some boundary and interior fence construction. Reservoirs, springs, and water troughs would be implemented. Recreational use and development would be greater than with the other alternatives. As needs dictate, high and low density recreation areas would be expanded, a perimeter shoreline scenic road in the vicinity of Fort Peck would be constructed, and a major backcountry trail extending the length of the refuge would be designated. Private cabins would remain as they are.

(4) No grazing—Changes in State Land Board policy would have to occur before state inholdings could be acquired. All private and state inholdings would have to be acquired before elimination of livestock grazing could occur since most of these areas are unfenced and stocked by the operators at carrying capacity levels. Habitat improvements in residual cover and quality of forbs would be maximized. Increased shrub quality in hardwood draws would be significant. About 28,500 acres of habitat would be improved by farming, prescribed burning, soil ripping and shrub and conifer planting. Six miles of enclosure fence would constructed. Endangered and unique species introductions would be similar to the Proposed Action. All livestock grazing would be eliminated by the year 2000. The entire refuge boundary would be fenced where possible. Recreational development and use would be about the same as the Proposed Action alternative.

Other Government agencies and several members of the general public contributed to the planning and evaluation of the proposal and to the preparation of this EIS. The Notice of Intent to prepare this EIS was published in the September 27, 1979, **Federal Register.** A select group of people from across the nation with backgrounds and interests in many natural resource areas toured the refuge and provided recommendations. Public meetings were advertised by newspapers, radio, television and mail. Letters were sent to 185 individuals, 20 special interest groups and 12 Federal, State and local Government representatives. The meetings were held in Lewistown, Helena, Billings and Glasgow, Montana on April 24, 25, 26 and 27, 1978, respectively. The meetings aided in the determination of the significant issues on the refuge and provided an opportunity for public involvement in formulating the long range goals for the refuge. The Army Corps of Engineers held public meetings in Lewistown, Glasgow, Glendive and Jordan, Montana on June 4, 5, 6, 7 1979, respectively. Information gathered at these meetings was incorporated into the planning and scoping process. In addition, a planning and steering committee was established comprised of the Bureau of Land Management, State Department of Fish, Wildlife and Parks, U.S. Army Corps of Engineers, Department of State Lands, and the Montana Department of Natural Resources, representing the State Grazing Districts. These groups have been involved throughout the process. The refuge manager's advisory group made up of private citizens representing wildlife management, range management, recreation, local sportsmen groups, grazing interests, county government, wilderness, and banking were informed of the planning progress and commented on proposed

management recommendations. Presentations have also been made at various meetings such as rod and gun clubs, Chambers of Commerce, Rotary International, Lions, State Grazing Board Executive Community, etc.

From the initiation of the planning effort in January of 1978, a continuous effort has been made to obtain public and private participation in the planning and scoping process. Additional public meetings co-sponsored with the Corps of Engineers were held in Lewistown, Glasgow, Helena, Missoula, Glendive, Billings, Great Falls, and Jordan, Montana, during the period September 19–22, 1979.

All agencies and individuals are urged to provide comments and suggestions for improving this EIS as soon as possible. All comments received by the date given above will be considered in preparation of the final EIS for this proposed action.

Dated: September 2, 1980.

Don W. Minnich,

Regional Director, U.S. Fish and Wildlife Service, Region 6.

[FR Doc. 80-28846 Filed 9-17-80; 8:45 am]

BILLING CODE 4310-55-M

Endangered Species Permit; Receipt of Application

The applicant listed below wish to be authorized to conduct the specified activity with the indicated Endangered Species:

Applicant: National Park Service, Channel Islands National Monument, Ventura, CA 93003. PRT 2–6972.

The applicant requests a permit to capture, mark, measure, and release Islands Night lizards (*Klauberina riversiana*) on the Channel Islands, California for enhancement of survival and scientific research.

Applicant: Walter B. Strugeon, Durham, NH 03824. PRT 2–6954.

The applicant requests a permit to purchase in interstate commerce six captive-bred Nene geese (*Branta Sandvicensis*) from the Philadelphia Zoological Gardens for enhancement of propagation and survival.

Applicant: Charles Sivelle, Dix Hills, NY 11746. PRT 2–6984.

The applicant requests a permit to import one captive-bred Cabot's tragopan pheasant (*Tragopan caboti*) from Glen House, Ontario, Canada and to export to Mr. Howe two captive-bred Cabot's tragopan pheasants for enhancement of propagation and survival.

Applicant: Minnesota Zoological Gardens, Apple Valley, MN 55124. PRT 2–6994.

The applicant requests a permit to import in foreign commerce one captive-bred male Siberian tiger (*Panthera Tigris altaica*) from the East Berlin Zoo, Democratic Republic of Germany for enhancement of propagation and survival.

Applicant: San Diego Zoological Gardens, San Diego, CA 92112. PRT 2–6900.

The applicant requests a permit to import in foreign commerce four gorals (*Naemorhedus goral*) from the Peking Zoo, Peoples Republic of China instead of two gorals as published in the September 4, 1980 Federal Register (FR Vol. 45[173]: 58712) for enhancement of propagation and survival.

Applicant: Horst W. Schmudde, Bellicosa Game Farm, Colts Neck, NJ 07722. PRT 2–6936.

The applicant requests an amendment to his "Notice of Receipt of Endangered Species Permit" (FR Vol. 45[173]: 58712) to include the purchase of five additional captive-bred Nene geese (*Branta sandvicensis*) in interstate commerce from Mr. D. P. Taylor, Emporia, Kansas for enhancement of propagation and survival.

Humane care and treatment during transport, if applicable, has been indicated by the applicant.

Documents and other information submitted with these applications are available to the public during normal business hours in Room 605, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service, WPO, P.O. Box 3654, Arlington, VA 22203.

Interested persons may comment on these applications on or before October 20, 1980 by submitting written data, views, or arguments to the Director at the above address.

Dated: September 15, 1980.

Larry LaRochelle,

Acting Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 80-28912 Filed 9-17-80; 8:45 am]

BILLING CODE 4310-55-M

Endangered Species Permit; Receipt of Application

Applicant: San Diego Zoological Garden, P.O. Box 551, San Diego, CA 92112.

The applicant requests a permit to import one black rhinoceros (*Diceros bicornis*) for the purpose of enhancement of propagation. The rhinoceros was captive born at the Granby Zoo, Quebec, Canada, on 11 December 1979.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 605, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service (WPO, P.O. Box 3654, Arlington, VA 22203.

This application has been assigned file number PRT 2–6990. Interested persons may comment on this application on or before October 20, 1980 by submitting written data, views, or arguments to the Director at the above address. Please refer to the file number when submitting comments.

Dated: September 15, 1980.

Larry La Rochelle,

Acting Chief, Permit Branch, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service.

[FR Doc. 80-28910 Filed 9-17-80; 8:45 am]

BILLING CODE 4310-55-M

Endangered Species Permit; Receipt of Application

Applicant: John F. Cuneo, Jr., Route 1, Box 32H, Grayslake, Illinois 60030.

The applicant requests a permit to import seven tigers (*Panthera tigris*) which were bred in captivity in Canada for the purpose of enhancement of propagation or survival.

Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 605, 1000 N. Glebe Road, Arlington, Virginia, or by writing to the Director, U.S. Fish and Wildlife Service (WPO), P.O. Box 3654, Arlington, VA 22203.

This application has been assigned file number PRT 2–6991. Interested persons may comment on this application on or before October 20, 1980 by submitting written data, views, or arguments to the Director at the above address. Please refer to the file number when submitting comments.

Dated: September 12, 1980.

Larry LaRochelle,

Acting Chief, Permit Branch, Federal Wildlife Permit Office U.S. Fish and Wildlife Service.

[FR Doc. 80-28911 Filed 9-17-80; 8:45 am]

BILLING CODE 4310-55-M

Intent To Prepare an Environmental Impact Statement on the Preservation of Native Prairies in western Minnesota.

AGENCY: Fish and Wildlife Service, Department of the Interior.

ACTION: Notice.

SUMMARY: This notice advises the public that the Fish and Wildlife Service (FWS) intends to gather information for preparation of an Environmental Impact Statement (EIS) on the preservation of native prairies in western Minnesota. Public meetings regarding this preservation proposal will be held. As required by National Environmental Policy Act (NEPA) Regulations (40 CFR 1501.7), this notice is being issued to obtain suggestions and information from other agencies and the public on the scope of issues to be addressed in the EIS.

DATES: Written comments should be received on or before October 18, 1980.

ADDRESS COMMENTS TO: Harvey K. Nelson, Regional Director, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, MN 55111, ATTN: Ronald A. Crete (MBAC).

Public meetings will be held in Crookston, Moorhead and Ada, Minnesota during November or December, 1980. The exact dates, times and places of these meetings will be announced at least 30 days in advance by notices in news media and direct mailings to the public.

INFORMATION CONTACT: Ronald A. Crete will be the primary author of the EIS and should be contacted for further information about this program.

Ronald A. Crete, Ecologist, U.S. fish and Wildlife Service (MBAC), Federal Building, Fort Snelling, Twin Cities, MN 55111, (Phone: 612/725–3313).

SUPPLEMENTAL INFORMATION: The FWS proposes to preserve and protect native prairie lands in northwestern Minnesota. Some alternatives already indentified which may be suitable to meet this goal include:

(1) Federal purchase of fee title or easement rights to prairie lands from willing sellers.

(2) Cooperative management agreements between the Fish and Wildlife Service and prairie landowners.

(3) Land and Water Conservation Act funding to local governments to acquire prairie lands or interests therein.

(4) Federal and/or state assistance to landowners to manage or preserve prairie lands.

(5) Acquisition of prairie lands by state or private conservation agencies.

Additional alternatives may be suggested in response to this notice or at the public meetings to be held in fall 1980.

Since western Minnesota was settled, more than 99% of the original 18 million acres of prairie in the state have been converted to agricultural, residential and other commercial uses. Since 1977 more than 1,000 of about 9,000 acres of native prairie being studied for preservation by the FWS have been cultivated. Some of the prairies currently being studied are in poor condition as a result of overgrazing, haying and invasion by weed species.

Minnesota prairies are interspersed with wetlands and scattered timbered areas and provide habitat for a wide range of wildlife species, both those that are abot to adapt to a landscape of intense agricultural production and those that are dependent upon native prairie. The abundance and diversity of wildlife species correspond to the size of the area and quality of the habitat as well as the land use on surrounding areas. On areas where wildlife censuses were conducted, between 30 and 40 breeding bird species were recorded. These included less common species that require native prairie such as Baird's sparrow, bobolink, marbled godwit, and upland sandpiper. Over 100 species of birds use prairie habitat in Minnesota during migration. Prairie wetlands in western Minnesota are important staging areas for migrating sandhill cranes, with concentrations up to 5,000 recorded in recent years.

Native prairie tracts in Clay and Norman Counties include the largest greater prairie chicken populations in Minnesota with over 250 breeding males recorded in and adjacent to prairie tracts. Prairie chickens, dependent upon prairies for nesting, brood rearing and roosting habitat are also common on prairies in northwestern Minnesota.

Other wildlife adapted to prairies include several species of ducks and mammals such as white-tailed deer, fox, raccoon, badger, skunk, jack, rabbits, ground squirrels, mice and voles. The smaller mammals provide food for mammalian and avian predators.

No Federally threatened or endangered species are known to breed on identified prairie areas. The greater sandhill crane and the greater prairie chicken have been designated as threatended by the Minnesota Department of Natural Resources (DNR) and occur on prairie tracts. The burrowing owl, also a state threatened species, may occur on these prairie tracts. Five other species known to occur on Minnesota prairies have been designated species of changing or uncertain status or species of concern by Minnesota DNR. These include the marsh hawk, Baird's sparrow, chestnut-collared longspur, marbled godwith, and short-eared owl.

An environmental impact study will be used to determine the most feasible and desirable means to preserve prairie habitat for wildlife populations dependent on native grasslands in Minnesota.

Significant issues and needs identified so far are:

(1) The impacts of placing private prairie lands into public ownership;

(2) The amount of prairie habitat in public ownership needed to support prairie wildlife populations within the state at a level suitable to meet citizen needs;

(3) The preferred and most feasible means for prairie preservation in Minnesota:

(4) The amount and type of public use which will be compatible with the objectives of preserving and protecting prairie lands and associated animal resources;

(5) The commitment of public funds for preservation of Minnesota prairies.

The environmental review of this project will be conducted in accordance with the requirements of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4371 et seq.), Council on Environmental Quality Regulations (40 C.F.R. Parts 1500–1508), other appropriate Federal regualtions, and FWS procedures for compliance with those regulations.

We estimate the DEIS will be made available to the public in February 1981.

September 8, 1980.

Harvey K. Nelson,

Regional Director, North Central Region, FWS.

[FR Doc. 80–28852 Filed 9–17–80; 8:45 am]

BILLING CODE 4310–55–M

Geological Survey

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Rutherford Oil Corporation has submitted a Development and Production Plan describing the activities it proposes to conduct on Leases OCS–G 4076 and 4265, Blocks 105, portion, and 143, High Island Area, offshore Texas.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the

OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised Section 250.34 of Title 30 of the Code of Federal Regulations.

Dated: September 11, 1980.

E. A. Marsh,

Staff Assistant for Operations.

[FR Doc. 80-28773 Filed 9-17-80; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Shell Oil Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 3796 Block 29, portion, South Pass Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised Section 250.34 of Title 30 of the Code of Federal Regulations.

Date: September 10, 1980.

J. Courtney Reed,

Staff Assistant for Resource Evaluation.

[FR Doc. 80-28774 Filed 9-16-80; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Mobil Oil Exploration & Producing Southeast Inc. has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 3573, Block 354, Eugene Island Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised Section 250.34 of Title 30 of the Code of Federal Regulations.

Date: September 10, 1980.

E. A. Marsh,

Staff Assistant for Operations.

[FR Doc. 80-28775 Filed 9-16-80; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Amoco Production Company has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 1069, Block 35, West Delta Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised Section 250.34 of Title 30 of the Code of Federal Regulations.

Date: September 10, 1980.

E. A. Marsh,

Staff Assistant for Operations.

[FR Doc. 80-28776 Filed 9-16-80; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Kerr-McGee Corporation has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS–G 1025, Block 239, Ship Shoal Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837–4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised Section 250.34 of Title 30 of the Code of Federal Regulations.

Date: September 10, 1980.

E. A. Marsh,

Staff Assistant for Operations.

[FR Doc. 80–28777 Filed 9–16–80; 8:45 am]

BILLING CODE 4310–31–M

Advisory Committee on Water Data for Public Use and Interagency Advisory Committee on Water Data; Joint Meeting

Pursuant to Public Law 92–463, effective January 5, 1973, notice is hereby given that a joint meeting of the Advisory Committee on Water Data for Public Use and the Interagency Advisory Committee on Water Data will be held October 7–9, 1980, at the Falls Church Ramada Inn, Falls Church, VA. The Advisory Committee is composed of members from outside the Federal Government, representing groups interested in water resources. Members include national, State, and regional organizations, the academic community, and the public at large. The Committee's principal responsibility is to represent the interests of the non-Federal Community in the Federal Government's plans, policies, and procedures in water-data programs. The Committiee is chaired by the Director of the Geological Survey. The Interagency Advisory Committee on Water Data is composed of representatives of Federal Agencies concerned with the acquisition and use of water data. This Committee is chaired by the Chief Hydrologist of the Survey, and its purpose is to represent the interests of Federal Agencies in matters related to water-data programs.

The meeting will convene at 1:00 p.m. on Tuesday, October 7, 1980, in the hotel's main conference room (the Roosevelt Room). Featured items on the Tuesday afternoon agenda include: (1) a review of progress in the implementation of Office of Management and Budget Circular A–67, which provides guidelines for the coordination of water-data acquisition activities by Federal Agencies; (2) a review of the Federal program for acquiring data on acid rain; (3) a review of new directions in the Survey's coordination program, and (4) a general discussion of topics of interest to the Committee members. Wednesday, October 8, 1980, will be devoted entirely to subcommittee and working group sessions. These sessions will run concurrently and will include the following subgroups:

The Federal and non-Federal subcommittees on ground water-data base.

The Federal and non-Federal subcommittees on water-data exchange.

The non-Federal Subcommittee on River Quality Assessment.

The Ad Hoc Working Group on Improved Coordination.

The meeting will convene at 8:30, Thursday morning, October 9, for a presentation and discussion of the subgroup reports and any other items of interest to the Committee members. The meeting will adjourn at noon on Thursday.

The meeting is open to the public. Anyone wishing to attend or desiring more information on the meeting should call Porter E. Ward, Acting Chief, Office of Water Data Coordination, Geological Survey, 417 National Center, Reston, VA 22092 (703–860–6931).

H. William Menard,

Director, Geological Survey.

[FR Doc. 80–28812 Filed 9–17–80; 8:45 am]

BILLING CODE 4310–31–M

Bureau of Land Management

Outer Continental Shelf Advisory Board, North Atlantic Technical Working Group; Notice of Meeting

Notice of this meeting is issued in accordance with the Federal Advisory Committee Act (Public Law No. 92–463).

Name: North Atlantic Technical Working Group.

Dates: 15–16 October 1980.

Place: Holiday Inn, 30 Washington Street, Somerville, Massachusetts.

Times: 15 October 1:00 p.m. to 5:00 p.m., 16 October 9:00 a.m. to 4:30 p.m.

Committee membership consists of representatives from federal agencies, the coastal states from Maine through New Jersey, the petroleum industry, and other private interests.

Agenda: (15 October)—Explanation of the Regional Technical Working Group's role in the OCS Planning Study; discussion of the Interagency Agreement between BLM and the New England River Basins Commission (NERBC) on developing a methodology for Transportation Management Plans; update on NERBC efforts in Transportation Planning; industry presentation on pipelaying technology.

(16 October)—Discussion of comments and development of a consensus opinion by the Working Group on the Sale #42 Biological Task Force Recommendation.

The meeting will be open to the public. Public attendance may be limited by the space available. Persons wishing to make oral presentations to the Committee regarding matters on the agenda should contact: Richard Barnett of the New York OCS Office (212–264–1061) by 8 October. Written statements should be submitted by 23 October to the New York OCS Office, Bureau of Land Management, 26 Federal Plaza, Suite 32–120, New York, New York 10278.

Minutes of the meeting will be available for public inspection and copying by 11 December 1980 at the above address.

Judith Gresham,

Acting Manager, New York OCS Office.

[FR Doc. 80–28770 Filed 9–17–80; 8:45 am]

BILLING CODE 4310–84–M

[Designation Order MT–060–002]

Montana; Off-Road Vehicle Designation

September 10, 1980.

AGENCY: Bureau of Land Management.

ACTION: Notice of off-road vehicle designation decisions.

DECISION: Notice is hereby given relating to the use of off-road vehicles on public lands in accordance with the authority

and requirements of Executive Orders 11644 and 11989, and regulations contained in 43 CFR 8340. The following described lands under the administration of the Bureau of Land Management are under an interim designation which will be in effect until the Billings Resource Area's Resource Management Plan is completed in 1984. ORV use will be limited to designated roads except for permitted and licensed use authorized by the authorized officer. Permits and licenses will be restricted to the person holding the grazing lease for the purpose of maintaining and constructing new livestock facilities and to Bureau of Land Management employees for the purpose of resource management. Permits and licenses for ORV use of designated roads may be obtained from Lowell Brown, Billings Resource Area Manager, 810 E. Main, Billings, Montana 59101.

The 3,760 acre area affected by the designations is known as the Southwest End Allotment located within the Buffalo Creek Planning Unit. This designation is the result of land use decisions made in the 1973 Buffalo Creek Management Framework Plan. This Management Framework Plan has been reviewed by the Lewistown District Staff and found to be in compliance with the principle of multiple use and sustained yield. In addition, the plan was developed with public participation and governmental coordination. Comments received during the public review of the Buffalo Creek Management Framework Plan have been considered in arriving at this designation. This designation is published as final today. Under 43 CFR 4.21, an appeal may be filed within 30 days with Interior Board of Land Appeals.

A. *Limited Designation*—Approximately 3,760 acres are designated as limited to designated roads or to permitted or licensed use. This acreage is described as:

T. 3 N., R. 25 E.,
Secs. 5, 8, 9 and 17, all.
T. 3 N., R. 25 E.,
Sec. 6, NE¼.
T. 3 N., R. 25 E.,
Sec. 7, E½, NW¼, E½SW¼.
T. 3 N., R. 25 E.,
Sec. 20, N½N½.
T. 3 N., R. 25 E.,
Sec. 31, E½.

All motorized vehicle use is limited in this area to protect the fragile environment, the environmental education site, cultural values, scenic values, vegitational values and to prevent undue erosion.

This designation becomes effective upon publication in the **Federal Register** and will remain in effect until rescinded or modified by the authorized officer. An environmental assessment describing the impacts of this designation is available for inspection at the Billings Resource Area Office.

ADDRESS: For further information about these designations, contact either of the following Bureau of Land Management Offices:

District Manager, Lewistown District Office, Drawer 1160, Lewistown, Montana 59477, Phone: (406) 538–7461;
Area Manager, Billings Resource Area Office, 810 E. Main, Billings, Montana 59101, Phone: (406) 657–6262.

Alan Kesterke,
Authorized Officer
Kannon Richards,
Acting State Director.

ORV Implementation Plan Southwest End Allotment

I. Purpose

The purpose of this plan is to establish standards for implementing the ORV designation of the Southwest End Allotment in the Buffalo Creek Planning Unit pursuant to the Federal Register Notice.

II. Objectives

The objective of this plan is to provide an orderly process for carrying out the ORV designation by:

A. Public awareness
B. Minimizing environmental impacts
C. Adequate supervision

III. Authority

Executive Order 11644, as amended by Executive Order 11989; 43 CFR 8340; IM–MT–80–22.

IV. Predesignation Action

A. Maps:
Fifty of the enclosed maps will be needed to distribute locally. Additional copies may be needed at a later date.
B. Signs:
Two signs, "Limited Use Area—All Vehicle Use Limited to Designate Roads and Trails Only," will be placed at the gates in the fence around the parking lot. Additional signs will be placed as needed.
C. Physical Constraints:
A fence will be built around the parking lot with one vehicle gate and one walk-through gate as shown on attached map.
D. Public Announcements:
Press releases submitted sometime in August 1980 to local and area newspapers, radio and TV stations.

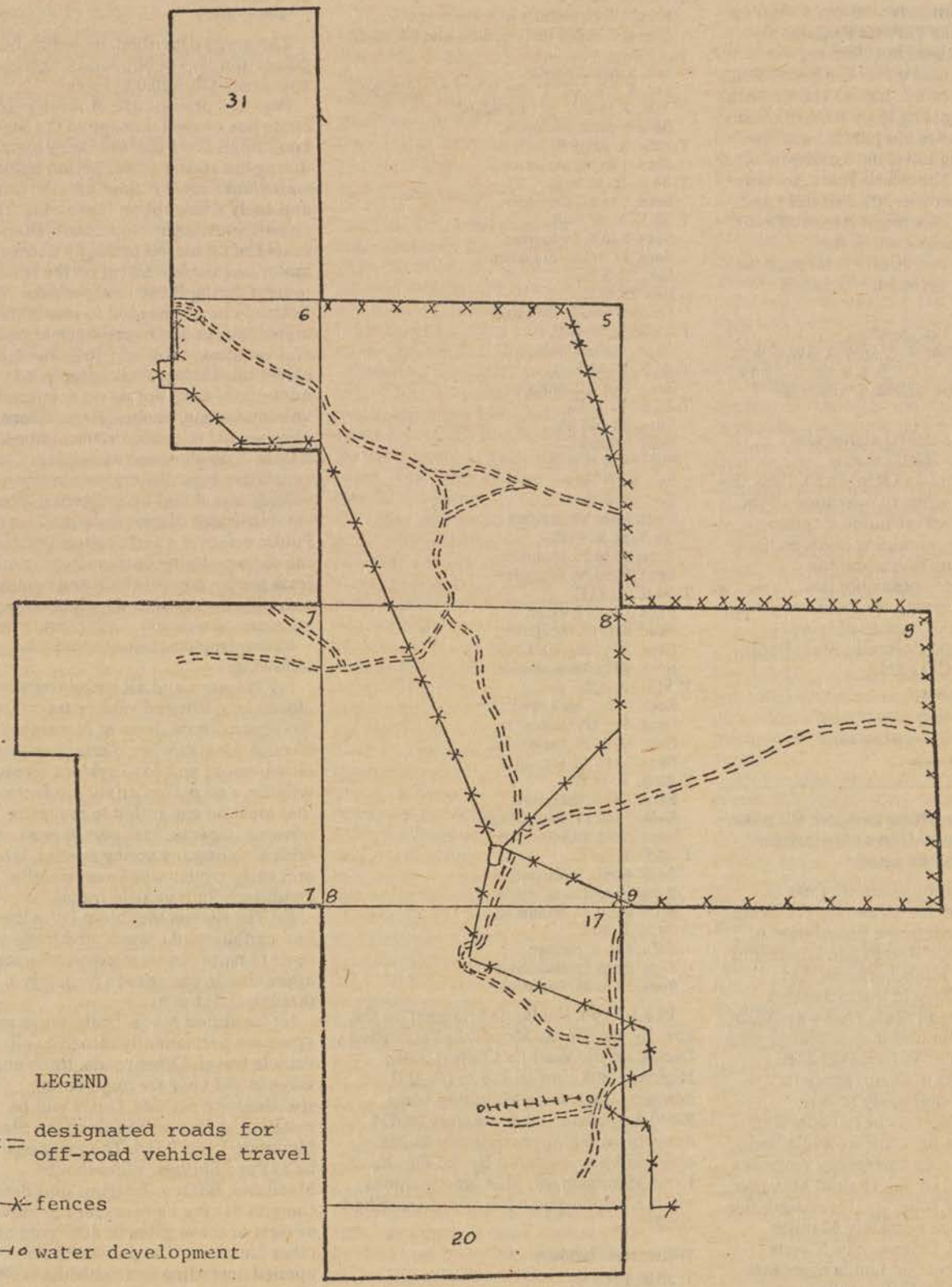
V. Post-Designation Action

A. Installation:
The fence will be put in as soon after the parking lot is constructed as possible. This should be before the end of July. The signs will be put up after the fence is completed.
B. Use Supervision and Environmental Monitoring:
Provide use supervision and environmental monitoring during heavy use periods and during routine field inspection.
C. Enforcement:
Major violations corrected through local law enforcement.
D. Maintenance:
Signs and fences will be checked at least once a year and needed repair or replacement will be done immediately.
E. Cost Estimates:
1. Material cost:
a. Fence—$500.00—Fence will be done by YACC and used materials be used. If not possible, above funds will be needed.
b. Sign—no cost—5 signs reading "Limited Use Area—All Vehicle Use Limited to Designated Roads and Trails."
c. Posts—11 @ $5.00 = $55.00—2 post for signs at parking lot. 6 posts for walk-through gate at parking lot. 3 posts for signs which will be put in problem areas.
d. Maps (50)—no cost—Initial maps will be made by office copy machines. Additional maps may be required in the future.
Total—$555.00.
2. Work Months:
a. .2 WM for fence building supervision and putting up signs.
b. .3 WM should be alloted for patrols heavy use periods and some maintenance may be needed.
Total—.5 WM.

BILLING CODE 4310–84–M

SOUTH WEST END ALLOTMENT

OFF-ROAD VEHICLE DESIGNATION



[FR Doc. 80-28771 Filed 9-17-80; 8:45 am]

BILLING CODE 4310-84-C

[Colorado 083525]

Small Tract Classification: Revocation

September 10, 1980.

1. Classification No. 36, published on page 1426 of the **Federal Register** on February 15, 1962 classified certain lands for disposal under the Small Tract Act of 1938 (52 Stat. 609, 43 U.S.C., 682a), thereby segregating them from all forms of disposal under the public land laws and the mining laws, but not the mineral leasing laws. The Small Tract Act was repealed by Section 702, Federal Land Policy and Management Act of 1976 (90 Stat. 2789); consequently, the classification serves no useful purpose and is hereby revoked. The lands affected are:

T. 1 S., R. 1 W., Ute Meridian
Sec. 27: NE¼SW¼, S½SW¼, SW¼SE¼.
Sec. 28: Lots 1, 2, 5, 6, 7, 8, 9, 10, 12, 13, 14, 17, 18, 20, SW¼NE¼, E½SE¼SE¼NW¼.

The land described aggregate approximately 366.05 acres.

2. At 7:45 a.m. on October 20, 1980, the lands shall be open to operation of the public land laws including location under the general mining laws, subject to valid existing rights and the requirements of applicable law. Inquiries concerning the lands may be addressed to the Bureau of Land Managemnt, 700 Colorado State Bank Bldg., Denver CO 80202.

Charles W. Luscher,

Acting State Director.

[FR Doc. 80-28772 Filed 9-17-80; 8:45 am]

BILLING CODE 4310-84-M

Burns District Office Oregon; Closure and Limitation of Use of Motorized Vehicles on Public Lands

Notice is hereby given that use of motorized vehicles on certain roads and public lands within the boundaries of Steens Mountain Recreation Lands and certain public lands between the western boundary of the recreation lands and Oregon State Highway 205 is prohibited or limited in accordance with the provisions of 43 CFR Part 8340. These restrictions do not apply to military, fire, emergency or law enforcement vehicles or to Federal or other Government vehicles while being used for official or emergency purposes and authorized by the District Manager.

The areas affected by this designation are located approximately 60 miles south of Burns, Oregon. The Steens Mountain Recreation Lands aggregate 193,306 acres of which approximately 140,607 acres are administered by the Bureau of Land Management. These lands are described as follows:

Willamette Meridian

T. 32S., R. 32 ½ E.,
Secs. 1 to 3, inclusive;
Sec. 4, E ½ NE ¼, S ½ S ½, and NE ¼ SE ¼;
Sec. 5, SE ¼ SE¼;
Sec. 8, E½ NE ¼, SW ¼ NE ¼, SE ¼ NW ¼, E ½ SW ¼, and SE ¼;
Secs. 9 to 36, inclusive.
T. 33S., R. 32 ½ E.,
Secs. 1 to 36, inclusive.
T. 34 S., R. 32 ½ E.,
Secs. 1 to 18, inclusive.
T. 32 S., R. 32 ¾ E.,
Secs. 5 to 8, inclusive;
Secs. 17 to 22, inclusive;
Sec. 25, S ½;
Sec. 26, S ½;
Secs. 27 to 36, inclusive.
T. 33 S., R. 32 ¾ E,
Secs. 1 to 36, inclusive.
T. 34 S., R. 32 ¾ E.,
Secs. 1 to 36, inclusive.
T. 32 S., R. 33 E.,
Secs. 22 and 23;
Secs. 26 and 27;
Sec. 28, S ½ S ½;
Sec. 29, S ½;
Sec. 30, S ½;
Secs. 31 to 35, inclusive.
T. 32 ½ S., R. 33 E.,
Secs. 20 to 29, inclusive;
Secs. 32 to 36, inclusive.
T. 33 S., R. 33 E.,
Secs. 1 to 5, inclusive;
Secs. 8 to 17, inclusive;
Secs. 20 to 29, inclusive;
Secs. 32 to 36, inclusive.
T. 34 S., R. 33E.,
Secs. 1 to 5, inclusive;
Secs. 8 to 17, inclusive;
Secs. 20 to 29, inclusive;
Secs. 32 to 36, inclusive.
T. 32 S., R. 34 E.,
Secs. 7 to 9, inclusive;
Secs. 16 to 21, inclusive;
Secs. 28 to 33, inclusive.
T. 33 S., R. 34 E.,
Secs. 4 to 9, inclusive;
Secs. 16 to 21, inclusive;
Secs. 28 to 33, inclusive.
T. 34 S., R. 34 E.,
Secs. 4 to 9, inclusive;
Secs. 16 to 21, inclusive;
Secs. 28 to 33, inclusive.

In addition, the lands bounded on the east by the Steens Mountain Recreation Lands, on the west by Oregon State Highway 205, and on the north and south by the Steens Mountain Loop Road aggregate approximately 26,694 acres of which approximately 24,305 acres are administered by the Bureau of Land Management. This area includes all or portions of the following described lands:

Willamette Meridian

T. 32 S., R. 32 E.,
Secs. 2 and 3;
Secs. 9 to 17, inclusive;
Secs. 32 to 36, inclusive.
T. 33 S., R. 32 E.,
Secs. 1 to 18, inclusive;
Secs. 21 to 26, inclusive;
Secs. 35 and 36.
T. 34 S., R. 32 E.,
Secs. 1 and 2.

The areas described, including both public and non-public lands, aggregate approximately 220,000 acres.

Past and present use of these public lands has caused damage to the Steens Loop Road and adjacent lands mainly during the spring runoff period before snowbanks have melted and the late fall and early winter period when the first snowstorms begin. Road maintenance costs are increased annually because of motorized vehicle travel on the road system during these time periods. Restrictions are needed to eliminate animal stress due to presence of people and vehicles at low and intermediate elevations (below 7000') during late winter and early spring on deer and antelope winter ranges. Restrictions are also needed to reduce visitor impact on fragile, high elevation subalpine vegetative types by cross-country vehicle travel and by indiscriminate establishment of new trails and ways. Public safety is a factor since much of the damage to the environment results from people getting stuck and sometimes stranded during periods when access is poor due to weather conditions.

Management actions include the following:

(a) The area and all travel routes are closed to motorized vehicle travel from the approximate dates of November 1 through June 30 when damage to the environment and road system, stress to wildlife, and public safety are factors that must be controlled to minimize adverse impacts. This period is most critical during the spring season, late fall and early winter when wet weather conditions limit vehicle travel.

(b) The Steens Mountain Loop Road and certain roads, ways, and trails are open to motorized vehicle use during the approximate use season from July 1 through October 31.

(c) Identified roads, trails, ways and areas are permanently closed to all vehicle travel. Other roads, trails and ways in the area are open during specified use periods. Gates will be installed at four points along the Steens Mountain Loop Road. The locations will be at Page Springs, Whorehouse Meadows, Blitzen Crossing, and Black Canyon. It may be necessary to move several of these gates or add more at other locations. The gates will be opened according to a schedule which allows the roads to dry out and prevent damage when motorized vehicles use them. The gates have been placed so

sections of the loop road and the secondary roads radiating off from the sections are opened acccording to determined elevation levels and topographic features as the snowpack recedes each spring. A general description of the road opening schedule is as follows with the dates shown being dependent on current weather conditions:

Area below 5500' elevation—roads open May 1 to October 31.

Area from 5500' to 7000' elevation—roads open June 15 to October 31.

Area from 700'+ elevation—roads open July 1 to October 31. Steens Loop Road—as weather permits.

Page Springs gate—open June 15 to October 31.

Whorehouse Meadows gate—open July 1 to October 31.

Black Canyon gate—open May 1 to October 31.

Blitzen Crossing—open July to October 31.

All East Face roads are open from May 1 to October 31 with the exception of the Pike Creek road and the road to the Weston Brothers Mine which are open on a year-long basis.

(d) Travel into the area during the closure period by snowmobile snowcat, helicopter, and any other motorized vehicle will be authorized by the District Manager when he/she deems it necessary to save and protect life, property and natural resources as well as allow recreation use. Such permission will be for, but not limited to, recreation, public safety, repairs to radio equipment, wildlife surveys, snow surveys, downed aircraft, and other unforeseen emergency situations. Access into the area by ranchers and other private landowners will be authorized by the District Manager for legitimate business purposes if weather conditions permit motorized vehicle travel. Exemptions from the proposed action will be allowed for access to and from operation on mining-related activities according to applicable laws, regulations and Department of the Interior policy.

The restrictions and closures are effective immediately. Information and maps showing the restrictions and closures are available at the Bureau of Land Management, Burns District Office, 74 South Alvord, Burns, Oregon 97720. Telephone (503) 573-2071.

Dated September 30, 1980.

Victor E. Pritchard,

Acting District Manager.

[FR Doc. 80-28801 Filed 9-17-80; 8:45 am]

BILLING CODE 4310-84-M

[F-35872]

Alaska; Proposed Withdrawal and Reservation of Lands

The Department of the Army, on June 3, 1980, filed an amended application, serial No. F-35872, for the withdrawal of the following described lands from settlement, sale, location, or entry, under all of the general land laws, including the mining laws, subject to valid existing rights:

Fort Greely Air Drop Area—Tract F

A parcel of land situated approximately 2.5 miles southeast of Delta Junction, being located between the Richardson and Alaska Highways and more particularly described as: Beginning at a point 1.08 miles, plus or minus, east of U.S.C. & G.S. Station "Pillsbury," lat. 63°47'00.309" north, long. 145°47'24.713" west, said point of beginning being 150' east of the centerline of the Richardson Highway, thence due east approximately 4.5 miles to the west bank of Granite Creek; thence in a generally northeasterly direction approximately 11.83 miles to a point which is situated on the west bank of Granite Creek and further identified as being situated 1 mile southerly at right angles to the centerline of the Alaska Highway; thence northwesterly, parallel with and 1 mile southerly at right angles to the centerline of the Alaska Highway to a point situated approximately 1,394 feet due south of the southeast corner of Sec. 13, T. 11 S., R. 11 E., Fairbanks Meridian (preliminary plat); thence north approximately 1,394 feet to said southeast corner of Sec. 13, T. 11 S., R. 11 E., Fairbanks Meridian; thence west 1 mile, north 1 mile, west 2 miles, north 1 mile, west 1 mile, and north 1 mile following the south and west boundaries of Secs. 13, 11, 10, and 4, T. 11 S., R. 11 E., Fairbanks Meridian; thence west 1 mile along the south boundary of Sec. 32, T. 10 S., R. 11 E., Fairbanks Meridian (preliminary plat); thence west 1,172.8 feet approximately along the south boundary of Sec. 31, T. 10 S., R. 11 E., Fairbanks Meridian, to a point on the east boundary of a parcel of land reserved by Public Land Order No. 255, which point is situated approximately 7,062 feet due south of the centerline of the Alaska Highway; thence due south approximately 8,628 feet to the point of intersection of the north line bounding a 160-acre parcel of land reserved by Public Land Order No. 1153 for the use of the Department of the Army; thence east along the north line of said parcel 1,000 feet; thence south along the east line of said parcel 7,000 feet, thence west along the south line of said parcel 1,000 feet to the point of intersection of said boundary with the east boundary of the parcel or land reserved by PLO No. 255; thence south along said east boundary 6,000 feet; thence west along the south boundary of said reserve approximately 2.74 miles (14,479 feet) to the northeast corner of Sec. 27, T. 11 S., R. 10 E., Fairbanks Meridian (preliminary plat); thence south 2 miles east along the boundary of Sec. 27 and 34, T. 11 S., R. 10 E., Fairbanks Meridian; thence south 2 miles, east 1 mile, and south 2 miles along the east boundaries of Secs. 14 and 23, of T. 12 S., R. 10 E., Fairbanks Meridian (preliminary plat); thence west approximately 0.75 mile to a point which is situated 150' easterly at right angles from the centerline of the Richardson Highway; thence southerly parallel to and 150' easterly from the centerline of the Richardson Highway approximately 4.75 miles to the point of beginning, excepting therefrom that portion of the W½ of Sec. 26, T. 12 S., R. 10 E., Fairbanks Meridian, lying east of Richardson Highway. The area described aggregates approximately 51,590 acres.

The applicant agency desires that the lands be withdrawn and reserved for use as a maneuver, training and testing area.

A notice of the proposed withdrawal was published in the **Federal Register** on July 9, 1975, on page 28821 of volume 40, No. 132; FR document No. 75-17779. This publication amends the July 9, 1975 publication to include a total of 51,590 acres.

All persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned authorized officer of the Bureau of Land Management on or before October 31, 1980.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal. All interested persons who desire to be heard on the proposed withdrawal must submit a written request for a hearing to the State Director, Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513, on or before October 31, 1980. Notice of the public hearing will be published in the **Federal Register** giving the time and place of such hearing. The public hearing will be scheduled and conducted in accordance with BLM Manual, Sec. 2351.16 B.

The Department of the Interior's regulations provide that the authorized

officer of the BLM will undertake such investigations as are necessary to determine the existing and potential demands for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of assuring that the area sought is the minimum essential to meet the applicant's needs, providing for the maximum concurrent utilization of the lands for purposes other than the applicant's and reaching agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn and reserved as requested by the applicant agency.

The determination of the Secretary on the application will be published in the **Federal Register.** The Secretary's determination shall, in a proper case, be subject to the provisions of Sec. 204(c) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2752.

Effective on the date of publication of this notice, the above-described lands shall be segregated from the operation of the public land laws, including the mining laws, to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposal or appropriation under such laws. The segregative effect of this proposed withdrawal shall continue for a period of two years, unless sooner terminated by action of the Secretary of the Interior. Current administrative jurisdiction over the segregated lands will not be affected by the temporary segregation. If the withdrawal is approved, the segregation will continue for the duration of the withdrawal.

All communications (except for public hearing requests) in connection with this proposed withdrawal should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, Department of the Interior, 701 C Street, Box 13, Anchorage, Alaska 99513.

Robert E. Sorenson,

Chief, Branch of Lands and Minerals Operations.

Public Service (941)
Public Service (220)
Public Affairs (912)
U.S. Post Office, Central, Alaska 99730
U.S. Post Office, Circle, Alaska 99733
U.S. Post Office, Clear Mountain, Alaska 99704
U.S. Post Office, College, Alaska 99701
U.S. Post Office, Curry L. Corner Branch, Fairbanks, Alaska 99701
U.S. Post Office, Fairbanks, Alaska 99701
U.S. Post Office, Fort Wainwright Branch, Fairbanks, Alaska 99703
U.S. Post Office, Chatanika, Alaska 99731
U.S. Post Office, Delta Junction, Alaska 99737
U.S. Post Office, Dot Lake Branch, Delta Junction, Alaska 99737
U.S. Post Office, Eielson AFB Branch, Fairbanks, Alaska 99702
U.S. Post Office, Federal Station, Fairbanks, Alaska 99707
U.S. Post Office, Healy, Alaska 99743
U.S. Post Office, McKinley Park, Alaska 99755
U.S. Post Office, Pearson River Branch, Delta Junction, Alaska 99737
U.S. Post Office, University Branch, Fairbanks, Alaska 99701
U.S. Post Office, Nenana, Alaska 99760
U.S. Post Office, North Pole, Alaska 99705
U.S. Post Office, Rampart CPO, Via Fairbanks, Alaska 99767
U.S. Post Office, Stevens Village, Alaska 99774
U.S. Post Office, Minto, Alaska 99758
U.S. Post Office, Manley Hot Springs, Alaska 99765
U.S. Post Office, Gakona, Alaska 99741

[FR Doc. 80-28831 Filed 9-17-80, 8:45 am]

BILLING CODE 4310-84-M

Big Desert Grazing Environmental Impact Statement; Notice of Intent

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Notice of intent to prepare and consider an environmental impact statement and invitation for public participation.

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the BLM will prepare and consider an environmental impact statement (EIS) for proposed grazing management in the Big Desert Planning Unit in eastern Idaho. All affected federal, state, county and local agencies; affected organizations and individuals; and other interested parties are invited to participate in preparation of the EIS.

ADDRESS: Comments should be sent to: BLM District Manager, Big Desert EIS, Idaho Falls District Office, 940 Lincoln Road, Idaho Falls, Idaho 83401.

FOR FURTHER INFORMATION CONTACT: O'dell Frandsen, district manager, Idaho Falls District Office, 940 Lincoln Road, Idaho Falls, Idaho 83401, phone (208) 529-1020 or FTS 554-6322.

SUPPLEMENTARY INFORMATION: The Idaho Falls District will prepare an EIS on forage allocation and grazing management on the Big Desert Planning Unit in eastern Idaho. The unit encompasses 1,163,463 acres of public lands in portions of Bingham, Blaine, Bonneville, Butte and Power counties.

The Big Desert contains thirty Section 3 grazing allotments used by 75 operators and seventeen Section 15 grazing allotments used by 17 operators. Active grazing preference for the area is 66,891 AUMs.

The proposed action will be based on multiple use recommendations developed as part of a land use plan (Management Framework Plan) for the area. The proposed action will include reductions ranging from 11 to 100 percent on 20 allotments and no change in AUMs for the remaining 27 allotments. Proposed range improvements include 9 wells, 19 miles of new road, 37 miles of pipeline, 3 reservoirs, 17 storage tanks, 30 watering troughs, 80 miles of fence, 13 cattleguards and 88,300 acres of vegetative manipulation.

Twenty-three allotments will have the grazing turnout date delayed. The following grazing treatments will be implemented: 2 rest rotation systems, 14 deferred systems, 25 seasonal grazing, management on 5 allotments transferred to the Idaho Department of Lands, and 1 allotment on which grazing will be eliminated.

The forage allocation method used as a basis for the proposed action provides for plant requirements that must be met to sustain or increase forage production. Adequate forage is reserved for wildlife.

Known alternatives to the proposed action which will be analyzed in the EIS are as follows:

1. No action or continuation of present use.
2. No livestock grazing or removal of all livestock from the public lands.
3. Maximize livestock forage production through additional vegetative manipulation and range projects.
4. Grazing reductions with minimal range improvements.

No formal scoping meeting will be held. The scoping process will be accomplished through the following:

- Individual interviews with livestock operators;
- Interagency coordination with the U.S. Department of Energy, U.S. Fish and Wildlife Service, U.S. Bureau of Indian Affairs, U.S. Soil Conservation Service, Aberdeen Experiment Station, Dubois Experiment Station, Idaho Department of Lands, and Idaho Department of Fish & Game;
- Meetings with affected county commissions;
- Meetings with other affected interests such as the Multiple Use Advisory Council, local wildlife conservation and recreation groups, Desert Land Entry applicants, communication site permittees, the academic community, and local political and media representatives;
- Open houses in Aberdeen, Arco and Idaho Falls.

Dated: September 8, 1980.

O'dell A. Frandsen,

District Manager.

[FR Doc. 80-28803 Filed 9-17-80, 8:45 am]

BILLING CODE 4310-84-M

[NM 40864]

New Mexico; Application

September 12, 1980.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Midland-Lea Pipeline Company has applied for one 6-inch natural gas pipeline right-of-way across the following lands:

New Mexico Principal Meridian, New Mexico

T. 17 S., R. 28 E., NMPM,
Sec. 10: N½S½, SW¼SW¼;
Sec. 11: NW¼SW¼, S½SW¼;
T. 17 S., R. 29 E., NMPM,
Sec. 7: Lot 4, SE¼SW¼, S½SE¼;
Sec. 10: SE¼SE¼;
Sec. 11: S½S½;
Sec. 12: S½S½;
Sec. 15: N½NE¼;
Sec. 17: N½NE¼, NE¼NW¼;
T. 17 S., R. 30 E., NMPM,
Sec. 7: Lot 4, SE¼SW¼, S½SE¼;
Sec. 8: S½S½;
Sec. 9: S½S½;
Sec. 10: S½S½;
Sec. 11: S½S½;
Sec. 12: S½S½;
T. 17 S., R. 31 E., NMPM,
Sec. 7: Lot 4, SE¼SW¼, S½SE¼;
Sec. 8: S½S½;
Sec. 9: S½S½;
Sec. 10: N½S½, SW¼SW¼;
Sec. 11: N½S½;
Sec. 12: N½SW¼;
T. 17 S., R. 32 E., NMPM,
Sec. 8: N½S½;
Sec. 9: NW¼SW¼;
Sec. 10: S½NE¼, SE¼NW¼.

These pipelines will convey natural gas across 18.897 miles of public land in Eddy and Lea Counties, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

James H. O'Connor,

District Manager.

[FR Doc. 80-28802 Filed 9-17-80; 8:45 am]

BILLING CODE 4310-84-M

District Managers, Resource Area Managers, California; Redelegation of Authority by State Director

September 10, 1980.

Pursuant to the authority contained in Section 1.1 of B.L.M. Order #701 of July 23, 1964 as amended, the following authorities are redelegated as indicated to take effect immediately upon publication in the **Federal Register.**

A. District Managers to take action for the State Director in matters listed in section 1.2(j) Fire Protection, with exception of authority to sign cooperative agreements with Federal, State, County, municipal, and private fire control organizations.

B. Area Managers to take action for the District Manager in matters listed in section 3.3(a) Bonds and Forfeitures, 3.3(b) contributions, donations and refunds, 3.3(c) Repayments, 3.3(d) Trespass, 3.9(g) material other than forest products not exceeding $10,000 and in accordance with 43 CFR, Part 3610, and 3.7(c) appropriation of water; 3.10 designate any qualified employee of the Area Office to perform the functions of the Area Manager in his absence.

James B. Ruch,

State Director.

[FR Doc. 80-28856 Filed 9-17-80; 8:45 am]

BILLING CODE 4310-84-M

[CA Group 664]

California; Notice of Filing of Plat of Survey

November 5, 1980.

1. A plat of survey of the following described land, accepted July 24, 1980, will be officially filed in the California State Office, Sacramento, California, effective at 10:00 a.m. on November 5, 1980:

Mount Diablo Meridian

T. 28 ½ N., R. 16 E.
Secs. 31 to 36, inclusive.

2. The plat represents a dependent resurvey of a portion of the south boundary of section 31, T. 29 N., R. 17 E., and the survey of the east boundary, subdivisional lines and meanders of T. 28 ½ N., R. 16 E. The area described totals 1209.13 acres.

3. These lands are within California Grazing District No. 2 established by Secretary's Order dated April 8, 1935.

4. Effective July 24, 1980, the date of acceptance of said plat of survey, title to Section 36 vested in the State of California as school grant land.

5. The area surveyed is located in Lassen County, approximately 4 miles from Wendel, California, and is accessible by way of a paved road and several dirt roads. The area is drained by numerous ravines which flow into Honey Lake. The area is both mountainous and bottom land. The elevations range from about 4,000 feet to about 6,000 feet above sea level. No timber exists; undergrowth consists of sagebrush.

Herman J. Lyttge,

Chief, Branch of Records and Data Management.

[FR Doc. 80-28853 Filed 9-17-80, 8:45 am]

BILLING CODE 4310-84-M

Transfer of Public Lands to the State of Arizona

Notice is hereby given that the following described lands will be transferred to the State of Arizona pursuant to the Colorado River Basin Salinity Control Act of June 24, 1974, 88 Stat. 269; 43 U.S.C. 1573(a)(2).

Gila and Salt River Meridian, Arizona

Bullhead Area, Mohave County

T. 20 N., R. 21 W.,
Sec. 6, lots 1, 2, 3, 4, 5, and 6, E½SW¼, SE¼.
T. 21 N., R. 21 W.,
Sec. 31, E½.
Comprising 816.23 acres.

Cibola Area, Yuma County

T. 1 N., R. 23 W.,
Sec. 20, lots 5 and 6;
Sec. 21, E½SE¼NE¼, SW¼SE¼NE¼, S½S½SW¼NE¼, NE¼SW¼, N½SE¼, SE¼SE¼;
Sec. 29, lots 1, 2, and 3, NE¼NE¼.
Sec. 31, lots 2, 3, 4, 5, 6, 7, and 8, S½NE¼, SE¼NW¼, E½SW¼, N½SE¼, SW¼SE¼;
Sec. 32, SW¼NE¼, S½NW¼, N½S½.
T. 1N., R. 24 W.,
Sec. 24, lots 2 and 3;
Sec. 25, lots 4, 6, and 7, E½NE¼NW¼, E½SW¼NE¼NW¼, E½SE¼SW¼NW¼, E½NW¼SW¼, E½W½SW¼SW¼, E½SW¼SW¼.
Comprising 1,279.80 acres.

Ehrenberg South Area, Yuma County

T. 3 N., R. 22 W.,
Sec. 21, E½NE¼, E½W½NE¼, NE¼SE¼, E½NW¼SE¼;
Sec. 22, W½SW¼NW¼, SE¼SW¼NW¼, W½SW¼, W½ E½SW¼;
Sec. 27, W½;
Sec. 34, lots 6 and 7, W½NE¼, NE¼NW¼.
Comprising 831.53 acres.

Quartzsite Area, Yuma County

T. 4 N., R. 19 W.,
Sec. 13, all;
Sec. 14, all;
Sec. 15, E½, NW¼, N½SW¼, N½S½SW¼, S½SE¼SW¼;
Sec. 17, all;
Sec. 20, all;

Sec. 21, NW¼NE¼, E½SW¼NE¼, N½NW¼, SW¼NW¼, NE¼SE¼NW¼, S½SE¼NW¼;
Sec. 22, E½, E½NW¼;
Sec. 23, N½, N½NW¼, S½NE¼SW¼SW¼, NW¼SW¼SW¼, SE¼SW¼SW¼, N½SE¼SW¼, SW¼SE¼SW¼, N½SE¼, N½S½SE¼, NW¼SW¼SW¼SE¼, E½SW¼SW¼SE¼, SE¼SE¼SW¼SE¼, E½SW¼SE¼SE¼, W½SE¼SE¼SE¼;
Sec. 24, N½, N½S½, S½N½SW¼SW¼, S½SW¼SW¼, SE¼SW¼, S½SE¼;
Sec. 25, all;
Sec. 26, S½NE¼NE¼NE¼NE¼, NW¼NE¼NE¼NE¼, S½NE¼NE¼NE¼, NE¼NW¼NE¼NE¼, S½NW¼NW¼NE¼NE¼, S½NW¼NE¼NE¼, S½NE¼NE¼NE¼, S½NE¼, S½NE¼NE¼NW¼, NW¼NE¼NW¼, S½NE¼NW¼, SE¼NW¼, NE¼SW¼, S½NW¼SW¼, S½SW¼, SE¼;
Sec. 27, E½ E½SW¼SW¼, E½SW¼, W½SE¼, SE¼SE¼;
Sec. 28, W½SE¼, SE¼SE¼;
Sec. 33, NE¼NE¼.

Comprising 6,517.50 acres.

San Luis Area, Yuma County

T. 11 S., R. 24 W.,
Sec. 6, lots 7, 8, and 9, E½NE¼, S½SW¼, E½SE¼, SW¼SE¼;
Sec. 7, lots 1, 2, 3, 4, 5, 6, and 7, N½, N½SW¼.
T. 11 S., R. 25 w.,
Sec. 1, lots 1, 2, 3, 4, and 5, W½NW¼SE¼, S½SE¼, E½NE¼SW¼.

Comprising 1,142.43 acres.

The total of the five (5) areas is 10,587.49 acres

This transfer is to compensate the State of Arizona for State lands acquired by the Water and Power Resources Service under the above cited authority. The acquisition of the State lands is to enhance and protect the quality of water available in the Colorado River for use in the United States and the Republic of Mexico, and to enable the United States to comply with its obligation under the agreement with the Republic of Mexico of August 30, 1973 (Minute No. 242 of the International Boundary and Water Commission, United States and Mexico).

The lands to be transferred to the State of Arizona will be subject to a reservation to the United States for rights-of-way for ditches and canals constructed by the authority of the United States pursuant to the act of August 30, 1890; 26 Stat. 391; 43 U.S.C. 945; and will be subject to all existing rights-of-way of record and any other existing valid rights of record. The purpose of this notice is to allow any persons asserting a claim to the lands to file notice at the Bureau of Land Management, Arizona State Office 2400 Valley Bank Center, Phoenix, Arizona 85073. Such claim must be filed on or before November 17, 1980.

Tom Allen,

Associate State Director.

September 10, 1980.

[FR Doc. 80-28880 Filed 9-17-80; 8:45 am]

BILLING CODE 4310-84-M

[Serial No. I-16788]

Idaho; Application

September 11, 1980.

Noice is hereby given that pursuant to the Act of May 24, 1928 (49 U.S.C. 211-214) Reeder Air Inc., has applied for an airport lease for the following lands:

Boise Meridian, Idaho

T. 6 S., R. 12 E.
Sec. 33, S½SW¼.
T. 9 S., R. 12 E.
Sec. 13, W½SE¼.
T. 8 S., R. 13 E.
Sec. 6, N½S½.

The purpose of this notice is to inform the public that the filing of this application segregates the described land from all other forms of use or disposal under the public land laws.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Managment, 230 Collins Road, Boise, Idaho 83702.

Vincent S. Strobel,

Chief, Branch of L&M Operations.

[FR Doc. 80-28843 Filed 9-17-80; 8:45 am]

BILLING CODE 4310-84-M

[Designation Order ID.-010-8001]

Idaho Off-Road Vehicle Designations

September 4, 1980.

AGENCY: Bureau of Land Management.

ACTION: Notice of Interim Off-Road Vehicle Designation Decision—8340.

DECISION: Notice is hereby given relating to the use of off-road vehicles on public lands in accordance with the authority and requirements of Executive Orders 11644 and 11989, and regulations contained in 43 CFR Part 8340. The following described lands under administration of the Bureau of Land Management are designated as limited to off-road motorized vehicle use.

The area affected by this designation is known as the Boise Front Planning Unit.

This designation is a result of land use decisions made in the 1975 Boise Front P.U. Management Framework Plan. Comments received from public meetings, a workshop, and numerous written and verbal comments influenced this decision.

Limited to Designated Roads and Trails.

The Boise Front Planning Unit is comprised of foothills lying just to the North and East of Boise, Idaho. There are approximately 12,600 acres of BLM managed lands in the area. Vehicle use in this area is permitted on designated roads and trails which are identified with signs and on maps.

These designations become effective upon publication in the **Federal Register** and will remain in effect until rescinded or modified by the authorized officer. An environmental analysis describing the impact of this designation is available for inspection at the office listed below.

ADDRESS: For further information about this designation, contact the following Bureau of Land Management Office: District Manager, Boise District Office, 3948 Development St., Boise, Idaho 83705 (208) 334-1582.

Robert O. Buffington,

State Director.

[FR Doc. 80-28845 Filed 9-17-80; 8:45 am]

BILLING CODE 4310-84-M

Washington; Designation of Public Lands for Off-Road Vehicle Use; Correction

This corrects a mistake in the ORV designation order published in **Federal Register**, Volume 45 No. 170, Friday August 29, 1980, page 57787.

Willamette Meridian

Okanogan County

T. 40 N., R. 26 E.
Section 10 is corrected to read: NW¼, less patented mining claims; S½NE¼, N½SE¼, less patented mining claims.
Section 11 is corrected to read: N½S½, less patented mining claims; S½NW¼, E½NE¼, SW¼NE¼, SE¼SE¼.

Roger W. Burwell,

District Manager.

[FR Doc. 80-28879 Filed 9-17-80; 8:45 am]

BILLING CODE 4310-84-M

Ukiah District Advisory Council Meeting

Notice is hereby given in accordance with the Federal Land Policy and Management Act of 1976 (Pub. L. 94-579, Sec. 603 as amended; 90 Stat. 2743-2794) that a meeting of the Ukiah District Advisory Council will be held on November 6 and 7, 1980.

The meeting will begin at 9:30 a.m. at the Manor Inn Motel Restaurant, 920 N. State, Ukiah, CA 95482. The purpose of the meeting will be to elect officers,

discuss administrative procedures, and to provide orientation on the Bureau and priority programs in the District.

All Advisory Council meetings are open to the public. Interested persons may make oral statements at 10:00 a.m. November 7, 1980, in the Conference Room of the Office of Ukiah District, 555 Leslie, Ukiah, or file written statements for consideration by the council. Anyone wishing to make oral statements must notify the District Manager, P.O. Box 940, Ukiah, CA 95482 by November 4, 1980. Depending on the number of persons wishing to make a statement, a per person time limit may be established by the District Manager.

Edwin G. Katlas,

Acting District Manager.

September 10, 1980.

[FR Doc. 80-28881 Filed 9-17-80; 8:45 am]

BILLING CODE 4310-84-M

Water and Power Resources Service

Repayment Contract for Emergency Loan South Cache Water Users Association, Utah; Intent To Contract for Repayment of Emergency Loan

The Department of the Interior, through the Water and Power Resources Service, intends to enter into negotiation of terms and conditions for a repayment contract with the South Cache Water Users Association. The purpose of the contract is to arrange for repayment of funds loaned to the association for the repair and/or rehabilitation of the canal distribution system for the Hyrum Project that was damaged by severe storms and flash flooding in January and February of 1980. The loan was made under the provisions of the Emergency Fund Act of June 26, 1948 (62 Stat. 1052).

The proposed contract is for a maximum amount of $100,000 and will be repaid in equal annual payments based on a determination by the Secretary of the Interior of the association's ability to pay.

The public is invited to observe meetings or negotiating sessions regarding the contract provisions and submit written comments. Advance notice of a negotiating session or meetings regarding contract provisions shall be furnished only to those parties who make written request for such notice. Such a request must be submitted at least 1 week prior to any session. A draft of the proposed contract is available for public review and written comment for a 30-day period following the date of this announcement. All written correspondence concerning the proposed contract will be available to the public pursuant to the Freedom of Information Act (80 Stat. 383), as amended.

For further information please contact Ms. Debroah M. Linke, Water and Power Resources Service, P.O. Box 11568, Salt Lake City, Utah 84147, telephone (801) 524-5435.

Dated: September 11, 1980.

Aldon D. Nielsen,

Acting Assistant Commissioner of Water and Power Resources.

[FR Doc. 80-28899 Filed 9-17-80; 8:45 am]

BILLING CODE 4310-09-M

INTERNATIONAL COMMUNICATION AGENCY

U.S. Advisory Commission on Public Diplomacy; Meeting

The U.S. Advisory Commission on Public Diplomacy will meet in open session on October 2, 1980, as follows: 9:30-11:30 a.m., Room 600-1750 Pa. Ave., NW., topics: Board of Foreign Scholarships Conference on Fulbright Exchange Program and Office of Education International Exchange Programs; 1:30-3:30 p.m., Room 660-1776 Pa. Ave., NW, topics: Voice of America and Board for International Broadcasting.

Jane S. Grymes,

Management Analyst, Management Analysis/Regulations Staff, Associate Directorate for Management, International Communication Agency.

[FR Doc. 80-28891 Filed 9-17-80; 8:45 am]

BILLING CODE 8230-01-M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 311]

Expedited Procedures for Recovery of Fuel Costs

Decided: September 9, 1980.

In our decisions of May 13, 20, 27, June 3, 10, 17, 24, July 1, 8, 15, 22, and 29, and August 5, 12, 19, 26, and September 3, 1980, a 13-percent surcharge was authorized on all owner-operator traffic, and on all truckload traffic whether or not owner-operators were employed. We ordered that all owner-operators were to receive compensation at this level.

The weekly figures set forth in the appendix for transportation performed by owner-operators and for truckload traffic is 13.4-percent. We are authorizing that the 13-percent surcharge for this traffic remain in effect, and that all owner-operators are to receive compensation at this level.

No change is authorized in the 2.3-percent surcharge on less-than-truckload (LTL) traffic performed by carriers not utilizing owner operators, the 1.3-percent surcharge for United Parcel Service, nor in the 5.0-percent surcharge authorized for the bus carriers.

Notice shall be given to the general public by mailing a copy of this decision to the Governor of each State and to the Public Utilities Commissions or Boards of each State having jurisdiction over transportation, by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection and by delivering a copy to the Director, Office of the Federal Register for publication therein.

It is ordered:

This decision shall become effective Friday 12:01 a.m. September 12, 1980.

By the Commission, Chairman Gaskins, Vice Chairman Gresham, Commissioners Clapp, Trantum, Alexis and Gilliam. Commissioners Clapp and Gilliam absent and not participating.

Agatha L. Mergenovich,

Secretary.

Appendix Fuel Surcharge

Base date and price per gallon (including tax)

January 1, 1979.....63.5¢

Date of current price measurement and price per gallon (including tax)

September 8, 1980.....113.9¢

	Transportation performed by—			
	(1) Owner operator	(2) Other	(3) Bus carrier	(4) UPS
Average Percent Fuel Expenses (including Taxes) of Total Revenue	16.9¢	2.9¢	6.3¢	3.3¢
Percent surcharge developed	13.4¢	2.3¢	5.0¢	2.1¢ [1]
Percent surcharge allowed	13.0¢	2.3¢	5.0¢	1.3¢ [2]

[1] The percentage surcharge developed for UPS is calculated by applying 81 percent of the percentage increase in the current price per gallon over the base price per gallon to UPS average percent of fuel expense to revenue figure as of January 1, 1979 (3.3 percent).

[2] The developed surcharge figure is reduced 0.8 percent to reflect fuel related increases already included in UPS rates.

[FR Doc. 80-28829 Filed 9-17-80; 8:45 am]

BILLING CODE 7035-01-M

[Permanent Authority Decisions Vol. No. 333]

Decision-Notice

Decided: September 5, 1980.

The following applications, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's

Rules of Practice (49 CFR § 1100.247). These rules provide, among other things, that a petition for intervention, either in support of or in opposition to the granting of an application, must be filed with the Commission within 30 days after the date notice of the application is published in the **Federal Register.** Protests (such as were allowed to filings prior to March 1, 1979) *will be rejected.* A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l) setting forth the specific grounds upon which it is made, including a detailed statement of petitioner's interest, the particular facts, matters, and things relied upon, including the extent, if any, to which petitioner (a) has solicited the traffic or business of those supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. The Commission will also consider (a) the nature and extent of the property, financial, or other interest of the petitioner, (b) the effect of the decision which may be rendered upon petitioner's interest, (c) the availability of other means by which petitioner's interest might be protected, (d) the extent to which petitioner's interest will be represented by other parties, (e) the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record, and (f) the extent to which participation by the petitioner would broaden the issues or delay the proceeding.

Petitions not in reasonable compliance with the requirements of the rule may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission indicating the specific rule under which the petition to intervene is being filed, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Section 247(f) provides in part, that an applicant which does not intend to timely prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

If an applicant has introduced rates as an issue it is noted. Upon request, an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administrative acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.gs., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. § 10101. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the public interest and the transportation policy of 49 U.S.C. 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930(a) [formerly section 210 of the Interstate Commerce Act.]

In the absence of legally sufficient petitions for intervention, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sought below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific conditions set forth in the following decision-notices within 30 days after publication, or the application shall stand denied.

By the Commission, Review Board Number 2, Members Chandler, Liberman, and Eaton.

Agatha L. Mergenovich,

Secretary.

Note.— All applications are for authority to operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, except as otherwise noted.

MC 125335 (Sub-107F), filed June 4, 1980, previously published on August 7, 1980 as MC 125335 Sub-106F. Applicant: GOODWAY TRANSPORT, INC., P.O. Box 2283, York, PA 17405. Representative: Gailyn L. Larsen, P.O. Box 82816, Lincoln, NE 68501. Transporting (1) *insulated copper wire cable,* and (2) *equipment materials and supplies* used in the manufacture and distribution of the commodities named in (1) above, between Schuylkill Haven, PA, on the one hand, and, on the other, points in AL, CT, DE, FL, GA, IL, IN, IA, KY, ME, MD, MA, MI, MN, MS, NE, NH, NJ, NY, NC, ND, OH, PA, RI, SC, SD, TN, VT, VA, WI, WV, and DC.

Note.—This republication correctly states the docket number, which is MC 125335 Sub-107.

MC 126574 (Sub-8F), filed June 24, 1980. Applicant: M. L. HATCHER PICKUP AND DELIVERY SERVICES, INC., 3818 Patterson St., Greensboro, NC 27407. Representative: Peter R. Gilbert, 1919 Pennsylvania Ave. NW., Suite 850, Washington, DC 20006. Transporting *pre-cast architectural stone,* and *pre-stressed and pre-cast concrete products,* (1) from the facilities of Weeks-Bell, Inc., at or near Greensboro, NC, and the facilities of Cast-A-Stone Products at or near Raleigh, NC, to points in VA, and (2) from the facilities of Carolina Cast Stone Co., Inc., at or near Greensboro, NC, to points in VA and SC.

MC 145974 (Sub-9F), filed June 19, 1980, previously noticed in the **Federal Register** issue of August 7, 1980. Applicant: HIDATCO, INC., P.O. Box 356, New Town, ND 58763. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126. *Contract carrier,* transporting *lumber and wood products,* from points in WA, OR, ID, MT, and CA, to points in ND, SD, MN, and WY, under continuing contract(s) with Louisiana Pacific.

Note.—This republication indicates the correct destinations.

[FR Doc. 80-28823 Filed 9-17-80; 8:45 am]

BILLING CODE 7035-01-M

[Permanent Authority Decisions Volume No. OP3-019]

Decision-Notice

Decided: September 10, 1980.

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special Rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed) appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notice that the decision-notice is effective. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board Number 2, Members Chandler, Eaton, and Liberman. Chandler not participating.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

MC 2304 (Sub-38F), filed August 28, 1980. Applicant: THE KAPLAN TRUCKING COMPANY, a corporation, 6600 Bessemer, Cleveland, OH 44127. Representative: James M. Burtch, 100 E. Broad St., Columbus, OH 43215. Transporting *iron and steel articles,* between points in Cuyahoga County, OH, on the one hand, and, on the other, points in GA, NC, SC, and KY.

MC 2605 (Sub-15F), filed August 28, 1980. Applicant: COMMERCIAL TRANSPORTATION, INC., 2300 East Adams Ave., Philadelphia, PA 19124. Representative: Alan Kahn, 1430 Land Title Bldg., Philadelphia, PA 19110. Transporting *petroleum and petroleum products* (except commodities in bulk), between points in Philadelphia and Delaware Counties, PA, on the one hand, and, on the other, points in IN and MI.

MC 2605 (Sub-16F), filed September 5, 1980. Applicant: COMMERCIAL TRANSPORTATION, INC., 2300 East Adams Ave., Philadelphia, PA 19124. Representative: Alan Kahn, 1430 Land Title Bldg., Philadelphia, PA 19110. Transporting *cleaning products, cleaning materials, cleaning supplies, textile softeners, and fabric softeners,* between Baltimore, MD, Points in OH, those in Philadelphia and Bucks Counties, PA, Baltimore County, MD, New Castle County, DE, Bergen and Hudson Counties, NJ, Cook County, IL, and St. Louis County, MO.

MC 2934 (Sub-75F), filed August 28, 1980. Applicant: AERO MAYFLOWER TRANSIT COMPANY, INC., 9998 North Michigan Road, Carmel, IN 46032. Representative: W. G. Lowry (same address as applicant). Transporting *office furniture, steel shelving,* and *check-out counters,* from Kalamazoo, MI to points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MN, MS, MO, NH, NJ, NY, NC, OH, OK, PA, RI, SC, TN, TX, VT, VA, WV, WI, and DC.

MC 3114 (Sub-39F), filed August 26, 1980. Applicant: T. H. COMPTON, INC., R.F.D. #1, Berkeley Springs, WV 25411. Representative: Herbert Alan Dubin, 818 Connecticut Ave. NW., Washington, DC 20006. Transporting *aplite,* in bulk, between points in Hanover County, VA, on the one hand, and, on the other, points in IN, MD, NY, NC, OK, and TX.

MC 13134 (Sub-96F), filed August 28, 1980. Applicant: GRANT TRUCKING, INC., P.O. Box 256, Oak Hill, OH 45656. Representative: James M. Burtch, 100 E. Broad St., Columbus, OH 43215. Transporting (1) *foundry facing, foundry sand additives, clay and ground bituminous coal,* and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1), between points in Jefferson County, AL, on the one hand, and, on the other, points, in GA, KY, NC, OH, SC, TN, VA, and WV.

MC 19105 (Sub-64F), filed August 21, 1980. Applicant: FORBES TRANSFER COMPANY, INC., P.O. Box 3544, Wilson, NC 27893. Representative: Vance T. Forbes, Jr. (same address as applicant). Transporting *building materials and supplies* except commodities in bulk), from points in Wake County, NC, to points in VA, and TN.

MC 29555 (Sub-109F), filed August 26, 1980. Applicant: BRIGGS TRANSPORTATION CO., a corporation, N-400 Griggs-Midway Bldg., St. Paul, MN 55104. Representative: Winston W. Hurd (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Neillsville, WI, as an off-route point in connection with carrier's otherwise authorized regular-route operations.

Note.—Applicant intends to tack this authority with its existing regular-route authority and to interline and other motor carriers.

MC 30844 (Sub-696F), filed August 25, 1980. Applicant: KROBLIN REFRIGERATED XPRESS, INC., P.O. Box 21222, 4616 E. 67th St., Tulsa, OK 74121. Representative: Larry L. Strickler, P.O. Box 5000, Waterloo, IA 50704.

Transporting *tires and tire treads,* and *materials and supplies* used in the manufacture of tires and tire treads, between points in Granville County, NC, Muscatine County, IA, Spalding County, GA, Taylor County, TX, and San Bernardino County, CA, on the one hand, and, on the other, points in the U.S.

MC 52704 (Sub-284F), filed August 28, 1980. Applicant: GLENN McCLENDON TRUCKING COMPANY, INC., P.O. Box Drawer "H", Lafayette, AL 36862. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. Transporting *plastic articles,* between points in Ouachita Parish, LA, on the one hand, and, on the other, those points in the U.S. in and east of MN, IA, MO, OK, and TX.

MC 56664 (Sub-4F), filed August 26, 1980. Applicant: C. W. KEITH TRANSFER & WAREHOUSE CO., 2100 S. 15th Ave., Phoenix, AZ 85001. Representative: A. Michael Bernstein, 1441 E. Thomas Rd., Phoenix, AZ 85014. Transporting *general commodities,* between points in Maricopa County, AZ, on the one hand, and, on the other, points in those parts of Apache and Navajo Counties, AZ on and south of Interstate Hwy 40, and points in Gila County, AZ.

Note.—To the extent the certificate granted in this proceeding authorizes the transportation of classes A and B explosives it will expire 5 years from the date of issuance.

MC 59934 (Sub-14F), filed August 22, 1980. Applicant: MAIN TRUCKING & RIGGING CO., INC., Wallace Street, P.O. Box 388, Elmwood Park, NJ 07407. Representative: Edward L. Nehez, P.O. Box 1409, 167 Fairfield Rd., Fairfield, NJ 07006. Transporting *machinery,* between New York, NY, and points in NJ, on the one hand, and, on the other, points in the U.S.

MC 73165 (Sub-523F), filed August 27, 1980. Applicant: EAGLE MOTOR LINES, INC., 830 North 33rd Street, Birmingham, AL 35222. Representative: R. Cameron Rollins, P.O. Box 11086, Birmingham, AL 35202. Transporting *metal articles,* between points in Franklin County, IL, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 88414 (Sub-4F), filed August 28, 1980. Applicant: RICHMOND TRANSFER & STORAGE CO., INC., 2114 Macdond St., Richmond, CA 94801. Representative: Alan F. Wohlstetter, 1700 K St. NW., Washington, DC 20006. Transporting *used household goods,* in containers, and *unaccompanied baggage,* between points in the U.S. (except AK and HI).

MC 94265 (Sub-364F), filed August 28, 1980. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 305, Windsor, VA 23487. Representative: Clyde W. Carver, P.O. Box 720434, Atlanta, GA 30328. Transporting *foodstuffs,* from Minneapolis, Eden Prairie and Wells, MN, and Greenville and Taylors, SC, to points in DE, FL, GA, MD, NC, PA, SC, TN, VA, WV, and DC.

MC 104104 (Sub-25F), filed August 29, 1980. Applicant: GEORGE A. FETZER, INC., Newton-Sussex Road, Augusta, NJ 07822. Representative: Robert B. Pepper, 168 Woodbridge, Ave., Highland Park, NJ 08904. Transporting (1) *Plastic articles, insulating materials,* and *scrap,* (except commodities in bulk), from points in CT, DE, IN, IL, ME, MD, MA, MI, NH, NJ, NY, OH, PA, RI, VT, VA, WV and WI, to those points in the U.S. in and east of MN, IA, MO, AR, and LA; and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) (except commodities in bulk), in the reverse direction.

MC 106674 (Sub-499F), filed September 5, 1980. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977. Representative: Jerry L. Johnson (same address as applicant). Transporting (1) *railroad ties, wooden mining materials,* and *lumber,* and (2) *materials, equipment and supplies* used in the manufacture of the commodities in (1), between points in Braxton County, WV, on the one hand, and, on the other, points in CT, DE, MD, MA, NC, NH, NJ, NY, OH, PA, RI, VA, VT, and DC.

MC 109154 (Sub-24F), filed September 2, 1980. Applicant: BAYLOR TRUCKING, INC., R.R. 1, Milan, IN 47031. Representative: Robert W. Loser II, 1101 Chamber of Commerce Bldg., Indianapolis, IN 46204. Transporting *general commodities* (except household goods as defined by the Commission, and classes A and B explosives), (1) between points in the U.S. in and east of MN, IA, MO, AR, and LA; and (2) between points in the U.S. in and east of MN, IA, MO, AR, LA, on the one hand, and, on the other, points in the U.S.

MC 109825 (Sub-13F), filed August 25, 1980. Applicant: MASHKIN FREIGHT LINES, INC., P.O. Box 87, East Hartford, CT. Representative: Hugh M. Joseloff, P.O. Box 3258, Hartford, CT 06103. Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between points in CT, MA, NY and NJ, on the one hand, and, on the other, points in DE, MD, and DC.

MC 110325 (Sub-156F), filed August 19, 1980. Applicant: TRANSCON LINES, a corporation, P.O. Box 92220, Los Angeles, CA 90009. Representative: Wentworth E. Griffin, Midland Bldg., 1221 Baltimore, Kansas City, MO 64105. Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between Oklahoma City, OK, and Los Angeles, CA: from Oklahoma City over U.S. Hwy 66 to El Reno, OK, then over U.S. Hwy 81 to junction U.S. Hwy 64, then over U.S. Hwy 64 to Guymon, OK (also from El Reno over U.S. Hwy 270 to junction OK Hwy 3, and then over OK Hwy 3 to Guymon), then over U.S. Hwy 64 via Boise City, OK, to junction unnumbered OK Hwy east of Wheeless, OK, then over unnumbered OK and NM Hwys via Wheeless and Mexhoma, OK, to junction NM Hwy 18, then over NM Hwy 18 to Clayton, NM, then over NM Hwy 58 to Springer, NM, then over U.S. Hwy 85 to Las Cruces, NM, then over U.S. Hwy 80 to Road Forks, NM, then over NM Hwy 14 via Steins, NM, to the NM-AZ State line, then over AZ Hwy 86 to Benson, AZ, then over U.S. Hwy 80 to Tucson, AZ, then over AZ Hwy 84 to Picaho, AZ, then over AZ Hwy 87 to Mesa, AZ, then over U.S. Hwy 60 to Los Angeles, and return over the same route, serving all intermediate points, and points in Orange, San Bernardino, Los Angeles, and Ventura Counties, CA, as off-route points in connection with carriers authorized regular route operations.

MC 110325 (Sub-160F), filed August 29, 1980. Applicant: TRANSCON LINES, P.O. Box 92220, Los Angeles, CA 90009. Representative: Wentworth E. Griffin, Midland Bldg., 1221 Baltimore Ave., Kansas City, MO 64105. Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), serving points in Stephens County, OK, Potter, Harris, Anderson, Wichita, Brazoria and Austin Counties, TX, St. Louis, St. Charles, and Jackson Counties, MO, Ripley County, IN, Hancock County, IL, Ottawa, Jackson, Tuscola, Macomb, and Oakland Counties, MI, Solano County, CA, Cumberland County, PA, Shelby and Rutherford Counties, TN, Sedgwich County, KS, Marion County, IA, and Davie County, NC, as off-route points in connection with carrier's otherwise authorized regular-route operations.

MC 113784 (Sub-94F), filed August 28, 1980. Applicant: LAIDLAW TRANSPORT LIMITED, P.O. Box 3020, Station B, Hamilton, Ontario, Canada L8L 4M1. Representative: David A. Sutherlund, 1150 Connecticut Ave. NW., Suite 400, Washington, DC 20036. Transporting (1) *gypsum products and roofing materials,* from ports of entry on

the international boundary line between the U.S. and Canada located in NY, to points in CT, DE, MA, MD, ME, NH, NJ, RI, and VT, and (2) *materials, equipment and supplies* used in the manufacture of gypsum products and roofing materials, in the reverse direction.

MC 114284 (Sub-96F), filed August 25, 1980. Applicant: FOX-SMYTHE TRANSPORTATION CO., a corporation, P.O. Box 82307, Oklahoma City, OK 73148. Representative: John E. Jandera, P.O. Box 1979, Topeka, KS 66601. Transporting *meats, meat products, and meat byproducts, and articles distributed by meat-packing houses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities used by John Morrell & Co., at or near Ft. Smith, AR, to points in IL, IA, KS, MO, NE, OK, SD, and WI, restricted to traffic originating at the named facilities.

MC 117644 (Sub-59F), filed September 2, 1980. Applicant: D & T TRUCKING CO., INC., 498 First St. NW., New Brighton, MN 55112. Representative: Samuel Rubenstein, P.O. Box 5, Minneapolis, MN 55440. Transporting *non-ferrous metals and non-ferrous metal products,* between points in the U.S., restricted to traffic originating at or destined to the facilities used by Vincent Brass and Aluminum Co.

MC 117384 (Sub-9F), filed August 28, 1980. Applicant: PAUL E. DAVIDSON, MAHLON E. DAVIDSON, AND HAROLD DAVIDSON, d.b.a. DAVIDSON BROTHERS, R.D. #3, Bellefonte, PA 16823. Representative: J. Bruce Walter, P.O. Box 1146, 410 North Third St., Harrisburg, PA 17108. Transporting (1) *metal and metal products* and (2) *materials, equipment, and supplies* used in the manufacture, storage and distribution of the commodities in (1) above, between the facilities of Cerro Metal Products, in Centre County, PA, on the one hand, and, on the other, points in the U.S. (except AK and HI).

MC 125535 (Sub-21F), filed August 27, 1980. Applicant: NATIONAL SERVICE LINES INC. OF NEW JERSEY, 12015 Manchester Rd., Suite 118, St. Louis, MO 63131. Representative: Donald S. Helm (same address as applicant). Transporting (1) *copper, aluminum products, wire, and cable,* and (2) *commodities* used in the manufacture and distribution of the commodities in (1) above (except commodities in bulk, in tank vehicles), between points in the U.S., under a continuing contract(s) with Pirelli Cable Corporation, of Union, NJ.

MC 134064 (Sub-45F), filed August 27, 1980. Applicant: INTERSTATE TRANSPORT, INC., 1600 Highway 129 South, Gainesville, GA 30501. Representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman St., Denver, CO 80203. Transporting (1) *foodstufs,* (except in bulk), and (2) *materials, equipment, and supplies* used by restaurants and restaurant suppliers, between points in the U.S., restricted to traffic destined to the facilities of Francise Services, Inc.

MC 143445 (Sub-6F), filed September 4, 1980. Applicant: MMAR TRANSPORTATION, INC., 128 Pennsylvania St., Kearney, NJ 07032. Representative: Dean N. Wolfe, Suite 145, 4 Professional Dr., Gaithersburg, MD 20760. Transporting *general commodities* (except commodities of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Hampden County, MA, Providence County, RI, and Northampton County, PA, on the one hand, and, on the other, points in CA, restricted to traffic moving on bills of lading of freight forwarders as defined in 49 U.S.C. 10102(8).

MC 144595 (Sub-3F), filed August 25, 1980. Applicant: ROBERT D. ANTHOLZ, d.b.a. PAWNEE GRAIN COMPANY, Route 3, Box 42, 1622 G St., Pawnee City, NE 68420. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501. Transporting *lumber, lumber mill products and wooden products,* between points in the U.S., under continuing contract(s) with Central Lumber Sales, of Lincoln, NE.

MC 146285 (Sub-3F), filed August 26, 1980. Applicant: JIM CONNER ENTERPRISES, INC., Route 37 South, Benton, IL 62812. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. Transporting *aluminum lineal shapes, aluminum pipe tubing, aluminum conduits,* between points in the U.S., under continuing contract(s) with Consolidated Aluminum Corporation, of Murphysboro, IL.

MC 146894 (Sub-2F), filed August 28, 1980. Applicant: GLENN DYER, d.b.a. GLEN DYERS TRUCKING SERVICE, 1000 South Lawrence St., Mobile, AL 36603. Representative: R. S. Richard, P.O. Box 2069, Montgomery, AL 36197. Transporting *sand blasting sand,* from points in Mobile County, AL, to points in FL, MS, and LA.

MC 148344 (Sub-5F), filed August 28, 1980. Applicant: TRAVIOLI AND SONS TRUCKING, INC., R.R. 31 Box 169A, Terre Haute, IN 47803. Representative: Robert W. Loser II, 1101 Chamber of Commerce Bldg., Indianapolis, IN 46204. Transporting *general commodities* (except household goods as defined by the Commission and classes A and B explosives), between points in the U.S., under continuing contract(s) with Oxford Chemicals, Inc., of Chamblee, GA.

MC 150464 (Sub-4F), filed August 28, 1980. Applicant: C. E. MELTON TRANSPORT, Route 4, Hwy 280 East, Americus, GA 31709. Representative: Carl E. Melton (same address as applicant). Transporting (1)(a) *metal products, automotive accessories,* and *automotive maintenance equipment,* and (b) *parts and accessories* for the commodities in (1)(a), from points in Schley and Sumter Counties, GA, to points in AL, AR, FL, KY, LA, MS, NC, SC, TN, and VA, and (2) *materials* used in the manufacture and distribution of the commodities in (1), in the reverse direction.

[FR Doc. 80-28824 Filed 9-17-80; 8:45 am]
BILLING CODE 7035-01-M

[Permanent Authority Decisions Volume No. OP5-13]

Decision-Notice

Decided: September 8, 1980.

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special rule 247 was published in the **Federal Register** on July 3, 1980, at 45 FR 45539.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service and to comply with the appropriate statutes and Commission regulations. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminary, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the

Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed) appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notice that the decision-notice is effective. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board Number 1, Members Carleton, Joyce, and Jones.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

MC 128888 (Sub-5F), filed August 22, 1980. Applicant: PANDA TRANSPORT, INC., 2700 Broening Highway, Baltimore, MD 21222. Representative: Leonard A. Jaskiewicz, 1730 M Street, N.W., Suite 501, Washington, DC 20036. Transporting *general commodities* (except household goods as defined by the Commission, hazardous or secret materials, and sensitive weapons and munitions), for the U.S. Government between points in the U.S.

MC 129529 (Sub-8F), filed August 22, 1980. Applicant: THRUWAY MESSENGER SERVICE, INC., P.O. Box 11, Pearl River, NY. Representative: Ronald I. Shapss, 450 Seventh Avenue, New York, NY 10123. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 138308 (Sub-123F), filed August 21, 1980. Applicant: KLM, INC., P.O. Box 6098, Jackson, MS 39208. Representative: Robert L. McArty, P.O. Box 22628, Jackson, MS 39205. Transporting *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions) for the United States Government, between points in the U.S.

MC 142319 (Sub-2F), filed August 22, 1980. Applicant: STRAUSS TRUCKING, LTD., P.O. Box 316, Bloomsbury, NJ 08804. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. Transporting *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions) for the United States Government, between points in the U.S.

[FR Doc. 80-28826 Filed 9-17-80, 8:45 am]

BILLING CODE 7035-01-M

Permanent Authority Decisions Volume No. OP4-006]

Decision-Notice

Decided: July 25, 1980.

The following applications, filed on or after March 1, 1979, are governed by Special Rule 247 of the Commission's *Rules of Practice* (49 CFR 1100.247). These rules provide, among other things, that a petition for intervention, either in support of or in opposition to the granting of an application, must be filed with the Commission within 30 days after the date notice of the application is published in the Federal Register. Protests (such as were allowed to filings prior to March 1, 1979); *will be rejected.* A petition for intervention without leave must comply with Rule 247(k) which requires petitioner to demonstrate that it (1) holds operating authority permitting performance of any of the service which the applicant seeks authority to perform, (2) has the necessary equipment and facilities for performing that service, and (3) has performed service within the scope of the application either (a) for those supporting the application, or, (b) where the service is not limited to the facilities of particular shippers, from and to, or between, any of the involved points.

Persons unable to intervene under Rule 247(k) may file a petition for leave to intervene under Rule 247(l) setting forth the specific grounds upon which it is made, including a detailed statement of petitioner's interest, the particular facts, matters, and things relied upon, including the extent, if any, to which petitioner (a) has solicited the traffic or business of those supporting the application, or, (b) where the identity of those supporting the application is not included in the published application notice, has solicited traffic or business identical to any part of that sought by applicant within the affected marketplace. The Commission will also consider (a) the nature and extent of the property, financial, or other interest of the petitioner, (b) the effect of the decision which may be rendered upon petitioner's interest, (c) the availability of other means by which the petitioner's interest might be protected, (d) the extent to which petitioner's interest will be represented by other parties, (e) the extent to which petitioner's participation may reasonably be expected to assist in the development of a sound record, and (f) the extent to which participation by the petitioner would broaden the issues or delay the proceeding.

Petitions not in reasonable compliance with the requirements of the rule may be rejected. An original and one copy of the petition to intervene shall be filed with the Commission indicating the specific rule under which the petition to interevene is being filed, and a copy shall be served concurrently upon applicant's representative, or upon applicant if no representative is named.

Section 247(f) provides, in part, that an applicant which does not intend to timely prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

If an applicant has introduced rates as an issue it is noted. Upon request, an applicant must provide a copy of the tentative rate schedule to any protestant.

Further processing steps will be by Commission notice, decision, or letter which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication.*

Any authority granted may reflect administrative acceptable restrictive amendments to the service proposed below. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exception of those applications involving duly noted problems (e.gs., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each common carrier applicant has demonstrated that its proposed service is required by the present and future public convenience and necessity, and that each contract carrier applicant qualifies as a contract carrier and its proposed contract carrier service will be consistent with the public interest and the transportation policy of 49 U.S.C. 10101. Each applicant is fit,willing, and able properly to

perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where specifically noted, this decision is neither an major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In those proceedings containing a statement or note that dual operations are or may be involved we find, preliminarily and in the absence of the issue being raised by a petitioner, that the proposed dual operations are consistent with the Public interest and the transportation policy of 49 U.S.C. 10101 subject to the right of the Commission, which is expressly reserved, to impose such terms, conditions or limitations as it finds necessary to insure that applicant's operations shall conform to the provisions of 49 U.S.C. 10930(a) [formerly section 210 of the Interstate Commerce Act.]

In the absence of legally sufficient petitions for intervention, filed within 30 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of the decision-notice. To the extent that the authority sught below may duplicate an applicant's other authority, such duplication shall be construed as conferring only a single operating right.

Applicants must comply with all specific condtions set forth in the following decison-notices within 30 days after publication, or the application shall stand denied.

By the Commission, Review Board Number 1, Members Carleton, Joyce and Jones.

Agatha L. Mergenovich,

Secretary.

Note.—All applications are for authority to operate as a common carrier, by motor vehicle, in interstate or foreign commerce, over irregular routes, except as otherwise noted.

MC 11207 (Sub-547F), filed April 15, 1980. Applicant: DEATON, INC., 317 Ave. W, P.O. Box 938, Birmingham, AL 35201. Representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Ave., Washington, DC 20014. Transporting (1) *Fabricated iron and steel articles*, and (2) *iron and steel castings*, (a) from points in Harrison County, TX, to points in the U.S. (except AK and HI), and (b) from Dallas, Houston, Lubbock, and San Antonio, TX, to points in the U.S. (except AK and HI), restricted in (b) to traffic originating at the facilities of Cobb Industries, Inc., its customers, or suppliers.

MC 21866 Sub 155F, filed April 4, 1980, previously noticed in the **Federal Register** issue of July 10, 1980, and republished this issue. Applicant: WEST MOTOR FREIGHT, INC., 740 S. Reading Ave., Boyertown, PA 19512. Representative: Alan Kahn, 1430 Land Title Bldg., Philadelphia, PA 19110. Transporting (1) *cement, brick, asphalt coatings, steel and plastic tanks, and potting compounds*, (except commodities in bulk), and (2) *materials and supplies* used in the manufacture and distribution of commodities in (1) above (except commodities in bulk), between Mertztown (Berks County), PA, on the one hand, and, on the other, points in the U.S. (except AK, HI and PA), restricted to the transportation of traffic originating at or destined to the facilities of Atlas Minerals & Chemicals, Inc.

Note.—The purpose of this republication is to correctly state the territorial description.

MC 21866 (Sub-175), filed June 30, 1980. Applicant: WEST MOTOR FREIGHT, INC., 740 S. Reading Ave., Boyertown, PA 19512. Representative: Alan Kahn, 1430 Land Title Bldg., Philadelphia, PA 19110. Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in the U.S. (except AK and HI), restricted to traffic originating at or destined to the facilities of The Richardson Company and its subsidiaries.

MC 29886 (Sub-374F), filed May 20, 1980, previously noticed in the **Federal Register** issue of May 20, 1980, and republished this issue. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4314 39th Avenue, Kenosha, WI 53142. Representative: Paul F. Sullivan, 711 Washington Bldg., Washington, DC 20005. Transporting (1) *commodities* the transportation of which, because of size or weight, requires the use of special equipment, and (2) *self-propelled articles* each weighing 15,000 lbs, or more, when transported on trailers, between points in CT, DE, IL, IN, IA, KY, NH, MD, ME, MA, MI, MO, NJ, NY, OH, PA, RI, VT, WV, VA, WI and DC.

Note.—The purpose of this republication is to correct the territorial description.

MC 51146 (Sub-846F), filed May 16, 1980, previously noticed in the **Federal Register** issue of July 17, 1980, and republished this issue. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, WI 54306. Representative: Matthew J. Reid, Jr. (same address as applicant). Transporting *glass products* (except commodities in bulk), from the facilities of Pittsburgh Corning Corporation, at (a) Port Alleghany, PA, and (b) Sedalia, MO, to points in AL, AR, FL, GA, IL, IN, IA, KS, KY, LA, MI, MN, MS, MO, NE, NC, OH, OK, SC, TN, TX, VA, WV, and WI.

Note.—The purpose of this republication is to include VA as a destination point.

MC 78687 (Sub-104F), filed February 12, 1980, previously noticed in the **Federal Register** issue of April 3, 1980, and republished this issue. Applicant: LOTT MOTOR LINES, INC., West Cayuga St., P.O. Box 751, Moravia, NY 13118. Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 11th St. NW., Washington, DC 20001. Transporting *fly ash*, in bulk, in tank vehicles, (1) from Indiana, Shelocta, Homer City, and Huff, PA, to points in NY, OH, DE, VA, WV, IN, VT, MA, and CT, and (2) between points in NY, restricted in (2) to prior or subsequent movements by rail.

Note.—The purpose of this republication is to (1) correctly state the territorial description in (1), and (2) to correctly state that the restriction applies to (2).

MC 89697 (Sub-30F), filed June 3, 1980. Applicant: KRAJACK TANK LINES, INC., 480 E. Westfield Ave., Roselle Park, NJ 07204. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048. Transporting *liquid chemicals, and waste liquid chemical materials for recycling*, in bulk, in tank vehicles, between the facilities of Marisol, Inc., at Middlesex, NJ, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, ME, KS, OK, and TX.

MC 93147 (Sub-20F), filed May 28, 1980, previously noticed in the **Federal Register** issue of July 22, 1980, and republished this issue. Applicant: DELTA TRANSPORT CORPORATION, 840 Union Street, West Springfield, MA 01089. Representative: James M. Burns, 1383 Main Street, Suite 413, Springfield, MA 01103. Transporting (a) *batteries, flashlights, lamps, store display racks, electrical equipment and parts*, (except commodities in bulk), and (b) *materials, equipment and supplies* used in the manufacturing, sale and distribution of those commodities in (a), between Cerritos, Pasadena, and San Francisco, CA, Hartford, New Britain, Wallingford, Waterbury, and Oakville, CT, Wilmington, DE, Atlanta, GA, Chicago, IL, Red Oak, IA, Lawrence, Medford, Taunton, Wilmington, and Worcester, MA, Marysville, MO, Berlin, Voohersville, and Manchester, NH,

Edison and Saddlebrook, NJ, Lockport, New York and Schenectady, NY, Asheboro, Ashville, Greensboro and Greensville, NC, Cleveland, Edgewater, and Freemont, OH, Portland, OR, Kingsport and Memphis, TN, Dallas, TX, and Burlington, St. Albans, and Bennington, VT, restricted to traffic originating at or destined to the facilities of Union Carbide Corporation.

Note.—The purpose of this republication is to delete "chemicals" from the commodity description.

MC 98807 (Sub-4F), filed June 16, 1980. Applicant: RAJAC, INC., P.O. Box 1080, Kenner, LA 70063. Representative: William D. Lynch, P.O. Box 912, Austin, TX 78767. Transporting (1)(a) *machinery, materials, supplies and equipment* in connection with the discovery, development and production of natural gas and petroleum, and (b) *petroleum products,* in bulk, between points in LA, and (2) *commodities which, because of size or weight, require the use of special equipment, and parts thereof,* and *utility poles,* from points in LA south of U.S. Hwy 190 at the MS-LA State line, thence west to LA Hwy 12, and continuing west to the LA-TX State line.

Note.—This application is to convert a Certificate of Registration involving the same commodities within the State of LA. This application is filed in conjunction with an application by Petroleum Transport Company to transport gasoline, distillate fuel and aviation fuel, in bulk, in tank vehicles, from Jefferson County and Brazoria County, TX to points in LA. These companies are commonly owned and operated. A consolidated hearing of these two applications is requested. The parties intend to continue the lease of the certificate if converted.

MC 98807 (Sub-5F), filed June 16, 1980. Applicant: PETROLEUM TRANSPORT COMPANY, a corporation, P.O. Box 1080, Kenner, LA 70063. Representative: William D. Lynch, P.O. Box 912, Austin, TX 78767. Transporting *gasoline, distillate fuel, and aviation fuel,* in bulk, in tank vehicles, from points in Jefferson and Brazoria Counties, TX, to points in LA. Condition: The issuance of a certificate in this proceeding is conditioned upon either (a) the coincidental cancellation of Certificate of Registration MC 98807 Sub-2, at applicant's written request, or (b) the successful conversion of that certificate of public convenience and necessity in MC 98807 Sub-2.

MC 107006 (Sub-9F), filed April 14, 1980, and previously noticed in the **Federal Register** issue of July 10, 1980. Applicant: THOMAS KAPPEL, INC., P.O. Box 1408, Springfield, OH 45501. Representative: John L. Alden, 1396 W. Fifth Ave., Columbus, OH 43212. *Contract carrier,* transporting *wood and wood products,* (except commodities in bulk), between the facilities of Buckeye Wood Products Inc., and its subsidiaries Union Cabinet Co., and Paint Valley Pallet Co., at or near S. Charleston, Milford Center, and Bainbridge, OH, on the one hand, and, on the other, points in IL, IN, IA, KY, MI, MO, NY, PA, TN, WI, and WV, under continuing contract(s) with Buckeye Wood Products Inc. and its subsidiaries Union Cabinet Co., and Paint Valley Pallet Co., of South Charleston, OH.

Note.—This republication is to reflect the correct name of the supporting shipper in this proceeding.

MC 115826 (Sub-581F), filed March 3, 1980, previously noticed in the **Federal Register** issue of May 13, 1980, and republished this issue. Applicant: W. J. DIGBY, INC., A Nevada corporation, 6015 East 58th Ave., Commerce City, CO 80022. Representative: William J. Boyd, 2021 Midwest Rd., Suite 205, Oak Brook, IL 60521. Transporting *such commodities* as are dealt in and used by manufacturers and distributors of alcoholic beverages, and wine, from the facilities of Heublein, Inc., at or near Hartford, CT, to points in AZ, CA, CO, GA, ID, IL, IN, KS, KY, MI, MN, MO, MT, NE, NV, OK, SD, TN, UT, WI, and WY, restricted to the transportation of traffic originating at the named facility.

Note.—The purpose of this republication is to correct the commodity description.

MC 115826 (Sub-584F), filed April 1, 1980, previously noticed in the **Federal Register** issue of July 10, 1980, and republished this issue. Applicant: W. J. DIGBY, INC., 6015 East 58th Ave., Commerce City, CO 80022. Representative: Howard Gore (same address as applicant). Transporting (1) *oils, cleaning and washing compounds, wax, textile softeners, fire-proofing compounds, fatty acids, and chemicals* (except commodities in bulk), and (2) *materials and supplies* used in the manufacture and distribution of the commodities in (1) above, (except commodities in bulk), between the facilities of Emery Industries, Inc., at (a) Santa Fe Springs and Los Angeles, CA, (b) Cincinnati, OH, (c) Lock Haven, PA (d) Mauldin, SC, and (e) Linden, NJ, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Note.—the purpose of this republication is to include "oils" in the commodity description.

MC 119777 (Sub-380F), filed June 5, 1980, previously noticed in the **Federal Register** issues of March 27, 1980, and June 3, 1980, and republished this issue. Applicant: LIGON SPECIALIZED HAULER, INC., Hwy 85 East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, KY 42431. Transporting (1) *construction forms, and construction form material,* and (2) *scaffolding, and scaffolding material,* between points in the U.S. (except AK and HI), restricted to the transportation of shipments originating at or destined to the facilities and jobsites of the Ceco Corporation.

Note.—The purpose of this republication is to correctly state the restriction.

MC 119777 (Sub-458), filed February 4, 1980, previously noticed in the **Federal Register** issue of April 15, 1980, and republished this issue. Applicant: LIGON SPECIALIZED HAULER, INC., Hwy 85 East, Madisonville, KY 42431. Representative: Carl U. Hurst, P.O. Drawer "L", Madisonville, KY 42431. Transporting (1) *non-ferrous metals, alloys, molybdenum, ores, concentrates, copper, and copper crystals,* and (2) *materials, equipment, and supplies* used in the production and mining of the commodities in (1) above, between points in Pima County, AZ, on the one hand, and, on the other, points in the U.S. (except AK and HI).

Note.—The purpose of this republication is to correctly state the commodity description.

MC 120427 (Sub-33F), filed September 17, 1980, and previously noticed in the **Federal Register** issue of March 14, 1980. Applicant: WILLIAMS TRANSFER, INC., 2128 East Hwy. No. 30, Grand Island, NE 68801. Representative: John K. Walker (same address as applicant). Transporting *meats, meat products and meat byproducts and articles distributed by meat packing houses,* from Denison, Carroll, Iowa Falls, Sioux City, Ft. Dodge, and Des Moines, IA, Crete, Lincoln, and Omaha, NE, to points in MT, WY, CO, NM, WA, OR, NV, ID, AZ, and UT, restricted to the transportation of traffic originating at the facilities of Farmland Foods, Inc., at or near the named origins.

Note.—This republication is to correctly reflect the territorial description.

MC 136786 (Sub-194F), filed December 17, 1979, previously noticed in the **Federal Register** issue of April 1, 1980. Applicant: ROBCO TRANSPORTATION, INC., P.O. Box 10375, Des Moines, IA 50306. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309. Transporting *cheese, cheese foods, and cheese spreads,* from La Crosse, WI, to Richmond, CA, Santa Fe Springs, CA, Carthage, MO, Garland and Houston, TX, Denver, CO, Landover, MD, and Bellevue, WA.

Note.—The purpose of this republication is to correct the destination point published as Bellevue, MD to Bellevue, WA.

MC 142206 (Sub-1F), filed June 30, 1980. Applicant: SPORT AND WATER SAFETY INSTITUTE, LTD., 3365 Main St., College Park, GA 30337. Representative: Bruce E. Mitchell, 3390 Peachtree Rd. NE., 5th Fl., Lenox Towers So., Atlanta, GA 30326. Transporting *passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, between points in GA on, north and west of a line beginning at the GA–NC State line and extending along U.S. Hwy 441 to junction U.S. Hwy 80, then along U.S. Hwy 80 to the GA–AL State line, those in Bibb County, GA, south of U.S. Hwy 80 and those in Crisp County, GA, on the one hand, and, on the other, points in the U.S. (except AK and HI), restricted to the transportion of passengers having a prior movement by air.

MC 143127 (Sub-70F), filed April 7, 1980, previously noticed in the Federal Register issue of July 10, 1980, and republished this issue. Applicant: K. J. TRANSPORTATION, INC., 6070 Collett Rd., Victor, NY 14564. Representative: Linda A. Calvo (same address as applicant). Transporting *adhesives*, from Paxton, IL, to Columbus, OH, Philadelphia, PA, Tucker, GA, and Winchester, MA.

Notes.—The purpose of this republication is to modify the territorial description.

MC 143696 (Sub-21F), filed June 30, 1980. Applicant: AMERICAN INDUSTRIAL TRANSPORTATION, INC., P.O. Box 1416, Henderson, TX 75652. Representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, TX 75201. *Contract carrier*, transporting *machinery*, and *materials, equipment and supplies* used in the manufacture and distribution of machinery, between points in the U.S. (except AK and HI), under continuing contract(s) with Tom Taylor Machinery Company, Inc., of Houston, TX.

MC 144547 (Sub-6F), filed December 16, 1979, previously noticed in the Federal Register issue of April 1, 1980, and republished this issue. Applicant: DURA-VENT TRANSPORT CORPORATION, 2525 El Camino Real, Redwood City, CA 94064. Representative: Barry Roberts, 888 17th St. NW., Washington, DC 20006. *Contract carrier*, transporting *truck parts and accessories*, from points in the U.S. (except AK and HI), to Fremont, CA, under continuing contract(s) with Universal Filter Supply, Inc.

Note.—The purpose of this republication is to correct the territorial description.

MC 145857 (Sub-3F), filed October 9, 1979, previously published in the Federal Register issue of March 14, 1980, and republished this issue. Applicant: K & R TRUCKING CO., a corporation, P.O. Box 63, Dacus Rd., Preston, GA 31824. Representative: Henry L. Crisp, P.O. Box J, Americus, GA 31709. Transporting (1) *agricultural lime and gypsum*, from points in Lee County, AL, and Hamilton, Madison, Taylor, Jefferson, Jackson, and Leon Counties, FL, to those points in GA on, south, and west of a line beginning at the GA–AL State line and extending along U.S. Hwy 80 to junction Interstate Hwy 75, and then along Interstate Hwy 75 to the GA–FL State line, and (2) *lumber*, from points in Stewart, Webster, and Sumter Counties, GA, to points in AL, AR, FL, KY, LA, MS, NC, SC, TN, and VA.

Note.—The purpose of this republication is to correctly state the territorial description in (1) above.

MC 146546 (Sub-2F), filed July 26, 1979, previously noticed in the Federal Register issue of March 6, 1980, and republished this issue. Applicant: LUCARJO CARRIERS, 4643 Prescott St., Lincoln, NE 68506. Representative: John W. Arnett (same address as applicant). To operate as a *contract carrier*, by motor vehicle, in interstate or foreign commerce, over irregular routes, transporting (1) *furniture* and (2) *materials, equipment, and supplies* used in the manufacture and distribution of furniture, between the facilities of Harris of Pendleton, at Lincoln, NE, on the one hand, and, on the other, points in IA, IL, IN, OH, PA, NJ, NY, MA, CT, MD, DE, WV, VA, AR, MS, AL, OK, KS, TX, MN, WI, MI, TN, CO, MO, and DC, under continuing contract(s) with Harris of Pendleton, of Lincoln, NE.

Note.—The purpose of this republication is to correctly reflect the territorial description.

MC 148766 (Sub-3F), filed March 3, 1980. Applicant: SMITH MOTOR FREIGHT, INC., 9112 S. Villa, Oklahoma City, OK 73159. Representative: Michael H. Lennox, 7700 No. Broadway, Oklahoma City, OK 73113. Over regular routes, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), Between Oklahoma City and Chickasha, OK: From Oklahoma City over U.S. Hwy 62 to the junction of the H. E. Bailey Turnpike, then over the H. E. Bailey Turnpike to junction Hwy 277, then over U.S. Hwy 277 to junction U.S. Hwy 281 at or near Richards Spur, OK, then over U.S. Hwy 281 to Anadarko, OK, then over U.S. Hwy 62 to Chickasha, and return over the same route, serving all intermediate points and serving the off-route points of Cyril and Apache, OK.

MC 150487F, filed March 12, 1980. Applicant: THOMAS KELSEY, 2557 Airport Hwy. Toledo, OH 43609. Representative: Charles E. Bloom, 2917 Lagrange St., Toledo, OH 43608. Transporting *wrecked or disabled motor vehicles*, between those points in IL on and east of Interstate Hwy 57, those points in IN on and north of Interstate Hwy 70, and those points in PA on and west of Interstate Hwys 81 and 83, and points in OH and MI.

MC 150796 (Sub-1F), filed June 16, 1980. Applicant: CLIFFORD A. PERKHURST, 1229 Dakota, No., Huron, SD 57350. Representative: Edward A. O'Donnell, 1004 29th St., Sioux City, IA 51104. *Contract carrier*, transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in the U.S. (except AK and HI), under continuing contract(s) with Leisure Technology, Inc., of Huron, SD.

MC 150927F, filed May 30, 1980. Applicant: HORIZON TRANSPORT, INC., 13101 N.E. Whittaker Way, Portland, OR 97204. Representative: Michael D. Crew, 1700 Standard Plaza, Portland, OR 97204. Transporting (1) *building materials*, (2) *lumber and lumber products*, other than those in (1), (3) *iron and steel articles*, (4) *forest products*, (5) *contractor's equipment materials and supplies*, (6) *feed and feed ingredients*, (7) *baling twine and* (8) *fertilizer and fertilizer additives*, between points in WY, CO, NM, ID, UT, AR, WA, OR, NV, and CA.

MC 151067 (Sub-1F), filed June 8, 1980. Applicant: TWILIGHT TRUCKING LTD., 4319 78th Ave., Edmonton, Alberta, Canada T6B 2N3. Representative: Dale Thiessen (same address as applicant). In foreign commerce only, transporting *poly vinyl chloride resins*, in bags, from ports of entry on the international boundary line between the U.S. and Canada at points in MT, ID, and WA, to points in CA, OR, WA, UT and NE.

MC 151127 (Sub-1F), filed June 24, 1980. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Representative: Kenneth L. Core (same address as applicant). *Contract carrier*, transporting *general commodities* (except classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between those points in the U.S. in and east of ND, SD, NE, CO, and NM, under continuing contract(s) with Aluminum Company of America, of Pittsburgh, PA.

MC 151266 (Sub-1F), filed June 30, 1980. Applicant: YOWELL TRANSPORTATION SERVICE, INC., 1840 Cardington Rd., Dayton, OH 45409. Representative: Andrew Jay Burkholder, 275 East State St., Columbus, OH 43215. *Contract carrier,* Transporting (1) *analog and digital electronic machines and systems,* and (2) *materials, equipment, and supplies* used in the manufacture and operation of the commodities in (1) above, between points in the U.S. (except AK and HI), under continuing contract(s) with Systems Engineering Laboratories, Inc., of Fort Lauderdale, FL.

MC 151306F (Sub-6F), filed June 24, 1980. Applicant: THE TRAVEL TRUST, INC., d.b.a. TTT, 912 Main St. Sharpsburg, PA 15215. Representative: Joseph Matas (same address as applicant). Transporting *passengers and their baggage,* in special and charter operations, and sightseeing and pleasure tours, between points in AL, CT, DE, FL, GA, IL, IN, KY, LA, ME, MD, MA, MI, MS, NH, NJ, NY, NC, RI, SC, TN, VT, VA, WV, OH, and DC.

MC 151307F, filed June 8, 1980. Applicant: TREFFLE & REID LECLERC, a partnership, P.O. Box 1095, Grand Falls, New Brunswick, Canada. Representative: Adrien R. Paquette, 200 St. Jacques St., West, Suite 900 Montreal, Quebec, Canada, H2Y 1M1. In foreign commerce only, transporting *passengers and their baggage,* in round-trip charter operations, beginning and ending at ports of entry on the international boundary line between the U.S. and Canada at points in NY, VT, NH, and ME, and extending to points in ME, NH, VT, CT, RI, MA, NY, NJ, DE, PA, MD, VA, GA, NC, SC, FL, and DC.

Note.—These applications are republished to indicate they are OP–OR–9 applications. The earlier publication of erroneously inferred that they were OP–1 applications. Possible protestants should be alerted that petitions to intervene are not required in the form of verified statements. Any opposed application will be set for Modified Procedure. First published: August 26, 1980.

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BILLING CODE 7035–01–M

[Permanent Authority Decisions Volume No. OP5–14]

Decision-Notice

Decided: September 8, 1980.

The following applications, filed on or after July 3, 1980, are governed by Special Rule 247 of the Commission's Rules of Practice, see 49 CFR 1100.247. Special rule 247 was published in the **Federal Register** of July 3, 1980, at 45 FR 45539.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.247(B). A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of $10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.gs., unresolved common control, fitness, water carrier dual operations, or jurisdicitional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed) appropriate authority will be issued to each applicant (except those with duly noted problems) upon compliance with certain requirements which will be set forth in a notice that the decision-notice is effective. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

By the Commission, Review Board Number 1, Members Carleton, Joyce, and Jones.

Agatha L. Mergenovich,
Secretary.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

MC 2229 (Sub-245F), filed August 22, 1980. Applicant: RED BALL MOTOR FREIGHT, INC., 3177 Irving Blvd., Dallas, TX 75247. Representative: Jackie Hill (same address as applicant). Transporting *general commodities,* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of Continental Carbon at Sherrin, TX as an off-route point in connection with applicant's otherwise authorized regular-route operations. CONDITION: Any certificate issued in this proceeding to the extent it authorizes transportation of classes A and B explosives shall be limited in point of time to a period expiring 5 years from the date of issuance of this certificate.

MC 52709 (Sub-399F), filed August 22, 1980. Applicant: RINGSBY TRUCK LINES, INC., 3980 Quebec St., P.O. Box 80207, Denver, CO 80207. Representative: Rick Barker (same address as applicant). Transporting *chemicals or allied products,* as defined in Item 28 of the Standard Transportation Commodity Code Tariff, between points in Mesa County, CO on the one hand, and, on the other, points in AZ, CA, ID, NV, OR, UT, and WA.

MC 113678 (Sub-891F), filed August 20, 1980. Applicant: CURTIS, INC., 4810 Pontiac St., Commerce City, CO 80022. Representative: Roger M. Shaner (same address as applicant). Transporting *glass products, chinaware, and plastic products,* between points in IN, OH, PA, and WV, on the one hand, and, on the other, points in CO.

MC 115268 (Sub-14F), filed August 18, 1980. Applicant: DAYTON TRANSPORT CORP., P.O. Box 338, Dayton, VA 22821. Representative: Francis J. Ortman, 7101 Wisconsin Ave., Suite 605, Washington, DC 20014. Transporting *water,* in bulk, in tank vehicles, from points in Augusta County, VA to points in MD, PA, NC, SC, GA, KY, and DC.

MC 119399 (Sub-136F), filed August 22, 1980. Applicant: CONTRACT FREIGHTERS, INC., 2900 Davis Blvd., P.O. Box 1375, Joplin, MO 64801. Representative: Don D. Lacy (same address as applicant). Transporting *such commodities* as are dealt in and used by manufacturers and distributors of rubber products, between points in Ottawa County, OK and Newton County, MO, on the one hand, and, on the other, points in AL, IL, IN, KS, MO, NV, OH, PA, and TX.

MC 121568 (Sub-47F), filed August 20, 1980. Applicant: HUMBOLDT EXPRESS, INC., 345 Hill Ave., Nashville, TN 37211. Representative: James G. Caldwell (same address as applicant). Transporting (1) *oil and air filters*

elements and *units* for oil and air filters elements, and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1), between Albion, IL, on the one hand, and, on the other, points in TN, NC, SC, GA, FL, MS, LA, TX, AR, and OK.

MC 125368 (Sub-116F), filed August 25, 1980. Applicant: CONTINENTAL COAST TRUCKING CO., INC., P.O. Box 26, Holly Ridge, NC 28445. Representative: Roland M. Lowell, 618 United American Bank Bldg., Nashville, TN 37219. Transporting *slate products* from the facilities of Rising & Nelson Slate Company, Inc., at or near West Pawlet, Poultney, and Fair Haven, VT, to points in the U.S. (except AK and HI).

MC 129219 (Sub-25F), filed August 21, 1980. Applicant: CMD TRANSPORTATION, INC., 12340 SE Dumolt Rd., Clackamas, OR 97015. Representative: Philip G. Skofstad, 1525 NE Weidler, Portland, OR 97232. Transporting (1) *paper, paper products, lumber, hardboard and particleboard,* and (2) *materials, equipment, and supplies* used in the manufacture and sale of the commodities in (1), between points in the U.S., under continuing contract(s) with Publishers Paper Company, of Portland, OR.

MC 133119 (Sub-184F), filed August 22, 1980. Applicant: HEYL TRUCK LINES, INC., P.O. Box 206, 200 Norka Dr., Akron, IA 51001. Representative: A. J. Swanson, P.O. Box 1103, 226 N. Phillips Ave., Sioux Falls, SD 57101. Transporting *foodstuffs*, from points in Outagamie County, WI, to points in the U.S. (except MD, DE, PA, NJ, NY, CT, RI, DC, MA, VT, NH, and ME).

MC 135598 (Sub-45F), filed August 21, 1980. Applicant: SHARKEY TRANSPORTATION, INC., P.O. Box 3156, Quincy, IL 62301. Representative: Carl L. Steiner, 39 So. LaSalle Street, Chicago, Il 60603. Transportating (1) *store furniture, fixtures, furnishings, and shelving and* (2) *materials, equipment, and supplies* used in the manufacture, sale, and distribution of the commodities in (1), between Terrell, TX, on the one hand, and, on the other, points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NY, NH, NJ, NC, ND, OH, OK, PA, RI, SC, SD, TN, VT, VA, WV, and WI.

MC 136408 (Sub-50F), filed August 25, 1980. Applicant: CARGO, INC., P.O. Box 206, U.S. Hwy 20, Sioux City, IA 51102. Representative: David L. King (same address as applicant). Transporting *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in the U.S., under continuing contract(s) with (1) Economics Laboratory, Inc., of St. Paul, MN, (2) Oakite Products, Inc., of Berkeley Heights, NJ, (3) American Cyanamid Company, of Wayne, NJ, (4) Merek & Company, of Rahway, NJ, (5) Johnson & Johnson, of New Brunswick, NJ, (6) Monsanto Company, of St. Louis, MO, and (7) Borden, Inc., of Columbus, OH. Condition: Any permit issued in this proceeding is subject to the prior or coincidental cancellation, at applicant's written request, of all existing permits.

MC 138308 (Sub-122F), filed August 18, 1980. Applicant: KLM, INC., P.O. Box 6098, Jackson, MS 39208. Representative: Robert L. McArty, P.O. Box 22628, Jackson, MS 39205. Transporting *such commodities* as are dealt in or used by discount and department stores from points in AL, AR, CT, DE, FL, GA, IL, IN, KY, LA, ME, MD, MA, MI, MN, MO, NH, NJ, NY, NC, PA, RI, SC, TN, TX, VT, VA, WV, and WI to points in OH.

MC 138438 (Sub-89F), filed August 22, 1980. Applicant: D. M. BOWMAN, INC., Rt. 2, Box 43A1, Williamsport, MD 21795. Representative: Edward N. Button, 580 Northern Ave., Hagerstown, MD 21740. Transporting (1) *paper and paper articles, woodpulp, plastic and plastic products,* and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1), between points in the U.S. (except AK and HI), restricted to traffic originating at or destined to facilities used by Georgia Pacific Corporation.

MC 144939 (Sub-6F), filed August 25, 1980. Applicant: LARRY A. HOUSEHOLDER, d/b/a, HOUSEHOLDER TRUCKING , R.R. #1, Fenton, IA 50539. Representative: Larry D. Knox, 600 Hubbell Bldg., Des Moines, IA 50309. Transporting *hides and pelts,* from the facilities of John Morrell & Co., at or near (a) Estherville, IA, and (b) Sioux Falls, SD, to points in CA, IL, IA, MA, MN, MO, NE, NH, PA, TX, and WI.

MC 146758 (Sub-5F), filed August 18, 1980. Applicant: LADLIE TRANSPORTATION, INC., 103 East Main Street, Albert Lea, MN 56007. Representative: Robert S. Lee, 1000 First National Bank Bldg., Minneapolis, MN 55402. Transporting (1) *non-exempt food or kindred products* as described in item 20 of the Revised STCC Major Industry Groupings, and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities in (1), between points in Eau Claire County, WI, on the one hand, and, on the other, points in the U.S.

MC 150189 (Sub-1F), filed August 21, 1980. Applicant: R. G. BERRY, Box 8, Shawneetown, IL 62984. Representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, IL 62701. Transporting *foodstuffs*, between points in Morgan County, IL, on the one hand, and, on the other, points in AL, CA, FL, GA, KY, MS, NC, SC, TN, and TX.

MC 151558F filed August 14, 1980. Applicant: TC CARRIERS, a corporation, 1748 West Katella, Suite 103, Orange, CA 92667. Representative: Wentworth E. Griffin, 1221 Baltimore Ave., Kansas City, MO 64105. Transporting *general commodities* (except classes A and B explosives and household goods as defined by the Commission), between points in the U.S.

MC 151599 filedF August 19, 1980. Applicant: J. L. McCOY, INC., P.O. Box 525, Ravenswood, WV 26164. Representative: Ronald N. Cobert, Suite 501, 1730 M St., NW, Washington, DC 20036. Transporting *general commodities* (except classes A and B explosives and household goods as defined by the Commission), between points in the U.S., under continuing contract(s) with Kaiser Aluminum and Chemical Corporation, of Oakland, CA.

[FR Doc. 80-28828 Filed 9-17-80; 8:45 am]
BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Notice of Consent Decree To Enforce Compliance With the Toxic Substances Control Act and the Clean Water Act

In accordance with Departmental policy, 28 C.F.R. § 50.7, 38 Fed. Reg. 19029, notice is hereby given that a proposed consent decree to enforce the terms of the Toxic Substances Control Act (TSCA) and the Clean Water Act in *United States* v. *Transformer Service, Inc.* has been approved and has been lodged with the United States District Court for the Northern District of Ohio. The decree requires defendant to comply with TSCA regulations governing the storage, marking and disposal of polychlorinated byphenyls (PCB) and to cease discharges of PCB into the Little Cuyahoga River at its Home Avenue facility in Akron, Ohio.

The Department of Justice will receive for a period of thirty (30) days from the date of this notice, written comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General of the Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530 and should refer to *United States* v. *Transformer Service, Inc.*, D. J. Ref. 90-5-1-1-1243.

The proposed order may be examined at the office of the United States

Attorney, Northern District of Ohio, 400 U.S. Courthouse, 201 Superior Avenue, Cleveland, Ohio 44114, at the Region V office of the Environmental Protection Agency, 230 South Dearborn Street, Chicago, Illinois 60604, and the Pollution Control Section, Land and Natural Resources Division of the Department of Justice, Room 2644, Ninth Street and Pennsylvania Avenue, NW., Washington, D.C. 20530. A copy of the proposed order may be obtained in person or by mail from the Pollution Control Section, Land and Natural Resources Division of the Department of Justice.

Angus Macbeth,

Deputy Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 80-28778 Filed 9-17-80; 8:45 am]

BILLING CODE 4410-01-M

Drug Enforcement Administration

Controlled Substances In Schedules I and II; Establishment of 1981 Aggregate Production Quotas

Section 306 of the Controlled Substances Act of 1970 (21 U.S.C. 826) requires the Attorney General to establish aggregate production quotas for all controlled substances in Schedules I and II each year. This responsibility has been delegated to the Administrator of the Drug Enforcement Administration pursuant to § 0.100 of Title 28 of the Code of Federal Regulations.

On August 6, 1980, a notice of the proposed aggregated production quotas of Schedule I and II controlled substances for 1981 was published in the **Federal Register** (45 FR 52286). All interested parties were invited to comment on or object to the proposed aggregate production quotas on or before September 4, 1980. One comment was received from Hoffman-LaRoche Inc. of Nutley, New Jersey.

Concerning levorphanol, Hoffmann-LaRoche commented that recent history indicated an increasing sales trend for this substance. Based on this sales pattern, Hoffmann-LaRoche requested that the aggregate production quota of levorphanol be increased to 16,000 grams. At this time, no increase in the amount proposed appears necessary. However, the comments of Hoffmann-LaRoche will be re-evaluated when DEA undertakes its overall review of quotas in early 1981 and when full-year 1980 sales data is available.

No other comments and no requests for hearing were received. Pursuant to § 1303.11(c) of Title 21 Code of Federal Regulations, the Administrator of the Drug Enforcement Administration has deemed, in his sole discretion, that no hearings relative to the above mentioned comment are necessary at this time.

Therefore, under the authority vested in the Attorney General by Section 306 of the Controlled Substances Act of 1970 (21 U.S.C. 826), and delegated to the Administrator of the Drug Enforcement Administration by § 0.100 of Title 28 of the Code of Federal Regulations. the Administrator of the Drug Enforcement Administration hereby orders that final aggregated production quotas for Schedule I and II controlled substances, expressed in grams of anhydrous acid or base, be established as follows:

Basic class	Established 1981 quota
Schedule I	
2,5-Dimethoxyamphetamine	13,500,000
Schedule II	
Alphaprodine	60,000
Amobarbital	4,398,000
Amphetamine	1,253,000
Anileridine	121,000
Cocaine	1,600,000
Codeine (for sale)	51,996,000
Codeine (for conversion)	3,125,000
Desoxyephedrine (1,771,000 grams for the production of levodesoxy-ephedrine for use in a non-controlled, non-prescription product, and 200,000 grams for the production of methamphetamine)	1,971,000
Dihydrocodeine	1,145,000
Diphenoxylate	652,000
Ecgonine (for conversion)	1,200,000
Ethylmorphine	25,000
Fentanyl	3,000
Hydrocodone	856,000
Hydromorphone	106,500
Levorphanol	13,000
Meperidine	11,000,000
Methadone	1,190,000
Methadone Intermediate (4-cyano-2-dimethylamino-4,4-diphenylbutane)	1,700,000
Methaqualone	5,871,000
Methylphenidate	1,215,000
Mixed Alkaloids of Opium	17,000
Morphine (for sale)	878,000
Morphine (for conversion)	55,651,000
Opium (tinctures, extracts, etc. expressed in terms of USP prowdered opium)	1,941,000
Oxycodone (for sale)	1,783,000
Oxycodone (for conversion)	10,000
Oxymorphone	4,000
Pentobarbital	17,000,000
Phenmetrazine	1,372,000
Phenylacetone	9,000,000
Secobarbital	6,516,000
Thebaine (for sale)	2,303,000
Thebaine (for conversion)	1,004,000

DEA will review the above established quotas early in 1981 to take into consideration actual 1980 sales and actual December 31, 1980 inventories as well as other information which might be available to DEA. This order is effective upon publication.

Dated: September 12, 1980.

Peter B. Bensinger,

Administrator, Drug Enforcement Administration.

[FR Doc. 80-28790 Filed 9-17-80; 8:45 am]

BILLING CODE 4410-09-M

[Docket No. 80-16]

James A. McFarland, D.P.M.; Denial of Registration

On May 28, 1980, the Administrator of the Drug Enforcement Administration (DEA) directed to James A. McFarland, D.P.M. (Respondent), an Order to Show Cause as to why the Drug Enforcement Administration should not deny his application for a DEA Certificate of Registration, executed on November 28, 1979, for reason that on February 15, 1978, Respondent was found guilty in a General Court Martial convened at Clark Air Base, Republic of the Philippines, of two specifications of wrongful use of marihuana; two specifications of wrongful possession of marihuana; and one specification of use of a habit forming narcotic drug, namely, heroin; all in violation of Article 134 of the Uniform Code of Military Justice (10 U.S.C. 934). These offenses are controlled substance-related felonies. In a letter dated June 11, 1980, Respondent requested a hearing. In a letter dated June 25, 1980, he requested "a delay" to obtain counsel, prepare his case, and prepare a prehearing statement. The Administrative Law Judge, in a memorandum and order dated June 30, 1980, gave both sides until July 25, 1980, to file prehearing statements. Counsel for the Government filed the Government's prehearing statements on July 25, 1980. Respondent, apparently upon the advice of counsel, waived his right to a hearing in a letter dated July 24, 1980. Respondent did not file a prehearing statement. Pursuant to 21 CFR 1301.54(e), the Administrator has considered the investigative file in this matter, and publishes this Final Order pursuant to 21 CFR 1316.66.

The Administrator finds that Respondent pled guilty on February 15, 1978, in a General Court Martial convened at Clark Air Base, Republic of the Philippines, to two specifications of one charge of unlawful use, and possession, of marihuana; and three specifications of a charge of wrongful use of heroin; wrongful use of marihuana; and wrongful possession of marihuana. All of these charges are in violation of Article 134 of the Uniform Code of Military Justice (10 U.S.C. 934). The Administrator further finds that Respondent was also found guilty of larceny of a sterilizer from the USAF

Hospital at Clark Air Base. Respondent was sentenced to ten months hard labor; dismissal from the Service; and forfeiture of all pay and allowances.

The Administrator further finds, based on the investigative file that, at the court-martial, Respondent admitted to using heroin on more than forty (40) occasions, and that he was addicted to heroin at the time of his arrest. The Administrator further finds, based on the investigative file, that Respondent smoked marihuana on several occasions from December 1, 1976 to July 8, 1977, and that Respondent stated at the court-martial that he obtained marihuana on July 1, 1977. The Administrator further finds, based on the investigative file, that Respondent stated at the court martial that he used and possessed marihuana on August 26, 1977. Respondent did not tender any evidence in mitigation in this proceeding.

The Administrator, having reviewed the investigative file, concludes that there are lawful grounds for the denial of Respondent's application for a DEA Certificate of Registration. It is the decision of the Administrator to deny Respondent's application for reason that Respondent James A. McFarland was convicted of a controlled substance-related felony. Accordingly, pursuant to the authority vested in the Attorney General in 21 U.S.C. 824, and redelegated to the Administrator of the Drug Enforcement Administration, the Administrator hereby denies Respondent's application for a DEA Certificate of Registration, effective October 20, 1980.

Dated: September 12, 1980.

Peter B. Bensinger,

Administrator.

[FR Doc. 80-28791 Filed 9-17-80; 8:45 am]

BILLING CODE 4410-09-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (80-61)]

Space Science Steering Committee Origins of Plasmas in the Earth's Neighborhood Ad Hoc Advisory Subcommittee; Meeting

The Origins of Plasmas in the Earth's Neighborhood (OPEN) Ad Hoc Advisory Subcommittee of the Space Science Steering Committee will meet at the NASA Goddard Space Flight Center, Building 26, Room 205, on October 6–10, 1980, from 8:30 a.m. to 5:00 p.m. on each day. The Subcommittee will discuss, evaluate, and categorize proposals submitted to NASA in response to the Announcement of Opportunity for the Origins of Plasmas in the Earth's Neighborhood (OPEN) mission. Public discussion of the professional qualifications of the proposers and their potential scientific contributions to space science would invade the privacy of the proposers and other individuals involved. Since the Subcommittee sessions will be concerned throughout with matters listed in 5 U.S.C. 552b (c)(6), as described above, it has been determined that the sessions should be closed to the public.

For further information, please contact Dr. Michael Wiskerchen, NASA HQ, Code ST, Area Code 202/755–3685, Washington, D.C. 20546.

Gerald D. Griffin,

Acting Associate Administrator for External Relations.

September 12, 1980.

[FR Doc. 80-28783 Filed 9-17-80; 8:45 am]

BILLING CODE 7510-01-M

NATIONAL COMMISSION ON SOCIAL SECURITY

Meeting

September 15, 1980.

The National Commission on Social Security will hold a public meeting at the Capital Hilton Hotel, at 16th and K Streets, NW., Washington, D.C. on October 10 and 11, 1980. The meeting on October 10 will be in the Gallery Room, the meeting on October 11 will be in the Massachusetts Room. The purpose of the meeting is to discuss drafts for the final report of the Commission.

The meeting will begin each day at 9:00 a.m. and continue until the Commission business is completed, but no later than 5:00 p.m. The meeting will be open to the public, in accordance with the Federal Advisory Committee Act.

Additional information about the meeting may be obtained from the Commission office: Room 125-Pension Building, 440 G Street, NW., Washington, D.C. 20218, phone: (202) 376–2622.

Francis J. Crowley,

Executive Director.

[FR Doc. 80-28935 Filed 9-17-80; 8:45 am]

BILLING CODE 6820-AC-M

NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

Inter Arts Panel (Presenting Organizations); Notice of Meeting

Pursuant to Section 10 (a)(2) of the Federal Advisory Committee Act (Public Law 92–463), as amended, notice is hereby given that a meeting of the Inter Arts Panel (Presenting Organizations) will be held October 7, 1980 from 9:00 a.m. to 5:30 p.m., October 8, 1980 from 9:00 a.m. to 5:30 p.m., and October 9, 1980 from 9:00 a.m. to 5:30 p.m. in room 1340 of the Columbia Plaza Office Complex, 2401 E Street, N.W., Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to that agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9 (b) of section 552b of title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

John H. Clark,

Director, Office of Council and Panel Operations National Endowment for the Arts.

[FR Doc. 80-28857 Filed 9-17-80; 8:45 am]

BILLING CODE 7537-01-M

Literature Panel; Notice of Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), as amended, notice is hereby given that a meeting of the Literature Panel to the National Council on the Arts will be held October 10, 1980 from 9:00 a.m. to 6:00 p.m. and October 11, 1980 from 9:00 a.m. to 6:00 p.m. in room 1422 in the Columbia Plaza Office complex, 2401 E Street NW., Washington, D.C.

A portion of this meeting will be open to the public on October 10, 1980 from 4:00 p.m. to 6:00 p.m. and October 11, 1980 from 9:00 a.m. to 6:00 p.m. to discuss program policy issues and guidelines

The remaining sessions of this meeting on October 10, 1980 from 9:00 a.m. to 4:00 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of

February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

John H. Clark,

Director, Office of Council and Panel Operations National Endowment for the Arts.

[FR Doc. 80–28849 Filed 9–17–80; 8:45 am]

BILLING CODE 7537–01–M

Literature Panel (Translator's Fellowships); Notice of Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), as amended, notice is hereby given that a meeting of the Literature Panel (Translator's Fellowships) to the National Council on the Arts will be held October 8, 1980 from 6:00 p.m. to 8:00 p.m. and October 9, 1980 from 9:00 a.m. to 6:00 p.m. in room 1422 in the Columbia Plaza Office Complex, 2401 E Street NW. Washington, D.C.

A portion of this meeting will be open to the public on October 9, 1980 from 5:00 p.m. to 6:00 p.m. to discuss policy.

The remaining sessions of this meeting on October 8, 1980 from 6:00 p.m. to 8:00 p.m. and October 9, 1980 from 9:00 a.m. to 5:00 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chariman publishd in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 80–28855 Filed 9–17–80; 8:45 am]

BILLING CODE 7537–01–M

Media Arts Panel (Policy); Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), notice is hereby given that a meeting of the Media Arts Panel (Policy) to the National Council on the Arts will be held October 6, 1980 from 9:00 a.m. to 5:30 p.m. in room 1422 at the Columbia Plaza Office Complex, 2401 E St. NW.

This meeting will be open to the public on a space available basis. The topic for discussion will be policy and guidelines.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 80–28859 Filed 9–17–80; 8:45 am]

BILLING CODE 7537–01–M

Music Panel (Festivals Section); Notice of Meeting

Pursuant to Section 10 (a) (2) of the Federal Advisory Committee Act (Public Law 92–463), as amended, notice is hereby given that a meeting of the Music Panel (Festivals Section) will be held October 8, 1980 from 9:00 a.m. to 6:00 p.m. and October 9, 1980 from 9:00 a.m. to 5:30 p.m. in room 1426 in the Columbia Plaza Office Complex, 2401 E St. NW. Washington, D.C.

A portion of this meeting will be open to the public on October 9, 1980 from 3:30 p.m. to 5:30 p.m. to discuss guidelines.

The remaining sessions of this meeting on October 8, 1980 from 9:00 a.m. to 6:00 p.m. and October 9, 1980 from 9:00 a.m. to 3:30 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the **Federal Register** of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6070.

John H. Clark,

Director, Office of Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 80–28850 Filed 9–17–80; 8:45 am]

BILLING CODE 7537–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Materials Research; Subcommittee on Metallurgy, Polymers, and Ceramics; Meeting

In accordance with the Federal Advisory Committee Act, P.L. 92–463, as amended, the National Science Foundation announces the following meeting:

Name: Subcommittee for Metallurgy, Polymers, and Ceramics of the Advisory Committee for Materials Research.

Date & Time: October 9 and 10, 1980—9:00 am–5:00 pm each day.

Place: Room 411, National Science Foundation, 1800 G Street, N.W., Washington, DC 20550.

Type of Meeting: Closed both days, 9:00 am–5:00 pm.

Contact Person: Dr. Ronald E. Kagarise, Director, Division of Materials Research, Room 408, National Science Foundation, Washington, DC, Telephone: (202) 357–9794.

Purpose of Subcommittee: To provide advice and recommendations concerning support for research in Polymers.

Agenda: *THURSDAY, October 9, 1980—9:00 am to 5:00 pm—CLOSED*

Review and comparison of declined proposals (and supporting documentation) with successful awards under the Polymers Program, including review of peer review materials and other privileged material.

FRIDAY, October 10, 1980—9:00 am to 5:00 pm—CLOSED

9:00 am—Further discussions of declined proposals and awards.

12:00 noon—Lunch.

1:00 pm—Preparation of report on Subcommittee findings and recommendations.

Reason for Closing: The Subcommittee will be reviewing grants and declination jackets which contain the names of applicant institutions and principal investigators and privileged information contained in declined proposals. This session will also include a review of the peer review documentation pertaining to applicants. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority To Close Meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of P.L. 92–463. The Committee Management Officer was delegated the authority to make such

determinations by the Director, NSF on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 80-28863 Filed 9-17-80; 8:45 am]

BILLING CODE 7555-01-M

Ocean Sciences Division Ad Hoc Subcommittee; Meeting

In accordance with the Federal Advisory Committee Act, as amended, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Ad Hoc Subcommittee on the Organization of Persistent Upwelling Structures (OPUS) Project, of the Advisory Committee for Ocean Sciences.

Date and time: October 8 and 9, 1980, 8:45 a.m. to 5:00 p.m.

Place: Room 330, U.S. Naval Academy, Annapolis, MD.

Type of meeting: Closed.

Contact person: Mr. Deane Holt, Ocean Sciences Division, Room 605, National Science Foundation, Washington, D.C. 20550, telephone (202) 357-7906.

Purpose of ad hoc subcommittee: To provide Division of Ocean Sciences Subcommittee members for ocean science research with additional expertise in the review and evaluation of proposals for oceanographic research related to the OPUS Project.

Agenda: Detailed review and evaluation of proposals for support of the OPUS Project.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 80-28934 Filed 9-17-80; 8:45 am]

BILLING CODE 7555-01-M

Subcommittee for the Linguistics Program; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Behavioral and Neural Sciences Subcommittee on Linguistics.

Date and time: October 16 and 17, 1980, 9:00 a.m.-5:00 p.m. each dry.

Place: National Science Foundation, 1800 G Street, N.W., Room 421, Washington, D.C. 20550.

Type of meeting: Closed.

Contact person: Dr. Paul G. Chapin, Program Director, Linguistics, Room 320, National Science Foundation, Washington, D.C. (202) 357-7696.

Purpose of subcommittee: To provide advice and recommendations concerning support for research in Linguistics.

Agenda: To review and evaluate research proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Director, NSF, on July 6, 1979.

M. Rebecca Winkler,

Committee Management Coordinator.

[FR Doc. 80-28890 Filed 9-17-80; 8:45 am]

BILLING CODE 7555-01-M

NATIONAL TRANSPORTATION SAFETY BOARD

[N-AR 80-38]

Report, Safety Recommendations and Responses; Availability

Railroad Accident Report

Head-End Collision of Nine Burlington Northern Locomotive Units with a Standing Freight Train, Angora, Nebraska, February 16, 1980 (NTSB-RAR-80-7).—The National Transportation Safety Board has made public its formal investigaion report concerning this accident. The report, released September 8, indicates that Burlington Northern freight train Extra 2048 East (No. 178) stalled on an ascending grade about 4.7 miles west of Angora. The crew was instructed to uncouple the three-unit locomotive from the train and move it east to Angora to meet the six-unit locomotive of Extra 7814 West at Angora. The nine locomotive units were coupled together and moved westward on the descending grade toward the standing train. While moving at a speed of about 46 mph, the locomotive units collided with the standing portion of train No. 178. The head brakeman of train No. 178 and the engineer of Extra 7814 West were killed, and three crewmembers of Extra 7814 were injured. Damage was estimated at $1,297,000.

The Safety Board has determined that the probable cause of this accident was the failure of the engineer of train No. 178 to control the speed of the nine locomotive units on the return downgrade trip to the standing train. Contributing to the accident were the improper coupling of the nine locomotive units; the lack of sufficient supervision and instructions; the failure of the conductors of the two trains and the engineer of Extra 7814 West to perform their duties properly; and the failure of the train dispatcher to issue adequate orders and instructions.

Following investigation of this accident, the Safety Board recommended that Burlington Northern provide the equipment necessary to make proper couplings between all units of a locomotive so that the engineer will have complete control of all locomotive units (R-80-34), and insure that Rule 800, which assigns the responsibility for train operation to conductors, is adhered to strictly and conductors are adequately trained to make the necessary decisions for the safe handling of train (R-80-35). In addition, the Safety Board reiterated safety recommendation R-74-9, made to the Federal Railroad Administration as a result of its investigation of a train collision at Indio, Calif., on June 25, 1973. The recommendation asked FRA to include in its proposed Standards for Rules Governing the Operation of Trains regulations that will in effect prohibit the use of narcotics and intoxicants by employees for a specific period prior to their reporting for duty and while they are on duty. (See also 45 FR 58735, September 4, 1980.)

Aviation Safety Recommendation Letters

A-80-80 and -81 to the Federal Aviation Administration, September 5, 1980.—Following issuance to the FAA of recommendations A-80-27 through -29 last April 9 (45 FR 26185, April 17, 1980) regarding leaking motive flow valves, PN AV16E1182, in Learjet aircraft, the Safety Board has continued to investigate this problem since subsequent reports of leaking motive flow valves have been received.

As part of the Board's continuing investigation, the Board assembled a group of interested parties, including personnel from the Learjet Corporation, the FAA, and ITT General Controls/ Aerospace Products, at the ITT plant in Glendale, Calif., to examine and test motive flow valves which had been removed from Learjet aircraft after leaks

were found. Other motive flow valves were also examined and disassembled in an effort to determine the cause of the leaks. The group was advised during this study that no motive flow valve had ever leaked under test pressures at the manufacturer's (ITT) facility unless one or more of the O-rings installed on the valve core were broken. ITT also reported that, in its experience, O-ring failures are extremely rare.

The Safety Board notes that disassembly and examination of motive flow valves that leaked on the test stand showed that one or both of the O-rings were broken into four pieces. The valve that the Safety Board ested during the investigation which led to recommendations A–80–27 through –29 was disassembled after the pressure test revealted a leak, and one O-ring was found broken; three pieces of the O-ring were in the valve but another piece or pieces were missing. A demonstration teardown of a new motive flow valve showed that, if the valve was disassembled improperly, removal of the valve core caused one O-ring to be broken into four pieces. When the broken O-rings were compared, it was found that all the breaks had similar characteristics, and the fragments were of similar size. It was determined that if the valve was disassembled by pushing the valve core out so that an O-ring was forced past the ports within the valve body, portions of the O-ring protruded into the ports and were cut off by the edge of the port as the valve core was forced out of the valve body. The O-ring broken in this demonstration had the same characteristics as the ones removed from some of the tested valves which leaked. None of the broken O-rings showed evidence of failure or distress other than that which appeared to have been caused by improper assembly/disassembly of the valve.

It is ITT's opinion that unauthorized disassembly/assembly had been performed on some motive flow valves which resulted in cutting one or both of the O-rings. ITT pointed out that only ITT is authorized to perform any disassembly or repair on ITT motive flow valves that are installed in Learjet aircraft.

The Safety Board is aware that from September to December 1979 there was an amendment to the Learjet Maintenance Manual which authorized field maintenance on these valves; the amendment was withdrawn when Learjet realized that it could not authorize such maintenance. The Board said it is possible that during the time this amendment was in the manual some maintenance personnel may have attempted to perform field repair of motive flow valves and, as a result, may have damaged one or both of the the O-rings when they reinstalled the valve core in the valve body. This damage may have led to the leaks that were observed on some aircraft and to the leak that resulted in recommendations A–80–27 through –29. Board investigation to date has not revealed any case were field maintenance was performed nor does the Board believe that evidence of this type of maintenance work is likely to be found. The changing of O-rings in various aircraft components under the provisions of 14 CFR Part 43 is such a routine matter that it is not likely to be documented.

ITT has proposed that all concerned personnel should be advised that field service or maintenance on the motive flow valve is not authorized. In view of the hazard associated with a fuel leak in the aft section of Learjet aircraft, the Safety Board recommends that FAA:

Issue a Telegraphic Maintenance Alert to all owners/operators of Learjet aircraft and FAA Maintenance Inspectors advising them that under no circumstance is any field service to be performed on any ITT General Controls/Aerospace Products motive flow valve installed on a Learjet aircraft. (Class I, Urgent Action) (A–89–80)

In the next issue of the General Aviation Airworthiness Alerts, emphasize that field service is not authorized and describe the risks and hazards associated with unauthorized field service of ITT General Controls/Aerospace Products motive flow valves installed on Learjet aircraft. (Class II, Priority Action) (A–80–81)

A–80–82 through –84 to the Federal Aviation Administration, September 4, 1980.—On July 28, 1980, an Aerospatiale Lama 315B helicopter, N67103, crashed and burned near Dillon, Montana. The pilot was killed. The aircraft had just lifted a 1,000-lb external sling load and was transitioning to forward flight when directional control was lost. The aircraft descended rapidly while rotating about its vertical axis, and crashed.

Subsequent disassembly and inspection of the main transmission revealed that the lower vertical bevel pinion gear (PN 319A62–01–010–0), which meshes with the tail rotor quill gear, was free to rotate on the vertical shaft (PN 319A62–02–009) splines. The gear and shaft splines were stripped and the pinion gear retaining nut was loose. The stripped splines resulted in loss of continuity in the tail rotor gear train. The transmission had accumulated about 400 hours since its third overhaul. The normal overhaul interval is 1,200 hours. A detailed metallurgical examination of the pinion gear and shaft is planned.

On August 10, 1980, the Safety Board was notified that another 315B helicopter, belonging to the same operator, was reported to have excessive free play in the tail rotor drive gear train within the main transmission. Subsequent disassembly of this transmission, under the supervision of Safety Board field investigators, revealed excessive wear on the pinion gear and saft splines and a loose retaining nut. The transmission had accumulated about 700 hours since its third overhaul.

The Safety Board is concerned that other main transmissions installed on these model helicopters may have excessive wear in the area of the gear/shaft splines. The manufacturer has indicated that more than 0.25 inch of radial free play measured at the tail rotor drive output flange should be considered excessive, and on August 14 issued a telegraphic bulletin to all operators of 315 Lama and 316B, 316C, and 319 Alouette III helicopters recommending an inspection procedure that will reveal excessive wear in the area of gear/shaft splines.

Therefore, the Safety Board recommends that FAA:

Issue a telegraphic Airworthiness Directive to require immediate compliance with the tail rotor drive system inspection criteria specified in the telegraphic bulletin issued by the Aerospatiale Helicopter Company on August 14, 1980. The inspection is applicable to the 315 Lama and 316B, 316C, and 319 Alouette III model helicopters. (Class I, Urgent Action) (A–80–82)

Based on the results of the initial inspection specified in the manufacturer's telegraphic bulletin, consider a requirement for an inspection for excessive radial motion in the tail rotor drive system as part of the existing preflight inspection. (Class II, Priority Action) (A–80–83)

Notify all main transmission overhaul facilities of these two occurrences and emphasize the need for strict adherence to the manufacturer's buildup instructions for pinion gear installation and proper torquing of the retaining nut. (Class II, Priority Action) (A–80–84)

A–80–86 through –89 to the Federal Aviation administration, September 10, 1980.—The Safety Board is investigating the presumed crash of a Cessna 340, N110RA, in the water near Petersburg, Alaska, on August 20. The aircraft, pilot, and three passengers are still missing. The aircraft had been cleared for approach to Petersburg when the pilot radioed that he was having control difficulties in the pitch axis. He requested and received clearance to climb to altitude and stated that his intentions were to return to Ketchikan,

Alaska. Shortly thereafter, the pilot reported that the aircraft was breaking up.

Board review of the maintenance records of the accident aircraft revealed a history of empennage structural problems dating back to 1977 when the aircraft had less than 100 hours total time. There were recurrent reports of in-flight empennage vibrations and recurrent findings of stabilizer and elevator structural cracks. Attempted corrective action had included installation of a new horizontal stabilizer at 174 hours and reskinning of the stabilizer at 893 hours. The left outboard elevator hinge bracket was found cracked and was replaced 8 days before the accident. Total time on the aircraft was 1,035 hours.

The Safety Board is aware of the special inspection requirements issued initially in December 1979, by the manufacturer in Cessna Multi-Engine Service Information Letter, ME-79-44, and the two subsequent revisions to the letter. The Board is also aware of Airworthiness Directive 80-18-06, dated August 23, 1980, which made Revision 2 of the Service Letter mandatory. Recently, the Board was informed by an FAA inspector in a General Aviation District Office that compliance with AD 80-16-06 has disclosed several instances of cracked structure in the elevator hinge area. In one case, a precautionary inspection on an aircraft with less than 40 hours total time revealed a crack in the elevator gusset.

The Board is concerned that, at this time, the problem which is causing the empennage structural cracking on these particular models is not well defined. The service problems have been associated with those aircraft models with the larger engines installed (greater than 285 maximum continuous horsepower) which were manufactured or modified before a structural change which strengthened the empennage was incorporated in the design. Additionally, the Safety Board is concerned that the 100-hour total time requirement for initial inspection and the 100-hour recurring inspection interval may not be adequate to detect potential failures. Also, structural cracks in low-time aircraft could be indicative of an unpredicted vibratory mode, a production line quality control deficiency, or both.

Therefore, the Safety Board recommends that FAA:

Revise Airworthiness Directive 80-16-06, dated August 23, 1980, to require an initial inspection before further flight, regardless of the aircraft's total time, and restrict the performance envelop of those Cessna models affected by the AD to that of the basic Cessna model 335/340 until the empennage structural cracking problem is resolved. (Class I, Urgent Action) (A-80-87)

Evaluate the 100-hour recurring inspection interval now required in AD 80-16-06 to ascertain the need for a short interval, and amend the AD as appropriate. (Class I, Urgent Action) (A-80-87)

Evaluate the design certification data of the Cessna 335/340 empennage structure to ascertain if all possible vibratory modes and structural loads to which it can be exposed have been considered and require retrofit modification to aircraft affected by AD 80-16-06 as indicated to be necessary. (Class II, Priority Action) (A-80-88)

Evaluate the results of the initial inspections performed in compliance with the revised Airworthiness Directive, to ascertain the need for a Quality Assurance Systems Analysis Review (QASAR) of the Cessna 335/340 manufacturing process. (Class II, Priority Action) (A-80-89)

A-80-90 through -95 to the Federal Aviation Administration, September 9, 1980.—A soon-to-be-released special study, "General Aviation Accidents: Post Crash Fires and How to Prevent or Control Them," shows that postcrash fires occurred in approximately 8.0 percent of the 22,002 general aviation accidents during 1974-1978. About 59 percent of the accidents involving postcrash fire resulted in fatalities. However, fatalities were involved in only 13.3 percent of those accidents without fire.

In preparing the study, the Safety Board made a comparison of similar types of accidents in two categories: severe and nonsevere. In the severe accidents, fatalities occurred in about 62 percent of the accidents with postcrash fire and in only 18 percent of the accidents without postcrash fire. In the nonsevere accidents, fatalities occurred in about 19 percent of the accidents with postcrash fire, and in less than 1 percent of the accidents without postcrash fire. Thus, whether severe or nonsevere, accidents with postcrash fire are fatal considerably more often than accidents without postcrash fire.

The study further indicates that of the 1,038 fatal accidents involving postcrash fire, only 235 were fatal because of impact. The remaining 803 were fire-related fatal accidents and would have been survivable had there been no postcrash fire. This would indicate that in these accidents, as many as 1,734 lives could have been saved.

The primary causes of postcrash fires have been known for years. Further, for the last 15 years techniques for the control of postcrash fires have been known, especially in the area of fuel containment. Crash-resistant fuel systems have been in use in U.S. Army aircraft since 1970. A study of Army helicopter accidents from 1979-1973 showed that in 895 accidents involving helicopters without crash-resistant fuel systems, postcrash fire occurred in 80, or 8.94 percent of the crashes. Further, these accidents were responsible for 52 fire fatalities and 31 fire injuries. In helicopters equipped without crash-resistant fuel systems, out of 702 accidents, postcrash fire occurred only 14 times, or 1.99 percent. In these accidents, there were no fire injuries or fatalities.

Postcrash fires are occurring in survivable accidents. The Safety Board notes that regulations under which most general aviation aircraft were designed and certificated, and are currently being manufactured, do not include considerations for fuel containment in crash conditions. Regulations developed since that time do include considerations for fuel containment under conditions prescribed for a minor crash landing. However, the Board does not believe that these regulations reflect the current state-of-the-art available for general aviation aircraft.

As a result of its special study, the Safety Board is issued the following "Class II, Priority Action" recommendations to the FAA:

Amend the airworthiness regulations to incorporate the latest technology for flexible, crash-resistant fuel lines, and self-sealing frangible fuel line couplings at least equivalent in performance to those used in recent FAA tests and described in Report No. FAA-RD-78-28 for all newly certificated general aviation aircraft. (A-80-90)

Amend the airworthiness regulations to incorporate the latest technology for light weight, flexible, crash-resistant fuel cells at least equivalent in performance to those used in recent FAA tests and described in Report No. FAA-RD-78-28 for newly certificated general aviation aircraft having nonintegral fuel tank designs. (A-80-91)

Require after a specified date that all newly manufactured general aviation aircraft comply with the amended airworthiness regulations regarding fuel system crashworthiness. (A-80-92)

Fund research and development to develop the technology and promulgate standards for crash-resistant fuel systems for general aviation aircraft having integral fuel tank designs equivalent to the standards for those aircraft having nonintegral fuel tank designs. (A-80-93)

Assess the feasibility of requiring the installation of selected crash-resistant fuel system components, made available in kit form from manufacturers, in existing general aviation aircraft on a retrofit basis and promulgate appropriate regulations. (A-80-94)

Continue to fund research and development to advance the state-of-the-art with the view toward developing other means to reduce the incidence of postcrash fire in general aviation aircraft. (A-80-95)

Responses to Safety Recommendations

Aviation

A–75–47, from General Aviation Manufacturers Association (GAMA), August 29, 1980.—Letter is in response to the Safety Board's inquiry of August 19, 1980, as to status of followup action on recommendation A–75–47 which concerns an amendment to GAMA Specification No. 1, "Pilot's Operating Handbook" (POH Spec). GAMA informed the Safety Board on August 19, 1977, (42 FR 45051, September 8, 1977) that GAMA had adopted this recommendation and was instituting a change to the POH Spec to require the inclusion of leaning instructions. This change was to be instituted when the POH Spec was revised. To date, the new GAMA Spec has not been published. GAMA's August 29, 1980, states that GAMA will, however, issue before the end of the year an amendment to the POH Spec that will incorporate, among other things, this change.

The Safety Board's August 19 letter notes that predicated on GAMA's 1977 response to recommendations A–75–48 and –49, those recommendations have now been classified as "Closed—Reconsidered."

A–79–73 and –74, from the Federal Aviation Administration, September 9, 1980.—Letter is in response to the Safety Board's letter of last February 6 commenting on the FAA's initial response of January 8 (45 FR 5854, January 24, 1980). The recommendations were issued as a result of investigation of the midair collision involving a Pacific Southwest Airlines Boeing 727 and a Cessna 172 at San Diego, Calif., September 25, 1978, and were intended to assure that pilots employed by air carrier companies and commercial operators (A–79–73) as well as general aviation pilots (A–79–74) were periodically tested on ATC system procedures, services, and pilot/controller relationships.

The Safety Board's February 6 letter notes that although its recommendation letter proposed inclusion of ATC recurrent training requirements in the Code of Federal Regulations (14 CFR 6157 and 14 CFR 121, Appendix F), FAA's proposed alternatives to augment present recurrent training for commercial and general aviation pilots by providing written guidance to principal operations inspectors assigned to air carriers and commercial operators, and by developing a presentation for use in the Accident Prevention Program, are considered acceptable. The Safety Board asked to be informed of progress regarding these proposed alternatives.

FAA's September 9 response reports issuance of Change 13 to Order 8430.17, Air Carrier Operations Bulletins, on March 29. This change (copy attached to FAA's letter) transmits Air Carrier Operations Bulletin No. 8–80–1, Interrelationships of the Pilot and Controller, which identifies the areas of the Board's concern and outlines procedures to be followed by principal operations inspectors in these areas. FAA believes the guidance in the change meets the intent of recommendation A–79–73.

With respect to recommendation A–79–74, FAA reports that it has now completed the development of "Using The System," a slide and tape presentation that advises the pilot of proper procedures for operating in terminal control areas and terminal radar service areas. Individual copies of this presentation have been distributed to each General Aviation District Office, Flight Standards District Office, and Regional Accident Prevention Coordinator for use at general aviation accident prevention meetings.

A–80–46, from the Federal Aviation Administration, August 29, 1980.—Response is to a recommendation issued June 3 stemming from the Board's investigation of a Redcoat Air Cargo, Ltd., Ristol Britannia 253 which crashed at Billerica, Mass., about 7 minutes after takeoff from Boston's Logan International Airport last February 16. (See 45 FR 39987, June 12, 1980.)

In response to recommendation A–80–46, which asked FAA to ensure that the Automatic Terminal Information System (ATIS) advisories contain all essential forecasted meteorological conditions including SIGMET's which are likely to affect aircraft operating in terminal areas served by the ATIS, FAA reports that its Facility Operation and Administration Handbook (72103E) is being revised to include notification of appropriate current SIGMET's and PIREP's in ATIS broadcasts. A copy of the revised requirements is attached to FAA's letter.

Highway

H–80–45 and –46, from the Arkansas State Highway Commission, Septemer 2, 1980.—Response is to recommendations issued July 28 as a result of investigation of a chartered bus overturn last June 5 on State Route 7, south of Jasper, Ark. The "Class I, Urgent Action" recommendations asked the Commission to install signs on State Route 7 to require northbound trucks, buses, and cars with trailers to pull off and check their brakes at the brake check area south of Jasper (H–80–45); and to install signs in the brake check area to inform the drivers of these vehicles of the roadway alignment ahead, these signs to include percentage of grades, length of grades, horizontal curvature, maximum safe speeds, and other pertinent information which will aid motorists to safely negotiate the roadway ahead (H–80–46). (See 45 FR 52517, August 7, 1980.)

The Commission advises that action on these recommendations was completed on August 27, but due to the amount of information listed on the sign recommended in H–80–46, the Commission used the message "Highway 7 Very Crooked and Steep Next 2 Miles" in lieu of listing specific grades and curvature. The Commission provided photographs of the installed signs. In addition, the Commission reports that all signs on this section of Highway 7 have been replaced and the escape ramp has been opened.

Marine

M–80–36, from the United States Coast Guard, August 28, 1980.—Response is to a recommendation issued June 9, 1980, following investigation into the collision of the S/T Marine Duval and the S/T Mobil Vigilant which occurred at a bend in the Neches River near Beaumont, Texas, February 25, 1979. The recommendation asked Coast Guard to conduct a review in coordination with the U.S. Army Corps of Engineers and the Sabine Pilots of the "Voluntary Traffic Control Agreement of the Maritime Industry of the Sabine Waterways" concerning the apparent differences between the "Agreement" criteria and the COE Report No. 3 concerning the maneuvering of large and deep-draft vessels in restricted channels; if necessary, develop revised vessel passing and maneuvering guidelines for the Sabine-Neches Waterways, taking into consideration vessel size, draft, and speed in relation to channel width, depth, and configuration of the waterways, and include in the agreement a section on communications procedures. (See 45 FR 41552, June 19, 1980.)

Coast Guard concurs with this recommendation and states that it will conduct a review of the agreement in conjunction with the U.S. Army Corps of Engineers, Sabine Pilots, and companies who utilize the Sabine Waterways. Due consideration will be given to the factors mentioned in recommendation M–80–36. Coast Guard anticipates the review will be completed and any necessary action taken by August 1981.

Pipeline

P–80–60, from Washington Gas, August 7, 1980.—Response is to a

recommendation issued July 15 following investigation of a natural gas explosion and fire which demolished a townhouse at 215 Third Street, SE., in Washington, D.C., last October 30. The recommendation asked Washington Gas to instruct its employees to comply with company policy requiring the preservation of evidence at the accident site until onscene investigations have been completed. (See 45 FR 52517, August 7, 1980.)

Washington Gas provided the Safety Board with a copy of a notice which has been issued to all of Washington Gas Light's Transmission and Distribution field personnel. The notice, dated July 21, 1980, and entitled "Handling of Evidence at Site of Incident," reads:

> When an incident occurs, the primary responsibility of T&D employees is to make the job safe as soon as reasonably possible.
>
> Once the job site is made safe, an appropriate member of the investigative task force (See O.I. M&S 50, Part V-E) should be contacted before the site or items of company property are removed, destroyed, or disturbed, beyond what was required to make the job site safet.
>
> The appropriate investigation team member will determine what further action is to be taken re the site, company property, etc., keeping in mind that local, state, and federal investigative authorities may want to view site and potential evidence prior to its removal, disturbance or destruction.

Railroad

R-79-68 through -70, from the National Railroad Passenger Corporation (Amtrack), August 26, 1980.—Letter is in response to the Safety Board's August 1 comments on Amtrak's initial response of last October 23 to recommendations issued following investigation of the head-end collision of a passenger train and a track machine which occurred April 20, 1979, at Edison, N.J. (See 44 FR 68542, November 29, 1979.)

With respect to recommendation R-79-68 regarding an audit of train operations to determine the extent of noncompliance with the rules, the Safety Board noted that Amtrak's October 23 response showed that Amtrak officers conducted 23,891 efficiency and safety checks with train and engine service employees and 11,219 such checks with train dispatchers and operators from July 1, 1978, to September 24, 1979, with only a .01 percent and .035 percent failure rate, respectively. The Board notes that as the accident which generated recommendation R-79-68 occurred on April 29, 1979, within the period of Amtrak's check, and was caused by numerous violations of the operating rules, it is rather obvious that Amtrak's efficiency checks did not detect and correct the noncompliance of the rules which caused that accident. The Board also stated that although Amtrak's efficiency and safety checks were extensive, they only detected a very low percentage of failures, while numerous violations of the operating rules were detected during the investigation. The board asked to be advised if any changes have been made in the efficiency and safety check programs as a result of the investigation and if these revisions have reflected a change in subsequent failure rate percentages.

In response, Amtrak reports that on September 1, 1980, its T.E.S.T. Program, which encompasses the checking of operating rules, would be given to the divisions to enforce. Presently, it is being handled in Amtrak's safety office at Philadelphia. Amtrak believes that it will enable the General Superintendent to have a better handle on seeing to it that operating rules tests are made and failures noted. Also, beginning in September, Amtrak has a program where key operating rules will be highlighted. Each month, a notice similar to an "Operating Rules Efficiency Checks" notice (copy attached to letter) will be given to the supervision calling certain rules to their attention. The rules to be selected are those that Amtrak feels could result in accidents if not complied with.

With respect to recommendation R-79-69 regarding supervisory movement of track machines, the Safety Board's August 1 letter indicates that the training that Amtrak described for new block operators should certainly improve the problem disclosed during the investigation of the Edison accident. However, the Safety Board believes that supervision of both the Maintenance of Way and of the Operating Department should be involved in planning and monitoring moves similar to those in this accident. Amtrak's August 26 response indicates that in addition to the block operator school, a roving classroom has been initiated, wherein all M of W supervision and some operating department supervision must attend classes where they will be instructed on the proper method of moving M of W equipment. As information, Amtrak provided its schedule for two of its four divisions on the Northeast Corridor. Schedules for the other two divisions are being prepared. Amtrak notes that even though the notice states "M of W supervision," operating personnel up to and including the General Superintendent are also included.

In commenting on Amtrak's October 23 response with respect to recommendation R-79-70, which concerned rules qualifications of pilots, the Safety Board noted that the accident investigation disclosed that the track machine pilot, despite having been recently instructed and examined on the rules, failed to take exception to the improper procedures used by the dispatcher and the block operators. The Board also noted that an Amtrak official has advised that Amtrak's Rules Examiners have adopted a more positive approach in rules classes. Also, employees are required not only to gain insight to a practical application of rules, but must also display a dedicated attitude toward rule compliance. The Safety Board believes that Amtrak's actions in upgrading the quality of its rules training will be of benefit in ensuring that track machine pilots are equipped to function safely. The Board's August 1 letter reiterated the belief that the training must be complemented by extensive efficiency testing. Given this approach, the Board stated that Amtrak's response is considered satisfactory and recommendation R-79-70 would be classified as "Closed—Acceptable Action."

Note.—Single copies of Safety Board reports are available without charge, as long as limited supplies last. Copies of Board recommendation letters, responses and related correspondence are also provided free of charge. All requests for copies must be in writing, identified by recommendation or report number. Address requests to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

Multiple copies of Safety Board reports may be purchased from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22161.

(49 U.S.C. 1903(a)(2), 1906)

Margaret L. Fisher,

Federal Register Liaison Officer.

September 12, 1980.

[FR Doc. 80-28836 Filed 9-17-80; 8:45 am]

BILLING CODE 4910-58-M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-155 OLA; Spent Fuel Pool Expansion]

Consumer Power Co. (Big Rock Point Nuclear Plant); Assignment of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority conferred by 10 CFR § 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following panel members to serve as the Atomic Safety

and Licensing Appeal Board for this spent fuel proceeding.

Alan S. Rosenthal, Chairman.
Dr. John H. Buck.
Thomas S. Moore.

Dated: September 12, 1980.

C. Jean Bishop,

Secretary to the Appeal Board.

[FR Doc. 80-28807 Filed 9-17-80; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards, Subcommittee on Waste Management; Meeting

The ACRS Subcommittee on Waste Management will hold a meeting on October 3, 1980, in Room 1046, 1717 H St., NW., Washington, DC. Notice of this meeting was published August 22.

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 entire meeting will be open to public attendance.

The agenda for subject meeting shall be as follows:

Friday, October 3, 1980

8:30 a.m. Until the Conclusion of Business

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, will exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding proposed rulemaking on the storage and disposal of nuclear waste (Waste Confidence Rulemaking PR 50, 51), and proposed rulemaking on the technical criteria for regulating geological disposal of high-level radioactive waste (PR-60).

Further information about 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, Mr. John C. McKinley (telephone 202/634-3265) between 8:15 a.m. and 5:00 p.m., EDT.

Dated: September 12, 1980.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 80-28805 Filed 9-17-80; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards; Proposed Meetings

In order to provide advance information regarding proposed meetings of the ACRS Subcommittees and Working Groups, and of the full Committee, the following preliminary schedule reflects the current situation, taking into account additional meetings which have been scheduled and meetings which have been postponed or cancelled since the last list of proposed meetings published Aug. 22, 1980 (45 FR 56215). Those meetings which are definitely scheduled have had, or will have, an individual notice published in the **Federal Register** approximately 15 days (or more) prior to the meeting. Those Subcommittee and Working Group meetings for which it is anticipated that there will be a portion or all of the meeting open to the public are indicated by an asterisk (*). It is expected that the sessions of the full Committee meeting designated by an asterisk (*) will be open in whole or in part to the public. ACRS full Committee meetings begin at 8:30 a.m. and Subcommittee and Working Group meetings usually begin at 8:30 a.m. The exact time when items listed on the agenda will be discussed during full Committee meetings and when Subcommittee and Working Group meetings will start will be published prior to each meeting. Information as to whether a meeting has been firmly scheduled, cancelled, or rescheduled, or whether changes have been made in the agenda for the October 1980 ACRS full Committee meeting can be obtained by a prepaid telephone call to the Office of the Executive Director of the Committeee (telephone 202/634-3267, ATTN: Mary E. Vanderholt) between 8:15 a.m. and 5:00 p.m., EDT.

ACRS Subcommittee Meetings

Ad Hoc ACRS Subcommittee, September 19-20, 1980, Washington, DC. The Subcommittee will meet with representatives of the Reactor Safety Committee (RSK) of the Federal Republic of Germany to discuss the design of the B&W NSSS, proposed changes in the NRC siting criteria, and consideration of Class-9 Accidents in emergency planning. Notice of this meeting was published September 9.

**Crystal River Nuclear Power Plant, Unit No. 3,* September 26, 1980, (Tentative) Washington, DC. CANCELLED. Notice of this meeting was published August 22.

**Dresden Nuclear Power Plant, Unit 1,* October 3, 1980, Washington, DC. RESCHEDULED TO October 8, 1980. Notice of this meeting was published August 22.

**Waste Management,* October 3, 1980, Washington, DC. The Subcommittee will discuss proposed rulemaking on the storage and disposal of nuclear waste (Waste Confidence Rulemaking PR-50, 51) and proposed rulemaking on the technical criteria for regulating geological disposal of high-level radioactive waste (PR-60). Notice of this meeting appears elsewhere in this issue.

**Reactor Operations,* October 7, 1980, Washington, DC. The Subcommittee will review a draft of the NRC Proposed Plan to Implement the Requirement of Section 110 of the NRC FY-80 Authorization Bill (The Bingham Amendemnt) which calls for the identification of each current rule and regulation that the Commission determines to be of particular significance to the protection of the public health and safety, and determination of the extent to which each currently operating plant complies with these identified rules and regulations. Also, the Subcommittee plans to address various ACRS generic items assigned to it to monitor. Notice of this meeting was published August 22.

**Dresden Nuclear Power Plant, Unit 1,* October 8 (rescheduled from October 3), 1980, Washington, DC. The Subcommittee will discuss: 1) The method proposed by Commonwealth Edison Company to decontaminate the primary cooling system of Dresden Unit 1. 2) The Canadian Decontamination Process (CAN-DECON Concept). 3) Adequacy of processing and disposing of the radioactive waste resulting from chemical decontamination. 4) Comments received from Federal Agencies and from the public relating to decontamination of Dresden Unit 1.

**Regulatory Activities,* October 8, 1980, Washington, DC. RESCHEDULED TO November 5. Notice of this meeting was published August 22.

**Safety Philosophy, Technology and Criteria,* October 8, 1980 (Morning), Washington, DC. The Subcommittee will review the Diablo Canyon Systems Interaction Analysis and NRC Commissioner Gilinsky's questions concerning the North Anna ECCS design. Notice of cancellation of this

meeting was announced August 22 but it has been rescheduled to be held as indicated.

**Extreme External Phenomena,* October 8, 1980 (Afternoon), 1980, Washington, DC. The Subcommittee will discuss the status of the NRC Staff review of the need for seismic qualification of auxiliary feedwater systems.

**Advanced Reactors,* October 8, 1980 (Afternoon), Washington, DC. The Subcommittee will discuss proposals and schedules for future Subcommittee activities and its role in the development of safety and research goals.

**Emergency Core Cooling Systems,* October 22–23 (rescheduled from October 15–16), 1980, Idaho Falls, ID. The Subcommittee will review new data from the LOFT and Semiscale Programs on Reactor Coolant Pump (RCP) Trip, and the progress of and plans for these Programs. Notice of this meeting was published August 22.

**Three Mile Island Nuclear Power Plant, Unit No. 1,* October 30–31, 1980, Washington, DC. The Subcommittee will review the modification made to TMI–1 in preparation for a restart following the TMI–2 accident. Notice of this meeting was published August 22.

**Regulatory Activities,* November 5 (rescheduled from October 8), 1980, Washington, DC. The Subcommittee will review Proposed Regulatory Guide 1.12, Revision 2, "Instrumentation for Earthquakes"; Regulatory Guide (Task No. RS 704–5), "Functional Specification for Safety-Related Valve Assemblies in Nuclear Power Plants"; Regulatory Guide (Task No. 705–4), "Lightning Protection for Nuclear Power Plants"; and Regulatory Guide (Task No. RS 809–5),"Qualification Tests for Cable Penetration Fire Stops for Use in Nuclear Power Plants." Notice of this meeting was published August 22.

**General ELectric Test Reactor (GETR),* November 5, 1980, Washington, DC. The Subcommittee will continue its review of the GETR structural integrity when subjected to design basis loads. In addition, the Subcommittee will discuss other topics such as landslide hazards.

**Fluid Dynamics,* November 13, 1980, San Francisco, CA. The Subcommittee will review Nucle Dyne's Passive Containment System and the status of NRC Programs on Mark II Containment and Asymetric Loads.

**Combination of Dynamic Loads,* November 18–19, 1980, Jupiter, FL. (Tentative. Rescheduled from Washington, DC.) The Subcommittee will continue its review regarding the use of dynamic load combinations as a design basis for nuclear power plants. Notice of this meeting was published August 22.

**Evaluation of Licensee Event Reports (LERs),* November 20, 1980, Washington, DC. The Subcommittee will discuss with representatives of the NRC Staff possible modifications to the NRC collection and storage of operational data from nuclear power plants. Notice of this meeting was published August 22.

**Regulatory Activities,* December 3, 1980, Washington, DC. Agenda to be announced.

**Reactor Radiological Effects,* December 12, 1980, Washington, DC. The Subcommittee will discuss with representatives of various Government agencies radiation standards and dose limits for radiation workers.

ACRS Full Committee Meetings

October 9–11, 1980

A. *Quantitative Risk Criteria—Preparation of ACRS report re quantitative risk critiera for nuclear facilities.

B. *Meeting with Chairman, Nuclear Safety Advisory Committee—Discuss ACRS role in the nuclear regulatory process.

C. *Review proposed NRC plan to update NRC regulations and compare operating nuclear plants with the revised requirements.

D. *Nuclear Data Link—Review proposed NRC plans for development of a nuclear data link.

E. *Meeting with NRC Commissioners to discuss reactor safety matters and the NRC regulatory process.

F. *Boiling Water Reactor Scram Systems—Discuss the performance reliability of BWR scram systems.

G. *Fire Protection Provisions in Nuclear Facilities—Discuss proposed NRC rule regarding provisions for fire protection in nuclear facilities.

H. *Nuclear Power Plant Decay Heat Removal Systems—Review design of auxiliary feedwater seismic systems and alternate decay heat removal systems.

Nov. 6–8 and Dec 4–6, 1980:

Agenda to be announced.

Dated: September 12, 1980.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 80–28806 Filed 9–17–80; 8:45 am]

BILLING CODE 7590–01–M

OFFICE OF MANAGEMENT AND BUDGET

Agency Forms Under Review

Background

September 15, 1980.

When executive departments and agencies propose public use forms, reporting, or recordkeeping requirements, the Office of Management and Budget (OMB) reviews and acts on those requirements under the Federal Reports Act (44 USC, Chapter 35). Departments and agencies use a number of techniques including public hearings to consult with the public on significant reporting requirements before seeking OMB approval. OMB in carrying out its responsibility under the Act also considers comments on the forms and recordkeeping requirements that will affect the public.

List of Forms Under Review

Every Monday and Thursday OMB publishes a list of the agency forms received for review since the last list was published. The list has all the entries for one agency together and grouped into new forms, revisions, extensions, or reinstatements. Some forms listed as revisions may only have a change in the numbr of respondents or a reestimate of the time needed to fill them out rather than any change to the content of the form. The agency clearance officer can tell you the nature of any particular revision you are interested in. Each entry contains the following information:

The name and telephone number of the agency clearance officer (from whom a copy of the form and supporting documents is available);

The office of the agency issuing this form;

The title of the form;

The agency form numbr, if applicable;

How often the form must be filled out;

Who will be required or asked to report;

An estimate of the number of forms that will be filled out;

An estimate of the total number of hours needed to fill out the form; and

The name and telephone number of the person or office responsible for OMB review.

Reporting or recordkeeping requirements that appear to raise no significant issues are approved promptly. Our usual practice is not to take any action on proposed reporting requirements until a least ten working days after notice in the **Federal Register** but occasionally the public interest requires more rapid action.

Comments and Questions

Copies of the proposed forms and supporting documents may be obtained from the agency clearance officer whose name and telephone number appear under the agency name. The agency clearance officer will send you a copy of the proposed form, the request for clearance (SF83), supporting statement, instructions, transmittal letters, and other documents that are submitted to OMB for review. If you experience difficulty in obtaining the information you need in reasonable time, please advise the OMB reviewer to whom the report is assigned. Comments and questions about the items on this list should be directed to the OMB reviewer or office listed at the end of each entry.

If you anticipate commenting on a form but find that time to prepare will prevent you from submitting comments promptly, you should advise the reviewer of your intent as early as possible.

The timing and format of this notice have been changed to make the publication of the notice predictable and to give a clearer explanation of this process to the public. If you have comments and suggestions for further improvements to this notice, please send them to Jim J. Tozzi, Assistant Director for Regulatory and Information Policy, Office of Management and Budget, 726 Jackson Place, Northwest, Washington, D.C. 20503

DEPARTMENT OF AGRICULTURE

Agency Clearance Officer—Richard J. Schrimper—447 6201

Extensions

Agricultural Marketing Service
Report of Cotton on Hand in Mills
CN–110
Annually
Textile Mills, 525 responses, 131 hours
Off. of Federal Statistical Policy and Standard, 673–7974

DEPARTMENT OF COMMERCE

Agency Clearance Officer—Edward Michals—377–3627

New Forms

Bureau of the Census
1982 Census of Governments (Governmental Organization Phase)
G–24, 25, 26, 27, 28, 29, 30, 31, and 32
Single time
Local government officials 91,500 responses, 23,625 hours
Office of Federal Statistical Policy and Standard, 673–7974

Extensions

Industry and Trade Administration
NATO ICB Bidders List Application
ITA4023P
On occasion
Electronic, constr., and communication manufacturers, 200 responses, 200 hours
William T. Adams, 395–4814

DEPARTMENT OF EDUCATION

Agency Clearance Officer—William A. Wooten—426–5030

New Forms

National Center for Education Statistics
Survey of Free Universities and Learning Referral Centers
ED–2411
Single time
Free universities and learning referral centers, 300 responses, 125 hours
Office of Federal Statistical Policy and Standard, 673–7974
Office of Education
IMS Program Application
IMS 102, 103, and 104
Annually
Predominately private nonprofit museums 1,650 responses, 60,225 hours
Laverne V. Collins, 395–6880

DEPARTMENT OF ENERGY

Agency Clearance Officer—Diane W. Lique—633–8526

New Forms

No. 2 Fuel Oil Telephone Price Monitoring Report
FIA–9B
Monthly
Sellers of No. 2 diesel fuel and No. 2 heating oil, 14,400 responses, 3,600 hours
Jefferson B. Hill, 395–7340

Revisions

No. 2 Distillate Price Monitoring Report
EIA–9A
Monthly
Sellers of No. 2 diesel fuel and No. 2 heating oil, 24,000 responses, 48,000 hours
Jefferson B. Hill, 395–7340
Petroleum Industry Monthly Report for Product Prices
FIA–460 (formerly FEA–P302—M–1)
Monthly
Gas plant operators, petroleum refiners, resellers/ret., 3,600 responses, 212,400 hours
Jefferson B. Hill, 395–7340

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency Clearance Officer—Joseph J. Strnad—245–7488

New Forms

National Institutes of Health
Maternal Smoking questionnaire
Single time
Cancer patients and controls, 1,500 responses, 750 hours
Eisinger, Richard, 395–6880
National Institutes of Health
Breast Self-Examination Questionnaire
Other (see SF–83)
Female students and their mothers, 3,473 responses, 2,449 hours
Office of Federal Statistical Policy and Standard, 673–7974
Office of the Secretary
Recipient survey for the Monthly Reporting and Retrospective Accounting Study
OS–19–80
Single time
AFDC recipients and former recipients, 4,830 responses, 3,620 hours
Barbara F. Young, 395–6880
Public Health Service
Survey of United Mineworkers Health and Retirement Funds Beneficiaries
Single time
UMWA beneficiaries for health care benefits, 2,600 responses, 1,950 hours,
Off. of Federal Statistical Policy & Standard, 673–7974

Revisions

Alcohol, Drug Abuse and Mental Health Administration
Inventory of comprehensive community mental health centers
ADM–25–3
Annually
Federally funded CMHC's, 650 responses, 1,300 hours
Off. of Federal Statistical Policy & Standard, 673–7974
Center for Disease Control
Indochinese Refugees and Cuban Asylees With Tuberculosis
CDC 5.81
Annually
State and local health departments, 112 responses, 380 hours
Eisinger, Richard, 395–6880
Social Security Administration
Application for Lump-sum death payment
SSA–8–F5
On occasion
Indiv. applying for lump-sum allow. payable under title II, 1,360,000 responses, 181,333 hours
Barbara F. Young, 395–6880

DEPARTMENT OF JUSTICE

Agency Clearance Officer—Donald E. Larue—633–3526

New Forms

Offices, Boards, Division
Directory of State courts
(Series 6030) BJS
Single time

Individual courts, 18,000 responses, 9,000 hours
Off. of Federal Statistical Policy & Standard, 673–7974

Revisions

Drug Enforcement Administration
Project Dawn (drug abuse warning network)
Monthly
Hospital medical personnel, medical examiners, 1 response, 1 hour
Uscher, Andrew R., 395–4814

Law Enforcement Assistance Administration
Survey of expenditure and employment for civil and criminal justice act
CJ–6, 6D, & CJ–23 CJ–6D, series 3620
Annually
State, county, & municipal governments, 12,364 responses, 6,182 hours
Off. of Federal Statistical Policy & Standard, 673–7974

Law Enforcement Assistance Administration
Report of inmates under sentence of death
NPS–8 (BJJ series 3620)
Annually
State Department of Corrections, 150 responses, 150 hours
Off. of Federal Statistical Policy & Standard, 673–7974

Law Enforcement Assistance Administration
National prisoner statistics admission and release
NPS–2 (admission) NPS–3 (release)
Annually
State Corrections Agencies, 344,000 responses, 3,100 hours
Off. of Federal Statistical Policy & Standard, 673–7974
Law Enforcement Assistance Administration
Status of Death Penalty Statutes Collection Form
NPS–8B & 8C (BJS Series 3620)
Annually
State Attorneys General, 52 responses; 26 hours
Off. of Federal Statistical policy and Standard, 673–7974

DEPARTMENT OF LABOR

Agency Clearance Officer, Paul E. Larson 523–6341

Revisions

Bureau of Labor Statistics
Work Stoppage Report; Work Stoppage Report, Government
BLS 817 & 817–G
On occasion
Labor Unions and Employee Associations, 11,000 responses; 3,666 hours
Off. of Federal Statistical Policy and Standard, 673–7974

Extensions

Employment Standards Administration
Construction Labor Demand System
ESA–100A, B, C, & D
On occasion
Construction project owners, 1,170 responses; 574 hours
Arnold Strasser, 395–6880

AGENCY FOR INTERNATIONAL DEVELOPMENT

Agency Clearance Officer, Linwood A. Rhodes, 632–0084

Extensions

Monthly Report of Participants Under Grant, Loan or Contract Programs
Aid 1380–9
Monthly
Universities and Professional Assns., 384 responses; 384 hours
Phillip T. Balazs, 395–4814

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Agency Clearance Officer, Thomas P. Goggin, 634–6983

New Forms

Law School Information Form
Single Time
Law Schools, 217 responses; 109 hours
Laverne V. Collins, 395–6880
Paralegal Program Information Form
Single Time
Colleges With Paralegal Programs, 296 responses, 148 hours
Laverne V. Collins, 395–6880

Agency Clearance Officer, Mary Jane Winnett, 523–4308

Revisions

Certificate of Eligibility for Exchange Visitor
(J–1) Status
LAP–66
On occasion
Exchange visitor program sponsors, 50,000 responses; 12,250 hours
Phillip T. Balazs, 395–4814

NATIONAL SCIENCE FOUNDATION

Agency Clearance Officer, Herman Fleming, 357–7811

New Forms

U.S. Participant Questionnaire for Assessments of Working
Groups Under the US/USSR Agreement on S&T Cooperation
Single time
Participants in INT-sponsored US/USSR programs, 30 responses; 30 hours
Marsha D. Traynham, 395–7340

C. Louis Kincannon,

Acting Deputy Assistant Director For Reports Management.

[FR Doc. 80–28889 Filed 9–17–80; 8:45 am]

BILLING CODE 3110–01–M

Senior Executive Service; Award of Bonuses

September 15, 1980.

Pursuant to the Civil Service Reform Act, 5 U.S.C. Section 5384, permitting the award of bonuses to Senior Executive Service personnel, the Office of Management and Budget hereby announces its intention to make such bonus awards on or about September 24, 1980.

Brenda A. Mayberry,

Acting Budget and Management Office.

[FR Doc. 80–28860 Filed 9–17–80; 8:45 am]

BILLING CODE 3110–01–M

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

Intergovernmental Science, Engineering and Technology Advisory Panel; Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, the Office of Science and Technology Policy announces the following meeting:

Name: Intergovernmental Science, Engineering and Technology Advisory Panel (ISETAP), Science and Technology Transfer Task Force.
Date: Tuesday, September 30, 1980, 1:30 p.m.–5:00 p.m.
Place: Metropolitan Washington Council of Governments, 1875 I Street, N.W., the Board Room, Suite 200, Washington, D.C.
Type of Meeting: Open.
Contact Person: Mr. Robert Goldman, Staff Director, ISETAP, Science and Technology Transfer Task Force, Executive Office of the President, Office of Science, and Technology Policy, 202/395–4596.

Minutes of the meeting: Executive minutes of the meeting will be available from the office of Mr. Goldman.

Tentative Agenda

- Implementation of OMB-OSTP-White House Directive on R&D Planning
- Assessment of Federal Intergovernmental Science and Technology Activities
- Interagency Funding for State and local R&D

William J. Montgomery,

Executive Officer, Office of Science, and Technology Policy.

[FR Doc. 80–28800 Filed 9–17–80; 8:45 am]

BILLING CODE 3170–01–M

POSTAL SERVICE

Invitation for Bid To Design, Install, Test, and Provide Support Services For an Electronic Computer Originated Mail (E-COM) System

The United States Postal Service announces an Invitation for Bid to design, install, test, and provide support services for a twenty-five city Electronic Computer Originated Mail (E-COM) system. The system design will incorporate Postal Service guidelines and standards set forth in the Invitation for Bid for user access to the Postal Service delivery network via telecommunications common carrier facilities, private telecommunications networks, and nine-track magnetic tapes. The system output will be enveloped First-Class Mail delivered through the postal carrier network. The contractor will select and provide commercially available hardware for the system's input, control, and output functions. These include acceptance, distribution, billing, alpha/numeric printing, collating, enveloping, and management support systems. The system is to be installed and operational by January 4, 1982.

Copies of the Invitation for Bid may be obtained from the United States Postal Service, Office of Contracts, Documents Processing Branch, Room 1161, 475 L'Enfant Plaza West, S.W., Washington, D.C. 20260. Requests for copies must be in writing. The Invitation for Bid will be available on or about September 22, 1980.

For further information contact: Thomas L. Griggs, Contracting Officer, (202) 245-4865.

W. Allen Sanders,

Associate General Counsel, General Law and Administration.

[FR Doc. 80-28842 Filed 9-17-80; 8:45 am]

BILLING CODE 7710-12-M

SECURITIES AND EXCHANGE COMMISSION

[File No. 22-10591]

Huges Tool Co.; Application and Opportunity for Hearing

September 15, 1980.

Notice is hereby given that Huges Tool Company ("Applicant") has filed an application under clause (ii) of Section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding that the trusteeship of Texas Commerce Bank National Association (the "Bank") under a proposed indenture which is not to be qualified and under three indentures of the Company which have been qualified and are dated as of July 15, 1975 (the "1975 Indenture"), as of November 1, 1978 (the "1978 Indenture") and as of April 1, 1980 (the "1980 Indenture"), (the 1975 Indenture, the 1978 Indenture and the 1980 Indenture being sometimes referred to jointly herein as the "Qualified Indentures") are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Bank from acting as trustee under the Qualified Indentures.

Applicant alleges that:

The Applicant, as of March 31, 1980, has outstanding $36,000,000.00 principal amount 9% Sinking Fund Debentures, due July 15, 2000 (the "1975 Debentures") issued under an Indenture dated as of July 15, 1975 (the "1975 Indenture") between the Applicant and the Bank. The Applicant, as of March 31, 1980, had outstanding $60,000,000.00 principal amount 9% Sinking Fund Debentures, due November 1, 2008 (the "1978 Debentures") issued under an Indenture dated as of November 1, 1978 (the "1978 Indenture") between the Applicant and the Bank. The Applicant on April 10, 1980 issued and sold $10,000,000.00 principal amount 8½% Convertible Subordinated Debentures due April 1, 2003 (the "1980 Debentures") between Applicant and Bank. The Applicant proposes to enter into a Guaranty Agreement with a commercial bank as trustee (the "Trustee") under an Indenture (the "Bond Indenture") to be entered into between the Walker County Industrial Development Corporation, (the "Issuer") and the Trustee under which the Applicant will unconditionally guarantee payments of prinicpal, interest and premium, if any, on the approximately $1,000,000.00 principal amount of the industrial development bonds (the "Bonds") to be issued under the Bond Indenture. The Applicant is not the issuer of the Bonds. However, the guarantee may be deemed to be a security of the Applicant. Thus, the Bond Indenture may be "another indenture under which any other securities of an obligor upon the indenture securities are outstanding" under Section 310(b) of the Act. Thus, there could be a conflict of interest if the Bank were to serve as Trustee under the Bond Indenture as well as under the 1975 Indenture, the 1978 Indenture and the 1980 Indenture. The 1975 Debentures, the 1978 Debentures, the 1980 Debentures and the Guaranty are not secured by assets of the Applicant nor its subsidiary named above and, except for the 1980 Debentures which are subordinate to all Senior Indebtedness as defined in 1980 Indenture, are of equal rank as to one another and without priority or preference of any over the others. In the opinion of the Applicant, the provisions of the aforementioned 1975 Indenture, 1978 Indenture, the 1980 Indenture and the Bond Indenture are not likely to involve a material conflict of interest so as to make it necessary in the public interest or for the protection of any holder of the 1975 Debentures, the 1978 Debentures, the 1980 Debentures or the Bonds to disqualify the Bank from acting as Trustee under the 1975 Indenture, the 1978 Indenture, the 1980 Indenture of the Bond Indenture.

Applicant has waived notice of hearing, on the issues raised by the Application, and all rights to specify procedures under the rules of practice of the Securities and Exchange Commission with respect to the application.

For a more detailed account of the matters of fact and law asserted, all persons are referred to the application, which is a public document on file in the offices of the Commission at the Public Reference Room, 1100 L Street N.W., Washington, D.C.

Notice is hereby given that any interested person may, not later than October 7, 1980, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of law or fact raised by such application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-28886 Filed 9-17-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17144; September 12, 1980; File No. SR-PSE-80-14]

Pacific Stock Exchange Inc.; Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-24, 16 (June 4, 1975), notice is hereby given that on September 4, 1980, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

Statement of the Terms of Substance of the Proposed Rule Change

The Pacific Stock Exchange Incorporated ("PSE") proposes to amend Options Floor Procedure Advice A-6. In the amended Advice, Floor Brokers are advised that they may cross orders either by trading the orders in the crowd or by placing one order on the order book ("Book"). Floor Brokers are cautioned that they must allow members in the trading crowd a reasonable period in which to respond to bids and offers prior to consummating a cross transaction. In addition, specific procedures have been established for the execution of cross transactions in the trading crowd and for effecting a cross transaction with the Book.

Exchange's Statement of Basis and Purpose

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of Options Floor Procedure Advice A-6 is to establish procedures for the execution of cross transactions on the Options Floor of the PSE.

The proposed change is consistent with Section 6(b)(5) of the Act inasmuch as it promotes just and equitable principles of trade and also facilitates transactions in securities.

Comments have neither been solicited nor received from members, participants or others on the proposed rule change.

The proposed rule change imposes no burden on competition.

On or before October 23, 1980, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory orgainzation consents, the Commission will:

(A) By order approve such proposed rule changes, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exhange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street, N.W. Washington, D.C. Copies of such filing will be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before October 9, 1980.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

September 12, 1980.

[FR Doc. 80-28895 Filed 9-17-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17147; September 12, 1980; File No. SR-PSE-80-15]

Pacific Stock Exchange Inc.; Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. 94-24, 16 (June 4, 1975), notice is hereby given that on September 10, 1980, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission proposed rule changes as follows:

Statement of the Terms of Substance of the Proposed Rule Change

The Pacific Stock Exchange Incorporated ("PSE"), pursuant to Rule 19b-4 of the Securities Exchange Act of 1934 (the "Act"), hereby proposes to amend Rule VI, Sections 5 and 6, of the Rules of the Board of Governors. The text of the proposed amendments is attached to this filing as Exhibit 1.

PSE's Statement of Basis and Purpose

The basis and purpose of the foregoing proposed rule change is as follows:

Position and exercise limit rules were originally adopted by options exchanges in order to minimize manipulative potential by reducing the incentive to manipulate that which may occur with the accumulation of large option positions.

The present rules limit market participants from holding more than 1,000 contracts on the "same side of the market"—i.e., more than 1,000 long calls and short puts or 1,000 short calls and long puts with respect to any underlying security. Such limitations have presented certain problems for certain large investors. In particular, managers of large portfolios have found that the existing limits do not provide them with the ability to employ options in order to adjust and control the risk/reward characteristics of portfolios in a significant manner.

For example, writing calls against long stock positions ("covered" calls) will generally lower portfolio risk by offsetting some potential loss at the cost of some potential gain. Likewise, the risk and reward characteristics of writing cash equivalent secured puts are very similar to those involving covered call writing. The major difference in strategies is that writing secured puts involves an underlying stock that one may be willing to hold in the portfolio, rather than on that which is already held.

Buying puts against long stock positions is another way to control risk by limiting the potential loss inherent in common stock ownership. In this way, the purchase of puts functions like term insurance, providing investors with protection against the risk of capital loss in return for a premium.

Buying call options in combination with fixed income securities such as Treasury Bills is another way to control the risk/reward potential of a portfolio. The risk of loss is limited to the cost of the options, while the opportunity for gain approximates that of stock ownership. By using these and other strategies, money managers may seek to achieve a proper balance of portfolio risk and potential reward through the use of listed options. However, the present rule restrictions either prevent or severely handicap the use of options in the management of large portfolios, since transactions in calls or puts on the same side of the market are limited to no more than 100,000 shares of underlying stock. The Special Study of the Options Market [1] recognized this problem and recommended that position limit rules of the option exchanges be reviewed. In making this recommendation, the Options Study noted that numerous letters were received from investment advisors and

[1] See Report of the Special Study of the Options Markets to the SEC, December 22, 1979, pages 40 and 41.

other market professionals requesting that the present rules be liberalized or otherwise modified.

Since the termination of the options moratorium, there are many more puts classes available to investors. This expansion of puts has provided market participants with the means to engage in additional types of hedging activities involving puts, calls, and the related underlying stock. However, the 1,000 contract limitation on the same side of the market has the effect of limiting such hedged positions to a 50,000 share equivalent position, which may actually be neutral and not really be on any "side of the market."

The Exchange has now had several years of experience in surveillance of the option markets. New and amended rules of the options exchanges promulgated in response to the Option Study provide additional public protections. Further, improved surveillance and compliance procedures have also been instituted by both the self-regulatory organizations and member firms.

For the reasons cited above, the Exchange believes that position limit rules should be expanded. At this time, the Exchange proposes to amend Rule VI, Section 5, to allow a single account to hold no more than 2,000 calls or puts on the same side of the market with respect to an underlying security. Exchange Rule VI, Section 6, relating to exercise limits should also be broadened accordingly.

It may be that Exchange experience with the proposed new limits will lead it to conclude that the limits should be increased beyond 2,000. At such time, the Exchange may file a proposed rule change to that effect.

The current position and exercise limit rules were adopted pursuant to Section 6(6)(5) of the Act. The basis for the proposed rule changes is found, in part, in the Report of the Special Study of the Options Markets to the Commission which indicated that position limit rules of the options exchanges should be reviewed. Further, liberalization of such rules will alleviate restrictions which seem unnecessary in light of the regulatory purposes of the Act.

No comments concerning the proposed rule changes were solicited by PSE, none were received. Written comments were received by the Commission staff during its Options Study from several managers of large portfolios (mainly institutions) in support of liberalizing the present position limit rules.

PSE believes that the proposed rule change will not impose any burden on competition.

On or before October 23, 1980, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By Order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commision, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L. Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before October 9, 1980.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

September 12, 1980.

Exhibit 1

Brackets indicate deletions, italics indicate additions.

Position Limits

Rule VI

Sec. 5. Except with the prior written approval of the Exchange in each instance, no member organization shall effect, for any account in which such member organization has an interest or for the account of any partner, officer, director, or employee thereof or for the account of any customer, an opening transaction in an option contract of any class of options dealt in on the Exchange if the member organization has reason to believe that as a result of such transaction the member organization or partner, officer, director or employee threreof or customer would, acting along or in concert with others, directly or indirectly, hold or control or be obligated in respect of:

(a) An aggregate long position in any class of options; or

(b) An aggretage short position in any class of options; or

(c) An aggregate position on the same side of the market in the same underlying stock, which position shall be ascertained by combining long call options with short put options and short call options with long put options; or

(d) An aggregate uncovered short position in any class of options in excess of such number of option contracts as shall be fixed from time to time by the Exchange as the position limit for that particular class of options or expiration month.

Commentary:

.01 The position limits established pursuant to this Section shall be announced by the Exchange and it shall be the responsibility of each member organization accepting orders for opening transactions (purchase or writing) in option contracts of any class of options dealt in on the Exchange to inform its customers of the applicable position limits and not to accept any such orders from any customer in any instance in which such member organization has reason to believe that such customer, acting alone or in concert with others, has exceeded or its attempting to exceed such postition limits.

.02 The position limits established by the Exchange pursuant to this Section in respect of long positions shall in no event exceed the exercise limits prescribed by the Exchange pursuant to Section 6 of this Rule.

.03 The Exchange will not approve any opening purchase or writing transaction or the carrying of any positions which would exceed the limits established pursuant to this Section except in highly unusual circumstances. Requests for such approval should be directed to the Department of Member Organizations of the Exchange and must be accompanied by a detailed statement of the facts justifying an exception to such position limits.

.04 The Exchange may establish higher position limits for Market Maker transactions than those applicable with respect to other accounts. Whenever a Market Maker reasonably anticipates that he may exceed such position limits in the performance of his function of assisting in the maintenance of a fair and orderly market, he must consult with and obtain the prior approval of an Options Floor Official.

.05 The current position limits established pursuant to Section 5 follow:

Aggregate positions shall be [1,000] *2,000* contracts on the same side of the market in the same underlying stock. These position limits shall include [1,000] *2,000* long call options, or [1,000] *2,000* short put options, or any combination thereof not to exceed an aggregate of [1,000] *2,000* contracts, and [1,000] *2,000* short call options, or [1,000] *2,000* long put options, or any combination thereof not to exceed an aggregate of [1,000] *2,000* contracts.

Exercise Limits

Rule VI

Sec. 6. Except with the prior approval of the Exchange in each instance, no member organizations shall exercise, for any account in which such member organization has an interest or for the account of any partner, officer, director or employee thereof or for the account of any customer, a long position in any option contract of a class of options dealt in the Exchange if as a result thereof such member organization or partner, officer, director or employee thereof or customer, acting alone or in concert with others, directly or indirectly, has or will have exercised within any five (5) consecutive business days aggregate long positions in that particular class of options in excess of such number of option contracts as shall be fixed from time to time by the Exchange as the exercise limit for that particular class of options.

Commentary

.01 The exercise limits established pursuant to this Section shall be [1,000] *2,000* option contracts of any particular class of options and it shall be the responsibility of each member organization accepting orders for the purchase (in an opening transactions) of option contracts of a class of options dealt in on the Exchange to inform its customers of the applicable exercise limits and not to accept any exercise of an option contract from any customer in any instance in which such member organization has reason to believe that such customer, acting alone or in concert with others, has exceeded or is attempting to exceed such exercise limits.

.02 The exchange will not approve exercises exceeding the limits established pursuant to this Section except in highly unusual circumstances. Requests for such approval should be directed to the Department of Member Firms of the Exchange and must be accompanied by a detailed of the facts justifying an exception to such exercise limits.

[FR Doc. 80-28896 Filed 9-17-80; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 34-17145 File No. SR-CBOE-1980-23]

Self-Regulatory Organizations; Proposed Rule Change by Chicago Board Options Exchange, Inc.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on September 8, 1980, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission proposed rule change as follows:

Text of Substance of the Proposed Rule Change

This filing is made to modify the fixed point intervals at which exercise prices for call and put options on securities trading between 50 and 100 and above 100 are determined. Presently exercise prices generally are fixed at 5 point intervals for securities trading below 50, 10 point intervals for securites trading between 50 and 200, and 20 point intervals for securities trading above 200. Under the proposed modifications, these intervals for exercise prices generally would be fixed at 5 points for securities trading below 100. For securities trading above 100, the intervals for exercise prices generally would be fixed at 10 points. The CBOE may depart from this general practice when it believes the result would be in the best interest of the investing public to do so.

In addition, this filing is made to modify the policies regarding (1) the minimum price movement in the underlying security necessary for introduction of new striking prices and (2) the minimum duration of new option series. First, instead of waiting for a stock price to move half the distance between striking-price intervals, new strike prices would be introduced when an old striking price is touched. For example, with strike prices of 35 and 40, it would only be necessary for the underlying security price to reach 40 before the 45 strike price could be introduced. Second, the policy that new option series have at least 60 days until expiration would be changed; new series would be added so long as they do not expire in the calendar month during which they are introduced. For example, no new January series could be opened during the month of January.

In order that interested persons may be afforded formal notice of and an opportunity to comment upon this request, the CBOE hereby elects, pursuant to clause (ii) of paragraph (a) of Rule 19b-4, to treat its request for the above modification as a "proposed rule change" and to file the proposed rule change in accordance with the provisions of Section 19(b)(1) and (2) of the Securities Exchange Act of 1934, as amended (the Act).

Chicago Board Options Exchange's ("CBOE") Statement of Basis and Purpose

The basis and purpose of the foregoing proposed rule change is as follows:

The proposed rule change will enable the CBOE to modify the exercise price intervals which are established for options on securities trading between 50 and 100 and above 100. The setting of exercise prices ordinarily at 5 point intervals between 10 and 100, and 10 point intervals above 100, provides greater assurance to investors that there will, at all times, be an option series available for trading at an exercise price that approximates the market price of the underlying stock. That is in contrast to the present application of 10 point exercise price intervals between 50 and 200 which, for example, when the price of the underlying security reaches 54, precludes investors from buying or selling an option on that security other than one with an exercise price of 50 or 60. Similarly, the present application of the 20 point price interval above 200 leads to a result where, for example, when the price of the underlying security reaches 229, investors can only buy an option on that security with an exercise price of 220 or 240.

The ability to open option series at prices which more closely approximate the market prices for underlying securities will afford public investors more opportunities to engage in hedging transactions, and thereby limit their risks. In addition to hedging transactions, there are numerous other public investor purchase and writing strategies which may be utilized as option series are opened at prices which are "at the market."

As option series are permitted to be opened at exercise prices which are closer to the market price of underlying securities, CBOE Market-Makers will be given greater opportunities to engage in spreading transactions. In respect of CBOE-listed options, many of the underlying stocks which trade in the 50-100 range tend not be volatile. Thus, under the current exercise price interval of 10 points, there is a high likelihood

that an option series with an exercise price in the 50–100 range which is more than 5 points out of the money may be illiquid and therefore not useful for spreading purposes.

Inability to spread or hedge decreases the liquidity of the market, and the bid/ask quote spread is likely to be wider in order to compensate Market-Makers for the added risks involved. By facilitating the introduction of near-the-money option series in the 50–100 range, 5 point exercise price intervals will provide more liquid option series for spreading purposes, decrease the risk to Market-Makers of carrying sizeable positions, and enable Market-Makers to quote tighter markets. Similar effects can be anticipated with 10 point exercise price intervals in series above 200. Increased ability to reduce their risks through hedging will contribute to the Market-Maker's performance of their obligations to maintain fair and orderly markets. Consequently, competition and participation among CBOE Market-Makers will intensify and thereby afford the public investor increased access to narrow, continuous, two-sided markets.

The CBOE believes that the proposed modifications in strike price intervals will not result in an undue proliferation of option series since the series opened at the modified intervals would frequently be substitutes for, rather than additions to, series opened further out of the money. Furthermore, the increase in the number of option series resulting from a reduction of the exercise price intervals above 200 from 20 points to 10 points would be minimal.

Finally, with respect to the modifications concerning the introduction of new striking prices and the introduction of new series until the month of expiration, these changes insure the existence of striking prices both in and out of the money at all times with one limitation. That limitation, no new series introduced during the month of expiration, provides an adequate safeguard against any proliferation of new series as expiration approaches.

The CBOE believes it is consistent with the protection of investors and the public interest, as set forth in Section 6(b)(5) of the Act, that it modify the intervals at which exercise prices are set on options for securities trading between 50 and 100 and above 100. The proposed modification in the exercise price intervals, as described above, will enable public investors as well as Market-Makers to more effectively limit the risk of their transactions and widen the number of strategies available in those options whose underlying securities are trading between 50 and 100 and above 100, and will provide greater liquidity to the CBOE marketplace. Greater liquidity also is provided by the modifications involving the introduction of new striking prices and the introduction of new series until the month of expiration.

Comments were not solicited with respect to the proposed rule change.

No burden on competition will be imposed by modifying the intervals in the exercise prices of options as described above.

Within 35 days of the date of publication of this notice in the **Federal Register**, (October 23, 1980) or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) by order approve such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

Intersted persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, Securities and Exchange Commission, 1100 L Streeet, NW, Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before October 9, 1980.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.
September 12, 1980.

[FR Doc. 80-28930 Filed 9-17-80; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 17150 SR-MSRB-80-7]

Order Approving Proposed Rule Change; Municipal Securities Rulemaking Board

September 12, 1980.

On August 4, 1980, the Municipal Securities Rulemaking Board (the "MSRB"), Suite 507, 1150 Connecticut Avenue NW., Washington, D.C. 20036, filed with the Commission, pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) (the "Act") and Rule 19b–4 thereunder, copies of a proposed rule change extending from September 24, 1980, to December 1, 1980, the effective date of certain amendments to MSRB rule G–15 relating to customer confirmation and MSRB rule G–12 applicable to inter-dealer confirmations. The amendments to rule G–15 (File No. SR–MSRB–79–6) were approved by the Commission in Securities Exchange Act Release No. 16707 (March 28, 1980). Amendments to rules G–12 and G–15 (File No. SR–MSRB–80–1) were approved by the Commission in Securities Exchange Act Release No. 16844 (May 27, 1980).

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 17051 (August 6, 1980)), and by publication in the **Federal Register** (45 FR 53938 (1980)). All written statements with respect to the proposed rule change which were filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person were considered and were made available to the public at the Commission's Public Reference Room.

The Commission received one comment letter on the proposed rule change. A securities firm commented that the extention of the effective date would "not provide adequate time" to adjust data processing systems to comply with the new requirements of MSRB rules G–15 and G–12. The firm had no objections to an extension of time, but argued that the additional time proposed would be insufficient for it to make the necessary modifications to its systems.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the MSRB, and in particular, the requirements of Section 15B, and the rules and regulations thereunder.

It Is Therefore Ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to the delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-28932 Filed 9-17-80; 8:45 am]

BILLING CODE 8010-01-M

Application for Unlisted Trading Privileges and of Opportunity for Hearing; Philadelphia Stock Exchange, Inc.

September 15, 1980.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of:

TFI Companies, Inc.; Common Stock, $.67 Par Value (File No. 7-5735).

This security is listed and registered on one or more other national securities exchanges and is reported on the consolidated transaction reporting system.

Interested persons are invited to submit on or before October 6, 1980 written data, views and arguments concerning the above-referenced application. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the application if it finds, based upon all the information available to it, that the extension of unlisted trading privileges pursuant to such application is consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

[FR Doc. 80-28929 Filed 9-17-80; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17146; File No. SR-PHLX 80-21]

Self-Regulatory Organizations; Proposed Rule Change by Philadelphia Stock Exchange, Inc.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-24, 16 (June 4, 1975), notice is hereby given that on September 2, 1980, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission proposed rule changes as follows:

Statement of the Terms of Substance of the Proposed Rule Change

The Philadelphia Stock Exchange, Inc. ("PHLX") pursuant to Rule 19b-4 of the Securities Exchange Act of 1934 (the "Act") hereby proposes to amend Rules 1001 and 1002. The text of the proposed amendments is attached as Exhibit 1.

PHLX's Statement Basis and Purpose of Proposed Rule Changes

Position and exercise limit rules were originally adopted by options exchanges in order to minimize manipulative potential by reducing the incentive to manipulate that which may occur with the accumulation of large option positions.

The present rules limit market participants from holding more than 1,000 contracts on the "same side of the market"—i.e., more than 1,000 long calls and short puts or 1,000 short calls and long puts with respect to any underlying security. Such limitations have presented certain problems for certain large investors. In particular, managers of large portfolios have found that the existing limits do not provide them with the ability to employ options in order to adjust and control the risk/reward characteristics of portfolios in a significant manner.

For example, writing calls against long stock positions ("covered" calls) will generally lower portfolio risk by off-setting some potential loss at the cost of some potential gain. Likewise, the risk and reward characteristics of writing cash equivalent secured puts are very similar to those involving covered call writing. The major difference in strategies is that writing secured puts involves an underlying stock that one may be willing to hold in the portfolio, rather than on that which is already held.

Buying puts against long stock positions is another way to control risk by limiting the potential loss inherent in common stock ownership. In this way, the purchase of puts functions like term insurance, providing investors with protection against the risk of capital loss in return for a premium.

Buying call options in combination with fixed income securities such as Treasury Bills is another way to control the risk/reward potential of a portfolio. The risk of loss is limited to the cost of the options, while the opportunity for gain approximates that of stock ownership. By using these and other strategies, money managers may seek to achieve a proper balance of portfolio risk and potential reward through the use of listed options. However, the present rule restrictions either prevent or severely handicap the use of options in the management of large portfolios, since transactions in calls or puts on the same side of the market are limited to no more than 100,000 shares of underlying stock. The Special Study of the Options Market [1] recognized this problem and recommended that position limit rules of the option exchanges be reviewed. In making this recommendation, the Options Study noted that numerous letters were received from investment advisors and other market professionals requesting that the present rules be liberalized or otherwise modified.

Since the termination of the options moratorium, there are many more puts classes available to investors. This expansion of puts has provided market participants with the means to engage in additional types of hedging activities involving puts, calls, and the related underlying stock. However, the 1,000 contract limitation on the same side of the market has the effect of limiting such hedged positions to a 50,000 share equivalent position, which may actually be neutral and not really be on any "side of the market".

The Exchange has now had several years of experience in surveillance of the option markets. New and amended rules of the options exchanges promulgated in response to the Option Study provide additional public protections. Further, improved surveillance and compliance procedures have also been instituted by both the self-regulatory organizations and member firms.

For the reasons cited above, the Exchange believes that position limit rules should be expanded. At this time the Exchange proposes to amend Rule 1001 to allow a single account to hold no more than 2,000 calls or puts on the same side of the market with respect to an underlying security. Exchange Rule 1002 relating to exercise limits should also be broadened accordingly.

It may be that Exchange experience with the proposed new limits will lead it to conclude that the limits should be increased beyond 2,000. At such time, the Exchange may file a proposed rule change to that effect.

The current position and exercise limit rules were adopted pursuant to Section 6(b)(5) of the Act. The basis for the proposed rule changes is found, in part, in the Report of the Special Study of the Options Markets to the Commission which indicated that

[1] See Report of the Special Study of the Options Markets to the SEC, December 22, 1979, pages 40, 41.

position limit rules of the options exchanges should be reviewed. Further, liberalization of such rules will alleviate restrictions which seem unnecessary in light of the regulatory purposes of the Act.

No comments concerning the proposed rule changes were solicited by PHLX and none were received. Written comments were received by the Commission staff during its Options Study from several managers of large portfolios (mainly institutions) in support of liberalizing the present position limit rules.

PHLX believes that the proposed rule change will not impose any burden on competition.

Within 35 days of the date of publication of this notice in the **Federal Register**, October 23, 1980) or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(a) By order approve such proposed rule change, or

(b) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 "L" Street, N.W., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before October 9, 1980.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,

Secretary.

September 12, 1980.

Exhibit 1

Brackets indicate deletions; italics indicate additions

Position Limits

Rule 1001. Except with the prior written approval of the Exchange in each instance, no member or member organization shall effect, for any account in which such member or member organization has an interest or for the account of any partner, officer, director or employee thereof or for the account of any customer, an opening transaction (whether on the Exchange or on another Participating Exchange) in an option contract of any class of options dealt in on the Exchange if the member or member organization has reason to believe that, as a result of such transaction, the member or member organization or partner, officer, director or employee thereof or customer would, acting alone or in concert with others, directly or indirectly, hold or control or be obligated with respect to an aggregate position of more than [1000] *2000* put or call option contracts on the same side of the market relating to the same underlying security or such other number of option contracts as may be fixed from time to time by the Exchange as the position limit for one or more classes or series.

* * * Commentary

No change.

Exercise Limits

Rule 1002. Except with the prior approval of the Exchange in each instance no member or member organization shall exercise, for any account in which such member or member organization has an interest or for the account of any partner, officer, director, or employee thereof or for the account of any customer, a long position in any option contract of a class of options dealt in on the Exchange if as a result thereof such member or member organization, or partner, officer, director or employee thereof or customer, acting alone or in concert with others, directly or indirectly, has or will have exercised within any five (5) consecutive business days aggregate long positions in that particular class of options in excess of [1000] *2000* options covering the same option class (put or call) without regard to the exchange on which the options were purchased.

* * * Commentary

No change.

[FR Doc. 80-28933 Filed 9-17-80; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice 725]

State Department Senior Executive Service Performance Awards

As authorized in 5 U.S.C. 5384 and pursuant to the recommendations of the Performance Review Board of the Department of State, performance awards are approved for the following career members of the Senior Executive Service (SES) of the Department of State:

SES Members

Ronald J. Bettauer, Assistant Legal Adviser, Nuclear Affairs;

Richard E. Curl, Director, Office of Resources Policy, Bureau of Intelligence and Research;

Mark B. Feldman, Deputy Legal Adviser;

Roger B. Feldman, Comptroller;

Charles J. Henkin, Deputy Director, Office of Disarmament and Arms Control, Bureau of Politico-Military Affairs;

Michael G. Kozak, Assistant Legal Adviser, Inter-American Affairs;

Jenonne Walker, Member, Policy Planning Staff;

Franklin K. Willis, Assistant Legal Adviser, Economic and Business Affairs.

Dated: September 15, 1980.

Harry G. Barnes, Jr.,

Director General of the Foreign Service and Director of Personnel.

[FR Doc. 80-28786 Filed 9-17-80; 8:45 am]

BILLING CODE 4710-15-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Radio Technical Commission for Aeronautics (RTCA), Special Committee 139—Airborne Equipment Standards for Microwave Landing System (MLS); Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of RTCA Special Committee 139 on Airborne Equipment Standards for Microwave Landing System (MLS) to be held on October 8-10, 1980 in RTCA Conference Room 261, 1717 H Street, N.W., Washington, D.C. commencing at 9:30 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Approval of Minutes of the Eighth Meeting Held on September 5-8, 1980; (3) Briefing on International Civil Aviation Organization (ICAO), Working Group M Meeting; (4) Committee Review of Work Assignments from Previous Meetings; (5) Committee Review of the Third Draft of Minimum Operational Performance Standards for MLS, Sections 3.0 and 4.0; and (6) Other Business.

Attendance is open to the interested public but limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1717 H Street, N.W., Washington, D.C. 20006; (202) 296-0484. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C. on September 8, 1980.

Karl F. Bierach,

Designated Officer.

[FR Doc. 80-28477 Filed 9-17-80, 8:45 am]

BILLING CODE 4910-13-M

Federal Highway Administration

Supplemental Environmental Impact Statement: Columbia, S.C.

Note.—This document originally appeared in the Federal Register for Tuesday, September 16, 1980. It is reprinted in this issue to meet requirements for publication on the Monday-Thursday schedule assigned to the Department of Transportation.

AGENCIES: Federal Highway Administration (FHWA), DOT Economic Development Administration (EDA).

ACTION: Postponement of scoping meeting.

SUMMARY: The August 18, 1980, Federal Register contained an FHWA and EDA Notice (45 FR 54923) that a scoping meeting would be held on September 18, 1980, for the purpose of identifying the significant environmental issues to be addressed in the environmental impact statement (EIS) on the proposed Railroad Relocation, Consolidation and Grade Crossing Elimination and Palmetto Center Redevelopment Project in Columbia, South Carolina. The FHWA and EDA hereby announce that the scoping meeting on this project has been postponed and rescheduled for October 30, 1980. The meeting will be held at City Hall in Columbia, South Carolina at 2:30 p.m. in the City Council Chambers.

FOR FURTHER INFORMATION CONTACT: Mr. John Cole, EIS Coordinator, U.S. Department of Commerce, 1365 Peachtree Street, NE., Suite 700, Altanta, Georgia 30309, Telephone: (404) 881-7667; or Mr. Bill Rice, District Engineer, Federal Highway Administration, 1835 Assembly Street, Suite 758, Columbia, South Carolina 29201, Telephone: (803) 765-5411. (Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning, and Construction. The provisions of OMB Circular No. A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to this program.)

Issued on: September 12, 1980.

John S. Hassell, Jr.,

Federal Highway Administrator.

[FR Doc. 80-28767 Filed 9-15-80, 8:45 am]

BILLING CODE 4910-22-M

Environmental Impact Statement; New Castle County, Del.

AGENCY: Federal Highway Administration (FHWA) DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advised the public that an environmental impact statement will be prepared for a proposed highway project in New Castle County, Delaware.

FOR FURTHER INFORMATION CONTACT: Michael Otto, Area Engineer, Federal Highway Administration, Delaware Division, P.O. Box 517, Dover, Delaware 19901, Telephone: (302) 736-5616; Joseph T. Wutka, Location Studies and Environmental Engineer, Environmental Studies Office, Delaware Department of Transportation, P.O. Box 778, Dover, Delaware 19901, Telephone (302) 736-4642.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Delaware Department of Transportation, will prepare an environmental impact statement (EIS) as part of a planning study for a proposal to improve Twelfth Street, between Interstate 95 and Walnut Street, in the City of Wilmington, Delaware. The proposed improvement would involve the construction of a four lane highway from the I-95-Twelfth Street Interchange east of the City of Wilmington to the intersection of Walnut Street and Twelfth Street in the center of the city, a distance of approximately 1.2 miles. Improvements to the corridor are considered necessary to provide adequate capacity for existing and projected traffic demand and incorporate modern design features to provide safe and efficient transportation service between the Wilmington CBD and Interstate 95.

Alternatives under consideration include (1) taking no action, (2) widening the existing roadway to four lanes, (3) construction on new alignment and (4) a combination of (2) and (3). Alignment and design variations will be incorporated into and studied with the various build alternatives.

Letters describing the proposed action and soliciting cooperation into the study through the incorporation of scoping will be sent to appropriate Federal, State and local agencies. A formal scoping meeting is planned for September 17, 1980 at the Howard Career Center, 401 East Twelfth Street, in the corridor area. A public notice announcing the initiation of the planning study will appear in the local newspapers and will be distributed to private organizations and citizens who have previously expressed interest in the project. A series of public meetings will be held in the corridor area beginning in late 1980. In addition a public hearing is planned for mid-1981. Public notice and individual mailing from an established list will be utilized to announce the time and place of the meetings and hearing. The draft environmental statement will be available for public and agency review and comment.

To insure that the full range of issues related to this proposed action are addressed and all significant issues are identified, comments and suggestions are invited from all interested parties.

Comments or questions concerning this proposed action and the EIS should be directed to the FHWA address provided above.

Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The provisions of OMB Circular No. A-95 regarding State and local clearinghouse review of Federal and federally assisted programs and projects apply to this program.

Issued September 2, 1980.

John F. Sullivan, Jr.,

Division Administrator, Dover, Del.

[FR Doc. 80-28779 Filed 9-17-80, 8:45 am]

BILLING CODE 4910-22-M

Environmental Impact Statement; Los Angeles County, Calif.

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an Environmental Impact Statement will be prepared for a proposed highway project in Los Angles County, California.

FOR FURTHER INFORMATION CONTACT: Albert J. Gallardo, District Engineer, Federal Highway Administration, P.O. Box 1915, Sacramento, California 95809, Telephone: (916) 440-2804.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the UMTA and the California Department of Transportation (Caltrans), will prepare an Environmental Impact Statement (EIS) on a proposal to improve transportation in the I-5 (Santa Ana) Freeway corridor in Los Angeles County, California. The proposed improvement would consist of a Freeway Transit Project within the I-5 Freeway corridor betwen the Los Angeles Central Business District and the Orange County line. The total length of the corridor is approximately 21 miles. Improvements to the corridor are necessary to relieve existing congestion

and to provide for existing and projected travel demand.

Alternatives under consideration include (1) taking no action; and (2) using a combination of mode and alignment alternatives on either side of the freeway, in addition to the freeway itself, including bus, high occupancy vehicle (HOV), and rail modes.

Consultation and coordination with various agencies will be initiated under the formal Freeway Transit Work Plan (dated January, 1980). An environmental scoping meeting will be held at a later date. Those persons who are interested in participating in the scoping meeting should contact: Jerry Baxter, Caltrans District 07, Public Transportation Branch, 120 South Spring Street. Los Angeles, California 90012, Telephone: (213) 620–4428.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

Issued on: September 12, 1980.

Albert J. Gallardo,

District Engineer, Sacramento, Calif.

[FR Doc. 80-28769 Filed 9-17-80; 8:45 am]

BILLING CODE 4910-22-M

Environmental Impact Statement, Posey County, Ind.

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement (EIS) will be prepared for a proposed highway project in Posey County, Indiana.

FOR FURTHER INFORMATION CONTACT: Mr. John Breitwieser, Staff Environmental Specialist, Federal Highway Administration, Federal Office Building, 575 North Pennsylvania Street, Room 254, Indianapolis, Indiana 46204, Telephone: 317/269–7481.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Indiana State Highway Commission, will prepare an EIS on a proposal to improve SR–69 in Posey County, Indiana. The proposed improvement would involve the realignment of SR–69 between the Harmony State Recreational Access Road and SR–68 for a distance of about three miles. Improvements to the corridor are considered necessary to provide for the existing and project traffic demand.

Alternatives under consideration include (1) taking no action; (2) constructing a two-lane highway on an alignment similar to the existing alignment; and (3) constructing a two-lane highway on new location. Letters describing the proposed action and soliciting comments have been sent to appropriate Federal, State, and local agencies. A public meeting was held in New Harmony, Posey County, Indiana, on January 25, 1979. In addition, the opportunity for a public hearing will be offered. Public notice will be given of the time and place of the hearing. The draft EIS will be available for public and agency review and comment. No formal scoping meeting is planned at this time.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided.

(Catalog of Federal Domestic Assistant Program Number 20.205 (Highway Research, Planning and Construction). The provisions of OMB Circular A–95 regarding State and local clearinghouse review of Federal and Federally assisted programs and projects apply to this program).

Issued on: September 12, 1980.

George D. Gibson, Jr.,

Division Administrator, Indianapolis, Ind.

[FR Doc. 80-28844 Filed 9-17-80; 8:45 am]

BILLING CODE 4910-22-M

Federal Railroad Administration

[Docket No. RFA 505–80–5]

Atlantic-Pacific Railway Corp.; Receipt of Application

The Atlantic-Pacific Railway Corporation has submitted an application for $125,000,000 in transaction assistance under section 505(h) of the Railroad Revitalization and Regulatory Reform Act of 1976 and states that the proceeds will be used to acquire and rehabilitate "the main portion of the east-west line commencing at the Council Bluffs/Omaha Terminus and ending at the South Chicago Terminus, including the track and grain facilities around Lake Calumet." Applicant further states that these lines would be developed for local rail use and as a feeder line into the national rail system.

Interested persons may submit written comments on the application to the Associate Administrator for Federal Assistance, Federal Railroad Administration, 400 Seventh Street, S.W., Washington, D.C. 20590, not later than October 20, 1980. Such submission shall indicate the docket number shown on this notice and state whether the commenter supports or opposes the application and the reasons therefor.

If the commenter wishes acknowledgment of the Federal Railroad Administration's receipt of the comments, the commenter should include a self-addressed stamped postcard with the comments, which will be returned upon the Federal Railroad Administration's receipt of the comments. The comments will be taken into consideration by the Federal Railroad Administration in evaulating the application. However, no other formal acknowledgment of the comments will be provided.

Issued in Washington, D.C., on September 10, 1980.

William E. Loftus,

Associate Administrator for Federal Assistance.

[FR Doc. 80-28557 Filed 9-17-80; 8:45 am]

BILLING CODE 4910-06-M

National Highway Traffic Safety Administration

Safety, Bumper, and Consumer Information Programs; Public Meetings

The National Highway Safety Administration (NHTSA) will hold a meeting on October 8, 1980, to answer questions from the public and industry regarding the Agency's safety, bumper, and consumer information programs. The meeting will begin at 10:30 a.m., run until 1:00 p.m., and reconvene at 2:00 p.m., if necessary It will be held in the Conference Room of the Environmental Protection Agency's Laboratory Facility, 2565 Plymouth Road, Ann Arbor, Michigan.

At the October meeting, representatives of DOT will answer questions received in writing from the industry and the public relating to NHTSA's vehicle safety, bumper, or consumer information programs which are technical, interpretative or procedural in nature. The questions may relate to the research and development, rulemaking, or enforcement (including defects) phases of these activities. (Questions regarding the Agency's fuel economy program will continue to be addressed at the EPA's meetings on vehicle emissions).

Questions for the October 8 meeting must be submitted in writing by September 29 to Michael M. Finkelstein, Associate Administrator for Rulemaking, Room 5401, 400 Seventh Street, SW., Washington, D.C. 20590.

Every effort will be made to answer appropraite questions received. Questions received after September 29 date may be answered at the meeting, if sufficient time is available. The individual, group, or company submitting a question does not have to be present for the question to be answered. A consolidated list of questions submitted by September 29 will be available at the meeting and this list will serve as the agenda.

A transcript of the meeting will be available for public inspection in the NHTSA Technical Reference Section in Washington D.C., within four weeks after the meeting. Copies of the transcript will be available in four or five weeks at twenty-five cents for the first page and five cents for each additional page (length has varied from 100 to 150 pages) upon request to NHTSA, Technical Reference Section, Room 5108, 400 Seventh Street, SW., Washington, D.C. 20590.

Issued in Washington, D.C. on: September 9, 1980.

Michael M. Finkelstein,

Associate Administrator for Rulemaking.

[FR Doc. 80-28992 Filed 9-17-80; 8:45 am]

BILLING CODE 4910-59-M

Saint Lawrence Seaway Development Corporation

Advisory Board; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committe Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of the Advisory Board of the Saint Lawrence Seaway Development Corporation, to be held at 1:30 p.m., October 3, 1980, at 800 Independence Avenue, S.W., Washington, D.C. 20591. The agenda for this meeting is as follows: Opening Remarks; Approval of Minutes; Administrator's Report; Review of Programs; Old and New Business; Closing Remarks.

Attendance is open to the interested public but limited to the space available. With the approval of the Administrator, members of the public may present oral statements at the hearing. Persons wishing to attend and persons wishing to present oral statements should notify, not later than October 1, 1980 and information may be obtained from Robert D. Kraft, Deputy General Counsel, Saint Lawrence Seaway Development Corporation, 800 Independence Avenue, S.W., Washington, D.C. 20591; 202/426-3574.

Any member of the public may present a written statement to the Advisory Board at any time.

Issued in Washington, D.C. on September 9, 1980.

D. W. Oberlin,

Administrator.

[FR Doc. 80-28558 Filed 9-17-80; 8:45 am]

BILLING CODE 4910-61-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Department Circular; Public Debt Series—No. 28-80]

Treasury Notes of September 30, 1982; Series W-1982

September 15, 1980.

1. Invitation for Tenders

1. 1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately $4,500,000,000 of United States securities, designated Treasury Notes of September 30, 1982, Series W-1982 (CUSIP No. 912827 LB 6). The securities will be sold at auction with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the new securities may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities, to the extent that the aggregate amount of tenders for such accounts exceeds the aggregate amount of maturing securities held by them.

2. Description of Securities

2. 1. The securities will be dated September 30, 1980, and will bear interest from that date, payable on a semiannual basis on March 31, 1981, and each subsequent 6 months on September 30 and March 31, until the principal becomes payable. They will mature September 30, 1982, and will not be subject to call for redemption prior to maturity.

2. 2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2. 3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2. 4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of $5,000, $10,000, $100,000, and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered and book-entry securities, and the transfer of registered securities will be permitted.

2. 5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3. 1. Tenders will be received at Federal Reserve Banks and branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Daylight Saving time, Thursday, September 18, 1980. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Wednesday, September 17, 1980.

3. 2. Each tender must state the face amount of securities bid for. The minimum bid is $5,000 and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11 percent. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender and the amount may not exceed $1,000,000.

3. 3. All bidders must certify that they have not made and will not make any agreements for the sale or purchase of any securities of this issue prior to the deadline established in Section 3.1. for receipt of tenders. Those authorized to submit tenders for the account of customers will be required to certify that such tenders are submitted under the same conditions, agreements, and certifications as tenders submitted directly by bidders for their own account.

3. 4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and

report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3. 5. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities or readily collectible checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3.6. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of a ⅛ of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 99.500. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each sucessful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders willbe accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. Reservations

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5.1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.5., must be made or completed on or before Tuesday, September 30, 1980. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Friday, September 26, 1980. When payment has been submitted with the tender and the purchase price of allotted securitites is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make

delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Gerald Murphy,

Acting Fiscal Assistant Secretary.

[FR Doc. 80-29033 Filed 9-16-80; 3:28 pm]

BILLING CODE 4810-40-M

[Department Circular; Public Debt Series—No. 29-80]

Treasury Notes of September 30, 1984; Series F-1984

September 15, 1980.

1. Invitation for Tenders

1. 1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately $3,000,000,000 of United States securities, designated Treasury Notes of September 30, 1984, Series F-1984 (CUSIP No. 912827 LC 4). The securities will be sold at auction with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued to Government accounts and Federal Reserve Banks for their own account in exchange for maturing Treasury securities. Additional amounts of the new securities may also be issued at the average price to Federal Reserve Banks, as agents for foreign and international monetary authorities, to the extent that the aggregate amount of tenders for such accounts exceeds the aggregate amount of maturing securities held by them.

2. Description of Securities

2. 1. The securities will be dated September 30, 1980, and will bear interest from the date, payable on a semiannual basis on March 31, 1981, and each subsequent 6 months on September 30 and March 31, until the principal becomes payable. They will mature September 30, 1984, and will not be subject to call for redemption prior to maturity.

2. 2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United State, or any local taxing authority.

2. 3. The securities will be acceptable to secure deposits of public monies. They will not be acceptable in payment of taxes.

2. 4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered and book-entry securities, and the transfer of registered securities will be permitted.

2. 5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. Sale Procedures

3. 1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Daylight Saving time, Tuesday, September 23, 1980. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Monday, September 22, 1980.

3. 2. Each tender must state the face amount of securities bid for. The minimum bid is $1,000 and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11%. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender and the amount may not exceed $1,000,000.

3. 3. All bidders must certify that they have not made and will not make any agreements for the sale or purchase of any securities of this issue prior to the deadline established in Section 3.1. for receipt of tenders. Those authorized to submit tenders for the account of customers will be required to certify that such tenders are submitted under the same conditions, agreements, and certifications as tenders submitted directly by bidders for their own account.

3. 4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3. 5. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; Federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by full payment for the amount of securities applied for (in the form of cash, maturing Treasury securities or readily collectable checks), or by a payment guarantee of 5 percent of the face amount applied for, from a commercial bank or a primary dealer.

3. 6. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of a ⅛ of 1 percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 99.000. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final.

If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3. 7. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. Reservations

4. 1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. Payment and Delivery

5. 1. Settlement for allotted securities must be made at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Settlement on securities allotted to institutional investors and to others whose tenders are accompanied by a payment guarantee as provided in Section 3.5., must be made or completed on or before Tuesday, September 30, 1980. Payment in full must accompany tenders submitted by all other investors. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received from institutional investors no later than Friday, September 26, 1980. When payment has been submitted with the tender and the purchase price of allotted securities is over par, settlement for the premium must be completed timely, as specified in the preceding sentence. When payment has been submitted with the tender and the purchase price is under par, the discount will be remitted to the bidder. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5. 2. In every case where full payment has not been completed on time, an amount of up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5. 3. Registered securities tendered in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5. 4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5. 5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. General Provisions

6. 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6. 2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

Gerald Murphy,

Acting Fiscal Assistant Secretary.

[FR Doc. 80-29034 Filed 9-16-80; 3:28 pm]

BILLING CODE 4810-40-M

Sunshine Act Meetings

Federal Register
Vol. 45, No. 183
Thursday, September 18, 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).

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1

COMMODITY CREDIT CORPORATION:

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 45 FR 60536, September 12, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 2:00 p.m., September 19, 1980.

STATUS: Open, except that item 8 which now becomes item 7 will be closed to the public.

CHANGE IN MEETING: Deletes item 4 which was listed as: Docket CZ 153, Revision 3, Amendment 1 re: Policy with regard to insurance of equipment and facilities and of commodities owned, pooled, and under loan.

CONTACT PERSON FOR MORE INFORMATION: Bill Cherry, Secretary, Commodity Credit Corporation, Room 202-W, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20013; telephone (202) 447-7583.

[S-1726-80 Filed 9-16-80; 11:33 am]

BILLING CODE 3410-05-M

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FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Agency Meeting.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that the Federal Deposit Insurance Corporation's Board of Directors will meet in open session at 2 p.m. on Monday, September 22, 1980, to consider the following matters:

Disposition of minutes of previous meetings.

Request by the Comptroller of the Currency for a report on the competitive factors involved in a proposed merger of National Bank of Paulding, Paulding, Ohio, and National Bank of Defiance, Defiance, Ohio.

Memorandum and Resolution re: Semiannual Agenda of Regulations for September, 1980.

Reports of committees and officers:

Minutes of the actions approved by the Committee on Liquidations, Loans and Purchases of Assets pursuant to authority delegated by the Board of Directors.

Reports of the Director of the Division of Bank Supervision with respect to applications or requests approved by him and the various Regional Directors pursuant to authority delegated by the Board of Directors.

The meeting will be held in the Board Room on the sixth floor of the FDIC Building located at 550 17th Street NW., Washington, D.C.

Requests for information concerning the meeting may be directed to Mr. Hoyle L. Robinson, Executive Secretary of the Corporation, at (202) 389-4425.

Dated: September 15, 1980.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1728-80 Filed 9-16-80; 11:52 am]

BILLING CODE 6714-01-M

3

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of change in subject matter of agency meeting.

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its open meeting held at 2:00 p.m. on Monday, September 15, 1980, the Board of Directors of the Federal Deposit Insurance Corporation determined, on motion of Chairman Irvine H. Sprague, seconded by Director William M. Isaac (Appointive), concurred in by Mr. H. Joe Selby, acting in the place and stead of Director John G. Heimann (Comptroller of the Currency), that Corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of a policy statement regarding depository institution advertising of NOW accounts.

The Board further determined, by the same majority vote, that no earlier notice of the change in the subject matter of the meeting was practicable.

Dated: September 15, 1980.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1729-80 Filed 9-16-80; 11:52 am]

BILLING CODE 6714-01-M

4

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of agency meeting.

Pursuant to subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at 6:15 p.m. on Friday, September 12, 1980, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to (1) accept sealed bids for the purchase of certain assets of and the assumption of the liability to pay deposits made in The Metro Bank of Huntington, West Virginia, which was closed by the West Virginia Board of Banking and Financial Institutions on September 12, 1980; (2) accept the bid for the transaction submitted by Heritage National Bank, Huntington, West Virginia, a newly-chartered national bank; (3) provide such financial assistance, pursuant to section 13(e) of the Federal Deposit Insurance Act (12 U.S.C. 1823(e)), as was necessary to effect the purchase and assumption transaction; and (4) appoint a liquidator for such of the assets of the closed bank as were not purchased by Heritage National Bank.

In calling the meeting, the Board determined, on motion of Chairman Irvine H. Sprague, seconded by Mr. Paul M. Homan, acting in the place and stead of Director John G. Heimann (Comptroller of the Currency), concurred in by Director William M. Isaac (Appointive), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act: (5

U.S.C. 552b(c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: September 15, 1980.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1730-80 Filed 9-16-80; 11:52 am]

BILLING CODE 6714-01-M

5

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of changes in subject matter of agency meeting.

Pursuant to the provisions of subsection (e)(2) of the "Government in the Sunshine Act" (5 U.S.C. 552b(e)(2)), notice is hereby given that at its closed meeting held at 2:30 p.m. on Monday, September 15, 1980, the Corporation's Board of Directors determined, on motion of Chairman Irvine H. Sprague, seconded by Director William M. Isaac (Appointive), concurred in by Mr. H. Joe Selby, acting in the place and stead of Director John G. Heimann (Comptroller of the Currency), that Corporation business required the withdrawal from the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Application of The Cape Cod Five Cents Savings Bank, an operating noninsured mutual savings bank, located in Harwich Port, Massachusetts, for Federal deposit insurance.

Application of Stewardship Bank of Oregon, a proposed new bank, to be located at 1918 N.E. 181st Avenue, Multnomah County (P.O. Portland), Oregon, for Federal deposit insurance.

The Board further determined, by that same majority vote, that corporation business required the addition to the agenda for consideration at the meeting, on less than seven days' notice to the public, of the following matters:

Application of United States Trust Company, Boston, Massachusetts, and insured State nonmember bank, for consent to merge, under its charter and title, with City Bank & Trust Company, Boston, Massachusetts; to establish the four offices of City Bank & Trust Company as branches of the resultant bank; to issue subordinated capital notes as an addition to the bank's capital structure; and, for advance consent to their retirement at maturity.

Application of US Trust Company, Milton, Massachusetts, and insured State nonmember bank, for consent to merge, under its charter and title, with Neponset Valley Bank and Trust Company, Canton, Massachusetts; to establish the two approved offices of Neponset Valley Bank and Trust Company as branches of the resultant bank; to issue subordinated capital notes as an addition to the bank's capital structure; and, for advance consent to their retirement at maturity.

Resolution regarding the appointment of a Liquidator to exercise the powers conferred upon the FDIC as Receiver of The Mission State Bank & Trust Company, Mission, Kansas.

The Board further determined, by that same majority vote, that no earlier notice of the changes in the subject matter of the meeting was practicable; that the public interest did not require consideration of the matters added to the agenda in a meeting open to public observation; and that the matters added to the agenda could be considered in a closed meeting by authority of subsections (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

Dated: September 15, 1980.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[S-1731-80 filed 9-16-80; 11:52 am]

BILLING CODE 6714-01-M

6

[FR No. 1681]

FEDERAL ELECTION COMMISSION.

PREVIOUSLY ANNOUNCED DATE AND TIME: Thursday, September 18, 1980 at 10 a.m.

CHANGE IN MEETING: The following matter has been added to this open session:

Request of Carter-Mondale Committee for Declaratory Ruling by the FCC.

* * * * *

DATE AND TIME: Tuesday, September 23, 1980 at 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Personnel. Litigation. Audits. Audit and Compliance Thresholds.

* * * * *

DATE AND TIME: Wednesday, September 24, 1980 at 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Any matters not concluded on September 23, 1980.

* * * * *

DATE AND TIME: Thursday, September 25, 1980 at 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: This meeting will be open to the public.

MATTERS TO BE CONSIDERED:

Setting of dates for future meetings.
Correction and approval of minutes.
Certifications
Advisory opinions:
- Draft AO 1980-98: Linda Friedman, Birmingham Trust National Bank Committee for Good Government.
- Draft AO 1980-99: Kirk Alan Pessner, Treasurer, Northern California Republican Roundup.
- Draft AO 1980-101: Marvin I. Weinberger.
- Draft AO 1980-102: K. H. Rolwes, Treasurer, Fru-Con Corporation Political Action Committee.

1980 Election and related matters:
- Appropriations and budget.
- Pending legislation.
- Classification actions.
- Routine administrative matters.

PERSON TO CONTACT FOR INFORMATION: Mr. Fred Eiland, Public Information Officer; Telephone: 202-523-4065.

Marjorie W. Emmons,

Secretary to the Commission.

[S-1732-80 Filed 9-16-80; 3:38 pm]

BILLING CODE 6715-01-M

7

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 45 FR 60537, September 12, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., September 17, 1980.

CHANGE IN MEETING: The following items have been added:

Item number, Docket number, and Company

M-6(B): RM80-21, Regulations under Section 110 of the Natural Gas Policy Act of 1978.

M-6(C): SA80-90, American Petrofina Company of Texas, *et al.*

CP-14: CP79-80, *et al.*, Trailblazer Pipeline Company, *et al.*

Kenneth F. Plumb,

Secretary.

[S-1715-80 Filed 9-15-80; 4:14 pm]

BILLING CODE 6450-85-M

8

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 45 FR 60537, September 12, 1980.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., September 17, 1980.

CHANGE IN THE MEETING: The time of the meeting has been changed to 1 p.m.

Kenneth F. Plumb,

Secretary.

[S–1724–80 Filed 9–15–80; 4:15 pm]

BILLING CODE 6450–85–M

9

SECURITIES AND EXCHANGE COMMISSION.

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the week of September 22, 1980, in Room 825, 500 North Capitol Street, Washington, D.C.

A closed meeting will be held on Tuesday, September 23, 1980, at 10 a.m. An open meeting will be held on Wednesday, September 24, 1980, at 10 a.m.

The Commissioners, their legal assistants, the Secretary of the Commission, and recording secretaries will attend the closed meeting. Certain staff members who are responsible for the calendared matters may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be considered pursuant to one or more the exemptions set forth in 5 U.S.C. 522b(c)(4)(8)(9)(A) and (10) and 17 CFR 200.402(a)(4)(8)(9)(i) and (10).

Chairman Williams and Commissioners Loomis, Evans, and Friedman determined to hold the aforesaid meeting in closed session.

The subject matter of the closed meeting scheduled for Tuesday, September 23, 1980, at 10:00 a.m., will be:

Settlement of administrative proceeding of an enforcement nature.
Litigation matters.
Settlement of injunctive action.
Access to investigative files by Federal, State, or Self-Regulatory authorities.
Formal order of investigation.
Institution and settlement of administrative proceedings of an enforcement nature.
Institution of administrative proceeding of an enforcement nature.
Institution of injunctive action.
Administrative proceedings of an enforcement nature.
Opinion.

The subject matter of the open meeting scheduled for Wednesday, September 24, 1980, at 10 a.m., will be:

1. Consideration of wether to amend Rule 72(b) under the Public Utility Holding Company Act of 1935 (the "1935 Act") to provide that the rules adopted under Sections 16(a) and (b) of the Securities Exchange Act of 1934 shall apply equally to any duty or liability imposed under Sections 17(a) and (b) of the 1935 Act with respect to any security of a registered holding company or subsidiary thereof. For further information, please contact Grant G. Guthrie at (202) 523–5156.

2. Consideration of whether to issue a release inviting comments on a proposed increase in Form U–4 filing fees for SECO broker-dealers and announcing the automation of SECO examinations. For further information, please contact Frank Ramirez at (202) 272–2839.

3. Consideration of whether to approve the selection of Anthony M. Mandolini as a public member of the Municipal Securities Rulemaking Board. For further information, please contact Susan J. Walters at (202) 272–2825.

4. Consideration of whether to send a letter to the Office of Government Ethics commenting on proposed regulations to implement the provisions of Title IV of the Ethics in Government Act of 1978. For further information, please contact Myrna Siegel at (202) 272–2430.

5. Consideration of whether to issue a release adopting amendments to (1) Form N–1, the registration form for open-end management investment companies, to require the inclusion of a yield quotation based on a standardized computation in the prospectuses of money market funds, and (2) Rule 434d under the Securities Act of 1933 to require that yield quotations included in money market fund advertisements be based on that standardized computation. For further information, please contact Anthony A. Vertuno at (202) 272–2107, Gene Gohlke at (202) 272–2024, or Larry Greene at (202) 272–2093.

At times changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact: Marcia MacHarg at (202) 272–2468.

September 15, 1980.

[S–1725–80 Filed 9–16–80; 11:08 am]

BILLING CODE 8010–01–M

federal register

Thursday
September 18, 1980

Part II

U.S. Regulatory Council

Guidelines for Entries in the Calendar of Federal Regulations; Request for Public Comments

U.S. REGULATORY COUNCIL

Guidelines for Entries for the Calendar of Federal Regulations; Request for Public Comments

AGENCY: United States Regulatory Council.

ACTION: Request for public comment.

SUMMARY: We are asking members of the public to suggest any revisions they feel are necessary to the Guidelines for the **Calendar of Federal Regulations.** The Regulatory Council issued these Guidelines to help Federal agencies prepare entries for the November 1980 edition of the Calendar so that their reports on individual regulations under development will be as complete and consistent as possible. The **Calendar,** which we publish twice a year in May and November, is a report on the most important regulations that Council agencies are developing at the time of publication. We want the **Calendar** to be useful to its readers, and we welcome comments that will help use revise the Guidelines we will issue for the May 1981 edition of the **Calendar.**

We are especially interested in receiving comments concerning the type of information asked for, and the format in which it is presented, recognizing the differences among regulatory programs and the different steps of development of regulations that agencies describe.

COMMENTS: We are asking for your comments by December 30, 1980.

Please address your comments to: Mark G. Schoenberg, Associate Director, U.S. Regulatory Council, Washington, D.C. 20503, (202) 653–7240.

FOR FURTHER INFORMATION CONTACT: Peter J. Petkas, Director, U.S. Regulatory Council, Washington, D.C. 20503, (202) 395–6110.

SUPPLEMENTARY INFORMATION: The President directed the creation of the U.S. Regulatory Council on October 31, 1978. Its principal duties are to help coordinate Federal regulatory activities and to help manage the regulatory process more effectively. The Council is comprised of 38 Federal departments and agencies that have significant regulatory responsibilities.

The President directed the Council to develop and publish a semiannual calendar of important upcoming Federal regulations. The Council published the first edition of the **Calendar of Federal Regulations** in February 1979 (44 FR 11388, February 28, 1979), the second edition in November 1979 (44 FR 68202, November 28, 1979), and the third edition in May 1980 (45 FR 36844, May 30, 1980). The Council will publish subsequent editions every May and November.

The **Calendar** serves the President, the Congress, the regulators and the public as a tool for understanding and helping to shape the way we implement national regulatory policy goals. It provides a special service to members of the public by describing opportunities for them to participate in the development of specific regulations.

The Council designed the **Calendar** to catalog and briefly analyze the most important regulations that Federal agencies are developing. It presents the following information for each regulation under development.

—The regulation's legal authority;
—Why the regulation is important;
—Problems the agency intends to address in the regulation;
—Major alternatives the agency is considering;
—Sectors of the economy that could be affected;
—Expected costs and benefits;
—Related regulations and actions;
—Collaboration between the issuing agency and other Federal and State agencies;
—Timetable for action;
—List of available documents; and
—Agency contact.

Indices and appendices in the **Calendar** provide additional information in the following areas:

—Sectors affected by regulatory action;
—Dates of next regulatory action;
—Dates for public participation opportunities and a citizen's guide for public participation in the Federal regulatory process generally, and in the specific rulemaking process of each Council agency;
—Status of regulations reported in the previous **Calendar;**
—Publication dates for agency semiannual regulatory agendas; and
—Important regulations scheduled for agency "sunset" review.

We realize that the amount of information an agency can supply varies according to a regulation's state of development and the nature of the regulation. We have attempted to write the Guidelines so that each agency can provide as much information as possible. Because experts sometimes disagree on the method that should be used to estimate costs, benefits, and other economic impacts, we tried to structure the Guidelines so that the 38 Council agencies could express their analytic data in as consistent a way as possible.

For example, we have asked the agencies to differentiate between the kinds of costs they are discussing, and to identify which year's dollars, discount and interest rates, and depreciation method they used in estimating costs and benefits. However, these Guidelines do not assume a particular methodology for economic analysis or any particular means for expressing the results of such analysis.

The **Calendar** is an evolving document that has benefited from the comments submitted by readers of previous editions, and the experience and ideas of the Council agencies. We want to continue this evolution and refinement, and are therefore requesting your comments on these latest Guidelines.

The changes we made from the last (May 1980) Guidelines to these include:

—Requesting agencies to give their monetary estimates in 1979 dollars;
—Requesting agencies to state what percent of an industry's gross sales the compliance cost of the regulation would be;
—Giving a more detailed explanation of Standard Industrial Classification (SIC) terminology which we request agencies to use in identifying sectors affected by the regulation; and
—Giving a more detailed description of eight innovative regulatory techniques that are compatible with the President's June 1980 memorandum "Alternative Approaches to Regulation." (Weekly Compilation of Presidential Documents, week of June 16, 1980, Vol. 16, No. 24.)

We would appreciate hearing your comments on these changes and any others you may feel we need. For instance, should we:

—Request additional information? If so, on what subjects?
—Delete information we now request? If so, what?
—Organize the material differently? If so, how?

We would also appreciate any other comments you may have. The Guidelines for the November 1980 **Calendar** entries are reprinted below for your information.

Dated: September 3, 1980.

Peter J. Petkas,

Director.

GUIDELINES FOR THE NOVEMBER 1980 EDITION OF THE CALENDAR OF FEDERAL REGULATIONS

INTRODUCTION

The United States Regulatory Council publishes the **Calendar of Federal Regulations** to provide a comprehensive overview of important regulations that the 38 Council agencies are proposing. Because we want the **Calendar** to be as useful as possible to its readers—interested citizens, public and private

interest groups, the business community, and government officials—we are providing these Guidelines to help agencies prepare material for the November 1980 edition. With the help of staff members in various agencies and suggestions from many private and public interest groups, we have made minor refinements in the basic format we used for the third edition. These are essentially minimal wording changes that update and clarify the information we request. We are not asking for new information. However, your writers should use these Guidelines to prepare the entries, and NOT rely on those for the last edition of the **Calendar** (45 FR 36843, May 30, 1980).

For the November **Calendar**, we should be able to accept, without major changes, well written entries that repeat from the May **Calendar**. For such entries you only need to make those changes that update the information you gave for the May edition. For instance, if you performed a regulatory analysis between May and November, you should be able to supply more cost and benefit data.

These Guidelines attempt to accommodate the different reporting approaches of 38 agencies. We realize that what you include in your entries will depend on: (1) The types of information your Agency analyzes; (2) the stage of development of the regulation at the time you write your entries; (3) the appropriateness of certain information for certain rules; and (4) whether your Agency has performed or will perform a regulatory analysis. However, we have structured the Guidelines so that you can provide as much information as you have available, thus making the **Calendar** as useful as possible to its wide variety of readers.

GENERAL INSTRUCTIONS ABOUT PREPARING ENTRIES

1. Agency Clearance

Calendar Representatives are responsible for ensuring that the Agency Head or Council Representative clears your Agency's submissions before we publish the **Calendar** in the **Federal Register**. We must have a transmittal letter from your Agency Head or Council Representative accompanying entries.

The best entries in the **Calendar** are those that economists, lawyers, and plain English editors within your Agency have reviewed. If you have not established internal legal, economic, and plain English reviews for your entries, we hope you will do so. This will expedite our joint editorial process.

2. Criteria for Including Entries

We would like to have at least five entries from each participating executive Agency and three from each participating independent Agency, unless, of course, you do not have enough actions under development that meet the criteria described below.

Each entry should meet one or more of the following criteria, which are also those you would use to determine whether you should prepare a regulatory analysis under Executive Order 12044:

- Regulations that have an annual effect on the economy of $100 million or more.
- Regulations that will impose a major increase in costs or prices for individual industries, levels of government, or geographic regions.
- Regulations otherwise determined by the Agency Head.

In addition, you should prepare an entry for the following types of regulations, which also require regulatory analysis:

- Grants and income transfer program regulations that may impose annual compliance costs of $100 million or more.
- Any regulation you have reviewed under the provisions of E.O. 12044 if you are reproposing it, and if the proposed changes would themselves be considered "major" under the Executive Order.

You should also include an entry for any other proposed regulation as follows:

- Any proposed regulation for which the Agency is not likely to prepare a regulatory analysis, but which the Agency might want to include because:
- It is precedent setting;
- It concerns an issue of great public interest; or
- It would cause an increase in productivity and/or profits without causing any adverse effects.

The importance of such rules might make public information and/or participation in developing the proposed rule desirable.

- Any entry that appeared in the May 1980 Edition, unless it has been promulgated or withdrawn, in which case we will note this fact in the **Calendar's** "Appendix III: Status of Regulations from the May 1980 Edition."

3. Timing

You should submit an entry for any regulation you are developing that meets one or more of the above criteria and for which your Agency is *reasonably likely* to have a regulatory action (e.g., Advance Notice of Proposed Rulemaking (ANPRM), Notice of Proposed Rulemaking (NPRM), Commission Decision, Final Rule, etc.) *between November 1980 and November 1981.* If you have a proposed rule that meets the above criteria but that may go final around the date we publish the **Calendar**, please prepare an entry for that regulation—we can always withdraw it at the last minute. Our experience shows that final actions often "slip," and we don't want you or ourselves to be embarrassed by a glaring omission from the **Calendar**.

4. Writing Style

Because the **Calendar** has such a varied readership, please prepare all entries in clear and concise language. To do this, you should:

- Use the *active rather than the passive voice* whenever possible. The active voice makes your sentences clearer and more forceful. Also, when you use the passive voice you tend to obscure "who does what to whom," leaving the reader unsure who is responsible.

Example

Use active voice: "We will seek public comment." Do NOT use passive voice: "Public comment will be sought."

- Precisely define *"jargon"* or specialized terms that are not generally understood by a nonspecialized readership.
- *Spell out acronyms and other abbreviations* the first time they appear in the text of each entry, and follow the full phrase with the appropriate acronym in parentheses. There are six exceptions to this rule, which we list below. We will define these terms in the introductory material to the **Calendar**, so you do not need to spell them out on first use. These are:

ANPRM—Advance Notice of Proposed Rulemaking
CFR—Code of Federal Regulations
E.O.—Executive Order
FR—Federal Register
FY—Fiscal Year
NPRM—Notice of Proposed Rulemaking

In addition, spell out all acronyms the first time they appear in the "Active Government Collaboration" section.

If an entry contains multiple, complicated acronyms, spell out as many as possible to make the entry more understandable.

- *Do not use footnotes.* Explain your point in the text itself.
- If possible, ask *an editor in your Agency* to review entries to make sure they are written in plain English before the material reaches us. This will make our mutual editorial process easier.

5. Format

• Type draft entries on a memory typewriter if possible.

This will make it easier to type your final entries.

• Make your entries consistent with the basic outline that we provide in these Guidelines.

• Type your entries *double-spaced* with at least *one-inch margins on all* sides of the page.

• *Indent paragraphs five spaces.*

• Type *section headings* in upper and lower case, and place them *flush with the left margin.* Do NOT underline section headings because we do not want the printer to italicize them. Underline only those words you want italicized in the printed version.

In addition:

• Please submit a *clean final copy* because we will send it directly to the printer.

• If possible, please submit *original manuscript;* we must photostat your material several times.

OUTLINE FOR ENTRIES

Agency Designation/Title of Regulation

Type the Agency name and issuing division in acronyms, *entirely in upper case,* e.g., DOE–ERA. Type the word "Title" on a separate line, two lines below the Agency designation and two lines above the actual title. Give the title of the regulation or action, *capitalizing the first letter of all the important words.*

In parentheses immediately after the title, give the Code of Federal Regulations (CFR) citation, if one is available. If the regulation you are proposing is a revision to an existing CFR citation, place an asterisk (*) after the citation and within the parentheses. If the proposed regulation will occupy a new CFR section, you do not need the asterisk. We are doing this to distinguish between rules that you are revising or reproposing, and new rules.

Example

DOE–ERA
Title
Amendments to the Crude Oil Supplier/Purchaser Rule (10 CFR Part 211*)

Legal Authority

We are trying to maintain a consistent format for legal citations. If possible, please review your citations with an attorney in your Agency to ensure accuracy and to save editing time.

1. *Laws*

A. Whenever you give a citation to a U.S. law, you should cite to the United States Code (U.S.C.), the document that contains the consolidated and codified Public Laws, *except* in the cases outlined under B below.

Example

When you wish to cite to:	Write:
Title 10, section 501 of the U.S.C.	10 U.S.C. 501

B. In some instances, if you cite to the U.S.C. you do not tell the reader where to find the particular provision, e.g., provisions in appropriations acts and provisions that amend an existing law but that have not been codified separately in the U.S.C. In these exceptional cases you should use P.L. (Public Law) and Stat. (U.S. Statutes at Large) citations.

Example

When you wish to cite to:	Write:
Public Law 96–187, titled Federal Election Campaign Act Amendments of 1979, found in the 93rd edition of the U.S. Statutes at Large on page 1339	Federal Election Campaign Act Amendments of 1979, P.L. 96–187, 93 Stat. 1339

2. *Regulations*

A. When you give a citation to a regulation, you should cite the Code of Federal Regulations (CFR) except as provided under B below.

Example

When you wish to cite to:	Write:
Title 1, Chapter 1 of the CFR	1 CFR Chapter 1
Title 1, Chapter 1, Part 18	1 CFR Part 18
Title 1, Chapter 1, Parts 18 and 19	1 CFR Parts 18, 19
Title 1, Chapter 1, Part 18, Section 18.12	1 CFR 18.12
Title 1, Chapter 1, Part 18, § 18.12 Paragraph (c)(3)	1 CFR 18.12 (c)(3)

B. In four instances, your citations should include references to both the **Federal Register** (FR), and the CFR. These are:

• Proposed regulations and ANPRMs.

• Where the regulation, although published in the FR and assigned a CFR number, has not yet been included in the annual revision of the CFR.

• Where the document, although published in the FR, is not a regulation but is related to one. Even though the document itself does not appear in the CFR, if it references material in the CFR, you should cite to these references.

• Where the regulation in question, formerly included in the CFR, is no longer effective and does not appear in the most recent annual revision of the CFR. You should give that original citation.

Example

When you wish to cite to:	Write:
A proposed rule in the 44th Edition of the **Federal Register**, Page 33804, published on June 12, 1979, that would appear at Title 24 of the Code of Federal Regulations, Part 880	24 CFR Part 880 (44 FR 33804, June 12, 1979)

3. *Executive Orders*

The President issues Executive Orders (E.O.s), which are always published in the **Federal Register** and compiled in CFR Title 3. You should have a CFR citation for E.O.s, if possible. Since there are no Chapters or Parts in the CFR Title 3, give a page number.

Example

When you wish to cite to:	Write:
E.O. 11382, published in Title 3 of the CFR, compilation of 1966–67, at page 691	E.O. 11382, 3 CFR, 1966–67 Comp., p. 691

If the E.O. has not yet been published in the CFR, give an FR citation as you do with regulations.

You may wish to cite only to the **Federal Register** in some cases, e.g., documents that appeared in the FR but that are not laws or regulations.

Example

When you wish to cite to:	Write:
The 44th Edition of the **Federal Register**, page 33804, published on June 12, 1979	44 FR 33804, June 12, 1979

Reason for Including This Entry

In this section, you should tell the reader why the entry is important enough to be in the **Calendar.** Usually the reason will be one of the criteria for including entries, which we outlined on pages 2–3. Keep this section very brief; one or two sentences should suffice.

Example

The Department of Agriculture (USDA) includes this entry because the proposed rule would set a precedent that would allow public participation at an earlier stage in our rulemaking process. The proposed rule would also allow groups to participate that have been financially unable to do so in the past.

Example

The Department of Housing and Urban Development (HUD) includes this entry because we expect the proposed rule could have an annual effect of $100 million or more on the economy.

Statement of Problem

In this section, describe the magnitude of the problem and why you need to take regulatory action to help solve it. Please include all of the four following elements in your narrative.

1. Start by giving a brief amount of *background information* describing why the problem arose.

2. Discuss the *magnitude of the problem:*

A. Discuss the problem in *quantitative terms*, if possible.

B. If you do not have precise figures available, use a *range or percentage* to describe the problem.

C. If you cannot make a quantitative statement, describe the problem in *qualitative* terms.

3. Describe *why your Agency decided to act on this problem at this time.* Possible explanations include new legislation, identification of a problem, a court decision, or prodding by consumers or industry.

4. Describe the *consequences of not responding to the problem.* "No action" is the base case against which you will measure all benefits and costs. You should describe this base case, so later you can show the need for your proposed regulation by discussing how you will improve on the "no action" situation.

Example

The FHWA currently limits, by regulation, the hours of service for drivers, as part of its overall responsibility for the safe operation of motor carriers. Research studies dating from the mid-1930s have indicated that fatigue causes narrowing of vision and inattention, which make drivers miss signs and signals, and result in highway accidents. In 1978, more than 34,000 commercial motor vehicle accidents were reported to the Bureau of Motor Carrier Safety; many of these were single-vehicle and other accidents that involved running off the road without apparent cause. The FHWA suspects that fatigue was a factor in many of these cases.

The FHWA is considering revising the regulations that limit the driving hours and prescribe rest periods for drivers of vehicles engaged in interstate or foreign commerce. It is taking this action in response to: (1) Numerous requests from public interest groups, labor organizations, motor carriers, and individual drivers; (2) research studies showing driver fatigue to be a cause in commercial motor vehicle accidents; and (3) a 1974 decision of a Federal District Court involving a suit brought by PROD, Inc., an interest group representing some commercial truck drivers who sought judicial review of the FHWA's failure to initiate rulemaking proceedings on the hours of service regulations. The suit was dismissed by the court to allow the FHWA to baegin rulemaking. The dismissal allowed PROD to reinstate the suit in 18 months if the FHWA had failed to initiate rulemaking.

The objective of this regulation is to increase the overall safety of the Nation's highways through the revision of current regulations governing the commercial trucks and buses engaged in interstate or foreign commerce.

If we do not take regulatory action, we may be unable to prevent fatigued drivers from traveling the Nation's highways, thereby allowing a potentially dangerous situation to continue.

Alternatives Under Consideration

The Carter Administration has emphasized the value of making an explicit and deliberate choice from among a selection of regulatory alternatives. For example, the Administration's regulatory analysis program stresses identifying and evaluatiing each major option in draft and final regulatory analyses. The Administration also has placed strong emphasis, through a November 16, 1979 Presidential directive, on considering regulatory alternatives that take the size and nature of affected businesses and organizations into consideration (Weekly Compilation of Presidential Documents, Week of November 26, 1979, Vol. 15, No. 47; *Regulatory Programs and Small Businesses and Organizations*).

This section should include a succinct description of the major alternatives you are considering to solve the problem that you outlined in the preceding section and that improve on the "no action" base case. Explain how each alternative would solve the stated problem, and briefly summarize its major advantages and disadvantages, so the reader will know why you are considering each one. You will discuss the advantages and disadvantages more fully later, in the "Summary of Benefits" and "Summary of Costs" sections.

If you have decided to propose or have proposed one alternative, indicate that choice and describe it in detail. If there are no realistic alternatives to the action that you propose, please explain why.

In most cases, the two to four alternatives you list here will be identical to those that you are evaluating in your regulatory analysis, if you are preparing one.

Example

An outline of the paragraphs describing your alternatives would look like this:

We are considering Alternative (A)

- (A) would solve the problem in the following way.
- (A) has the following advantages.
- (A) has the following disadvantages.

We are also considering Alternative (B), (C), etc.

We prefer Alternative (A) over (B) and (C) because of the following reasons:

1. (A) will cause mimimum additional expense to the regulated sector, and still meet the Agency's regulatory objective of * * * by * * *.

2. (A) will be easier for us to enforce because * * *.

Example

The FAA stated that possible alternatives to establishing flammability standards for uniforms of crewmembers are:

(A) No regulation: do not require uniforms worn by crewmembers to meet any flammability standard. Current materials used to make uniforms provide maximum comfort, a range of styling, and are easily cleaned. However, they are constructed of conventional fabric that is flammable and may provide inadequate protection from radiant heat in cabin fires that people could survive if they wore adequate protective clothing. Also, without protective clothing, crewmembers may be incapable of performing necessary functions in certain emergencies.

(B) Require crewmembers to put on special garments such as firemen wear in case of a fire. This option was fully explored and reported in FAA Report No. FAA–RD–77–18. Although the garment provides maximum protection from flame and radiant heat, it is very expensive and difficult to put on.

(C) Require that crewmember uniforms meet a standard similar to the current children's sleepwear standard. This is a performance standard that requires that materials used for children's sleepwear resist ignition when exposed to flame, and self-extinguish rapidly. Materials that satisfy the children's sleepwear standard must be flame-resistant, but need not protect the wearer from radiant heat transferred through clothing.

(D) Require crewmember uniforms to meet a test measuring resistance to ignition and ability to self-extinguish as well as a standard designed to protect the wearer from injury from the transfer of radiant heat through clothing.

We currently regard alternative (D) as the most desirable alternative, since crewmembers must be adequately protected from both flame and radiant heat injury if they are to perform their duties adequately in an emergency.

Types of Alternatives

Types of alternatives you are considering or have considered will vary according to the regulation. While the authorizing statute itself may specify that you must issue the regulation or take some other action, there are usually options you will have to or can consider to implement the law through regulation. You should try to describe the following kinds of alternatives, where appropriate:

1. The *different types of actions* you might take to achieve your statutory objective.

Example

If the statute requires that you reduce mining accidents, you might regulate the kind of protective clothing miners wear at work, the safety equipment available to them, or the structural safety supports mine operators must use when they construct a mine.

2. The *level of control* you will require for the action you are recommending.

Example

You might limit chemical discharges to 50 parts per million (ppm), 75 ppm, or 100 ppm.

3. The *flexibility* you build into your regulation to take into account the size and nature of the affected businesses or sectors, and to alleviate unnecessary burdens on them.

Example

Environmental Protection Agency Guidelines and Standards on the Discharge of Effluents into Navigable Waters tailor compliance requirements to the size of the industry and the effluent it produces. For instance, in the regulations covering receiving stations for bulk milk, the more stringent set of limitations applies to stations receiving and processing large amounts of milk each day. Stations processing smaller amounts of milk have to meet less stringent standards.

4. The *timing* of compliance.

Example

You might require that libraries install ramps for the handicapped within 2 years or within 5 years of the time the regulation becomes effective.

5. The *degree of reporting* you will require from businesses in order to comply with the proposed regulation. You might consider a range of reporting requirements. Reporting is a tool that can help you reach your regulatory objectives and minimize unnecessary burdens on your Agency and/or the regulated sector.

Example

OSHA reduced its reporting requirements for small firms that had little equipment and low accident rates; 131,000 businesses with fewer than 11 employees no longer have to fill out OSHA's annual survey. OSHA also cut 75 percent of its questions from the forms that larger businesses must complete. OSHA said that these actions have reduced the number of person-hours required by 80 percent, from 320,000 to 70,000 hours, and saved business an estimated $100 million a year.

Innovative Regulatory Techniques

Your description of alternatives should highlight any innovative techniques you are considering. Innovative techniques are departures from the traditional "command and control" form of regulation, which involves strictly specified rules and formal government sanctions for failure to comply. They typically involve approaches that use the economic forces of the marketplace to achieve regulatory goals. This section gives you the opportunity to document publicly some of your regulatory innovations.

In June 1980 President Carter signed a memorandum to regulatory agencies that defines innovative techniques and asks agencies actively to seek new applications of those techniques (Weekly Compilation of Presidential Documents, Week of June 16, 1980, Vol. 16, No. 24; *Alternative Approaches to Regulation*). The President defined eight categories of innovative techniques:

1. *Marketable Rights* (creating government-conferred rights that can be traded).

In some cases you can meet your regulatory objectives by granting rights to engage in certain activities and allowing those rights to be sold or traded among private parties. This regulatory technique is most often used where conflict over the use of scarce resources could be harmful or when the use of a resource must be limited for other reasons. This mechanism can provide an overall limit on regulated activities while allowing voluntary transactions to arrange the detailed allocation of rights. Market forces thereby can replace centralized government decisionmaking.

Example

The Federal Communications Commission uses its own discretion to assign and/or reassign licenses to use radio frequencies. The Commission believes the electromagnet spectrum is inefficiently used and is considering a marketable rights approach to allocation that would allow the free sale or auction of frequencies and provide powerful incentives for more efficient use of the spectrum.

2. *Economic Incentives* (regulating through the price system by making business costs more consistent with social goals).

Agencies use traditional regulatory programs to eliminate or directly restrict unwanted activity and assess fines against violators to compensate for the failure of an economic sector to satisfy public needs. In contrast, the economic incentives approach attempts to correct the problem at its source by ensuring, through fees or subsidies, that the cost to the economic sector more accurately reflects the overall cost of the activity to the public.

This approach includes use of both penalties (e.g., user fees—the "gas guzzler" tax) and subsidies, (e.g., energy tax credits or government procurement).

Example

Airline service to small communities has always suffered because such service often is not profitable for airlines. In the past, the Civil Aeronautics Board (CAB) based its subsidy program on the financial needs of an airline's entire system, rather than adjusting the subsidies to the needs of particular routes. This approach encouraged airlines to acquire larger aircraft, ill-suited to serving smaller communities. Under the new airline law, CAB is developing a subsidy program that encourages purchase of aircraft better suited to serving small communities.

3. *Performance Standards* (replacing detailed compliance requirements with general performance standards).

With this regulatory technique, the government can continue to regulate through standards while allowing market forces to work. This approach permits sectors that an Agency regulates to meet a desired overall performance standard rather than a specific design standard. Performance standards maintain the desired level of overall quality, but leave regulated firms free to find the most cost effective means of compliance and to adapt to their particular business conditions.

Performance standards can apply to firmwide, plantwide or areawide levels of performance, or to particular products or practices.

Example

The Occupational Safety and Health Administration has examined hundreds of pages of current standards, all based on detailed specification language, and is rewriting them as performance-oriented standards. For example, an existing regulation specifies the exact height and placement of fire extinguishers. The new formulation calls for fire extinguishers to be accessible, but permits firms several ways of providing accessibility.

4. *Compliance Reform* (using market-oriented techniques for ensuring compliance with regulatory requirements).

Market-oriented compliance programs can encourage wider compliance with less cost to the taxpayer for Federal enforcement, and less frequent government presence in business decisions.

In general, reforms in this area replace or supplement government compliance monitoring and enforcement with other mechanisms, such as whistle-blower programs, supervised self-certification, economically based penalties, and third party monitoring.

Example

The U.S. Department of Agriculture (USDA) has proposed a voluntary program using quality control systems of plants to determine compliance with government standards. The program would enable USDA to monitor production of processed meat and poultry products with equal effectiveness and less disruption to producers while reducing the government's inspection program costs.

5. *Enhanced Competition* (reducing regulatory and other barriers to competition; includes deregulation).

These actions foster regulatory objectives by removing artificial barriers to competition. Enhanced competition can be an important source of cost savings and can improve the quality and diversity of products and services. Deregulation may be appropriate where regulation is no longer needed because market forces adequately nuture the economy and protect the public.

Example

The Interstate Commerce Commission exempted railroads from complicated regulations involving rates, routes, and service frequency for the transportation of fresh fruits and vegetables. As a result, the railroads are now able to offer shippers daily price quotes for these perishables depending upon such factors as the availability of equipment. This has increased competition in the business, improved service, and held down overall transportation costs.

6. *Information Disclosure* (regulating by ensuring informed consumer choice).

In some cases you can enhance regulatory goals by making sure that the user or consumer of a product or service receives key information on the consequences of using it. By providing information or requiring that suppliers disclose specific information, rather than by regulating suppliers directly, the Agency increases its operating freedom and the users' freedom of choice.

Disclosure includes two approaches: labeling programs, in which suppliers are required or encouraged to put relevant information on labels or accompanying materials, and rating programs, in which the government itself publicizes critical information.

Example

The Environmental Protection Agency encourages noise level labeling by industry for two types of products: those emitting noise that can adversely affect public health, and those sold wholly, or in part, on the basis of their effectiveness in reducing noise. The labels help consumers choose rationally among competing products, and provide incentives for the development and sale of quieter products.

7. *Voluntary Standard Setting* (relying on standards developed outside government).

In this approach, sectors that agencies regulate can develop a voluntary standard rather than conform to one set by the Agency. This brings private sector expertise into the regulation development process, and allows cooperating firms to reach agreements faster than government procedure sometimes allows.

Example

The Consumer Product Safety Commission (CPSC) is working with the furniture industry to develop cost-effective voluntary standards that will reduce by 60 to 70 percent the 500 deaths and 1,700 injuries caused annually by cigarettes dropped on upholstered furniture. CPSC will monitor the voluntary program carefully over the next year to ensure that the furniture meets safety standards.

8. *Tiering* (differentiating standards according to the type of firm or product regulated).

It is not always reasonable to apply the same regulatory requirements to all regulated firms. In some instances, regulations can be "tiered" to fit the size and nature of the regulated businesses. Tiering can affect the actual level of compliance and may include outright exemptions from regulation, or it can apply to reporting requirements.

Example

Upon review of its information needs, the Office of the Comptroller of the Currency determined that the amount of financial information it required of small commerical banks was not essential to fulfiling its regulatory mission. The Comptroller thus reduced the reporting burden on small commercial banks, replacing the standard form with an abbreviated version. National banks with less than $100 million in total assets now report 40 percent less financial information than before.

Your Agency may have developed nontraditional regulatory approaches that we have not mentioned above. We encourage you to include such approaches in this section.

Summary of Benefits

This section and the next one on costs contain some of *the most important information in the* **Calendar.** We urge you to prepare these to sections thoroughly, and draw information from your regulatory analysis or other analysis, if available. If you have not done such an analysis, please at least give a good *qualitative* discussion of the *kinds* of benefits and costs that *could* occur.

Sectors Affected

Begin the "Summary of Benefits" section with the "Sectors Affected" subheading, where appropriate using the SIC terminology we discribed below. List in block form the sectors that will be most affected, either directly or indirectly, by your proposed regulation. Separate different sectors in the list with a semicoln. Types of sectors you might list include:

1. *Industries*—When you list affected industries, please use SIC terminology (Standard Industrial Classification Manual, published by OMB, 1972 edition with 1977 supplement, available from Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, Stock Nos. 041–001–00066–6 and 003–005–00176–0, respectively). The SIC terminolgy provides the Calendar user standardized nomenclature for identifying affected industries.

The SIC classified industries by major divisions and further classifies them within divisions by using multiple digit codes. The more digits, the more specific the classification. In many cases, it may be sufficient if you identify the affected industry by stating the appropriate major SIC division (i.e., Agriculture, Mining, Construction, Manufacturing). However, where a regulation covers a number of specific industries, use a more detailed SIC level (e.g., two digit SIC terms, such as bituminous and lignite mining, oil and gas extraction, manufacturing of food and kindred products, etc.). If your proposal will affect many different industries you can describe the effect as, e.g., "all industries" or "all industries except (specify the SIC industries excepted)." If your proposal will affect industries that use a specific product or technique, specify that effect as: "all industries using (X product or technique), primarily (specify the most important SIC industries)."

2. *Special populations*—Specify particular groups the regulation may affect, for example, groups by age, income, ethnicity, or health status; employees of specific industries; purchasers and users of specific products; the general public; or other kinds of special groups, such as wildlife.

3. *Geographic areas*—by region, State, county, local, inner city, SMSA (Standard Metropolitan Statistical Area), rural, etc.

4. *Levels of government*—by Federal, State, and local. The information you highlight in the "Sectors Affected" subheading will match the information we record in the "Sectors Affected Index." We will complete this index from the listings you supply here and in the "Summary of Costs" section, and we will clear the Index with your agency before we publish the Calendar.

Example

(For FHA Coinsurance for Private Mortgage Lenders)

Summary of Benefits

Sectors Affected: Savings and loan associations, commercial banks, and savings banks; private rental housing developers; residential building construction; occupants of low- and moderate-income housing projects; HUD; and the general public.

After you highlight the sectors affected, proceed with the narrative, describing how your proposed regulation benefits these sectors.

- Discuss in the narrative how each sector will benefit.
- Discuss any benefits that may have differential effects on small businesses.

Direct Benefits

First discuss the sectors that the proposal would benefit directly, and describe these benefits. (Do not inlcude a heading for "Direct Benefits"—we include it in the Guidelines only to help you locate this section.) Relate your

discussion to the "no action" base case that caused the problem you described earlier. Your benefits would be those positive effects resulting from your proposed action.

If you are still considering a range of alternatives, discuss the direct benefits, *in both quantitative and qualitative terms,* for each major alternative, where such benefits differ. Your discussion will be most useful if you compare and contrast the benefits of each alternative. Also indicate How the benefits will be distributed over *time* (see example 1.C. on page 20).

1. Measurable (quantitative) terms.

A. Where possible, give *specific figures* for benefits that specified sectors would enjoy. If you give dollar values for the benefits, please *state what year's dollars you are using.* Use 1979 dollars if possible.

Example

Amounts of dollars saved by a specified sector over a specified time period, reduction in number of lost work days or injuries, amount of pollution, or paperwork.

B. Where you cannot give specific figures, please give a *range or estimate.*

Example

We estimated that this proposal may result in savings of 3,000 to 5,000 acres of farmland in the next 15 to 20 years; or

We expect that "x" industry will increase its yearly profits by 10 to 20 percent.

C. Try to indicate the *time span* over which the affected sector will realize benefits.

Example

We estimate that a particular sector may be able to save a total of $10 to $20 million over the next 10 years (in 1979 dollars). Fifty percent of these savings would occur in the first 3 years.

2. Unmeasurable (qualitative) terms.

Equally important in a discussion of benefits is a *qualitative* discussion of the expected results from the proposal. Where appropriate, discuss the potential effects of your proposal on aesthetics, quality of life, worker morale, and a general healthy environment, even though you cannot precisely measure effects on them.

Example

The FTC stated that an important qualitative benefit of any final trade regulation rule concerning credit practices would be that creditors would treat people suffering from financial difficulties more fairly. At present, some creditors may harass the friends and relatives of those in debt, or threaten debtors with the loss of their jobs.

Indirect Benefits

Indirect, or "secondary," benefits are less obvious results of the proposal, and are harder to identify precisely because they are indirect. They are results of direct impacts on other sectors, and are felt by the clientele or constituencies of the directly affected sector. For instance, a regulation that increases safety in coal mines directly benefits miners, and indirectly benefits the miners' families, industries producing safety equipment, and government programs that compensate for injury.

Over the long term, indirect effects can be as important as the direct effects. There is almost an infinite variety of such indirect effects, but, of course, you should identify only the most important ones.

If you are still considering a range of alternatives, discuss and compare an contract the indirect benefits for each alternative.

1. Measurable (quantitative) terms.

Discuss the indirect benefits of the regulation in quantitative terms if possible.

Example

For instance, a rule you might propose to require child-proof tops on medicines could indirectly benefit parents by reducing the hospital bills that might occur if a child accidentally swallowed the medicine. You might be able to identify the amount or percentage the proposed rule would reduce these bills if you knew the statistics on medical treatment for such accidents.

2. Unmeasurable (qualitative) terms.

Discuss the indirect benefits of the regulation in qualitative terms as well.

Example

The CAB stated that its proposal for guidelines on subsidies to preserve essential air service to small communities should lead to many benefits. One of the intangible benefits may be an improved way of life for residents of small communities. This would result from continued or better access to the Nation's air transportation system.

Summary of Costs

Sectors Affected

As with the preceding section, "Summary of Benefits," begin this section with a subheading identifying the sectors directly and indirectly affected by your proposed regulation. Please refer to pages 17–19 for guidance in completing the "Sectors Affected" subheading.

Example

(For a CPSC regulation establishing an upholstered furniture flammibility standard.)

Summary of Costs

Sectors Affected: Upholstered furniture manufacturing; upholstery shops; textile mill products manufacturing, particularly cotton and other cellulosic fibers; wholesale and retail trade, and users of upholstered furniture.

Proceed with a narrative discussing what costs you expect sectors that you have identified to bear as a result of the proposal or the alternatives you are considering. Note that the word "costs" does NOT *only* apply to monetary figures. The "cost" of the proposed regulation is any negative impact that the proposal might cause either initially or over the long term, including not only dollars paid by an affected sector, but also intangibles such as changes in established ways of conducting business, or in the habits and expectations of the general public.

Please remember, as you did in your benefits discussion, to:

- Discuss in the narrative costs that each affected sector will bear.
- Discuss any costs that may have differential effects on small businesses.

Direct Costs

Structure your discussion as you did for that in the "Summary of Benefits" section. Relate your discussion to the "no action" base case that caused the problem you described in the "Statement of Problem" section. If you are still considering a range of alternatives, and their costs differ, discuss and compare the direct costs of each major alternative, in both quantitative and qualitative terms. Indicate how the compliance costs will be distributed over *time,* and whether estimates are final or preliminary.

1. Measurable (quantitative) terms.

Discuss the total compliance cost of the proposal, if possible.

Differentiate between the kinds of costs you are discussing:

- *Capital costs.* These include the investment in physical plants and equipment necessary to comply with the regulation.,
- *Annual costs.* These include operation and maintenance costs as well as interest and depreciation costs. Please differentiate among these costs in your discussion.
- *Administrative costs.* These include additional reporting burdens, such as periodic reports imposed upon the regulated sector. They may also include increased personnel and budget expenditures for those levels of government which must oversee compliance. Differentiate between costs on the regulations agency and the groups it regulates.
- You may want to note *other types of costs,* such as research and development costs. If so, distinguish between the capital and annual components of such costs.

In all of your cost discussions you should:

- Use *specific figures* where possible.

• State *what year's dollars* you are using. A monetary estimate is useful only if you do this. With current inflation rates rapidly changing the value of the dollar, this is especially important. If possible, please use 1979 dollars.

• Use *ranges, percentages, or estimates* where specific figures are not available, but clearly identifiy them as such.

• State *what percent of an industry's gross sales your total compliance costs would reflect.* This allows you to put the effect of your compliance costs in perspective. For instance, if an industry would have to spend $10 million a year (in 1979 dollars) to comply with a proposed regulation, you can put this figure in perspective by adding that the industry's gross revenues in 1979 dollars was $10 billion. Therefore, the compliance costs would be .1 percent of total sales.

• Briefly identify the rate and method which you use if you *discount costs,* including *interest rates* or *depreciation methods.*

Example

For OSHA's standard for occupational exposure to asbestos:

The direct costs of the regulatory alternatives that we can measure most easily are the capital and annual costs that asbestos producers and users will bear. The table below provides preliminary estimates of these costs for each regulatory alternative we are considering for the major sectors of the economy that will be affected.

Preliminary Cost Estimates

[Millions of 1978 dollars][1]

Industry sectors	Alternatives		
	(A)	(B)	(C)
Primary manufacturing:			
Capital	4	18	61
Total annual	17	25	61
Auto aftermarket:			
Capital	0.2	2.3	8
Total annual	140	141	151
Other secondary manufacturing:			
Capital	30	30	30
Total annual	141	14	14
Construction:			
Capital	36	88	250
Total annual	102	127	378
All sectors:			
Capital	70	138	349
Total annual	274	309	607

[1] This is an example from a previous edition of the **Calendar.** PLEASE USE 1979 DOLLARS IN THE NOVEMBER EDITION.

The annual costs in the table include both operating expenses and annualized capital costs computed using a 5-year depreciation rate and a 10 percent rate of interest.

A further direct impact of the regulatory alternatives may be to raise product prices and to reduce production and employment in the sectors both directly and indirectly affected. The one-time price effects we expect in the directly affected sectors, assuming full passthrough of annualized compliance costs, are as follows:

Estimated Percentage Increase In Price Due to Regulatory Alternatives

Industry sectors	Alternatives (percent)		
	(A)	(B)	(C)
Primary manufacturing	0.7	1.1	2.9
Automotive aftermarket	2.5	2.5	2.7
Shipbuilding and repair	.05	.05	.05
Other secondary manufacturing	.0	1.0	1.4
Construction	0.5	.07	.2

The largest increases are in primary manufacturing for alternative (C), the most stringent of the three alternatives, and in the automotive aftermarket for all the alternatives. The sharp cost and price increase for alternative (C) in primary manufacturing is caused by the costs for the increase engineering controls that will be needed in order to comply with this alternative.

The large cost and price increases in the automotive aftermarket will occur because nearly all establishments would have to install a broad range of ventilation systems to attain any of the control alternatives.

2. Unmeasurable (qualitative) terms.

As with the "Benefits" discussion, give information here on the potential effects on aesthetics, quality of life, and other intangibles that are important but cannot be specifically measured.

Example

In a CPSC discussion of insulation for omnidirectional citizens band (CB) base station antennas:

Certain producers may leave the CB antenna market if they cannot provide insulation at a reasonable cost.

Indirect Costs

If you are still considering a range of alternatives, you should discuss, compare, and constrast the indirect costs for each alternative.

1. Measurable (quantitative) terms.

Discussion of indirect costs/impacts could include such items as plant closings, job losses, and increases in energy use as well as price increases that may occur as a result of implementing the proposed regulation.

Example

An Agency estimates that customers would pay $114 to $174 a year (1979 dollars) in increased prices for a product from a regulated industry as a result of the Agency's proposed regulatory standard.

2. Unmeasurable (qualitative) terms.

If you cannot discuss indirect costs in quantitative terms, you should be able to give a qualitative description.

Example

The Federal Trade Commissions's proposed rulemaking on children's advertising could indirectly affect the television audience by causing changes in the quantity and quality of programming by television stations. If the proposed rule to restrict advertising would cause advertisers to cut down on the amount as well as the kind of advertising time purchased, the stations may loose some advertising revenues and this may force them to change some of their existing programs.

Related Regulations and Actions

Internal: Mention by title any existing programs and/or regulations and any regulations under development in your own agency that are related to the proposed regulation. Start the narrative directly after the colon.

External: Summarize the regulations or actions of other Federal agencies or major State agencies that are related to the proposed regulation. Start the narrative directly after the colon.

If the information for both subheadings is "None." you can omit the subheadings and put "None." directly under the one subheading, please use both subheadings. Please underline *"Internal"* and *"External"* so the typesetter will put the words in italics.

Because you may mention other agencies in this section, it is important that you remember to spell out any acronyms you are using for the first time in your entry.

Example

(For a FERC entry on sales of power and exemptions of certain facilities from regulation:)

Related Regulations and Actions

Internal: On June 27, 1979, FERC issued proposed regulations providing for qualification of small power production and cogeneration facilities under § 201 of PURPA, in Docket No. RM79–54. These rules establish criteria by which FERC may certify small power production and cogeneration facilities as qualifying facilities that are then eligible for the rate and exemption provisions of § 201 of PURPA.

External: Each State regulatory authority must set specific rates for these sales of power. States may do so by issuing regulations or on a case-by-case basis, but in all events must provide notice and opportunity for a hearing. States may also establish operating standards for interfacilities.

Active Government Collaboration

Briefly describe the steps you Agency is taking to coordinate the proposed regulations with any other Federal, State or local agencies and any agreements between agencies specifying which agency has the lead for the coordination. Mention actions related to an issuing division within your own Agency (e.g., the Occupational Safety and Health Administration of the Department of Labor) under "Related Regulations and Actions" and not here. Provide proper

citations (see "Legal Authority") when appropriate.

In this section, you *must* spell out the names of agencies, other than your own, on first reference, even if you have spelled them out elsewhere in the entry.

Example

For an HHS entry:
HHS has worked with the National Bureau of Standards in the Department of Commerce, which developed the system for rating equivalent means of achieving Life Safety Code standards. HHS is also collaborating with the Veterans Administration, which has adopted the National Bureau of Standards system for Veterans' hospitals.

Timetable

In this section, please state the *future* actions you plan to take on the proposed rule.

Please note that we will emphasize in "How to Use the **Calendar**" that dates in the **Calendar** are tentative and subject to change. We will make it clear that these dates are your present best estimates, but that the reader should contact the person listed for the most current information. For this reason *it is not necessary to use the word "estimate"* in your entry.

Please indent the first line, and further indent the second line of each individual item in this section as we show below. Where applicable, you should give dates for all of the following if they are actions which you are planning for the *future:*

ANPRM—
NPRM—
Regulatory Analyses; other analyses—If your Agency performs separate analyses in addition to a regulatory analysis, please also list them here. Examples would be Environmental Impact Statements, Urban Impact Statements, etc. Indicate whether the analysis is draft or final. If you have *completed* a draft or final analysis, you will list it under "Available Documents" instead of here.
Public Hearing—Indicate the date and place.
Public Comment Period—Please indicate the opening and closing dates for the comment period, and where the public can send or take their comments.
Final Rule—
Final Rule Effective—
Commission Decision or other action peculiar to your Agency—

The "Timetable" and "Available Documents" sections for each entry together should account for all the elements we list above. The only item which may not appear in either section is "ANPRM," which is discretionary. If you do not plan to prepare a regulatory analysis or hold a public hearing, please list the item anyway, and state that you do not plan to (respectively) prepare or hold one.

If you do not have exact dates for an action, such as a public comment period, but know when and/or where it will occur in relation to future regulatory actions, you should state this.

Example

Public Comment Period—60 days following publication of NPRM.

Available Documents

List the major available documents related to the proposed regulation. These documents may include information that you drew upon to proposed the regulation. Most of the items listed under "Timetable" will appear as references in the "Available Documents" section as the action on the proposal progresses. These include:

—ANPRM and/or NPRM.
—Draft and/or final regulatory analyses or other impact statements.
—Transcripts from open agency meetings, public hearings, and comments received during public comment periods.
—Summary reports of legislative activity.

State where documents are available for review or how readers can obtain copies if this information is not evident. Include a *docket number* and any costs, if applicable. This information is especially important if the document originated outside your Agency. If you refer to the **Federal Register** here, please give complete citations (see Legal Authority on pages 5–8).

Please remember to double-space your entry, and make all second lines for individual listings flush left.

Example

NPRM—41 FR 51622, November 23, 1976.
Federal Maritime Commission Docket No. 76–63.

The above documents are available for review in the Office of the Secretary, Federal Maritime Commission, 1100 L Street, N.W., Room 11101, Washington, DC 20573.

Federal Maritime Commission, "South American Trade Study: Staff Report," 1980. Available free from the Office of the Chairman, Federal Maritime Commission, 1100 L Street, N.W., Room 12313, Washington, DC 20573.

Federal Maritime Commission, "Virgin Islands Trade Study: an Economic Analysis," 1979. Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402. Price: $8. Stock No. 014–000–00069–1.

Agency Contact

Please use a single name under this category, followed by the person's formal title, complete address, and telephone number, written in block form. *Please remember to double space in this section,* as you have for the rest of the entry.

If you need to list more than one contact, please indicate who is responsible for what information regarding the regulation.

Example

Agency Contact

Glenn Kamber, Deputy Executive Secretary, Office of the Secretary, Department of Health and Human Services, 200 Independence Avenue SW., Room 631H, Washington, D.C. 20201, (202) 245–3161.

CHECKLIST/OUTLINE OF GUIDELINES

General Instructions

To help you prepare your entries, we offer this checklist. By using it as you write each entry, you can ensure that you have included all the necessary information. For each item below we list the page number in the Guidelines where you can find the full description of the item.

1. **Agency clearance**
• Include letter from Agency Head or Council Representative accompanying entries.
• Include an economist, lawyer, and plain English editor in your Agency review of drafts.

2. **Criteria for including entries**
• Submit for the Calendar at least five entries from executive agencies, three from independent agencies, meeting one or more of the following requirements:
• *E.O. 12044 requirements for regulatory analysis; regulations which:*
• Have an annual effect of $100 million or more on the economy.
• Impose a major increase in costs or prices for specific sectors.
• Are included as determined by Agency Head.
• *Other regulations which require regulatory analysis:*
• Grants and income transfer programs with annual compliance costs of $100 million or more.
• Regulations you are reproposing with major changes.
• Regulations you are reproposing with major changes.
• *Other criteria:*
• Regulations which are precedent setting, concern an issue of great public interest, or would increase productivity or profits without causing adverse effects.
• Entries which appeared in the last edition of the **Calendar** and which are still active within the agency.

3. **Timing**—Include entries if you anticipate a regulatory action on them

within the next twelve months, or if the final rule is close to the **Calendar** publication date.

4. **Writing style**—Write in active voice; define jargon; spell out acronyms on first use, with the exception of ANPRM, CFR, E.O., FR, FY, and NPRM; do not use footnotes.

5. **Format.**

- Use a memory typewriter, if possible.
- Be consistent with the Guidelines.
- Type *double-spaced*, with *one-inch margins* on all sides of the page.
- Indent paragraphs *five* spaces.
- Type section headings in upper and lower case, flush with the left margins of the page; do not underline.
- Submit clean final copy.
- Submit original manuscript.

Basic Outline for Entries

Agency Designation/Title of Regulation

- Include acronym for Agency and issuing division.
- Include word "Title."
- Include title, with all important words capitalized.
- Include CFR citation, in parentheses after title, with an asterisk inside the parentheses if the proposed regulation is a revision to an existing CFR citation.

Legal Authority

Reason for Including This Entry

- Briefly state importance of the proposed regulation.

Statement of Problem

- Discuss background of problem.
- Discuss magnitude of problem.
- Discuss reason the Agency is acting at this time.
- Discuss consequences of not responding to the problem.

Alternatives Under Consideration

Alternative A

- How it would solve the problem.
- The advantages it offers.
- The disadvantages it offers.

Alternative B

- How it would solve the problem.
- The advantages it offers.
- The disadvantages it offers.

Alternative C

- How it would solve the problem.
- The advantages it offers.
- The disadvantages it offers.
- Discuss the alternative the Agency prefers (if any at this point).
- Discuss the reasons for that preference.

Please include the following considerations if appropriate, when you discuss alternatives:

- Different types of actions you might take to achieve the statutory objective.
- Level of control.
- Flexibility to take into account size and nature of affected businesses or other sectors.
- Timing of compliance.
- Degree of reporting required.
- An explanation, if you have no alternatives.
- Innovative techniques (marketable rights, economic incentives, performance standards, compliance reform, enhance competition, information disclosure, voluntary standard setting, tiering).

Summary of Benefits

- List *Sectors Affected* in a subheading.
- Relate your discussion to the "no action" base case.
- If the Agency is not yet recommending one alternative, discuss benefits for each major alternative the agency is considering and compare and contrast the effects.
- Indicate how the benefits will be distributed over time.
- Discuss direct effects in measurable (quantitative) terms.
- Discuss direct effects in unmeasurable (qualitative) terms.
- Discuss indirect effects in measurable terms.
- Discuss indirect effects in unmeasurable terms.

Summary of Costs

- List *Sectors Affected* in a subheading.
- Relate your discussion to the "no action" base case.
- If the Agency is not yet recommending one alternative, discuss costs for each major alternative the Agency is considering and compare and contrast the effects.
- Indicate how compliance costs will be distributed over time.
- Discuss direct effects in measurable (quantitative) terms.
- Discuss direct effects in unmeasurable (qualitative) terms.
- Discuss indirect effects in measurable terms.
- Discuss indirect effects in unmeasurable terms.

In discussing quantifiable costs:

- Differentiate between kinds of costs:
- Capital costs.
- Annual costs.
- Administrative costs.
- Other types of costs such as research and development.
- Use specific figures and state what year's dollars you are using.
- Use 1979 dollar figures, if possible.
- If there are no specific figures, use ranges, percentages or estimates, but clearly identify them as such.
- State what percent of an industry's gross sales your total compliance costs would reflect.
- If you discount costs, briefly identify the rate and method you use.

Related Regulations and Actions

Internal: Within your own Agency.
External: Within other Federal, State agencies.

Active Government Collaboration

- Identify steps to coordinate the proposal with other Federal, State, or local agencies. Spell out all acronyms except that of your own Agency.

Timetable

- State all *future* actions, including where appropriate:
- ANPRM.
- NPRM.
- Regulatory or other analyses such as environmental impact statements (indicate status, e.g., draft or final).
- Public Hearing.
- Public Comment Period (indicate where comments may be sent).
- Final Rule.
- Final Rule Effective.
- Commission Decision or other action peculiar to your Agency.

Available Documents

- List major documents such as ANPRMs, regulatory or other analysis (please indicate whether draft or final), transcripts from public meetings, comments during public comment periods, etc.
- State where available.
- Include docket number if applicable.

Agency Contact

- Use a single name, or if more than one, indicate why the reader should contact one rather than the other.

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Thursday
September 18, 1980

Part III

Department of Housing and Urban Development

Office of the Assistant Secretary for Housing—Federal Housing Commissioner

Revision of Minimum Property Standards for One- and Two-Family Dwellings

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—Federal Housing Commissioner

[24 CFR Part 200]

[Docket No. R-80-857]

Change to Minimum Property Standards (MPS) for One- and Two-Family Dwellings

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

ACTION: Proposed rule.

SUMMARY: This revision is made to incorporate appropriate portions of the current model One- and Two-Family Dwelling Code into the MPS for One- and Two-Family Dwellings and to remove criteria from the MPS that do not bear directly on health, life safety, legislative requirements, or durability, and to reduce the bulk of the standards and to update and relocate criteria as appropriate.

COMMENTS DUE: November 17, 1980.

ADDRESSES: Comments should be addressed to the Rules Docket Clerk, Office of General Counsel, Room 5218, Department of Housing and Urban Development, 451 7th Street, S.W., Washington, D.C. 20410. Comments should refer to the above docket number and title. Copies of any comments received will be available for examination during regular business hours at this address.

FOR FURTHER INFORMATION CONTACT: Donald R. Fairman, Office of Architecture and Engineering Standards, Department of Housing and Urban Development, 451 7th Street, S.W., Room 6170, Washington, D.C. 20410, telephone (202) 755-6590. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: HUD Minimum Property Standards are published in Handbooks: MPS for One- and Two-Family Dwellings 4900.1, MPS for Multifamily Housing 4910.1, and MPS for Care-Type Housing 4920.1. The MPS are incorporated by reference into 24 CFR 200.927. All substantive changes in the MPS are required by 24 CFR 200.933 to be published in the **Federal Register** using the same procedure as for the publication of regulations. The proposed changes to the MPS 4900.1 are available for examination in all HUD Field Offices and in Headquarters Room 6170, Office of Architecture and Engineering Standards at the above address during regular business hours.

A draft Environmental Impact Statement (EIS) in conformance with the National Environmental Policy Act of 1969 has been prepared for this change in accordance with HUD procedures, and is available in the Office of the Rules Docket Clerk at the above address for inspection and copying. A draft Regulatory Analysis with respect to Economic Impact has also been prepared and is available in the Office of the Rules Docket Clerk for inspection and copying.

This rule is not listed in the Department's semiannual agenda of significant rules, published pursuant to Executive Order 12044.

The Minimum Property Standards are used as requirements for all new residential construction associated with Departmental programs. These include Public Housing, Insured Mortgage programs and new construction associated with Section 8 programs. Depending on structure type, such housing is covered by the MPS for One- and Two-Family Dwellings, Multifamily Housing or Care-Type Housing. Row houses and attached dwelling are covered under the MPS for One- and Two-Family Dwellings.

In a careful examination of the regulatory process a Departmental decision has been reached to revise the MPS for One- and Two-Family Dwellings, 4900.1. The major reasons for this revision are:

1. To conform with Task Force on Housing Costs recommendations for:

a. reconciliation of the MPS with HUD-approved provisions of the Model Code pending the development of an acceptable revision,

b. encouraging local jurisdictions to adopt a revised consensus version of the model One- and Two-Family Dwelling Code,

c. changes to the MPS to enhance design flexibility to encourage the construction of basic, low-priced starter houses, and

d. removal of unessential cost-increasing technical and design requirements from the MPS.

2. To make the criteria for HUD-associated housing more compatible to criteria for conventionally financed units.

3. To clarify, simplify, avoid duplication, reduce the sheer volume of the MPS, and to eliminate conflicts in interpretation in communities where the model code is used.

4. To place increased responsibility for marketability determinations in the local Field Office where personnel are more familiar with the needs and desires of the immediate market area.

5. To conform with the Administration policy to reduce regulation and paperwork.

Over the years, the MPS have been developed to contain provisions designed to assure inclusion of features which may be characterized as serving livability and marketability. A major element in this proposed revision to the MPS is the removal of those requirements. It is the Department's belief that livability and marketability needs for single family housing are being adequately fulfilled in conventionally financed housing and should no longer be the subject of mandatory Federal requirements in MPS 4900.1. Determinaton on marketability and livability of units associated with HUD programs will become the nonmandatory responsibility of field office staff who are more familiar with local needs and customs.

In other words, under the proposed revised MPS, HUD would not require that these elements be included in housing construction for a building to be eligible for participation in HUD programs. This does not mean that these items will not appear in HUD housing. Rather, their inclusion or exclusion will be determined by buyer wants and needs and considered in the HUD appraisal process rather than being mandated in standards.

The changes included in this revision may be characterized as being of nine types. Their general content, and illustrative elements to be deleted are as follows:

1. Removal of livability and marketability criteria found primarily in Chapters 3 and 4. These include, but are not limited to: Requirement for orderly and efficient site design quality; consideraton of resident social and physical needs in site design such as age and income levels, family composition, and local customs; preservation of good vegetation; site design for optimum climatic confort; provision of usable outdoor space; building setbacks to mitigate exposure and traffic disturbance; coordination of necessary access to adjoining properties with local plans; separation of public walks from windows for privacy; design for economic construction and maintenance for utilities; use and application of new plant materials; provision of laundry drying yards where needed; provision of space for active and passive recreation; provision of appropriate recreation equipment; provision of convenient commercial space when needed avoiding land use conflicts; room sizes and furnishability requirements for living and dining rooms and bedrooms; kitchen food preparation and storage

space; provision of bathroom accessories and water impervious wainscot around showers; provision of bedroom, coat, linen and general storge closets; minimum widths for private doors; privacy locks for bathrooms and primary bedrooms; provision of attic or crawl space access for passage of installed equipment and bedroom to bathroom access without passage through another habitable room;

2. Replacement of MPS criteria with similar or equivalent requirements from the current model One- and Two-Family Dwelling Code where appropriate in Chapters 4, 5, and 6. These include, but are not limited to: Simplified and less detailed room size criteria; reduced kitchen criteria for baths; new garage planning requirements; comparable ceiling height, exit and light and ventilation for private spaces criteria; less detailed stairway requirements; equivalent flame spread criteria; more detailed fire safety criteria for foam plastics; similar lumber requirements; equivalent footing criteria and equivalent criteria for basement walls;

3. Introduction of a basic measurement of workmanship similar to the homeowners warranty program, where possible, in chapters 3 and 6 providing increased assurance of an acceptable quality of workmanship;

4. Introduction of new energy conservation criteria in Chapters 5 and 6;

5. Updating seismic criteria in Chapter 6;

6. Elimination of quotations from referenced standards in Chapters 5 and 6 where material is available from other sources;

7. Removal of requirements for existing housing relocated in HUD Handbook 4905.1;

8. Elimination of program oriented criteria and quantification for handicapped construction from Chapters 3 and 4 for relocation in program literature and;

9. Elimination of requirements for the seasonal homes program from chapters 1 through 6.

Authority: (Sec. 7(d) of the Department of HUD Act (42 U.S.C. 3535 (d)).)

Issued at Washington, D.C., August 8, 1980.

Lawrence B. Simons,

Assistant Secretary for Housing—Federal Housing Commissioner.

Introductory Statement

These Minimum Property Standards are intended to provide a sound technical basis for the construction of housing under the numerous programs of the Department of Housing and Urban Development. The standards describe those characteristics in a property which will provide present and continuing utility, durability, economy of maintenance, and a safe and healthful environment.

A property complying with these standards is considered technically adequate in all HUD field office jurisdictions. The requirements contained herein define the minimum level of quality acceptable to HUD in each specific condition. The use of minimum standards alone, however, will not necessarily achieve an acceptable or desirable end-product. Other factors and considerations affect the acceptability of the property as a whole. Procedures for evaluation of design considerations are set forth in Handbook 4145.1, Architectural processing and Inspections for Home Mortgage Insurance. Other considerations related to physical improvements are set forth in Handbook 4135.1, Procedures for Approval of Single Family Proposed Construction Applications in New Subdivisions, Handbook 4150.1, Valuation Analysis for Home Mortgage Insurance and 24 CFR Part 50, Procedures for Protection and Enhancement of Environmental Quality.

Consideration of environmental quality is also necessary. As a general policy, development of all properties must be consistent with the national program for conservation of energy and other natural resources, and care must be exercised to avoid air, water, land and noise pollution and other hazards to the environment. Orderly and efficient development responsive to resident needs, preservation of good existing natural surroundings, conservation of fossil fuels and careful consideration of environmental factors are basic to the exercise of this policy. In this regard compliance with Federal floodplain and Wetlands policies (Expressed in Departmental Regulations and Instructions, Executive Orders 11988 and 11990, etc.) shall be observed. The advantageous utilization of climate, the design of usable space, arrangement of convenient circulation and adequate accommodation of services are broad functional goals in residential design which depend heavily on environmental considerations of a detailed nature. Designs which are evolved in the overlapping considerations of layout, energy conservation, grading, drainage, utility location and the use and preservation of plant materials are highly important to the degree of success exhibited by the functional aspects of the overall environmental design.

The Minimum Property Standards consist of four volumes of mandatory standards. These are One- and Two-Family Dwellings, 4900.1; Multifamily Housing, 4910.1; and Care-Type Housing, 4920.1; and Solar Heating and Domestic Hot Water Systems, 4930.2.

Supplementary standards for elderly housing are listed in 4900.1 and 4910.1. A Manual of Acceptable Practices, 4930.1, contains back up and illustrative material for the three volumes of mandatory standards.

An effort has been made to present the material in the standards in the simplest manner that will define a minimum level of acceptability and allow consistent interpretation by all users. Codes and standards do not ordinarily encompass degrees of workmanship but assume a journeyman level of production will be provided. Criteria are included which are similar to that in homeowner warranty programs. Performance definitions of materials and levels of workmanship have been included with consideration for the characteristics of the materials and normally acceptable workmanship. These additions add assurance that an acceptable level of workmanship will be provided for the homeowners. These requirements place a responsibility on the construction industry for the provision of a level of quality in housing that has not existed previously in the MPS. The standards are oriented to types of buildings rather than to programs or type of occupancy. Where practicable, requirements are stated in performance terms to permit flexibility. Dependence has been placed upon nationally recognized building industry standards and reference to them is employed in the several appendices to each volume.

Where no specific level of performance is stated in the standards, the Manual of Acceptable Practices may be used to determine acceptance or equivalence. This manual is not an additional standard, but is intended, as the name implies, to provide illustrations and data representing good current practice in residential construction technology. It provides a broad coverage of information and is a guidance document only.

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Appendix D—Test Methods and Performance Criteria.
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101–4 Variation Procedures.
102 Local Codes and Regulations.
102–1 Standards as Codes.
102–2 Compliance with Codes.

CHAPTER 1

General Use

100 *Application.*
100–1 Proposed Construction.
100–1.1 *General.*

These Minimum Property Standards for proposed housing apply to buildings and to the sites upon which they are located. The

buildings may consist of detached, semi-detached, duplex, or row houses. They may be site-built or factory manufactured. These standards also cover the immediate site environment for the dwellings, including streets, storm water disposal, and other services and facilities for the site.

100–1.2 *Housing for Elderly.*

Variations, additions and exceptions to the basic standards for the above types of housing which are applicable to housing for elderly are identified in these standards by italic type.

100–1.3 *Housing for Physically Handicapped People.*

Changes for housing and facilities for physically handicapped people are printed in capital letters.

100–1.4 *Multifamily and Care-Type Housing.*

Standards for buildings other than those described above are contained in the Minimum Property Standards for Multifamily Housing, 4910.1, and in the Minimum Property Standards for Care-Type Housing, 4920.1.

100–2 Existing Construction.

Existing construction shall comply with the Requirements for Existing Housing—One to Four Family Living Units, Handbook 4905.1.

100–3 Rehabilitation Construction.

One- and two-family dwellings involving rehabilitation shall be guided by Handbook 4940.4, Minimum Design Standards for Rehabilitation for Residential Properties.

101 *Variations to Standards.*

101–1 New Materials and Technologies.

These standards are intended to encourage the use of new or innovative technologies, methods or materials. See 613. Alternatives, nonconventional or innovative methods and materials shall demonstrate, however, equivalent quality to these standards in structural soundness, durability, economy of maintenance or operation and usability.

101–2 Special Conditions.

Certain conditions in the geographic area or on the site may justify modification of specific standards, or make compliance with the standards impacticable or impossible. In these cases, variations in accordance with procedures given in 101–4 may be permitted.

101–3 Higher Standards.

The Minimum Property Standards are essentially min.; consequently, the field office may, for specific cases, require compliance with higher standards than contained herein where considered necessary to obtain those characteristics of livability, utility, services and low maintenance expense to assure continued acceptance. See Variation Procedures 101–4.

101–4 Variation Procedures.

101–4.1 Variations to design and planning standards and to construction methods and materials demonstrating equivalency shall be made in the following ways:

a. For a particular design or construction proposed to be used on a non-repetitive basis for a specific case or project, the decision is the responsibility of the field office. Headquarters concurrence is not required.

Exception: Any Request for a Variation to the Criteira for Accessibility to Physically Handicapped People, Substantiating Data and Background Information Shall Be Submitted by the Field Office to the Director, Office of Independent Living for the Disabled, HUD, Washington, D.C. for Determination of Acceptance.

b. Where a variation is intended to be on a repetitive basis, a recommendation for a Local Acceptable Standard, substantiating data, and background information shall be submitted by the field office to the Director, Office of Architecture and Engineering Standards, HUD, Washington, D.C. for determination of acceptance.

101–4.2 Variances which require individual analysis and decision in each instance are not considered as repetitive variances even though one particular standard is repeatedly the subject of variation. Such variances are the subject of Section 101–4.1a above. The decisions in these instances are properly made by trained field office staff, architects, engineers and land planners, who have first-hand access to the information necessary to make them.

102 *Local Codes and Regulations.*

102–1 Standards as Codes.

102–1.1 These Standards are not intended to serve as a building code. Such codes are primarily concerned with factors of health and safety and not the many other aspects of design and use which are included herein as essential for continued acceptance by the occupants.

102–1.2 Where the local code, regulation or requirement permits lower standards than required herein, these Minimum Property Standards shall apply. In the event the local code, regulation or requirement precludes compliance with these standards, the property may be ineligible unless the intent set forth herein is fully attained by the alternate means proposed.

102–2 Compliance With Codes.

102–2.1 These standards shall not be construed as relieving the builder of the responsibility for compliance with local ordinances, codes and regulations including established requirements of a health authority having jurisdiction.

102–2.2 The Department of Housing and Urban Development does not assume responsibility for enforcing or determining compliance with local codes and regulations or make interpretations regarding their application in any specific instance.

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205–2 Program Instructions.

CHAPTER 2

General Acceptability Criteria

200 *General.*

These general acceptability criteria, together with other adminstrative rules and regulations are the basic criteria for eligibility.

201 *Real Estate Entity.*

The property shall comprise a single plot except that a primary plot with a secondary plot for an appurtenant garage or for other use essential to the marketability of the property will be acceptable provided the two plots are in such proximity as to comprise a readily marketable real estate entity.

202 *Service and Facilities.*

202–1 *Trespass.*

Each living unit shall be one that can be used and maintained individually without trespass upon adjoining properties. Paragraph 303–2.5 provides an exception to this requirement.

202–2 Utilities.

Utilities shall be independent for each living unit except that common services such as water, sewer, gas and electricity may be provided for living units under a single mortgage or ownership. Separate utility service shut-off for each unit shall be provided. For living units under separate ownership, common utility services may be provided from the main to the building line when protected by easement or convenant and maintenance agreement acceptable to HUD. Individual utilities serving a living unit shall not pass over, under or through another living unit unless provision is made for repair and maintenance of utilities without trespass or legal provision is made for permanent access for maintenance and repair of the utilities.

202–3 Other Facilities.

Other facilities shall be independent for each living unit except that common services such as laundry and storage space or heating may be provided for two living units under a single mortgage.

203 Site Conditions.

203–1 Hazards.

The property shall be free of those hazards which may adversely affect the health and safety of the occupants or the structural soundness of the improvements or which may impair the customary use and enjoyment of the property. The hazards can be toxic chemicals, radioactive materials, other pollution, hazardous activities, subsidence, flood, erosion, or others located on or off site.

203–2 Unforseen Conditions.

When special or unforeseen conditions exist or arise during construction, such as rock formations, unstable soil, high groundwater level, springs, etc., which necessitate precautionary measures, the HUD field office may require such corrective work to meet the special conditions.

204 Access.

204–1 Streets.

Each property, shall be provided with vehicular or pedestrain access from a public or private street. Private streets shall be protected by premanent easements.

204–2 Access to the Living Unit.

A means of access to each living unit shall be provided without passing through any other living unit.

204–3 Access to the Rear Yard.
204–3.1 Acceptable means of access to the rear yard shall be provided without passing through any other living unit.
204–3.2 For a row type dwelling, the access may be by means of alley, easement, passage through the dwelling, or other acceptable means.
205 Housing for Physically handicapped People.
205–1 Technical Standard.

Housing and facilities for physically handicapped people, whether one living unit or an entire project and including but not limited to specific interior features such a halls, kitchens, bathrooms, ramps, stairs, doors, windows, common, facilities such as laundries and meeting rooms, and site elements such as walkways, curb ramps and parking, shall comply with the American National Standards Institute Standard No. A117.1, specifications for making buildings and facilities accessible to and usable by physically handicapped people.

205–2 Program Instructions.

Housing for physically handicapped people and appropriate facilities are provided as required by the specific program applicable to the housing being developed.

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Chapter 3

Site Design

[300] [1] *General.*

A site design shall be provided which includes an arrangement of all site facilities necessary to create a safe, functional, healthful, durable living environment for residents.

301 *The Proposed Site.*

301–1 Topography.

In the design of a site the effect of topographic conditions on the costs of development and operation shall be considered when locating various uses on the land. Land uses shall be combined with site conditions in a manner which assures a functional, economically maintained development and in a manner which permits correction of potential hazards.

301–2 Ground Water.

Buildings, structures, streets, paved areas and utilities shall be located on the site in areas of the least potential ground water hazard. These are areas of contained underground or perched water whose upper level provides a subsurface water table.

302 *Land Use.*

302–1 General.

Land use planning for residential developments shall recognize and relate to all on-site conditions.

[302–2] Intensity of Development.

The number, size and type of dwellings along with parking spaces, recreation and other open spaces shall be determined by the characteristics of the site, its location, land cost, and acceptability by the community.

[302–3] Noise Control.

Through the use of site design techniques such as building location and orientation, window placement and the use of barriers, predictable undesireable site noise shall be moderated to meet the requirements of 24 CFR Part 51, Environmental Criteria and Standards.

303 *Lots, Yards and Building Setback Distance.*

[303–1] General.

Yard depth and width shall be arranged to assure adequate distance between buildings. The length and height of each building wall; the location of the main entrance as it relates to the dwellings and to window walls of nearby dwellings; and the location of windows in all habitable rooms shall be considered in establishing yard depth.

303–2 Side and Rear Yards.

303–2.1 Yard space between exterior building walls and the adjacent lot line shall be measured prependicular to the lot line opposite the building wall at all points. The minimum distance from the wall to the lot line is determined by:

a. The height of the wall in stories;

b. The horizontal length of the wall from corner to corner;

c. The type of wall;

(1) *Primary Wall* is that wall which contains the principal window(s) in a habitable room, except bedrooms and kitchen; and/or the main entrance to the dwelling when it directly faces a primary wall of another dwelling.

(2) *Secondary Wall* is that wall which contains the window(s) of rooms for other than a primary wall as defined above.

(3) *Windowless Wall* is that wall which contains no windows.

303–2.2 Min. distance from building wall to lot line:

a. Primary wall.

6 ft plus 2 ft for each story (S) in height plus 1 ft for each 10 ft of length (L). $D = 6 + 2S + L/10$.

For [ ] See Note 1 on page 3–3.

b. Secondary Wall.

2 ft + 1 ft for each story (S) in height plus 1 ft for each 10 ft of length (L), min. distance 5 ft. $D = 2 + S + L/10$.

c. Windowless Wall.

(1) Dwelling.

1 ft for each story (S) in height plus 1 ft for each 10 ft in length (L), min. distance 5 ft. $D = S + L/10$.

(2) Detached Carport or Garage.

1 ft for each story (S) in height plus 1 ft for each 10 ft in length (L). Min. distance 3 ft. $D = S + L/10$.

d. Retaining Wall.

The distance between a building wall with habitable room windows and a retaining wall with the top above the midpoint of the vertical height of the lowest window shall be a min. of the sum of the side yard distances of the two wall, see above, treating the retaining walls as a windowless wall.

[303–2.3] In single family detached living units, min. distance from side and rear lot lines for all building walls shall be not less than 5 ft except as permitted in 303–2.5.

[303–2.4] For single family detached living units to be placed on existing lots with buildings on adjacent lots, no lot line set back is required. Minimum required building separation is 10 ft. Legal provision shall be made for permanent

[1] Paragraphs in Chapter 3 of 4900.1 with numbers or letters shown in brackets thus [000–00] shall be the only applicable site design requirements for single family detached houses within the property lines of individual lots on existing streets with utilities.

access for the maintenance of the exterior portion of the proposed building wall.

[303–2.5] *Zero Side Yard.*

Location of the windowless wall of a detached dwelling on a side lot line is acceptable to HUD providing that:

[a.] legal provision is made for permanent access for the maintenance of the exterior portion of the lot line wall, and

(b.) the minimum distances from the dwelling to the dwellings on the abutting properties are not less than the sum of the side yard distances computed as appropriate for the type of opposing walls. (Min. distance 10 ft).

303–2.6 *Vertical Setback.*

Where the length of a wall is angled or setback 6 ft or more, the length (L) of each segment or plane is measured separately in determining the required yard depth.

303–2.7 *Horizontal Setback.*

Where there are horizontal setbacks or overhangs in a multistory building wall, the height of each window wall is measured from the first floor of the building to the top of the wall under consideration.

(303–2.8) *Projection into Yard Areas.*

The projection of open balconies, bay windows and uncovered porches into the open space is acceptable.

(303–2.9) *Roof Overhang.*

Where adjacent buildings have roof overhangs the minimum distance between the edge of the overhang shall be 6 ft, except where both buildings are detached garages, where the minimum distance may be 4 ft.

(303–2.10) *Building Slope Setback.*

Where minimum slopes away from foundations terminate at the toe of a 2 on 1 or steeper slope, yard area dimensions from the building wall to the toe of the slope shall be increased 1 ft for each 4 ft of slope height above 15 ft.

303–3 *Distance Between Buildings.*

303–3.1 The distance between buildings shall not be less than the sum of the yards of the individual wall types required by section 303–2.2.

(303–3.2) Min. distance between a dwelling and an accessory building on the same plot, at any point shall be 10 ft, except:

(a.) where no required windows are located in opposing walls, 5 ft minimum;

(b.) minor passage ways (10 ft max. length), no windows located in opposing walls, 3 ft min.

(303–4) Building Parking Setback Distance.

Buildings with grade level or low windows shall be set back from parking areas and shall be arranged to prevent direct or concentrated discharge of automobile exhausts into any window.

303–5 Courts.

(303–5.1) *Outer Courts.*

(a.) The width of outer courts, bounded on three sides by building walls or potential building walls, shall not be less than the sum of the required yard distances measured from opposing building walls. See 303–2.2.

(b.) Where the depth of a court is less than half the width, the min. width may be reduced 25 percent.

(c.) For buildings located on courts having a wall or walls not parallel to the property line, applicable yard distance measurements shall be from the narrowest point.

(d.) The depth of a court shall not be greater than one and one half times the width.

(303–5.2) *Inner Courts.*

(a.) Inner courts formed on four sides by building walls or potential building walls, shall have a minimum dimension equal to the sum of the required yards but not less than 10 ft. Their areas shall not be less than 100 sq ft for one story or 150 sq ft for two stories or more.

(b.) An unobstructed passageway shall be provided at grade level of each inner court serving more than 1 living unit. Such passageways shall have a cross section not less than 4 ft wide by 7 ft high to permit the passage of non-vehicular fire fighting equipment and shall be continuous from the inner court to a yard, or an unobstructed open area between buildings.

(c.) Inner court design shall be arranged to permit use of fire ladders and equipment.

(d.) Where all the walls of an inner court are formed by the same one story living unit minimum dimensions based on the sum of the side yard distances do not apply. The minimum distance between walls shall be as shown in 303–2.2 disregarding the 5 ft minimum distance in sections b. and c.

304 *Streets.*

304–1 General.

304–1.1 Existing or proposed streets on the site shall connect to private or public streets and shall provide all weather access to all residential and other buildings for essential and emergency use, including access needed for deliveries, service, maintenance, fire equipment, and car parking facilities.

304–1.2 Streets shall be designed for dedication for public use and maintenance or, when approved, may be retained as private streets where protected by permanent easements on the property.

304–1.3 The width and construction of the required street and provisions for its continued maintenance shall provide a safe and suitable vehicular access to and from the property at all times.

304–2 Location.

304–2.1 Arterial and collector streets shall be located to provide the principal traffic ways for a development and as required for compliance with the comprehensive plan for the area. Direct access to properties from major arterial streets and highways shall be avoided. Access to properties shall be designed to minimize all traffic hazards.

304–2.2 Driveways, courts, culs-de-sac, loops and minor streets shall be designed to provide access to residential properties.

304–2.3 Street design shall be adapted to the topography to assure surface drainage with reasonable flow velocity and the proper functioning of storm and sanitary sewers.

304–3 Width.

304–3.1 Street and driveway widths shall be designed to accommodate all anticipated vehicular traffic, and where required, on-street parking.

304–3.2 Minimum pavement width:

a. traffic lane—9 ft.

b. parking lane—8 ft.

304–4 Turn Arounds.

304–4.1 Safe and convenient turning space shall be provided for cars, service trucks and where appropriate, fire fighting equipment, at the end of dead-end streets and courts. The design shall assure turning space without interference by parked cars.

304–4.2 Minimum paved diameter of a turning circle—80 ft. When located on land with 15% or steeper grades, turning circles with no parking and serving culs-de-sac with 20 or less living units may have a paved diameter of less than 80 ft but not less than 60 ft.

Minimum paved width for a "T" turnhead—60 ft.

304–4.3 Streets which extend more than 150 ft from an intersection to provide access to an abutting undeveloped property shall be provided with a temporary "T" turn abutting the undeveloped property.

304–5 Intersections.

304–5.1 Street design shall locate intersections to assure safe sight distances considering the characteristics of anticipated traffic.

304–5.2 Intersections of more than two streets are unacceptable and T intersection offsets of less than 125 ft are not acceptable where they can be avoided.

304–6 Undedicated Streets (Public Driveways).

304–6.1 On-site driveways or undedicated streets shall enter public streets at safe locations, see 304–5. Such streets terminating in a cul-de-sac or court shall have an adequate turning space, see 304–4.

304–6.2 Min. width is the same as for streets, see 304–3.

304–7 Private Drives.

[304–7.1] Drives shall extend from the street or alley surfacing to the garage, carport or parking space. The location, alignment, and grades shall be designed to provide for save and convenient use.

[304–7.2] Min. width 8 ft drive shall have 5 ft radii or shall flare to 14 ft width at street entrance.

305 *Parking Areas.*

305–1 General.

Adequate parking space shall be provided for residents, guests and service vehicles. Where practical, additional parking space shall be planned and reserved for future use.

305–2 Number of Spaces.

[305–2.1] The number of parking spaces required for each living unit shall comply with the Land Use Intensity criteria or with other standards acceptable to HUD.

305–2.2 Parking Spaces for Physically Handicapped People Shall be in Accordance With ANSI A117.1.

305–3 Parking Location.

[305–3.1] One parking space shall be provided for each living unit on each lot except where permanent parking for occupant use is provided in courts, bays, garages or carports where maintenance is assured. Where a garage is not provided on the lot the minimum parking space shall be adequate for a full sized car.

[305–3.2] The required parking for each dwelling beyond the first car is acceptable on minor streets within and abutting the property. They shall have sufficient width, see 304–3, to accommodate parked cars without interference with normal traffic. Such spaces are countable as required parking when permitted by local ordinances and when their long term use for this purpose can be expected.

[305–3.3] *Safe Sight Distance.*

All parking facilities shall be arranged so that drivers have a clear view of approaching pedestrians and vehicles when crossing walks and entering traffic lanes.

305–4 Parking Bays.

305–4.1 The location of parking bays shall be limited to culs-de-sac, loops or other minor streets where fast moving traffic will not be a hazard.

305–4.2 Min. single space dimension—8 ft. wide and 18 ft. deep. Max. number of spaces in a single bay—20.

305–5 Parking Courts.

305–5.1 Entrance, exit and court shall be designed to prevent fast travel and discourage through traffic.

305–5.2 Parking space size and court dimension shall be the same as for parking bays, see 305–4.

305–6 Wheel Stops.

Wheel stops, or other appropriate barriers shall be provided and suitably placed to prevent unwanted vehicular encroachment beyond parking area limits.

306 Walks.

306–1 General.

[306–1.1 Walks shall be provided for safe, convenient access to all dwellings and for safe pedestrian circulation throughout a development between facilities and locations where major need for pedestrian access can be anticipated.

[306–1.2] Walks shall be located to assure a min. vertical clearance of 7 ft. from all permanent or temporary obstructions.

[306–1.3] Walks and step treads shall have a slip resistant surface.

306–2 Public or Common Use Walks.

306–2.1 Walks shall be provided for all dwellings having frontage on highways or collector streets and where essential for pedestrian safety.

306–2.2 Min. walk width shall be 4 ft. except abutting a parking bay or court where it shall be 6 ft. to accommodate car overhangs and provide walking space.

306–3 Entrance and Service Walks.

[306–3.1] An entrance walk shall extend from the front entrance of a dwelling to the drive, street or common walk.

[306–3.2] Min. entrance walk width, 3 ft.

306–3.3 Entrance Walks for the Physically Handicapped Shall be in Accordance With ANSI A117.1.

306–4 Exterior Steps Not Attached to Dwelling.

306–4.1 *General.*

Steps and stepped ramps shall be provided only where walks would exceed gradient limitations and be unsafe or impractical and shall be as wide as the walk in which they are located. The rear intersection of treads and risers shall be at least 2 in. above grade unless treads are otherwise premanently protected from siltation and debris.

[306–4.2] *Flight.*

a. Single steps are not acceptable.

b. A min. flight for stepped ramps shall consist of 3 single risers or 2 pairs of risers.

c. Steps shall be set back from an intersecting walk or drive a min. of one foot at a retaining wall and two feet at slopes.

[306–4.3] *Riser and tread.*

a. Riser, max. 6 in., min. 3 in., uniform throughout flight.

b. Tread, min.:

(1) Steps, 12 in., uniform throughout flight.

(2) Stepped ramp, 2 easy paces between single risers, 1 or 3 easy paces between two risers.

c. Treads shall have a slip resistant surface.

d. Treads shall be pitched appropriately to insure drainage.

[306–4.4] *Landing.*

[a.] Min. length shall equal 3 ft or walk width whichever is greater.

[b.] A change in direction in a flight of stairs shall be accomplished only at a landing or by a winder which has a tread width at a point 18 in. from the converging end, equal to the full straight stair tread width.

[306–4.5] *Handrails.*

a. Stairways having a flight rise exceeding 30 in. shall have a handrail located on one side for stairs 5 ft or less in width and on both sides of stairways over 5 ft wide.

b. In housing for the elderly, handrails shall be provided in accordance with ANSI A117.1 on both sides of a tenant stairway with a flight rise exceeding 24 in. and width exceeding 4 ft, and on one side when the width is 4 ft or less.

307 *Utilities.*

307–1 General.

[307–1.1] No part of a residential structure shall be located less than 10 ft from the outer boundary of the pipelines easement of high pressure gas and liquid petroleum transmission lines which are installed in accordance with Code of Federal Regulation Title 49, Parts 192 and 195. Attached garages, carports, utility rooms, etc., or places of assembly shall be considered a part of the residential structure for purposes of this standard.

[307–1.2] The site design shall be arranged to recognize existing easements, utility lines, etc., and permit connection to existing facilities where necessary for the proper functioning of drainage and utilities.

307–2 Dedication.

Utilities shall be located to permit dedication to the local government or appropriate public body for operation and maintenance.

308 *Services.*

[308–1] General.

Necessary services supplied by the local community shall be provided the required space to permit economical operation and maintenance.

308–2 Garbage and Refuse.

[308–2.1] Space for refuse can storage shall be provided adjacent to each living unit.

308–2.2 Collection stations serving groups of one and two family dwellings shall be provided only when permanent maintenance is assured.

308–2.3 Single container stations where provided to serve groups of dwelling units shall be in locations designed to accommodate collection vehicle functions.

308–2.4 *Outside Incinerators.*

The design of incinerators shall be approved by and in accordance with appropriate local or state authority and the standards of the Air Quality Control Regions created under the Clean Air Act of 1967.

309 *Grading Design.*

309–1 General.

[309–1.1] Site grading shall accomplish the following:

[a.] Allow drainage of surface water away from buildings and off-site;

[b.] Minimize earth settlement problems;

[c.] Avoid concentrating runoff onto neighboring properties where erosion or other damage will be caused;

[d.] Minimize erosion.

[309–1.2] Site grades shall be designed for the disposal of surface water by infiltration into the ground only where year-around feasibility of this method has been proven for the site.

[309–1.3] Ground settlement around foundation walls, utility trenches or other filled areas shall not interfere with work drainage away from the house.

309–2 Natural Topography.

[309–2.1] Grading design shall use natural drainage ways for drainage where possible and shall not cause or increase erosion conditions within or adjoining the site.

[309–2.2] Grades shall be designed to retain original ground surface levels to the limits of the branch spread of trees and around other natural vegetation to be preserved in place.

[Table 3-9.1]

GRADIENTS PERCENT (1)

ACCESS AND PARKING	Min.		Max.	
	CENTER LINE	CROWN OR CROSS SLOPE	CENTER LINE	CROWN OR CROSS SLOPE
STREETS (2)	0.5%	1.0%	14.0%	5.0%
STREET INTERSECTIONS (2)	0.5%	1.0%	5.0%	5.0%
DRIVEWAYS (3)	0.5%	1.0%	14.0%	5.0%
WALKS (4)				
Concrete		0.5% (10)		
Bituminous		1.0%		
Building Entrances & Short Walks	1.0%		12.0%	5.0%
Main Walks	0.5%		10.0%	5.0%
Adjoining Steps			2.0%	
Landings		1.0%		2.0%
Stepped Ramp Treads	1.0%		2.0%	
PARKING		0.5%	5.0%	5.0%

SLOPE GRADIENTS

SLOPE AWAY FROM FOUNDATIONS	
Pervious Surfaces	5.0% (5) — 21.0% (7)
Impervious Surfaces	1.0% (5) — 21.0% (7)
Slope to upper end of a drainage swale	2.5% (5) (6)
PERVIOUS SURFACES	
Ground Frost Areas	2.0%
Non-Ground Frost Areas	1.0% (8)
IMPERVIOUS SURFACES	0.5%
USABLE OPEN AREA	5.0%
OTHER AREAS (9)	50.0% (2:1)
Slopes to be maintained by machine	33.0% (3:1)

Notes for Table 3-9.1:

(1) Approximate Equivalents .5% = 1/16"/ft., 1.0% = 1/8"/ft., 2.0% = 1/4"/ft., 5.0% = 5/8"/ft., 10.0% = 1 1/4"/ft., 12.0% = 1 1/2"/ft., 21% = 2 5/8"/ft.

(2) Do not apply to development on lots for single family detached dwellings.

(3) Vertical transitions shall prevent contact of car undercarriage or bumper with driveway surface.

(4) 5.0% max. for major use by elderly tenants.

(5) Min. fall of protective slope around buildings 6 in., and 10 ft. length or as limited by property lines.

(6) Can be used only where no steep adjacent slopes will contribute storm runoff.

(7) Min. length 4 ft.

(8) Areas having annual precipitation of more than 50 in. use 2.0%.

(9) After individual analysis HUD field office may accept steeper slopes or require flatter slopes, see HUD Handbook "Slope Protection for Residential Developments", 4075.7.

(10) For walks abutting foundations, min. cross slope 5% in areas subject to major frost problems.

[309-3] First Floor Grades.

First floor grades shall be established which will:

[309-3.1] Avoid deep cuts and fills;

[309-3.2] Allow gravity sanitary sewer service to be provided to first floor levels and to basements from street mains unless otherwise acceptable to the HUD field office;

[309-3.3] Avoid the need for long or repeated flights of steps;

[309-3.4] Minimize the need for banks, retaining walls or terracing.

[309-4] Streets, Parking and Walks.

The overall grading design shall be arranged to assure safe all-weather pedestrian and vehicular access to dwellings and to all other necessary site facilities, see Table 3-9.1.

309-5 Slopes.

[309-5.1] Grades shall not be designed which direct a concentrated flow of surface drainage over existing or proposed slopes.

[309-5.2] All earth slopes with grades of 3 on 1 or steeper shall be planted with appropriate vegetative cover to minimize erosion.

[309-5.3] Existing slopes whose continuing stability is anticipated and which are covered by vegetation or supported by solid rock out-cropping are acceptable.

[309-5.4] Occupant and visitor exposure to potential hazards such as rock slides or steep cliffs, shall be minimized by the installation of fences, walls or planting, as appropriate.

[309-6] Lawns.

[309-6.1] Lawn preparation shall include a surface layer having a min. depth of 4 in. comprised of surface soil with a known local capability of satisfactorily supporting lawn growth.

[309-6.2] Sodded areas shall have a min. finished depth of 4 in. of sod and surface soil with a known local capability of satisfactorily supporting lawn growth.

[309-6.3] Grading for secondary lawn areas, see 311-2.2, shall be kept to the min. necessary to prevent standing water or other undesirable moisture conditions.

310 *Drainage.*

310-1 General.

[310-1.1] Surface and subsurface drainage systems shall be provided, as appropriate, for collection and disposal of storm drainage and subsurface water. These systems shall provide for the safety and convenience of occupants, protection of dwellings, other improvements and usable lot areas from water damage, flooding, and erosion.

[310-1.2] Where storm drainage flow is concentrated, permanently maintainable facilities shall be provided to prevent significant erosion and other damage or flooding on site or on adjacent properties.

[310-1.3] Necessary grades and swales shall be constructed to insure surface drainage away from the house. Standing water shall not remain in the yard longer than 24 hours after a rain except in swales which may drain as long as 48 hours after a rain or discharge of a sump pump. Grading determination shall not be made when there is frost in the ground.

310-2 Drainage Design and Flood Hazard Exposure.

[310-2.1] Drainage shall be designed to accommodate storm runoff calculated on the basis of ultimate forseeable developed conditions of contributory site and offsite drainage areas.

[310-2.2] The minimum grades at buildings and at openings into basements shall be at elevations which prevent adverse effect by water or water entering basements from flood levels equivalent to a 50 year return frequency. The floor elevations of all habitable space shall be above flood levels equivalent to a 100 year return frequency.

[310-2.3] Provide the best available routing of runoff water to assure that buildings

or other important facilities will not be endangered by the path of major emergency flood runoff which would become active if the capacity of the site storm drainage system is exceeded.

310–2.4 Streets shall be usable during runoff equivalent to a 10 year return frequency. Where drainage outfall is inadequate to prevent runoff equivalent to a 10 year return frequency from ponding over 6 in. deep, streets shall be made passible for local commonly used emergency vehicles during runoff equivalent to a 25 year return frequency except where an alternate access street not subject to such ponding is available.

[310–2.5] Site drainage shall be routed to permanent surface or subsurface outfall adequate to dispose of present and future anticipated runoff from the site and from contributing offsite water shed areas except where such water is necessary for controlled irrigation.

[310–2.6] Drainage swales shall not carry runoff across walks in quantities which make them undesirable to use. Walks shall not be designed as drainage ways.

[310–2.7] Developed portions of a site which can be adversely affected by a potentially high ground water table shall be drained where possible by subsurface drainage facilities adequate for the disposal of excess ground water.

[310–2.8] Storm drainage pipe shall be sized to accept potentially imposed loads without failure.

310–3 Primary Storm Sewer.

310–3.1 Pipe size for the primary storm sewer (any storm sewer or inlet lateral located in a street or other public right-of-way) shall have an inside diameter based on design analysis but not less than 15 in. Where anticipated runoff from the five year return frequency rainfall will not fill a 15 in. pipe, primary storm sewer system usually is unnecessary.

310–3.2 The minimum gradient shall be selected to provide for self-scouring of the conduit under low-flow conditions and for removal of sediments foreseeable from the drainage area.

310–4 Secondary Drains.

Provide pipe drains of adequate size from minor runoff concentration points connected to appropriate disposal lines when analysis indicates the need.

[310–5] Drainage Swales, and Gutters.

Paved gutters shall have a minimum grade of 0.5 percent. Paved gutters and unpaved drainage swales shall have adequate depth and width to accommodate the maximum foreseeable runoff without overflow. Swales and gutters shall be seeded, sodded, sprigged or paved as appropriate to minimize potential erosion.

310–6 Open Channels.

[310–6.1] Channels shall be protected from erosion by appropriate vegetative cover, lining or other treatment indicated as necessary by analysis.

310–6.2 Earthen channel side slopes shall be no steeper than 2 to 1 and shall be flatter to prevent erosion where analysis indicates the need.

310–6.3 Open channels with lining shall have a maximum gradient on side slopes of 67.0 percent (1½:1), with adequate provisions for weep hole drainage. Channel side slopes steeper than 67.0 percent shall be designed as structural retaining walls with provision for live and dead surcharge load.

310–7 Downspouts.

[310–7.1] Downspouts shall either be connected to available storm sewer, provided with suitable splash blocks or empty at acceptable locations onto paved areas so that water drains away from buildings.

[310–7.2] Splash blocks shall be constructed of concrete or other durable material.

310–8 Storm Inlets and Catch Basins.

310–8.1 All storm inlets and catch basins shall be adequate in size and design to accept and carry the calculated potential runoff without overflow.

310–8.2 All storm inlets and catch basins shall be constructed of durable materials which will not erode and will accept potentially imposed loads without failure.

310–8.3 Where inlets are accessible to small children, openings shall have one dimension limited to a max. of 6 in.

310–8.4 Access for cleaning shall be provided to all inlet boxes and catch basins.

310–8.5 Where inlets are located in areas of potential pedestrian use, the design of openings and exposed surfaces shall be arranged to minimize the dangers of tripping or slipping.

310–8.6 Horizontal inlet openings in paved areas shall be designed to avoid entrapment or impedence of bicycles, baby carriages, etc.

310–9 Manholes and Junction Boxes.

Manholes and junction boxes shall be spaced at optimum intervals as indicated by analysis and shall be provided where there is a particular hazard of blockage, at abrupt changes in alignment, and at junctions with mains and principal laterals.

310–10 Headwalls.

Headwalls and other appropriate construction shall be placed at the open ends of storm sewers to prevent excessive erosion and undermining of conduit.

310–11 Drywells.

[310–11.1] Drywells for the disposal of water from foundation drains, crawl spaces, and other small quantity sources, are permissible only where the bottom of drywells project into strata of undisturbed porous soil at a level where the bottom of the drywell will be above the ground water table at its highest seasonal elevation.

310–11.2 Drywells shall be placed a min. distance of 20 ft from buildings. This distance may be reduced to 10 ft if the dry well does not exeed 3 ft in diameter.

311 *Planting.*

311–1 General.

311–1.1 Planting shall coordinate appropriate new plant materials and their ecological requirements with the climate, soil, orientation, water courses, existing vegetation, related natural resources and man-made facilities.

311–1.2 Plantings at intersections or driveway entrances shall allow a permanently clear safe site distance for all vehicles.

311–2 Required Coverage.

[311–2.1] For slopes and swales see [309–5.2] and [310–5].

[311–2.2] Provide appropriate vegetative cover and/or preventative treatment for erosion and siltation by wind and water and for other areas as follows:

a. Tenant occupied properties and common use area—disturbed ground area.

b. Owner occuped property—as individually determined by the HUD field office considering local custom and practice or to prevent erosion and siltation as needed.

311–3 Lawns.

[311–3.1] Primary lawns, essential to the use and appearance of a home or development and usually intended for regular mowing, shall be planted according to good local horticultural practices with locally acceptable lawn grasses in a manner which results in a satisfactory stand of permanent grass. Where the area is not to be mowed, an acceptable permanent ground cover may be used.

[311–3.2] Secondary lawns, large open spaces maintained as meadows and occasionally mowed or rear areas of developments where fine quality lawns are of secondary importance, shall be planted with vegetation appropriate to the location and intended use.

[311–4] Ground Cover.

Ground cover plants shall be of good quality, appropriate form, growth habit and ultimate size to fulfill intended use.

312 *Site Details.*

312–1 General.

Paved pedestrian areas shall have slip resistant finishes.

312–2 Walls and Fences.

[312–2.1] Walls and fences shall be included in the site design as appropriate to provide safety, noise reduction or grade transition. For loading design criteria, see 601.

[312–2.2] Guard rails or other suitable barriers shall be provided on accessible retaining walls or at other locations which, because of the height (24 in. or over) or other factors, constitute a hazard to life safety.

312–3 Outdoor Lighting.

All public areas where pedestrian use can be anticipated after sunset shall be adequately lighted for security purposes where arrangements for permanent maintenance and operation can be assured. Minimum levels of illumination in footcandles for the following areas shall be: building entrances 4, commercial area walks and heavy use walks 2, steps and hazardous areas 2, parking areas 1, other public walks and common areas for pedestrian use 2.

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Chapter 4.—Building Design

400 *Space Planning.*
400–1 General.
400–1.1 In projects designed for both elderly and for families with children, indoor and outdoor community facilities for elderly shall be separated from those for families with children.
4001.2 Housing and Facilities for Physically Handicapped People Shall Comply With ANSI A117.1.
400–2 Non-Residential Spaces.
400–2.1 *Community Social Rooms.*
Where community social and receational rooms are provided, they shall be designed in accordance with the needs of the occupants and shall have adjacent toilet facilities for men and women. An adjacent storage area shall be provided. Community facilities accessible to physically handicapped people shall comply with ANSI A117.1.
400–2.2 *Management and Maintenance Space.*
Space, if provided, shall be commensurate with the number of dwellings served. Also, space shall be provided for necessary staff where social services are provided.
400–2.3 *Common Laundries.*
a. Common laundry facilities containing space for automatic washers, dryers and sorting tables shall be centrally located for the convenience and safety of the users. The space within the laundries shall be visible from an adjacent public area.
b. Laundry Facilities Serving One or More Living Units for Physically Handicapped People Shall Comply With ANSI A117.1.
400–2.4 *Project Storage.*
Space for storage of maintenance supplies and equipment such as paint, hand tools, lawn mowers, snow blowers, etc. shall be provided in accordance with the needs of the project.
400–2.5 *Facilities for Trash and Garbage Disposal.*
Provide for the temporary sanitary storage of trash and garbage and for its subsequent disposal or removal.
400–2.6 Optional Project Facilities in Housing for the Elderly.
Where the following facilities are provided, they shall comply with the following:
a. Occupational or Physical Therapy—Provide space for services and for storage of equipment.
b. Dietitian's Office—When a dietitian is to be employed, provide suitable office space convenient to the kitchen.
c. First Aid or Health Room—These facilities and any accompanying infirmary shall be designed for observation, minor treatment, or short-term care of project residents. When these services are provided, facilities for an attending nurse are required.
d. Nursing Facilities—Designed for either short-term or long-term care for project residents shall be as follows:
(1) Facilities may be provided initially within the project or by residential units specially designed for conversion to nursing facilities at a later date.
(2) The nursing unit and patient rooms shall comply with requirements of the Minimum Property Standards for Care-Type Housing.
(3) The nursing portion of the project shall be clearly incidential to the purpose of providing housing, and the ratio of nursing beds to living units shall not exceed 1 to 4.
e. Medical Facilities—Where a project doctor's office with examination and treatment rooms is provided, it shall be designed to serve only project residents. Spaces provided for rental to doctors, dentists, oculists, opticians, etc., shall be within the limits of allowable commercial space and located so as not to interfere with the residential space.
f. Central Dining—Space is required to provide meals for the occupants of living units which do not contain cooking and dining facilities. Seating and circulation space for the number of persons to be served at one time shall be provided on the basis of the following table and chair sizes:
Table for four persons, 2'–6" x 3'–2" or 3'—0" x 3'—0"
Table for six persons, 3'–4" x 4'–0" or 4'–0" round
Dining chairs, 1'–6" x 1'–6", wheelchairs, 2'–1" x 3'–6½"
g. Central Kitchen Facilities—are required where central dining is provided. The kitchen shall be arranged and equipped for adequate and efficient food storage, preparation in proper sequence, serving, dish and utensil cleaning and storage, and refuse storage and removal. Except in small installations (under 20 living units), the dishwashing activity shall be separated from that of food preparation. All cabinets and equipment provided shall be designed and installed to prevent contamination by insects, rodents, other vermin, splash, dust and overhead leakage.
400–3 Room Sizes.
400–3.1 Every dwelling shall have at least one habitable room which shall have not less than 150 sq ft of floor area. Other habitable rooms shall have an area of not less than 70 sq ft; except every kitchen shall have not less than 50 sq ft of floor area; *except in housing for the elderly, a 72 in. compact kitchen with wall cabinets and with refrigerator not below the countertop may be used.*
400–3.2 Habitable rooms except kitchens shall be not less than 7 ft in any horizontal dimension.
400–4 Kitchen.
400–4.1 Each dwelling unit shall be provided with a kitchen area and every kitchen area shall be provided with a sink of approved nonabsorbent material.
400–4.2 A range burner shall not be located under a window nor within 12 in. of a window. Where a cabinet is provided above a range, 30 in. clearance shall be provided to the bottom of an unprotected cabinet, or 24 in. to the bottom of a protected cabinet.
400–4.3 Kitchens for Physically Handicapped People Shall Comply With ANSI A117.1.
400–5 Baths.
400–5.1 Every dwelling unit shall be provided with a water closet, lavatory and a bathtub or shower.
400–5.2 *Toilet, Bath and Shower Compartments.*
a. Every water closet, bathtub or shower shall be installed in a room which will afford privacy to the occupant.
b. Each water closet compartment shall be not less than 30 in. in width and there shall be not less than 21 in. clear space in front of each water closet.
c. Shower compartment floors and walls shall be finished with a hard and nonabsorbent surface to a height of not less than 6 ft above the floor.
d. Additional requirements for housing for the elderly.
(1) Bathtubs shall be at least 5 ft long and shall be provided with at least two grab-bars.
(2) A stall shower with a seat and grab-bars may be provided in lieu of a bathtub.
(3) Tub or shower bottom surfaces shall be slip resistant.
(4) Grab-bars shall be installed to sustain a dead weight of 250 lbs for 5 minutes.
e. Bathrooms for Physically Handicapped People Shall Comply With ANSI A117.1.
400–6 Laundry.
400–6.1 Where common laundry is not furnished, provide space in each living unit for a clothes washing machine equipped with power supply and water and waste piping or a laundry tray.
400–6.2 Where drying facility is furnished, vent to the outside.
400–6.3 Laundry Facilities in Living Units for Physically Handicapped People Shall Comply With ANSI A117.1.
400–7 Private Garages and Carports.
400–7.1 Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Other openings between the garage and residence shall be equipped with solid wood doors not less than 1⅜ in. in thickness or equivalent.
400–7.2 The garage shall be completely separated from the residence and its attic area by means of ½ in. gypsum board or equivalent applied to the garage side.

400–7.3 Garage and carport floor surfaces shall be of approved noncombustible material.

400–7.4 Private Garages and Carports for Physically Handicapped People Shall Comply With ANSI A117.1.

400–8 Ceiling Heights.

400–8.1 Habitable rooms shall have an average of not less than 7 ft 6 in. in at least 50 percent of their required area with no portion less than 5 ft in height.

Exception: Beams and girders spaced not less than 4 ft on center may project not more than 6 in. below the required average ceiling height.

400–8.2 All other rooms including kitchens shall have a ceiling height of not less than 7 ft. Hallways and corridors shall have a ceiling height of not less than 6 ft 10 in. measured to the lowest projection from the ceiling.

401 *Access and Circulation.*

401–1 Entrance Facilities.

401–1.1 In housing for the elderly, a foyer or vestibule shall be provided at all living unit entrances opening directly to the exterior where customary in cold climates.

401–1.2 The Entrance to Housing and Facilities for Physically Handicapped People Shall Comply with ANSI A117.1.

401–2 Doors and Openings.

401–2.1 *Exits*

a. Not less than one exit shall be provided from each dwelling unit.

b. Every sleeping room shall have at least one operable window or exterior door approved for emergency egress. The units must be operable from the inside to a full clear opening without the use of separate tools. Where windows are provided as a means of egress, they shall have a sill height of not more than 44 in. above the floor.

c. All egress windows from sleeping rooms must have a minimum net clear opening of 5.7 sq ft. The minimum net clear opening height dimension shall be 24 in. The minimum net clear opening width dimension shall be 20 in.

Exception: Grade floor window may have a net clear opening of 5 sq ft.

d. Where storm windows, screens or burglar guards are used, they shall be readily openable from the inside, without use of tools, to the required dimension.

e. The required exit door shall be a side-hinged door not less than 3 ft in width and 6 ft 8 in. in height.

f. Doors in Living Units for Physically Handicapped People Shall Comply With ANSI A117.1.

401–2.2 *Public Doors.*

a. Minimum widths of public doors shall be:

Main entrance to building—3'–0" for double doors.

Secondary public entrance to bldg.—3'–0".

Service entrance to building—2'–8".

Public stairway—3'–0".

b. Doors in Common Facilities Accessible to Physically handicapped People Shall Comply With ANSI A117.1.

401–2.3 Locking devices at doors and windows shall be as follows:

a. Each exterior doorway or doorway leading to garage areas, common hallways, terraces, balconies, or other areas affording easy access to the premises, shall be protected by a door which, if not a sliding door, shall be equipped with a dead lock using either an interlocking vertical bolt and striker, or a minimum ½ in. throw dead bolt, or a minimum ½ in. throw self-locking dead latch. Locks shall not require the use of a key for operation from the inside.

b. All sliding doors, first floor and basement windows, and windows opening onto stairways, fire escapes, porches, terraces, balconies, or other areas affording easy access to the premises, shall be equipped with a locking device. A sliding door used as a main or service entrance shall be equipped with a keyed locking device.

c. Locking Devices at Doors and Windows in Housing and Facilities for Physically Handicapped People Shall Comply With ANSI A117.1.

401–2.4 An access opening of 18 in. × 24 in. min. shall be provided to each crawl space and readily accessible attic access opening not less than 22 in. by 30 in. shall be provided to any attic area having a clear height of over 30 in. An access opening and accompanying areaway shall be of sufficient size and shape to permit replacement of any equipment located in an attic or crawl space.

401–3 Halls.

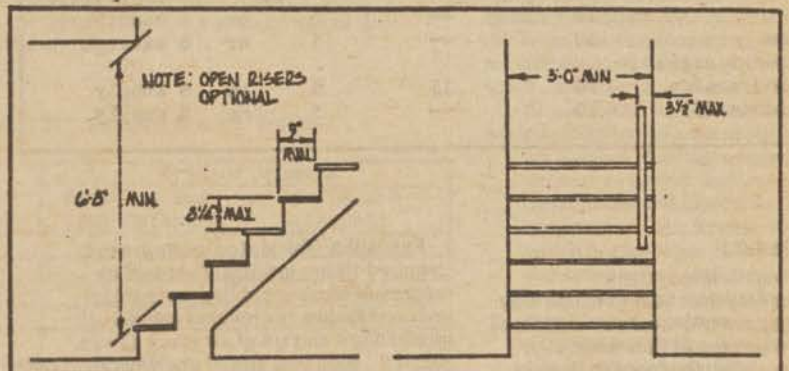
401–3.1 The minimum width of a hallway or exit access shall be not less than 3 ft.

401–3.2 Halls in Housing and Facilities for Physically Handicapped People Shall Comply With ANSI A117.1.

401–4 Stairways and Ramps.

401–4.1 Stairways shall not be less than 3 ft, 0 in. in clear width and the headroom, rise and run shall conform to Figure 4–1.1.

FIGURE 4–1.1 STAIRWAYS



"All treads shall have a nosing or effective projection of approximately one (1) inch. Treads and risers shall be so proportioned that the sum of two (2) risers plus one (1) tread, exclusive of nosing, is not less than twenty-four (24) nor more than twenty-five (25) inches."

401–4.2 Handrails may project from each side of a stairway a distance of 3½ in. into the required width.

401–4.3 Spiral stairways and winders are permitted provided the width of the tread at a point not more than 12 in. from the side where the treads are narrower is not less than 9 in. and the min. width is not less than 6 in.

401–4.4 Stairways and Ramps in Housing and Facilities for Physically Handicapped People Shall Comply With ANSI A117.1.

401–5 Landings.

401–5.1 A min. 3 ft by 3 ft landing shall be required on each side of an exit door.

Exception: At the top of an interior flight of stairs provided the door does not swing over the stairs.

401–5.2 The floor or landing shall not be more than 1½ in. lower than the top of the threshold.

Exception: The landing at the exterior side of an exterior doorway shall not be more than 7½ in. below the top of the threshold.

401–5.3 In Housing and Facilities for Physically Handicapped People, Landings Shall Comply With ANSI A117.1.

401–6 Handrails and Guardrails.

401–6.1 Handrails having min. and max. heights of 30 in. and 34 in., respectively, measured vertically from the nosing of the treads shall be provided on at least one side of stairways of 3 or more risers. Open sides of stairs with a total rise of more than 30 in. above the floor or grade below shall have guardrails not less than 30 in. in height measured vertically from the nosing of the treads.

401–6.2 Porches, balconies or raised floor surfaces located more than 30 in. above the floor or grade below shall have guardrails not less than 36 in. in height.

401–6.3 Handrails and guardrails on open sides of stairways shall have intermediate rails or ornamental closures which will not allow passage of an object 5 or more in. in diameter.

401–6.4 In Housing and Facilities for Physically Handicapped People, Handrails at Stairs and Ramps Shall Comply With ANSI A117.1.

402 *Light and Ventilation.*

402–1 Public Spaces.

Provision shall be made for lighting and ventilation of interior public spaces. The amount of illumination and ventilation shall comply with Table 4–2.1, see 616.

TABLE 4-2.1

MINIMUM REQUIREMENTS FOR ARTIFICIAL AND NATURAL LIGHT NATURAL AND MECHANICAL VENTILATION

Location	Artificial Light Footcandles (5)	Nat. Light Glazed Area As % of Floor Area	Natural Ventilation, Opening As % of Floor	Mechanical Ventilation Air Changes Per Hour (1)
lobby (general)	10	—	5 or	4 supply(4)
dining (general)	15	10	—	6 supply
corridors	10	—	—(2)	4 supply(4,6)
stairs	10	—	5 or	4 supply(4)
laundries	20	—	5 or	6 exhaust
recreational areas				
arts and crafts	70	15	5 or	6 supply
game rooms (3)	20	—	5 or	6 supply

Notes to Table 4–2.1

(1) Central ventilating system.

(2) Corridors less than 30 ft in length may be ventilated by natural means in amount of not less than 5 percent of floor area.

(3) See Illuminating Engineering Society Lighting Handbook for other recreational areas not listed.

(4) Space shall not be used as supply or return air plenums for living unit ventilation.

(5) Measured 30 in. above the floor.

(6) Four changes may be reduced to 2 changes when all outside air is used. If 4 changes are used, air must be reconditioned.

402–2 Private Spaces.

402–2.1 All habitable rooms shall be provided with aggregate glazing area of not less than 8 percent of the floor area of such rooms. One-half of the required area of glazing shall be openable.

Exception: The glazed areas need not be openable where an approved mechanical exhaust system is provided capable of producing a change of air every 30 minutes and the opening is not required by 401–2.1.

402–2.2 Bathrooms, water-closet compartment and other similar rooms shall be provided with aggregate glazing area in windows of not less than 3 sq. ft, one-half of which must be openable.

Exception: The glazed areas are not required where artificial light and an approved room controlled mechanical exhaust system is provided capable of producing a change of air every 12 min.

402–2.3 Required glazed openings shall open directly onto a street or public alley, or a yard or court located on the same lot as the building.

Exception 1: Required glazed openings may face into a roofed porch where the porch abuts a street, yard or court and the longer side of the porch is at least 65 percent open and un-obstructed and the ceiling height is not less than 7 ft.

Exception 2: The glazed areas may be omitted in rooms where an approved mechancial exhaust system is provided capable of producing a change of air every 30 minutes (room controlled 100 cfm exhaust fan for kitchens), artificial light is provided capable of producing an average illumination of 6 ft candles over the area of the room at a height of 30 in. above the floor level, and the opening is not required by 401–2.1.

402–2.4 Clear inside projection at the center of an areaway shall be 12 in. min. If window is providing required natural light, increase this dimension one in. for each additional in. of vertical depth over 12 in. from top of areaway to window sill.

402–3 Underfloor Space.

402–3.1 The space between the bottom of the floor joists and the earth under any building (except such space as is occupied by a basement or cellar) shall be provided with a sufficient number of ventilating openings through foundation walls or exterior walls to insure ample ventilation, and such openings shall be covered with a corrosion-resistant wire mesh not greater than ½ in. nor less than ¼ in. in any dimension. The min. total free area of ventilating openings shall be proportioned on the basis of 2 sq ft for each 100 linear ft of crawl space area. One such ventilating opening shall be within 3 ft of each corner of said building.

Exceptions: a. Ventilation openings may be vented to the interior of buildings where warranted by climatic conditions; b. The total area of ventilation openings may be reduced to $\frac{1}{1500}$ of the underfloor area where the ground surface is treated with an accepted vapor retarder material, and c. Ventilation openings may be omitted on one side.

402–3.2 The underfloor grade shall be cleaned of all vegetation and organic material.

402–4 Attic Space.

402–4.1 Provide cross ventilation for each separate space by ventilating openings protected against the entrance of rain and snow.

402–4.2 Ratio of total net free ventilating area to area of ceiling shall be not less than $\frac{1}{150}$, except that ratio may be $\frac{1}{300}$ provided:

a. A vapor retarder having a transmission rate not exceeding one perm, and complying with 607–2.4b, is installed on the warm side of the ceiling, or

b. At least 50 percent of the required ventilating area is provided by ventilators located in the upper portion of the space to be ventilated (at least 3'–0" above eave or cornice vents) with the balance of the required ventilation provided by eave or cornice vents.

402–4.3 Attic space which is accessible and suitable for future habitable rooms or walled-off storage space shall have at least 50 percent of the required ventilating area located in the upper part of the ventilated space as near the high point of the roof as practicable and above the probable level of any future ceiling.

403 *Acoustic Control*

403–1 General

403–1.1 Living units shall be designed to provide an acoustically controlled environment in relation to exterior noise and noise from adjacent living units and public spaces.

403–1.2 If a site is normally unacceptable according to Title 24 CFR Part 51,

Subpart B—Noise Abatement and Control. the design of buildings for that site must consider exterior noise and provide for the necessary sound attenuation.

403–2 Sound Transmission Limitations

403–2.1 Mechanical equipment shall be located and installed to minimize transmission of objectional sound.

403–2.2 Living units shall be provided with acoustic separation in accordance with Table 4–3.1.

TABLE 4–3.1 – SOUND TRANSMISSION LIMITATIONS

LOCATION OF PARTITION	STC	
Separating living unit from other living units, common service areas or public spaces (average noise) (1)	45	
Separating living unit from public spaces or common service areas (high noise) (2)	50	
LOCATION OF FLOOR-CEILING	STC	IIC
Separating living units from other living units, public spaces or common service areas (1)	45	45
Separating living units from public spaces or common service areas (high noise) (2)	50	50

Notes:

(1) Public spaces of average noise include entries, stairways, etc.

(2) Areas of high noise include boiler rooms, mechanical equipment rooms, central laundries, and most commercial uses.

404 *Fire Protection*

404–1 Fire Resistance Requirements

Fire resistance ratings shall comply with Table 4–4.1 and shall be determined by ASTM E119 test. Where E119 test results of a similar type assembly are available as a bench mark, the judgement of a recognized fire testing laboratory or fire protection engineer, as to the fire rating, will be accepted in lieu of a specific test of the assembly.

TABLE 4–4.1 – MINIMUM FIRE RESISTANCE IN HOURS

Construction	Type of Housing	
	Detached and Semi-Detached	Row Houses Attached
Party, common walls	1	1-1/2(1)(2)
Exterior lot-line walls	3/4	3/4
Partitions at common entrance halls	3/4	3/4
Floors between living units	1(3)	1(3)
Exterior walls Bearing partitions Floor assemblies (5)(6) Roof assemblies (5)	1/3(4)	1/3(4)

Notes:

(1) Combustible walls which are penetrated with electrical outlets or other mechanical devices shall have interior (cavity) fire protection.

(2) Walls shall extend at least 18 in. above top of roof. See 404–4.1b for alternate methods.

(3) Supporting walls, beams and columns: 1 hr.

(4) Structural integrity only required and applies only to innovative construction. It is assumed that construction described in the MPS for these components will meet this requirement.

(5) Floor assemblies over nonhabitable basements, roof assemblies for detached and semi-detached housing, supporting beams and columns: ⅙ hr.

(6) Floor assemblies not meeting the ⅙ hr fire resistance rating will be acceptable where a single station smoke detector is provided for every level.

404–2 Heating Equipment

Stoves or combustion heaters shall not be located so as to block all means of egress from any room in case of a malfunctioning which could result in a fire.

404–3 Interior Fire Protection

404–3.1 *Party, Common and Lot-Line Walls*

a. Walls shall extend the full height of the dwelling without openings from the foundation to the top of the wall.

b. Walls separating row houses may be carried up to the underside of the roof sheathing and sealed tightly in the following conditions:

(1) Where the roof framing and deck are noncombustible and roof covering material at least Class C classification (ASTM E108).

(2) Where the roof construction provides one hour protection against sheathing burnthrough with a Class A brand (tested in accordance with Burning Brand Test of ASTM E108) for width of 6 ft on each side of the wall.

c. Plumbing and heating stacks may be placed in party, common and lot-line walls only where wall construction provides a minimum of one hr protection on each side of stacks. Penetration of the wall by electrical outlets or recessed cabinets shall not be back to back, and there shall be a minimum of one hr protection around penetration.

404–3.2 *Firestopping*

a. Concealed vertical spaces within walls and partitions shall be firestopped at each floor level and at the ceiling of the uppermost story.

b. Firestopping material shall be wood blocking of minimum 2 in. (nominal) thickness or of noncombustible materials providing equivalent protection.

404–4 Interior Finish—Flame Spread and Smoke Generated Limitations

404–4.1 *General.* Flame spread requirements for finishes shall not apply to trim defined as picture molds, chair rails, baseboards and handrails; to doors and windows or their frames; nor to materials which are les than 1/28 in. in thickness cemented to the surface of walls or ceilings, if these materials have flame spread characteristics no greater than paper of this thickness cemented to a noncombustible backing.

404–4.2 *Testing.* Tests shall be made in accordance with ASTM E 84 in order to arrive at flame spread or smoke density ratings.

404–4.3 *Flame spread.* The wall and ceiling surfaces of all rooms shall have a flame spread classification of not greater than 200.

404–5 Fire Alarm Systems

404–5.1 Smoke detectors, which may be a single or multiple station alarm device, shall be installed in each living unit outside of each separate sleeping area in the immediate vicinity of the bedrooms.

404–5.2 Smoke detectors shall be either the ionization chamber or the photoelectric type and shall comply with all the requirements of Underwriters Laboratories Standard No. 217, Single

and Multiple Station Smoke Detectors. Detectors shall bear the label of an independent inspection agency that indicates the smoke detectors have been tested and approved under the requirements of UL 217. The independent inspection agency shall be one which maintains a periodic follow-up service of the labeled devices to ensure compliance with the original approval.

404–5.3 All smoke detectors shall operate from the dwelling's electrical circuit. The detector mounting shall be permanently attached to an electrical outlet box and the detector wired into a general electrical circuit. There shall be no switches in the circuit to the detector other than the overcurrent protective device protecting the branch circuit.

404–6 Foam Plastics

404–6.1 *General.* Except where specifically exempted by subsection 2 below, foam plastics shall have a flame spread rating of not more than 75 and shall have a smoke developed rating of not more than 450 when tested in accordance with ASTM E 84 in the thickness intended for use.

404–6.2 *Specific requirements.* The following requirements shall apply to all uses of foam plastics in or on the walls, ceilings or both, or in attics, roof or floors, crawl spaces or similar areas.

a. Foam plastics may be used in the following locations:

(1) Within the cavity or on the exterior surface of a masonry or concrete wall.

(2) On the room side surface of conforming walls or ceiling or other surfaces, provided the foam plastic is fully protected from the interior of the building by a thermal barrier of ½ in. gypsum wallboard having a finish rating of not less than 15 minutes or other approved material having an equivalent finish rating. Thermal barriers shall be installed in a manner such that they will remain in place for a minimum of 15 minutes under the same test conditions.

(3) Trim, picture molds, chair rails, baseboards, handrails and show window backing may be of wood. Foam plastic trim covering not more than 10 percent of the wall or ceiling area may be used provided such trim has a density of no less than 20 pounds per cubic foot, has a maximum thickness of ½ in. and a maximum width of 4 in., and has a flame spread rating no greater than 75.

b. Foam plastics may be used as a roof covering if the foam plastic is a part of a Class A, B or C roofing assembly. That plastic foam which is nearest the interior of the building shall be protected by an approved barrier which need not have a 15-minute finish rating. Ordinary roof coverings, other than Class A, B or C, may be applied over foam plastic when the foam is separated from the interior of the building by plywood sheathing not less than ½ in. in thickness with exterior glue, with edges supported by blocking, tongue and groove joints, or other approved type of edge support, or an equivalent material.

c. Foam plastic having a flame spread rating of 75 or less may be used as siding backer board with a maximum of ⅜ in. thickness when it is of not more than 2000 BTU per sq ft and is separated from the interior of the building by not less than 2 in. of mineral insulation or equivalent.

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Chapter 5—Materials

500 *General*

Materials installed shall be of such kind and quality to assure that the dwelling will provide (a) adequate structural strength, (b) adequate resistance to weather, moisture, corrosion and fire, (c) acceptable durability and economy of maintenance, and market acceptance.

500–1 Referenced Standards

Except as modified herein, material shall comply with the applicable standards listed in Appendices C & F. The current edition of the nationally recognized standards referenced herein shall govern except where the reference is to a specified dated standard

500–2 Exceptions

Exceptions to the referenced standards are included in this MPS where deemed appropriate by HUD.

500–3 Suitability of Alternate or Special Materials

Alternate or special materials or products, other than those contained herein, may be used when found acceptable by established HUD procedures and 513.

501 *General Requirements—Labeling*

Materials and products with mandatory labeling requirements shall be labeled or otherwise identified as conforming with the applicable standards. Mandatory labeling requirements, where applicable, are contained herein for specific materials and products.

502 *Site—Soil Treatment*

When the soil treatment method of termite protection is permitted by Federal, state and local regulations and is used, the chemicals and concentrations shown in Table 5–2.1 shall be applied in accordance with 602–3.

TABLE 5-2.1 - SOIL TREATMENT CHEMICALS

Chemicals	Concentrations
Aldrin	0.5% Applied in water emulsion
Chlordane	1.0% Applied in water emulsion
Dieldrin	0.5% Applied in water emulsion
Heptachlor	0.5% Applied in water emulsion
Chlordane and Heptachlor	0.5% Chlordane plus 0.25% Heptachlor a 0.75% solution applied in water emulsion

503 *Concrete*

503-1 Sulfate Resistance

In areas where moderate sulfate resistance is required (150 to 1000 ppm in water samples or 0.10 to 0.20 percent in soil samples) use Type II or IIA cement. Where high sulfate resistance is required (more than 1000 ppm or 0.2 percent respectively) use Type V cement. Other types of portland cement may be used provided the cement does not contain more than 8 percent $Ca_3Al_2O_6$ (tricalcium aluminate) where moderate sulfate resistance is required nor 5 percent $Ca_3Al_2O_6$ where high sulfate resistance is required.

503-2 Calcium Chloride

Calcium chloride may be added to concrete in amounts no greater than 2 percent (by weight of cement) to accelerate setting and hardening of concrete except that the chloride content of concrete in which galvanized shapes are embedded shall not be detrimental or deleterious to the concrete or metal. Calcium chloride or admixtures containing calcium chloride shall not be used in concrete in which aluminum, prestressing tendons or galvanized reinforcement are embedded.

503-3 Mixing Water

Water shall be clean, and free of substances deleterious to concrete or other embedded items.

503-4 Admixtures

Admixtures, when used, shall be added at the mixing or batching plant only. See Appendix C.

503-5 Lightweight Aggregate

503-5.1 *Durability*

In the absence of a proven record of the satisfactory durability of lightweight aggregate in structural concrete, lightweight aggregate shall be required to pass an accelerated soundness test as specified in ASTM C 88. The loss of weight of lightweight, fine or coarse aggregate in 5 cycles of the accelerated soundness test shall not be greater than 8 percent if sodium sulfate is used or 10 percent if magnesium sulfate is used. Proof that concrete containing unproven aggregate has an adequate durability factor shall consist of satisfactory performance when tested in accordance with ASTM C 666.

503-5.2 *Shrinkage*

Drying shrinkage of lightweight aggregate concrete consisting of aggregate of unknown shrinkage characteristics shall be tested in accordance with ASTM Method C 157.

504 *Masonry—Mortar Types and Uses*

Mortar type and usage shall comply with Table 5-4.1.

TABLE 5-4.1 - MORTAR USES

Kind of Masonry	Type of Mortar Required (6)
Foundation walls or piers	M or S (1)
Exterior walls above grade	S or N (2)(3)
Exterior cavity walls	M or S
Reinforced masonry	M or S (4)
Grouted or filled Cell Masonry	M or S (4)
Chimneys	S or N
Interior bearing walls	S or N
Interior non-bearing walls	S, N or O
Retaining Walls	M
Sewers and manholes	M
Ceramic veneer	S or N (5)
Glass block	N
Gypsum block	Gypsum mortar
Fire brick	Refractory mortar

Notes:

(1) Type N may be used with solid units when parged.

(2) Type S may be required in high wind areas.

(3) Type O may be used for exterior walls where facing and backing is solid units.

(4) Type M or S as required by design strength.

(5) Aggregate shall not exceed 4 times the Portland cement content.

(6) Mortar shall comply with ASTM C 270 requirements for unreinforced masonry and ASTM C 476 for reinforced masonry.

505 *Metals*

505-1 Steel

505-1.1 *Structural Steel*

Structural steel used in building construction shall conform to the ASTM standard appropriate to its grade and use.

505-1.2 *Concrete Reinforcement*

Reinforcing steel shall be in accordance with the recommendations of the American Concrete Institute.

505-2 Aluminum

Aluminum shall be in accordance with the Specifications for Aluminum Structures of the Aluminum Association.

505-2.1 *Wrought Alloys*

Wrought aluminum alloys shall fall within the following composition limits:

Silicon	7.0% max.
Magnesium, Manganese, Chromium	6.0% total max.
Iron	1.0% max.
Copper	0.4% max.
Zinc	1.0% max.
Others	0.5% total max.
Aluminum	Balance

These limits apply to both bare products and the core of clad products. The cladding of clad products shall be within the same limits except that the maximum zinc limit may be 2.5 percent in order to assure that the cladding is anodic to the core.

Special wrought alloys with a silicon content up to 7.0 percent may be acceptable for structural uses where special appearance is desired.

505-2.2 *Cast Aluminum Alloys*

Cast aluminum alloys shall be those in which the alloying elements are silicon, magnesium, manganese or a combination of these. Other elements shall not exceed the following limits:

Iron	1.2% max.
Copper	0.4% max.
Nickel	0.4% max.
Titanium	0.2% max.
Others	0.5% total max.

505-3 Light Gauge Sheet Metal Work

Light gauge sheet metal for non-structural work shall be in accordance with 507.

505-4 Metal Curtain Walls

Metal curtain walls shall comply with NAAMM Specifications (See Appendix C). Each metal curtain wall panel shall bear the manufacturer's label and certification of compliance with applicable standards.

505–5 Corrosion-Resistant Metals

The following metals are considered to be corrosion-resistant:

Sheet metal, nails or hardware of aluminum alloys, brass, bronze, copper, galvanized steel, lead, stainless steel, terne plate, or zinc-copper alloys.

506 *Carpentry*

506–1 Materials

506–1.1 Material shall comply with specific grading requirements of the association recognized as covering the material or species used, and under whose grading rules it is produced.

506–1.2 Structurally end-jointed lumber, may be used interchangeably with solid sawn lumber of the same grade and species.

506–1.3 Edge-glued and finger jointed end-glued kiln dried lumber may be used for non-structural purposes, interior and exterior. When considered necessary by the HUD field office, test data may be required.

506–1.4 Finish Materials are covered in 509.

506–2 Grademarking and Labeling

506–2.1 *Lumber*

All load bearing lumber shall conform to applicable standards or grading rules and shall be so identified by a grade mark, or Certificate of Inspection issued by a recognized lumber grading or inspection bureau or agency. The grade mark on such load bearing lumber shall provide adequate information to determine Fb, the allowable stress in bending and E, the modulus of elasticity.

506–2.2 *Plywood*

Each sheet of plywood used structurally or as underlayment shall bear the mark of a recognized association or independent agency. See Appendix F.

506–2.3 *Fire Retardant Lumber*

Each piece of fire retardant pressure treated lumber and plywood shall be labeled with a permanent mark which indicates a classification of pressure treated wood that does not have a flame spread rating higher than 25, with no evidence of significant progressive combustion when tested for 30 minute duration. See Appendix C.

506–2.4 *Decay Protection*

Lumber required to be protected against decay shall be protected by one of the following methods:

a. Pressure treated wood, treated and labeled in accordance with the applicable AWPB standard.

b. Vacuum and non-pressure treated exterior millwork shall be labeled to conform to NWMA–IS–4. Material bearing the MWMA Seal of Approval shall be accepted as conforming to the applicable standard.

c. Naturally resistant species of grades shown in Table 5–6–1.

Notes:

(1) Material shall be grademarked in accordance with 506–2.1.

(2) These grades define material of all heartwood or with very limited sapwood.

506–3 Moisture Content of Framing Lumber

Moisture content of dimension lumber and board lumber shall not exceed 19 percent at time of installation. Moisture content of dimension lumber and board lumber shall not exceed 15 percent at time of installation in areas where the average annual precipitation is 15 in. or less.

506–4 Conditions of Use

506–4.1 *Lumber*

Lumber shall be of a grade suitable for the intended use and in compliance with the following:

a. Timbers and dimension lumber used as structural members shall be of a species and grade which will provide sufficient strength and rigidity to support the design load without exceeding allowable stresses and deflections. All species of softwood stress-grade lumber may be used for floor, ceiling and roof framing subject to the maximum allowable span for the particular species, grade, use and spacing.

b. For board lumber, in general, knots or knot holes shall not exceed ⅓ of the width of the piece and splits shall not exceed ⅓ of the length of the piece. Boards with defects greater than these may be used if defects are sawn out.

c. Structural glued laminated timber shall comply with the AITC Timber Construction Manual or PS–56.

506–4.2 *Hardboard*

a. Hardboard shall be of the following types for the locations indicated:

(1) Exterior wall finish and other surfaces exposed to weather, Siding grade.

(2) Interior wall finish, baths or kitchens, Class I—Decorative grade.

(3) Other interior wall finish, Class I or II—Decorative grade.

(4) Floor underlayment, Underlayment grade.

b. Special hardboard products shall be evaluated in accordance with 513.

506–4.3 *Particleboard*

Particleboard floor underlayment shall comply with ANSI A208.1 Grade 1–M–1 and, in addition, shall exhibit a max. thickness swelling of 0.063 in. when immersed in water for 24 hrs in accordance with ASTM C 1037.

506–4.4 *Sheathing Paper*

Asphalt-saturated building paper shall be free from holes and breaks, weigh not less than 14 lbs per 100 sq ft and shall have a permeance of not less than 5 perms.

506–4.5 *Plywood*

Plywood shall be of the type shown for specific location in Table 5–6.2.

TABLE 5–6.1 – DECAY RESISTANT SPECIES (1)

Species	Grades (2)		
	Finish	Siding	Dimension
California Redwood	Clear All Heart, Select Heart or Construction Heart	Clear All Heart	Foundation Grade, No. 2 Foundation Grade, Select Heart, or Construction Heart
Tidewater Red Cypress	Clear Heart Finish or A Finish	A Siding	Heart Common
Western Red Cedar	Clear Heart	Clear V.G. Heart	Foundation

TABLE 5-6.2 - PLYWOOD

Location	Exposed to Weather	Not Exposed to Weather
Ext wall finish	Ext	---
Int wall finish	---	Interior (2)
Int ceiling finish	---	Interior
Wall sheathing	(1)	Interior Const. or Ext
Roof sheathing	(1)	Interior Const. or Ext(6)
Subflooring	(1)	Interior Const. or Ext
Underlayment	---	Interior Const. (2)
Combin. subfloor-underlayment	(1)	Interior Const.
Truss gussets	Ext (3)	Ext (4)
Built-up structural members	Ext (3)	Ext (4)
Soffits	Ext (5)	---
Porch or carport ceiling	Ext (5)	---

Notes:

(1) Plywood having edge or surface exposed to the weather including underside of roof overhangs, soffits and ceiling of porches and carports shall be exterior type. This does not apply to surfaces in ventilated attics or ventilated basementless spaces.

(2) Plywood underlayment and wall finish in bathrooms shall have exterior glues.

(3) These shall be protected by roof covering or metal capping.

(4) Interior type may be used if bonded with exterior glues.

(5) May be sanded panels with surfaces painted according to 609-7.2a.

(6) If subject to prolonged exposure during construction, use interior type with exterior glue.

507 *Thermal and Moisture Protection*

507-1 Waterproofing and Dampproofing

507-1.1 *Waterproofing*

Materials used for waterproofing shall be of proven effectiveness and durability to prevent the passage of water when subjected to the design hydrostatic pressure.

507-1.2 *Dampproofing*

Materials used for dampproofing shall be of proven effective and durability to retard the passage of water when subjected to the design moisture conditions.

507-1.3 *Foundation Drainage*

The min. water inlet area of perforated corrugated plastic drainage tubing shall be 1.25 sq in. per lineal ft of tubing.

507-2 Vapor Protection

Materials used for vapor retarders shall be of proven effectiveness and durability and of the required vapor permeance. Vapor retarders shall provide at least the resistance to moisture penetration required by this standard when tested in accordance with ASTM E 154 for durability and ASTM E 96 for permeability. See 402-3, 402-4, 603-4 and 607-2.

507-2.1 *Basementless (Crawl) Spaces and Concrete Slabs-On-Ground*

Materials used for vapor retarders over ground in basementless (crawl) spaces and concrete slabs-on-ground shall comply with the following when tested in accordance with ASTM E 154:

a. Wet Tensile Strength. Reduction in the average wet tensile strength shall not be more than 15% of the specimen's original recorded strength. Min. wet tensile strength shall be 10 lb. per in. of width in the weaker direction.

b. Resistance to Puncture. Max. load shall not be less than 25 lb.

507-2.2 *Other Areas Requiring Vapor Barriers*

Max. vapor permeance in other areas requiring vapor retarders shall be as required by this standard. Retarder shall be tested for permeance in accordance with ASTM E 96 and C 355.

507-3 Building Insulation

507-3.1 Materials used for insulation shall be of proven effectiveness and adequate durability to assure that required design conditions concerning heat losses, sound control or fire rating are attained. Insulation in contact with the ground shall not be adversely affected by soil, vermin or water.

507-3.2 *Labeling*

Labeling of insulation shall be as follows:

a. Batt or Blanket. Type, manufacturer or distributor, R value of the fiber at the labeled thickness.

b. Reflective. Type, manufacturer, R value for direction of heat flow, type of facing.

c. Blowing or Pouring Type. Name, manufacturer, recommended installation density, R value marking on bag of conformance with appropriate standards listed in Appendix C.

d. Labeling and marking of all other insulation materials shall comply with the appropriate standard listed in Appendix C.

507-3.3 *Certification*

A certification card giving the data of 507-3.2 a, b, c or d and 507-3.4d plus date of installation, and the name of the installer shall be affixed to the structure in an accessible but inconspicuous location.

507-3.4 *Conditions of Use*

a. Foam plastic insulation surfaces shall have a flame spread rating of 0-75 tested in accordance with ASTM E 84. In all habitable rooms and in nonhabitable areas such as utility rooms, garages and basements using foam plastic for insulation, the insulation shall be installed within the cavity or on the exterior of a masonry wall or shall be separated from the building interior by a material having a finish rating of at least 15 min. such as ½ in. gypsum wall board.

b. When installing insulation in attics and eave vents are provided, a one in. clearance under the roof deck must be allowed to permit the upward flow of the incoming air above the surface of the insulation. To insure that the clearance is provided when blown or poured type insulation is used, baffles of durable material shall be installed prior to the installation of insulation.

c. Vermiculite and perlite used as a fill insulation in masonry walls shall be of the water repellent type.

d. Loose fill cellulosic insulation pneumatically installed in wall cavities shall (1) be blown-in dry in accordance with the manufacturer's written instructions and shall comply with FS HH-I-515D and (2) the R value shall be based on an installed density (ID) of not less than 3.5 lb/cf. ID is the ratio of the weight of the installed material (w) divided by the volume (v) of the wall cavity and shall equal or exceed 3.5 lb/cf.

507-4 Shingles and roofing

For moisture protection requirements concerning roof underlayment, wall sheathing paper and exterior finish requirements, see 509.

507-5 Sheet Metal

507-5.1 *Zinc Coating*

Zinc coating for galv steel or iron shall not be less than G90, 1.25 oz. per sq ft (total weight both sides).

507-5.2 *Terne Plate*

The min. weight of coating for terne plate (lead-tin alloy coated steel) shall be 1.45 oz per sq ft (40 lb grade, per double base box).

507-5.3 See Table 5-7.1 for Uses of Sheet Metal.

507-6 Caulking and Joint Sealants

Materials used for caulking and sealants shall be suitable for the use intended, shall be compatible with the materials to which they are applied and to any finish which may be applied over them.

507-6.1 *Labeling*

a. Each container of caulking and sealant shall be labeled with the name, type, manufacturer's name or symbol and compliance with the applicable standard.

b. Special construction materials shall be submitted for evaluation in accordance with 513.

507-6.2 *Conditions of Use*

a. Use non-skinning compounds (butyl polymers) in unexposed locations.

b. Use polyvinyl chloride (vinyl) in areas not subject to ambient temperatures in excess of 150 F.

c. Use preformed sealing tapes in lcoations of compressive confinement and on non-porous surfaces.

d. Use preformed sealing tapes of the uncured types in unexposed locations.

e. Use compression seal gaskets in locations of compressive confinement.

507-7 Gutters and Downpouts

507-7.1 *Gutters*

a. Sheet metal shall comply with 507-5.

b. Wood gutters shall be of a natural resistant species or equivalent.

507-7.2 *Downspouts*

a. Sheet metal for ext. downspouts shall comply with 507-5.

b. Int. downspouts shall be cast iron, steel or copper pipe, ABS or PVC plastic pipe. See Appendix F.

507-8 Special Flashing Materials

Special flashing materials such as bituminous fabrics, plastics, combination flashings, etc., are considered non-standard materials. See 513.

TABLE 5-7.1 - SHEET METAL USES

	MATERIALS								
	Aluminum (2)(3)(5)		Copper (2)(3)	Galv. Iron or Steel (2)(3)		Sheet Lead (2)(3)	Stainless Steel (2)(3)	Terne Plate (2)(3)	Zinc-Copper Alloy (2)(3)
	Minimum			Minimum					
Use	Thickness (in. (1))	Tensile Strength psi	Minimum Thickness in.	G90 (1.25 oz.) ga.	.115 (1.50 oz.) ga.	Minimum Weight psf	Minimum Thickness in.	Min. ga.	Minimum Thickness (in.)
Aprons Flashing	---	---		26	26	---	---	---	---
exposed	.019	18,000	.020	26	26	2.5	.015	30	.020
concealed	.015	14,000	.012	28	30	1.5	.010	30	.012
Hood	.024	14,000	.020	28	28	---	.015	30	.020
Gutters	.027	14,000	.020(6)	26	26	---	.015	---	.025
Downspouts	.020	14,000	.020(6)	26	28	---	.015	---	.025
Roofing	.024(3)	12,000	.020	26	28	3.0	.015	---	.020(2)
Siding	(4)	---	---	26	26	---	---	---	---
Roof Valley Gravel Stop (fascias)	.019	14,000	.020	26	28	2.5	.015	30	.020
Ventilators	.024	12,000	.020	26	28	---	.015	---	.020
Ductwork	.027	14,000	---	26	28	---	---	---	---
Shower Pans	(5)	14,000	---	(5)	(5)	---	---	---	---
	---	---	.015	---	---	6.0	---	---	---

Notes:

(1) Thickness shown is nominal thickness. Actual min. thickness may be 0.002 in. less to allow for rolling tolerance.

(2) Zinc-copper alloy gutters, downspouts, roofing, or other fabricated products where additional stiffness is required shall be of semicold rolled temper and shall contain not less than 0.80 percent copper.

(3) Roof shingle thickness 0.019 in. min.

(4) Siding materials shall comply with AAMA – 1402.3.

(5) Comply with NFPA–90–B.

(6) Use cold-rolled temper copper.

(7) The following metals shall not be used in contact with the materials shown unless suitable protected:

a. Aluminum alloys, galvanized steel or galvanized iron in contact with metals other than zinc.

b. Aluminum alloys in contact with wood containing wood preservatives other than pentachlorophenol, Wolman salts, creosote or zinc naphthanate.

c. Alumimum alloys in contact with concrete, masonry or absorbent materials likely to be continuously or repeatly wet.

d. Copper in contact with metals other than lead.

e. Stainless steel or terne plate in contact with other metals.

f. Zinc-copper alloys in contact with copper or high copper alloys.

(8) Nails and fittings used with various metals shall be of the same material except as follows:

a. Hot-dipped galvanized gutter spikes may be used with aluminum alloy gutters.

b. Hot-dipped galvanized or aluminum nails and fittings may be used with zinc-copper alloys.

(9) Aluminum conduit, piping or ductwork shall not be imbedded in concrete slabs, columns, beams or walls.

508 *Doors, Windows, Glazing Panels*

508–1 Performance Testing

All windows and sliding glass doors shall be tested for air infiltration, water penetration and physical loading as set forth in Appendix D. The test unit shall be the largest size marketed by the manufacturer or the size designated in the referenced specification. All windows and sliding glass doors shall equal or exceed the minimum performance levels.

Glass requirements set forth in these standards take precedent over glass requirement in any referenced standard.

508–2 Metal Doors and Frames

508–2.1 *Steel Doors*

a. Each interior and exterior steel door shall be labeled identifying the manufacturer certifying compliance with the applicable standard.

b. Exterior steel doors designed and constructed to withstand moisture and temperature conditions below 0° F where the average annual precipitation is 20 in. or more shall be so labeled.

c. Steel sliding glass door units shall bear a label identifying the manufacturer, certification of compliance with the tests required in 508–1, name of the certifying organization, and the max. size of the unit tested.

508–2.2 *Aluminum Doors*

Each aluminum sliding glass door and aluminum storm door shall bear the label of an indpendent inspection agency. The label shall identify the manufacturer by name or symbol, and shall certify compliance with the applicable standard.

508–3 Wood Doors

508–3.1 *Materials*

a. Doors may be complete manufactured units or stock doors and frames. Job-built wood frames may be used. Job assembled doors and frames shall meet the requirements of Sections 3.6, 3.6.1, and 3.6.2 of PS 32–70.

b. Entrance doors shall be of exterior type as defined in the applicable referenced standard and not less than 1¾ in. thick. Service doors (where temperature is near the same on both sides) may be 1⅜ in. thick. Exterior door frames shall be decay treated in accordance with 506–2.4 and 606–3.

c. Interior hinged doors shall be not less than 1⅜ in. thick. Closet doors may be 1⅛ in. thick provided that warp does not exceed ¼ in.

508–3.2 *Labeling*

a. Each door shall bear a label or otherwise be suitably identified as to the name of manufacturer and compliance with applicable standard.

b. Each exterior flush veneered door shall bear the label of independent inspection agency indicating compliance with requirements for a Type 1 door under the applicable standard. See Appendix F for accepted independent inspection agencies.

c. Each wood sliding glass door unit shall bear a label identifying the manufacturer, certification or compliance with the applicable standard, the name of the certifying organization and the max. size of the unit tested.

508–4 Special Doors—Garage Doors

Design and construction of garage doors shall be acceptable to the HUD field office and shall be labeled to identify the name and address of the manufacturer.

508–5 Metal Windows

508–5.1 *General*

When metal windows or sliding glass doors are proposed in areas subject to a winter design temperature of 10° F or lower, insulating frames shall be provided. Criteria shall be as set forth in AAMA 1502.6, Voluntary Standards and Tests of Thermal Performance of Residential Insulating Windows and Sliding Glass Doors. Where wood is used as the insulator, it shall be water repellent preservative treated.

508–5.2 *Steel Windows*

Steel windows shall bear a label identifying the manfacturer, certification of compliance with the tests required in 508–1, name of the certifying organization and the max. size of the unit tested.

508–5.3 *Aluminum Windows*

Aluminum windows shall bear the label of an independent inspection agency. The label shall identify the manfacturer by name or symbol, and shall certify compliance with the applicable standard.

508–6 Wood Windows

508–6.1 *Operating Wood Windows*

Operating windows shall be manufactured units including frame, sill, sash, weatherstripping and operating hardware. Job site assembled windows composed of frames and sash made by different manufacturers are not acceptable.

Each operating wood window unit shall bear the label of an independent inspection agency. The label shall identify the manufacturer by name or symbol and shall certify compliance with the applicable standard. See Appendix F for accepted independent inspection agencies.

508–6.2 *Fixed Sash Windows*

Fixed sash windows (picture windows, bay windows) may be manufactured units of job-built or job assembled units of stock or special sash and frames.

508–6.3 *Decay Treatment Requirements*

For decay treatment requirements, see 506-2.4 and 606-3.

508-7 Hardware

508-7.1 Hardware shall comply with 401-2.3. Locks shall meet or exceed the performance criteria of ANSI A156.2 for the series and grades as follows:

a. Living unit entrance doors and building entrance doors serving one or two families, series 4000, grade 2.

b. Doors within living units, series 4000, grade 3.

The performance criteria are considered to be Sections 8, 9 and 10 of ANSI A156.2. Evidence of conformance shall be provided to the HUD field office when requested.

Use three butts on all exterior doors.

508-7.2 *Labeling*

Locks shall be labeled as complying to the performance criteria of the applicable series and grade of ANSI A156.2. This information shall appear on the lock or in the installation instructions or on the packing box.

508-7.3 *Screening*

a. Insect screening for windows shall be 18 x 14 mesh or equivalent.

b. Hardware cloth for ventilators shall be 8 x 8 mesh.

c. Structural spaces may be ventilated by prefabricated panels having slots not exceeding ⅛ in. x 1 in.

508-8 Glazing Panels.

508-8.1 *Safety Glazing.*

a. Safety glazing materials shall be used in the locations specified by and shall be in compliance with the Consumer Product Safety Commission's (CPSC) Safety Standard for Architectural Glazing Materials. Table 5-8.1 shows the location and product category required by CPSC.

TABLE 5-8.1 - TABLE OF SAFETY GLAZING REQUIREMENTS

Glazing Location	Size of Individual Panes	Product Category (2)
Doors, Storm doors, Combination doors, Glazed panels (1)	Not greater than 9 sq ft	I
	Greater than 9 sq ft	II
Shower and bathtub doors and enclosures	All sizes	II
Sliding glass doors (patio type)	All sizes	II

Notes:

(1) Glazed panels are any piece of operable or nonoperable glazing material adjacent to a door whose nearest vertical edge is within 12 in. from the door in a closed position and whose bottom edge is below the level of the top of the door.

(2) The product category is identified on the label and is determined by test in accordance with the CPSC Standard. Category II products are stronger than Category I products.

b. The following products, materials and uses are exempt from the CPSC requirements:

(1) Wired glass used in doors or other assemblies to retard the passage of fire, where such door or assembly is required by a Federal, state, local or municipal fire ordinance.

(2) Louvers of jalousie doors.

(3) Openings in doors through which a 3 in. diameter sphere is unable to pass.

(4) Leaded glass panels where no individual piece of glass has an area greater than 30 sq in.,

(5) Glazing materials used as curved glazed panels in revolving doors.

508-8.2 *Quality.*

a. Glass quality shall be as required by HUD for the particular use proposed. Sheet glass shall not be less than q6 or "B" quality.

b. Glass for all mirrors shall be of mirror or silvering quality.

c. Insulating glass shall be hermetically-sealed units with stated performance life guaranteed by the manufacturer.

508-8.3 *Maximum Glass Area.*

Max. areas of individual panes of glass used in doors, windows and panels shall be determined in accordance with wind load chart Fig. 5-8.1 (also see Fig. 6-1.1 and 601-6) and further adjusted in thickness for the particular use described as follows:

a. Min. thickness for windows, including storm windows, single strength, 0.085 in. See Fig. 5-8.1.

b. Glass thickness for doors when ordinary (annealed) glass is used above 3 ft 6 in. See 508-8.1.

(1) Min. thickness of the individual glass pane shall be single strength 0.085 in.

(2) When the least dimension of pane exceeds 15 in. double strength 0.115 in. min. shall be used

(3) When area of pane exceeds 6 sq ft, 3/16 in. (0.182 in.) min. thickness shall be used.

c. Glass installed in jalousies shall be at least 7/32 in. in thickness and not longer than 36 in. Exposed edges shall be seamed, ground or polished to prevent injury.

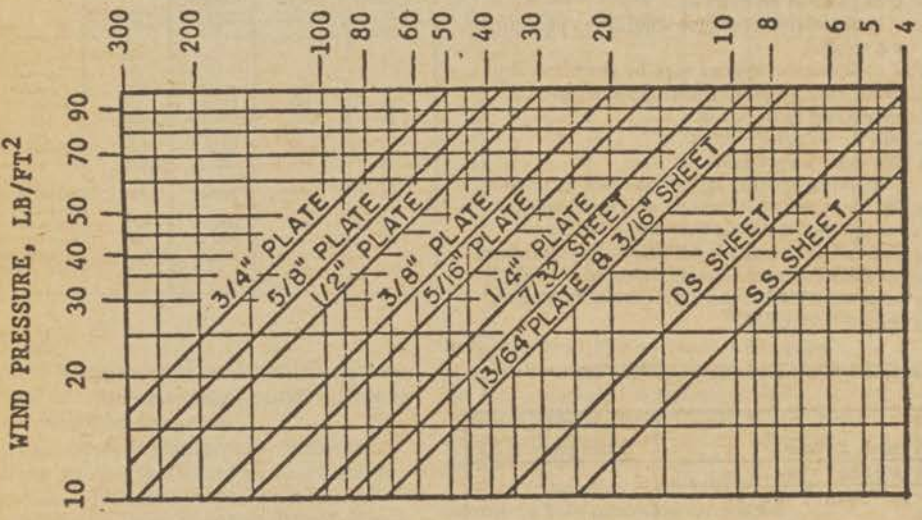
508-8.4 Labeling.

a. Each pane of ordinary (annealed) glass installed in doors and windows shall bear a label showing the name of manufacturer, quality and type of glass.

b. Each pane of insulating glass units shall be labeled in accordance with a.

c. Each pane of safety glazing material shall be permanently labeled. The label shall be visible after glazing and show the name of the manufacturer, nominal thickness and compliance with referenced safety standard.

WIND LOAD CHART - Fig. 5-8.1 - MAXIMUM GLASS AREA, SQ FT



Notes:

Required nominal thickness of regular float-plate or sheet glass based on min. thickness allowed in FS DD–G–451c. Refer to ANSI A58.1, Parts and Portions, for wind pressure and Fig. 6–1.1 for wind velocities.

(1) Chart applies when short dimension divided by long dimension equals more than ⅓.

(2) Chart assumes glass supported on all four edges, deflection of glass supports limited to 1/175 of span for design load with laps and edge clearances perfomance engineered.

(3) Max. window glass areas from Fig. 5–8.1 shall be adjusted for relative resistance to wind loads for glass types as follows:

Glass Type:

Heat strengthened..... 2 times area shown.
Fully tempered.....4 times area shown.
Laminated.....60 percent of area shown.
Wire glass.....50 percent of area shown.
Sand blasted annealed glass...40 percent of area shown.
Sealed insulating units for the thinner light in the assembly...1½ times area shown.

509 *Finish Materials.*

509–1 General.

509–1.1 Finishing materials shall be commensurate with the type of housing proposed, with provisions for fire safety, durability and ease of maintenance; and for exterior applications shall restrict the entrance of air and moisture and shall be resistant to deterioration by the elements.

509–1.2 Conformity with the applicable standards in 509 of Appendix C except as modified herein, shall constitute compliance with these standards.

509–2 Exterior Wall Finishes.

509–2.1 *Materials.*

a. Wood siding and handsplit shakes, shall comply with the specific grading requirements of the association recognized in the trade as covering the particular species.

b. Shingles, machine grooved shakes, and handsplit shakes shall be red cedar, cypress, or redwood. Handsplit shakes shall be 100 percent heartwood with clear exposed face. Tapersplit and straight-split shakes shall be 100 percent edge grain, and resawn shakes shall be 90 percent edge grain. Wood shakes may have ⅛ in. sapwood on one edge.

c. Metal Siding—See Table 5–7.1.

d. Textured Plywood Panel Siding—See Table 5–6.2 and Appendix F.

e. Materials used for soffits, porch and carport ceilings shall meet the requirements for exterior wall finishes.

509–2.2 *Labeling.*

a. Each bundle of shingles of shakes shall be labeled with the grade, species, and compliance with the applicable commercial standard.

b. Each panel or package of hardboard shall be labeled with the manufacturer's name, compliance with the applicable standard and with the specific type of hardboard.

c. Special hardboard products described in the AHA industry standard appendix maybe used if produced from basic hardboard complying with 509–1.1. Other hardboards are considered special products and shall be submitted for consideration in accordance with paragraph 500–3.

509–2.3 *Conditions of Use.*

a. Grade of wood siding and handsplit shakes shall be suitable for the intended use. Wood siding shall be kiln-dried or otherwise seasoned to the approximate moisture which will be attained in service.

b. Shingles shall be No. 1 or No. 2 for face course and when double-coursed may be No. 2, No. 3, or Undercoursing Grade for undercourse. Machine groove shakes shall be No. 1.

c. Use siding grade hardboard for exterior wall finish and other surfaces exposed to weather.

509–3 Roof Coverings.

509–3.1 Materials.

a. Machine groove wood shingles and shakes having butt thickness less than ½ in. shall not be used for roofing applications.

b. Wood shingles and shakes shall comply with the specific grading requirements of the association recognized in the trade as covering the particular species.

c. Wood shingles and shakes shall be red cedar, cypress, or redwood. Shakes shall be 100 percent heartwood with clear exposed face, except that ⅛ in. of sapwood shall be permitted on one edge. Tapersplit and straight-split shakes shall be 100 percent edge grain and resawn shakes shall be 90 percent edge grain.

509–3.2 *Labeling.*

a. Each bundle of shingles or shakes shall be labeled with the grade, species, and statement of compliance with the applicable standard.

b. Rolls or containers of bituminous products shall be labeled as being in compliance with the applicable standard.

509–3.3 *Conditions of Use.*

Wood shingles shall be No. 1 or No. 2.

509–4 Interior Wall and Ceiling Finishes.

509–4.1 *Materials.*

See Table 5–6.2 for plywood.

509–4.2 *Labeling.*

Hardwood plywood shall be labeled to show the grade, species and stain or simulated decorative finish of the face ply and compliance with the applicable standards.

509–4.3 *Conditions of Use.*

a. Wall finishing materials shall provide a washable finish to the extent of removing ordinary household stains. The finish of walls in kitchens, bathrooms and laundries shall be resistant to damage from grease, water, detergents and normal household chemicals.

b. Wainscot in showers or tub enclosures with shower shall be materials recommended by manufacturer for this use.

c. Gypsum wallboard used as backing for wainscot in showers or tub enclosures shall be water resistant. Insulating (foil-backed) wall board shall not be used in this area.

d. When hardboard is used, use Class I-Decorative grade hardboard for interior wall finish of baths, kitchens or laundries and Class I or II-Decorative grades hardboard for other interior wall finishes.

509–4.4 Elderly Housing.

Abrasive wall finish such as a sand finish shall not be used in housing for the elderly.

509–5 Finish Flooring, Rigid.

509–5.1 *Materials.*

a. Wood flooring shall comply with the grading requirements of the association recognized as covering the mate under whose grading rules it is produced.

b. Underlayment and adhesives when used shall be as recommended by the manufacturer of the finish flooring.

509–5.2 *Labeling.*

a. Each bundle or package of wood flooring shall be labeled with grade and species.

b. Ceramic tile shall be identified as required by the applicable referenced standard.

509–5.3 *Conditions of Use.*

a. Wood flooring shall be kiln-dried or otherwise seasoned to moisture content approximately that which it will attain in service.

b. Floors in kitchens, laundries, and bathrooms and shall be resistant to damage from grease, water, detergents, and household chemicals.

c. Floors in housing for the elderly shall be slip-resistant.

509–6 Finish Flooring, Resilient.

509–6.1 *Materials.*

a. Adhesives and underlayments shall be designed for the specific installations and as recommended by the manufacturer of the finish flooring.

b. Particleboard floor underlayment shall comply with Appendix C and, in addition, shall exhibit a maximum thickness swelling of 0.063 in. when immersed in water for 24 hr in accordance with ASTM D 1037.

c. The thickness of resilient flooring may be less than required by the referenced standards in Appendix C, but not less than shown in Table 5–9.1.

TABLE 5–9.1 – MINIMUM RESILIENT FLOORING THICKNESSES

	Material	Nominal Wearlayer Thickness (In.)	(2) Traffic Condition Where Material and Thickness are Acceptable			
			SMOOTH TILE		EMBOSSED TILE	
			Through Pattern	Surface Pattern	Through Pattern	Surface Pattern
Resilient Tile	Asphalt Tile	1/8	H	L	M	L
		3/32	M	L	L	L
	Rubber Tile	1/8	H	L	M	L
		5/64	M	L	L	L
	Vinyl Tile	.08	H	L	M	L
		.05	M	L	L	L
	Vinyl Asbestos Tile	1/8	H	M	M	L
		3/32	H	L	L	L
		1/16	M	L	L	L
Resilient Sheet (1)	Rotovinyl (3)	0.020	H			
		0.014	M			
		0.010	L			
	Vinyl Plastic (Backed) Sheet	0.050	H			
		0.030	M			
		0.020	L			
	Linoleum	0.090	H			
		0.050	M			

Notes:

(1) Wearlayer may be smooth, embossed or otherwise textured.

(2) H (heavy traffic)—public stairs, entrance corridors, lobbies, elevators. M (medium traffic)—stairs within living units and public areas except those designated under H above. L (light traffic)—areas within living units except stairs.

(3) Floor covering with translucent or transparent vinyl surface with backing.

509–6.2 *Conditions of Use.*

a. Hardboard used as floor underlayment, shall be underlayment grade.

b. Floors in kitchens, laundries, and bathrooms shall be resistant to damage from grease, water, detergents, and household chemicals.

c. Floors in housing for the elderly shall be slip-resistant.

509–7 Painting.

509–7.1 *History of Use.*

All paints, stains or other coatings shall have a history of satisfactory use under conditions equal to or similar to the conditions present in the area concerned.

509–7.2 *Record of Use.*

When considered necessary, experience records of sufficient duration to permit evaluation of the material's suitability may be required.

509–7.3 *Lead Content.*

No paint shall contain more than .06 percent lead by weight (or the amount permitted by the current HUD regulation) calculated as lead metal in the total non-volatile content of liquid paints or in the dried film of paint already applied.

509–7.4 *Suitability.*

The paint, stain or coating system selected shall be designed for and recommended by the manufacturer for the specific use proposed. The printed application instructions shall clearly identify the suitability of the material for the type of exposure (exterior or interior), the type of surface to be covered (wood, metal, masonry, concrete, plaster, etc.) and the conditions to which the paint will be subjected (exposure to moisture, frequent washing, relatively heavy traffic, etc.). If a paint proposed for exterior surfaces is not inherently mold resistant, a suitable fungicide shall be included in the formulation.

509–7.5 *Washability.*

Interior finish coat shall provide a washable finish to the extent of removing ordinary household stains. The finish of walls in kitchens, bathrooms and laundries shall be resistant to damage from grease, water, detergents and normal household chemicals.

509–8 Wall Coverings.

509–8.1 *General.*

Wall coverings shall be of such kind and quality for a given material to assure (a) intended life, (b) renewability and (c) wall finishes in kitchens, bathrooms and laundries resistance to damage from grease, water, detergents and normal household chemicals.

509–8.2 *Wallpaper.*

a. Wallpaper colors shall be sunfast and waterfast.

b. Wallpaper in kitchen and bathrooms shall be of the water resistant type.

509–9 Other Finishes.

509–9.1 Other finishes installed shall be of such kind and quality to assure adequate rigidity, fire safety, resistance to moisture in areas subject to moisture and reasonable durability and economy of maintenance.

509–9.2 Carpeting and cushioning standards are listed in Appendices C and F.

510 *Specialties.*

510–1 Factory Built Fireplaces and Fireplace Stoves.

Factory built fireplaces and fireplace stoves shall be listed and labeled by a nationally recognized testing laboratory as being in conformance with standards in Appendix C.

510–2 Factory Built Chimneys.

Materials shall be in accordance with the testing laboratory listing and approval. See 610–2.

511 *Equipment.*

511–1 Kitchen and Lavatory Cabinets.

Job and factory built kitchen and lavatory cabinet materials shall be suitable for the intended use in accordance with 611–1.

511–2 Kitchen Equipment.

Kitchen equipment materials shall be suitable for the intended use and in accordance with 611–2.

512 *Furnishings—Carpets and Mats.*

For carpets and mats, see Appendices C & F.

513 *Special Construction Materials.*

513–1 Definition.

Special or alternate construction materials and products are those which are new or are not covered by specific requirements in these standards or in the referenced standards in Appendices C, E and F.

513–2 Usage.

Use of special or alternate materials and products is permitted within the limitations prescribed in 101–1 and in HUD Handbook 4950.1, Technical Suitability of Products Program, Technical and Processing Procedures.

513–3 Requirements for Acceptance.

513–3.1 *Special or Alternate Materials.*

Acceptance of special or alternate materials and products on a continuing basis will be determined in conformance with the established HUD procedures described in HUD Handbook 4950.1.

513–3.2 *Materials Releases (MR).*

These technical suitability documents provide for the national acceptance of specific non-standard building materials and products not covered in the current MPS. They are also addenda to the MPS. Materials Releases are issued by the Headquarters for products deemed suitable for use in HUD housing programs.

513–3.3 *Use of Materials Bulletins (UM).*

A Use of Materials Bulletin is issued either as an interim HUD standard for a particular class of like products (e.g., carpet, PVC

piping), or as a means of promulgating a labeling or certification program (e.g., grade marking of lumber, certification program for aluminum windows). When used as an interim generic standard, a UM generally replaces several MR's which are withdrawn.

514 Reserved.

515 *Mechanical.*

515–1 Equipment and Labeling.

515–1.1 *Standards.*

All equipment, materials, accessories and appurtenances shall comply with the published and applicable standards, requirements, and recommendations of the nationally recognized authorities as listed in Appendices C, E & F.

515–1.2 *Labeling.*

All equipment, materials, accessories and appurtenances requiring labeling and listing by this Standard shall bear a permanent and legible factory applied nameplate to permit identification of manufacturer, model number and type of unit. Required testing and labeling shall be by agencies or testing laboratories satisfactory to HUD.

515–1.3 *Electrical Equipment.*

All electrical equipment, accessories and appurtenances shall comply with 516.

515–1.4 *Safety Devices.*

Operating, and limit or safety devices which are not tested as an integral part of an appliance shall be separately listed by a qualified testing, rating and listing agency.

515–2 Mechanical Ventilation.

515–2.1 *Duct Insulation.*

Supply and return air ducts, plenums, and enclosures used for heating, cooling or both which are installed in nonconditioned spaces, or for ventilation air ducts installed in conditioned spaces shall have all seams tightly sealed and shall be insulated with or have a minimum thermal resistance (R) value, excluding film coefficients of:

a. R=8.0 (hr×F×sq ft)/Btu for locations outdoors, attics, garages, ventilated crawl spaces and nonconditioned basements.

b. R=4.3 (hr×F×sq ft)/Btu for locations in insulated crawl spaces with tightly closing ventilators and sides of supply air ducts facing nonconditioned spaces (such as wall cavities).

c. External insulation on ducts used for cooling, shall be covered with a vapor retarder, maximum permeance of 0.05, and all joints shall be sealed against vapor penetration. When aluminum foil is used only as a vapor retarder, it shall have a minimum thickness of 2 mils. Insulation, including covering or coating, shall have a flame spread classification not to exceed 25 and a smoke developed rating not to exceed 50 when tested in conformance with ASTM E84, and shall carry a label indicating the fire hazard classification.

d. Insulation may be omitted on ducts in basements. It may also be omitted on ducts in crawl spaces having tightly closing ventilating louvers, a vapor retarder ground cover and perimenter walls insulated with the same insulation required for ducts in b above, or with blanket insulation providing equivalent insulating value.

e. Preformed air ducts used for heating, cooling and ventilating systems shall be labeled and installed in accordance with NFPA 90B. Regardless of the form of duct, the insulation value shall comply with a and b above. The duct shall be provided with a vapor retarder not exceeding a permeance of 3.0. Should the duct have an inner and exterior retarder, the inner barrier must have a permeance greater than the specified permeance of the exterior vapor retarder.

f. Acoustical duct liners shall conform to FS HH–I–545, Type I—flexible, flat. Minimum thickness shall be 1 in.

515–2.2 *Kitchen and Bathroom Fans.*

Kitchen and bathroom ventilating equipment shall comply with and be tested and rated in accordance with the Air Flow and Sound Test Procedures of the HVI, and related rating procedures. Evidence of compliance shall be a HVI, or manufacturer's label, showing model number, cfm, static pressure, and sound characteristics. Tests shall be made by a qualified independent laboratory.

514–2.3 *Sound Levels.*

Sound levels of kitchen exhaust and range hood fans shall not exceed 8.0 sones. Bathroom fans shall not exceed 6.5 sones.

515–2.4 *Externally Mounted Ventilators.*

Exterior mounted ventilators shall be of corrosion resistant materials and shall be listed, labeled and rated. The label shall state the cfm capacity in accordance with HVI testing and rating procedures for powered attic space ventilators and for living space ventilators wherever applicable.

515–2.5 *Safety.*

All ventilating equipment shall conform to the safety standards of HVI and shall be listed, labeled and rated, in addition to other safety requirements herein.

515–2.6 *Kitchen Exhaust Ducts.*

Ducts for kitchen exhaust shall be constructed of fireproof materials which are not adversely affected by range temperature, corrosion, or moisture.

515–3 Heating.

515–3.1 *Hot Water Piping.*

Piping used for conveying hot water for heating shall be manufactured of materials shown in Table 5–15.1.

515–3.2 *Heating Boilers.*

Hot water or steam heating boilers and their controls shall comply with applicable provisions of the ASME, ANSI, and NFPA and shall be tested and labeled by an independent inspection agency. Performance ratings shall conform to the published ratings and load recommendations of IBR, SBI, MCAA, and AGA.

515–3.3 *Baseboard Units.*

The heating output of convecting and baseboard radiation shall be determined in conformity with the appropriate product standard or the IBR Testing and Rating Code, and shall be approved by the appropriate rating committee.

515–3.4 *Burner Units.*

Oil and gas burner units shall be tested and listed by an independent inspection agency and shall be labeled in compliance with the appropriate product standard.

515–3.5 *Furnaces.*

Forced warm air furnaces shall be equipped with a temperature-actuated fan control or other suitable fan sequencing means complying with the accepted standard. Automatically fired warm air furnaces shall be equipped also with a temperature-actuated limit control.

515–3.6 *Room Heaters.*

Oil-fired and gas-fired heaters shall be labeled in accordance with the appropriate product standard.

515–3.7 *Storage Tanks.*

Fuel oil storage tanks shall be listed and labeled by an independent inspection agency.

515–4 Cooling

515–4.1 *Duct Insulation*

Duct insulation is covered in 515–2.1.

515–4.2 *Refrigeration System*

Refrigeration systems and components shall comply with the requirements of ANSI B9.1 or if gas fired, with ANSI Z21.40.1 or Z21.40.2, and shall be tested and rated in accordance with the applicable standards of ARI, and ANSI or AGA. Refrigerants used shall be approved as Group 1 refrigerants as classed in ANSI B9.1 except that a sealed absorption system may use Group 2 refrigerants when in compliance with ANSI B9.1.

515–4.3 *Unitary Air Conditioners*

Unitary air conditioners shall comply with requirements of ARI 210, and heat pumps with ARI 240. Both shall be tested and rated accordingly by an independent inspection agency or in a test facility approved by such a laboratory and witnessed by qualified personnel from the laboratory. Equipment shall be so labeled and test reports shall be available on request.

515–4.4 *Window Air Conditioners*

Window or through-the-wall air conditioners shall be listed and labeled in accordance with ANSI/UL484 and ANSI Z234.1.

515–4.5 *Sound Levels*

Outdoor sections of all unitary and heat pump equipment shall be sound rated and labeld in accordance with the appropriate ARI standard and installed to produce a sound pressure level based on a sound rating number not exceeding the value permitted by local ordinance, or in the absence of such ordinance, 60dBA maximum.

515–4.6 *Condenser Water Piping*

Piping used for conveying condenser cooling water shall be manufactured of materials shown in Table 5–15.1 and in 515–5 of Appendix C.

515–5 Plumbing

515–5.1 *Plumbing Materials and Equipment*

Except as modified herein, materials and equipment for plumbing and water supply shall comply with the standards referenced in Appendices C, F, and the nationally recognized model code.

State and local codes which deviate from nationally recognized plumbing codes or standards in order to satisfy local conditions may be accepted by HUD if such deviations are identified and substantiated with satisfactory engineering data.

515–5.2 *Piping*

Acceptable water and drainage piping materials and uses are shown in Table 5–15.1 and in 515–5 of Appendix C.

515–5.3 *Shower Drains*

Shower drains shall be of the double flange pattern type with weepholes and a flashing clamp device for attachment of the safe pan.

515–5.4 *Sump Pumps*

Sump pumps shall be tested, rated and labeled in conformance with the current SPMA Domestic Sump Pump Standards.

515–6 Domestic Water Heaters

515–6.1 *Direct-Fired Water Heaters*

Direct-fired oil or gas water heaters shall be listed and labeled by an independent inspection agency, and installed in accordance with the listing. Electric water heaters shall conform to UL174 (ANSI C33.87).

515–6.2 *Indirect Heaters*

Indirect water heaters shall be tested and rated in accordance with the IBR Code as published by the Hydronics Institute, and labeled to show compliance and rated capacity.

515–6.3 *Concealed Shutoff Devices*

Water heaters equipped with a concealed energy shutoff device shall be so labeled.

515–6.4 *Safety Devices*

All safety devices, except mixing valves, shall meet the current standards of one or more of the following orgnaizations: ANSI, AGA, ASME and NBBPVI. They shall be considered in compliance when listed and labeled by an indepenedent inspection agency.

515–6.5 *Test Pressure*

Direct-fired water heaters shall be constructed to withstand minimum 300 psi test pressure. Water connections shall be not less than 3/4 in. IPS.

515–6.6 *Warranty*

The warranty issued by the manfuacturer shall provide replacement parts found to be defective under normal conditions of service during the first year after installation. It shall further provide for the replacement of the entire heater assembly should a tank leak develop during the first 5-year period after initial occupancy of the living unit. The replacement heater shall be a current model of the same capacity as the one being replaced. The warrantee (owner) shall pay all delivery and installation costs for any replacement made under the warranty after the first year. The warranty shall remain effective regardless of change in the ownership provided the heater is not moved from the home. HUD assumes no responsibility for warranty endorsement.

515–7 Special Piping Systems—Gas Piping

Metalic gas piping used as distribution or service lines shall conform with NFPA 54 and 58. Plastic piping may be used when permitted by local codes.

515–8 Water Supply System

515–8.1 *Materials and Equipment*

Exept as modified herein, materials and equipment for water supply system shall comply with the applicable standards referenced in Appendices C, F, and the nationally recognized model code having jurisdiction in the area. State and local codes which deviate from nationally recognized plumbing codes or standards in order to satisfy local conditions may be accepted by HUD if such deviations are identified and substantiated with satisfactory engineering data. For water supply system piping, see Table 5–15.1.

TABLE 5-15.1

PIPING: WATER, DRAINAGE AND VENT

MATERIAL	USE						
	WATER PIPING (8)					DRAINAGE AND VENT PIPING	
	SERVICE	DISTRIBUTION UNDER SLAB	DISTRIBUTION OTHER	WATER PIPING FOR HEATING	CONDENSER WATER PIPING	BELOW GROUND	ABOVE GROUND
ASBESTOS-CEMENT	A(1)	--	--	NA	NA	A	A(1)
CAST IRON							
Water Pipe	A	A	A	A	A	--	--
Soil Pipe	--	--	--	--	--	A	A
No Hub Pipe & Pttgs.	NA	NA	NA	NA	NA	A	A
COPPER TUBING							
Type K-Hard Temper	A	A(7)	A	A	A	A	A
Soft Temper	A	A(2)	A	A	A	--	--
Type L-Hard Temper	A	A(7)	A	A	A	A	A
Soft Temper	A	A(2)	A	A	A	--	--
Type M-Hard Temper	A	NA	A	A	A	--	--
DWV Hard Temper	NA	NA	NA	NA	A	A	A
GALV. OPEN HEARTH OR WR. IRON	A(4)	A(4)	A	A	A	A(4)	A
GALV. STEEL PIPE	A(4)	A	A	A	A	--	A
BLACK STEEL PIPE	A(4)	NA	A	A	A	--	--
PLASTIC							
ABS(3)	A(5)	NA	A(5)	NA	A	A	A
CPVC-41(3)	--	A(2)	A	NA	A	--	--
PVC(3)	A(5)	NA	A(5)	NA	A	A	A
PVC Thin Wall	NA	NA	NA	NA	NA	NA	A
Polybutylene(3)	A	A(2)	A	NA	A	A	A
Polyethylene(3)	A(5)	NA	A(5)	NA	A	NA	NA
Styrene Rubber	NA	NA	NA	NA	A	A(6)	NA
VC PIPE	A(1)	--	--	NA	A(1)	A(6)	--

A = Acceptable NA = Not acceptable -- = Not applicable

Notes:

(1) When manufactured to service designated.

(2) Install without joints in or under slab floors.

(3) Must confirm to UM Bulletin.

(4) Protected when installed underground.

(5) For cold water only, outside dwelling or in unfinished basement or crawl space.

(6) Outside dwelling only.

(7) Brazed joint only.

(8) Dielectric connectors shall be used between ferrous and non-ferrous piping in water piping systems.

515–8.2 *Storage Tanks*

Water storage tanks shall be watertight, sound, not subject to excessive corrosion and capable of withstanding the loads imposed. Tank material and any interior protective coatings used shall not impart toxicity, undesirable tastes, or odors to the water.

515–8.3 *Water Conditioners*

Water conditioners, when provided, shall meet the standards for construction, rated capacity, and installed capacity of WQA S–100.

515–8.4 *Water Filters*

Water filters for sediment removal, taste and odor removal, oxidizing, and neutralizing, when provided, shall meet WQA S–200.

515–9 Sewage Disposal System

Except as modified herein, materials and equipment for sewage disposal system shall comply with the applicable standards referenced in Appendices C, F, and the nationally recognized model code having jurisdiction in the area. State and local codes which deviate from nationally recognized plumbing codes or standards in order to satisfy local conditions may be accepted by HUD if such deviations are identified and substantiated with satisfactory engineering data.

516 *Electrical*

All electrical equipment including motors, heat generating devices, controls, etc., shall comply with the National Electrical Code and with applicable nationally recognized standards and shall be labeled and listed as applicable by an independent inspection agency.

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600 *General.*

All dwelling construction shall assure that the load-bearing portion of the home shall remain stable and shall maintain its capacity to transmit the imposed live and dead load to the ground. Dwelling construction shall also assure that the building will provide: adequate strength and rigidity, equipment that is safe and of reasonable economy of operation, adequate protection from corrosion, decay, insects and other destructive forces, necessary resistance to the elements including prevention of penetration and generation of excessive noise and moisture and limitation on the infiltration of unwanted air dust, necessary durability for the intended life span of the unit assuming reasonable maintenance, construction in accordance with good industry practice which assures quality of materials and workmanship.

600–1 Alternate Construction.

Alternate or special methods of construction, other than those contained herein, may be used when found acceptable by established HUD procedures and Division 613 of this MPS.

600–2 Referenced Standards.

Unless stated otherwise in this MPS, design and construction completed in accordance with the applicable standards listed in Appendix E, Accepted Engineering Practice Standards and Appendix F, Use of Materials Bulletins, shall be considered to satisfy the requirements of this MPS.

601 *General Structural Requirements.*

601–1 Subsurface Soil Exploration.

601–1.1 The scope and type of soil investigation shall be sufficient to permit structural design that will suit the soil conditions present at the building site. Subsurface soil data shall include but not be limited to soil-bearing values, groundwater level, location of rock (if any), and any abnormal soil conditions.

601–1.2 All soils shall be identified by the nomenclature of ASTM D 2487, Classification of Soils for Engineering Purposes, ASTM D 2488, Recommended Practice for Description of Soils or HUD Handbook 4075.8, Engineering Soil Classification for Residential Developments.

601–2 Structural Design.

601–2.1 *General.*

All structural design for buildings and structures shall be based on generally accepted engineering practices. All loadings shall be in accordance with ANSI A58.1 except as shown otherwise in this MPS.

601–2.2 *Earthquake Design.*

Seismic design for buildings in Seismic Zones 2 and 3 shall be in accordance with 1973 Uniform Building Code (UBC). Requirements for seismic design of steel and concrete construction shall also comply with latest standards of American Institute of Steel Construction (AISC) and American Concrete Institute (ACI), respectively. Special attention shall be paid to connections of masonry veneers, chimneys, and appendages, and to design of slit-level, multi-level, or irregularly shaped construction in Seismic Zones 2 and 3.

601–3 Design Dead Loads.

In calculating the dead loads, the actual weight of the material making up the construction shall be used, except as otherwise specified herein. Partitions and other known loads caused by special installation, such as stationary equipment shall be included in arriving at the applicable dead loads. Where a choice of materials is permitted, design dead loads shall be based on the heavier material except that design dead load for resistance to uplift, overturning or displacement shall be based on the lighter material.

601–4 Design Live Loads.

601–4.1 *General.*

Design live loads shall consist of the weight of all moving and variable loads that may act on the building or other structures including loads on floors, operational loads on roofs and ceiling, but not including wind, snow, earthquake or dead load. The design live loads specified herein are min.

601–4.2 *Floor and Ceiling Loads.*

Design live floor and ceiling loads shall be not less than the uniformly distributed loads shown in Table 6–1.1.

601–4.3 *Concentrated Loads.*

Consideration shall be given to effect of concentrated wheel loads on structures.

Floors in garages or portions of buildings used for storage of passenger cars for not more than nine passengers shall be designed for the designated uniform live loads of Table 6-1.1 or 2,000 lb acting on an area of 20 sq in.

601-4.4 *Roof Loads (Also see Snow Loads and Wind Loads).*

Design live roof loads shall not be less than the uniformly distributed loads shown in Table 6-1.2.

TABLE 6-1.1---FLOOR OR CEILING LIVE LOADS

Location	Live Load (psf)
Dwelling rooms (other than sleeping quarters)	40
Dwelling rooms (sleeping quarters and attic floors)	30
Ceiling joist-attics (served by permanent or disappearing stair)	30
Ceiling joist-attics (limited storage roof slope over 3 in 12)	20
Ceiling joists-attics (without storage roof slope 3 in 12 or less)	10
Stairs	60
Public stairs and corridors (two family dwellings	60
Garages and carports (passenger cars)	75(1)
Balconies and porches	60
Sidewalks and driveways	250

Note:
(1) See 601-4.3, Concentrated Loads

TABLE 6-1.2— ROOF LOADS

Roof Slopes	Live Load (psf)(1)
Slope 3 in 12 or less:	
Min. load	20
Roof used as deck	40
Slope over 3 in 12:	
Min. load	15

Note:
(1) psf on horizontal projection of roof area.

601-5 Snow Loads.

Where unusual snow loading conditions occur producing loading in excess of those shown under Roof Loads, higher loads are required in accordance with ANSI A58.1, Minimum Design Loads in Buildings and Other Structures.

601-6 Wind Loads.

601-6.1 *General.*

Min. design wind pressures required herein apply to areas designated as experiencing basic wind speeds up to and including 80 mph as shown in Fig. 6-1.1 and to buildings and structures not over 30 ft in height above finish grade assuming exposure C as defined in ANSI A58.1.

601-6.2 *Minimum Design Wind Pressure Criteria.*

a. Buildings (for overturning racking or sliding); p=20 psf min.

b. Chimneys, p=30 psf

c. Exterior walls, p=15 psf inward or outward. Local pressure at corners of walls shall be not less than p=30 psf outward. See Note (1) of this section.

d. Partitions, p=20 psf inward or outward

e. Windows, p=20 psf inward or outward

f. Roof, p=20 psf inward or outward

Roofs with slopes greater than 6 in 12 shall be designed to withstand pressures acting inward normal to the surface, equal to the design wind pressure for exterior walls.

Overhanging eves, cornices, and ridges, 40 psf upward normal to roof surface. See Note (1) of this section.

Net uplift shall not be less than 12 psf.

Note (1):

These local pressures shall not be included with the design pressure when computing overall loads. The pressures shall be applied perpendicularly outward on strips of width equal to 10 percent of the least width of building.

601-6.3 *Severe Wind Design Pressures.*

If the construction is higher than 30 ft, or if it is located in an area experiencing wind speeds greater than 80 mph, higher design wind pressures than shown in 601-6.2 are required. Use ANSI A58.1 for higher criteria.

FIG. 6-1.1---BASIC WIND SPEED

BASIC WIND SPEED IN MILES PER HOUR. ANNUAL EXTREME-MILE 30 FT ABOVE GROUND, 50-YR. MEAN RECURRENCE INTERVAL.

Source: ANSI A58.1

Pressures are assumed to act horizontally on the gross area of the vertical projections of the structure except as noted for roof design.

601-7 Railing Loads.

Railings around stair wells and at the edges of exterior and interior balconies shall be designed to resist a lateral force applied at the top of the railing of 50 lb per linear ft and a vertical load of 100 lb per linear ft. Anchorage of railing to the structure shall be capable of developing the design loads increased by an impact factor of 100 percent without failure.

601-8 Soil and Hydrostatic Pressure Loads.

601-8.1 *Lateral Pressure on Below Grade Walls* (Basements, Retaining Walls, etc.).

Provision shall be made for lateral pressure of the soil with due allowance for possible surcharges from fixed or moving loads. When a portion, or the whole, of the adjacent soil is below the free ground water surface, computations shall be based on the weight of the soil diminished by buoyancy, plus the full hydrostatic pressure.

601-8.2 *Uplift on Floors.*

Basement floors that may be below the specified frequency normal high ground water elevations indicated in 310-2 shall be designed for the full hydrostatic pressure applied to the bottom of the slab.

601-8.3 *Freestanding Retaining Walls.*

The moment of stability for overturning shall be not less than 2 times the overturning moment and the resistance to sliding shall be at least 1½ times the sliding force.

601-9 Earthquake Loads.

In regions where local experience shows loss of life or damage resulting from earthquakes, and in regions located in zones 1, 2, or 3 as shown on Seismic Risk Map of the United States, Figure 6-1.2, buildings and components, or structures shall be designed to withstand the lateral forces provided for in the 1973 issue of the UBC.

601-10 Wall and Partition Design Deflections.

Deflection of exterior curtain walls and interior partitions shall not exceed $\frac{1}{240}$ of the clear height between floors when subjected to the applicable wind load, acting either inwardly or outwardly, in addition to any gravity loads. If plaster or other brittle materials are used, deflection shall not exceed $\frac{1}{360}$ of the clear height.

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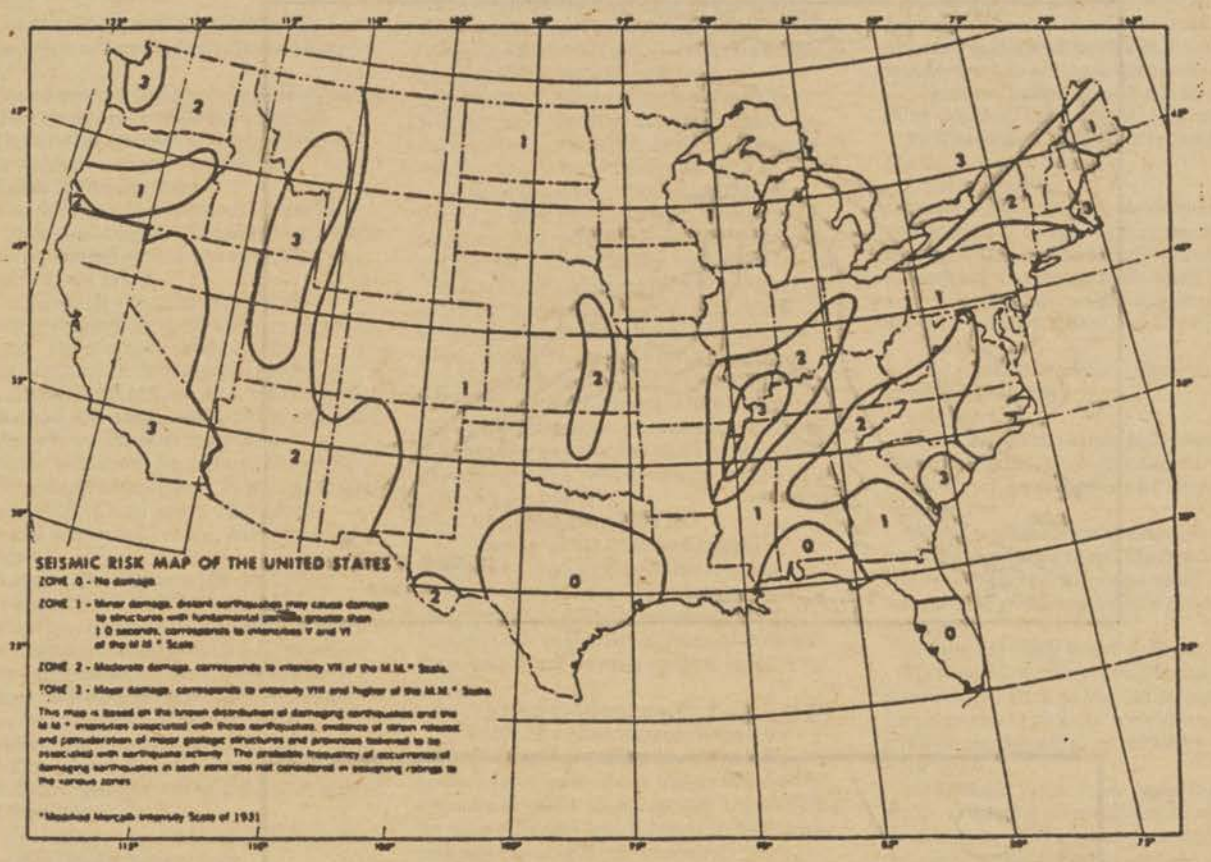
FIG. 6-1.2a--SEISMIC RISK MAP(1)



Source: U.B.C. 1973

Note:

(1) Puerto Rico and Virgin Islands Zone 3

FIG. 6-1.2b---SEISMIC RISK MAP

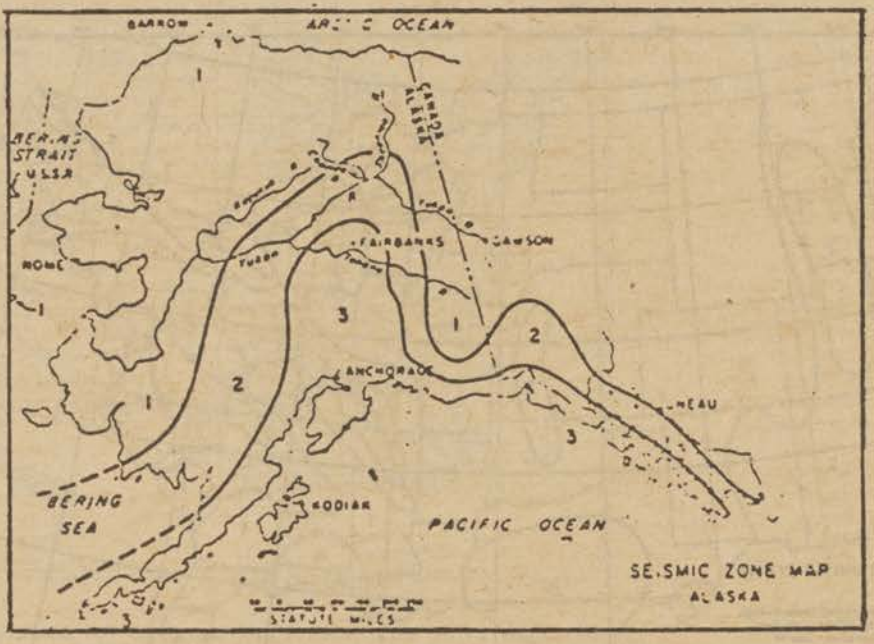
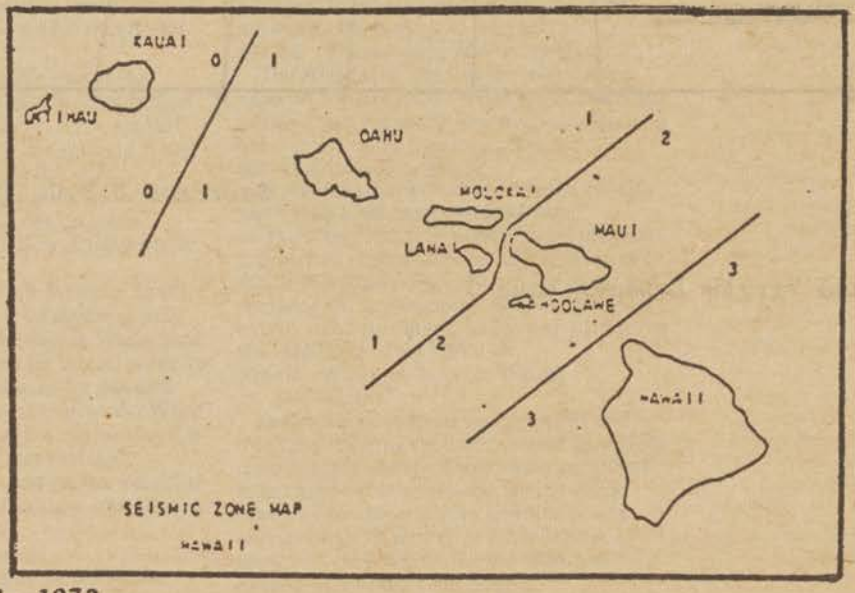


FIG. 6-1.2c



Source: U.B.C. 1973

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601–11 Foundations.

601–11.1 *General.*

Foundations shall be proportioned to assure that the following objectives will be attained:

a. Loading of the soil supporting the selected type of foundation will not cause it to fail.

b. Foundations will be properly designed so that their structural failure is prevented.

c. The total settlement of the building will not be excessive so as to impair the usefulness of the structure.

d. The differential settlement between parts of the building will be controlled so that structural damage or inconvenience in service will not occur.

e. Neighboring structures will not be adversely affected by proposed construction.

601–11.2 *Excavation and Backfill.*

a. Excavation for footings or foundation walls shall extend at least 6 in. into natural undisturbed soil which will provide adequate bearing or to stable rock formation.

Exterior wall footings or foundation walls including those of accessory buildings shall extend a min. of 6 in. below the finished grade and where applicable, the prevailing frost line.

b. Basementless Spaces [Crawl Space).

(1) Ground level shall be at least 18 in. below bottom of wood floor joists and 12 in. below bottom of wood girders except when pressure treated wood is used for these members. Where it is necessary to provide access for maintenance and repair of mechanical equipment located in the underfloor space, the ground level in the affected area shall be not less than 2 ft below wood floor joists.

(2) The interior ground level shall be above the outside finish grade unless:

(a) Adequate gravity drainage to a positive outfall is provided or

(b) The permeability of the soil and the location of the water table is such that water will not collect in the basement less space.

(3) When drainage is necessary, the surface shall be properly sloped.

(4) Where soil and moisture conditions warrant, or when specifically required herein, surface shall be covered with a vapor barrier material. See 607.

c. Backfill.

Material used for backfill shall be clean and free of wood scraps or other deleterious substances and shall be placed carefully against walls and shall be well compacted.

601–11.3 *Footings.*

a. Wall Footings.

(1) All exterior walls, bearing walls, columns, and piers shall be supported on continuous solid masonry or concrete footings, or other acceptable structural systems which shall be of sufficient design to support safely the loads imposed as determined from the character of the soil, and shall in all cases extend below the frost line.

Foundation walls shall extend at least 8 inches above the finished grade adjacent to the foundation at all points.

(2) Min. thickness shall be 6 in., and unless reinforced, not less than 1½ times the footing projection.

(3) Footings poured integrally with wall, flared or otherwise, may be used when properly designed and when soil and climate conditions permit trench foundations. The slope of flare shall be not less than 60 degrees from horizontal.

b. Stepped Wall Footings. Vertical step shall not exceed ¾ of the horizontal distance between steps. Horizontal distances between steps shall be not less than 2 ft.

Horizontal and vertical steps shall be placed monolithically. Vertical connection shall be the same width as the footing and not less than 6 in. in thickness.

c. Pier, Column and Masonry Chimney Footings. Min. thickness 8 in., except 12 in. for chimney footings and unless reinforced, not less than 1½ times the footing projection.

d. Footing Reinforcing. Reinforce footings when the projection on each side of wall, pier or column exceeds ⅝ of the thickness, or when required because of soil conditions.

e. Depth for High Volume Change Soils. Foundations of structures located in areas known or determined to contain soils of high volume change potential shall be designed in accordance with the recommendations of a qualified engineer.

601–11.4 *Foundation Walls.*

a. General. These standards apply to concrete or masonry walls below grade. Pressure-treated wood foundations shall comply with standards referenced in Appendix E. Basement or foundation wall cracks shall not be greater than ⅛ in. in width.

b. Top Course Capping.

(1) Walls of hollow masonry shall be capped with 4 in. solid masonry or concrete or shall have cells of top course filled with concrete or grout. Capping may be omitted where a sill plate which bears on both inner and outer face shells is provided.

(2) Where a continuous concrete cap is required for termite protection, it shall be reinforced in accordance with Division 603 and 606–2.2c.

(3) Cap walls of hollow masonry units under girders, min. thickness, 6 in.

c. Min. Thickness. Thickness of foundation wall shall be not less than that of wall supported except that exterior walls of masonry veneer over frame construction may be corbeled 1 in. max.

Min. thickness shall be that required to resist lateral pressure from adjacent earth and to support design loads. When thickness is not determined by a structural analysis, wall shall be as required by the HUD field office.

Upper portion of foundation wall may be reduced in thickness to 4 in. to permit placement of veneer or may be sloped to permit edge of concrete floor slab to be covered by base trim. When the 4 in. portion exceeds 4 in height, reinforcing shall be provided. Max. height of 4 in. portion, 12 in unless veneer is bonded to wall.

d. Reinforcement.

(1) Where earthquake design is required, and in seismic zone 2 or 3, reinforce foundation walls under the following conditions:

Concrete walls when height exceeds 6 times thickness.

Masonry walls when height exceeds 4 times thickness.

(2) Size and spacing of reinforcement shall be in accordance with accepted engineering standards.

e. Pilasters.

(1) Pilasters shall be provided under girders framing into walls in all 6 in. concrete or masonry walls and in all 8 in. hollow masonry walls unless engineering analysis indicates that pilasters are not needed. Pilasters shall be bonded into wall.

(2) Min. Size: Concrete, 2 in. x 12 in. Masonry, 4 in. x 12 in.

f. Dampproofing.

Leaks which permit a measureable penetration of water, by seepage or trickling, through basement or foundation walls are not acceptable. Basement walls shall be drained and dampproofed in accordance with 607.

601–11.5 *Masonry or Concrete Foundation Piers.*

Pier construction shall assure safe support of all design loads.

a. General.

These standards apply to free-standing pier construction, exterior pier and curtain wall construction, and to grade beam and pier construction.

Where unstable or expansive soil conditions require special foundation design, the design and construction shall be in accordance with accepted engineering practice.

b. Free Standing Pier Constructions.

(1) Piers supporting wood frame construction shall extend at least 8 in. above finish grade. In seismic zones 2 and 3, piers shall be reinforced as required by the HUD field office.

(2) Exterior Piers. Piers supporting exterior walls or interior piers subject to wind shall be concrete, solid masonry, or hollow masonry with cells filled with concrete or grout.

Max. height above grade, 3 times their least dimension unless reinforced.

(3) Interior Piers. Piers supporting interior construction and not subject to wind may be concrete, solid masonry or hollow masonry with cells of top course filled with concrete or grout.

Max. height above grade unless reinforced:

Concrete or solid masonry, or filled cell masonry, 10 times their least dimension.

Hollow masonry, 4 times their least dimension.

(4) Pier Size. Size and spacing of piers and size of footing shall be as required to support design load. When this determination is not based upon a structural analysis, piers shall be as required by the HUD field office.

c. Exterior Pier and Curtain Wall Construction.

(1) Piers and curtain walls supporting wood frame construction shall extend at least 8 in. above finish grade unless wood framing is of treated wood or a decay resistant species.

(2) Exterior pier and curtain wall construction shall not be used where basement space is provided. Provide foundation wall.

(3) Max. height of piers above footing, unless reinforced:

Concrete or solid masonry, 10 times their least dimension.

Hollow masonry, 4 times their least dimension.

(4) Max. height of curtain wall above footings:

Concrete or solid masonry, 14 times thickness of curtain wall.

Hollow masonry, 10 times thickness of curtain wall.

(5) Unbalanced fill against 4 in. curtain wall shall not exceed 2 ft.

(6) Curtain walls shall be bonded or anchored into piers and be supported on footings integral with pier footings. Footings may be omitted if curtain walls are reinforced to span between piers.

(7) Brick veneer, not more than 1½ stories in height, may be supported on curtain wall.

d. Grade Beam and Pier Construction.

(1) Grade beam and piers supporting wood frame construction shall extend at least 8 in. above finish grade unless wood framing is of treated wood or a decay resistant species.

(2) Bottom of grade beam shall extend below frost line established for the area except when one of the following conditions assures that damage by frost action will not occur:

Soil is of such a nature that moisture will not be retained under grade beam. Where the susceptibility of the soil to frost action is not known, soil analysis will be required by the HUD field office.

Soil under grade beam is removed to below frost line and replaced with coarse rock or gravel or other material not susceptible to frost action. When trench is excavated in an impervious soil, drain tile to a positive outfall shall be required.

(3) Design of grade beam and piers shall be in accordance with accepted engineering practice standards.

601–11.6 *Slabs-on-grade.*

a. Slab-on-ground construction shall not be used on sites having a ground water condition near the ground surface. Site grading and drainage around the structure shall be such that surface or ground water will not collect under the slab. Where ground or surface water presents a problem, a positive system of underground drainage shall be required.

Where unstable or expansive soils require special slabs, design and construction shall be in accordance with recognized engineering practice acceptable to HUD.

Slabs may be designed as ground-supported framed slabs deriving principal support from the subgrade or as structural slabs independent of fill. Selection of slab type shall be in accordance with BRAB 'Criteria for Selection and Design of Residential Slabs-on-Ground Used on Expansive or Compressible Soils.' Design of all structural framed slabs shall be in accordance with Building Code Requirements for Reinforced Concrete (ACI–318).

Variation in slab design are acceptable where soils investigation of the building site, climatic rating and engineering design and analysis by a registered professional engineer indicate that a slab of lighter or heavier design is suitable. Soil investigation and construction procedures shall be in compliance with applicable provisions of the BRAB criteria.

601–11.7 Framed Slabs (Structural Slabs).

Slabs may be designed as ground supported structural slabs deriving their principal support from subsurface soils or as framed slabs independent of fill. Design of all structural framed slabs shall be in accordance with Building Code Requirements for Reinforced Concrete ACI–318. Min. thickness shall be as required by design but not less than 4 in.

601–12 Foundations in Seismic Regions.

Buildings and structures located in seismic zone 2, or 3 Figure 6–1.2, are subject to earthquake effects and require special foundation design considerations. See Appendix E.

601–13 Structural Safety From Progressive Collapse.

Buildings shall reflect a level of safety against progressive collapse. Structural failure in a relatively small area of a building shall not precipitate partial or total collapse of a building. Design shall demonstrate the existence of alternate paths of support or of sufficient strength and ductility to provide for unexpected severe overload due to an explosion, fire, impact, differential settlement or similar effect.

602 *Site.*

602–1 General.

Site work shall be accomplished in accordance with generally accepted good construction practices. Work shall reflect use of methods, materials and equipment which are safe and suitable for the intended purpose.

602–2 Stability of Slopes and Embankments.

The min. acceptable factor of safety with respect to sliding shall be 1.5 based on generally accepted methods of analysis. A stability factor greater than 1.5 may be necessary when the potential for catastrophic loss is present, such as below large dams. The most adverse conditions concerning, weight and strength of soil, unbalanced water pressure, percolating water, weight of equipment, structures or materials, and other significant factors such as the effects on soil strength and other soil properties changes caused by dynamic loading from earthquakes shall be reflected in the analysis.

602–3 Soil Treatment.

Wood and other vulnerable materials shall be protected from termites in those areas where damage has been experienced or may reasonably be anticipated. When soil treatment is used, the rate of application of the approved chemicals shall be not less than that recommended by the U.S. Department of Agriculture publication, entitled Subterranean Termites, Home and Garden Bulletin No. 64. Chemical soil treatment shall not be used where there is a possibility of contaimination of a water source or supply or the living area of crawl-space-plenum houses. (See 606–2).

602–4 Site Utilities—Underground Utilities.

602–4.1 Underground piping and related items shall be protected from corrosion. Underground mechanical and electrical systems shall be protectively coated to minimize corrosion where soil conditions warrant. Where applicable, sacrificial anodes may be used.

602–4.2 Sacrificial anodes may be used where soil resistivity does not exceed 15,000 ohm—centimeters. Otherwise, an impressed current system of corrosion prevention shall be used.

602–4.3 Site work construction for utility systems shall also be completed in accordance with requirements in 615 and 616.

602–4.4 Underground utilities servicing more than two dwelling units shall not be located beneath buildings.

602–5 Roads and Walks.

602–5.1 *General.*

Surfaces and base courses for roads, streets, parking areas and walks shall be of durable materials and construction shall be in conformance with generally accepted local design practices and this MPS.

602–5.2 *Drainage.*

Adequate surface and underground drainage systems shall be required to serve all paving and the improvements as necessary to insure continuing stable soil support for these improvements.

602–5.3 *Curbs and Gutters.*

All pavement shall be protected at the edges by curbs, gutters, curbs and gutters, or other suitable means to prevent ravelling of the pavement edge and to provide an adequate drainage-way for surface runoff.

603 *Concrete.*

603–1 General.

Concrete construction shall be such as to provide safe and durable support of all design loads, and of a quality to resist deterioration due to weather or other deleterious exposure. Concrete surfaces shall not disintegrate—pit, scale or spall—to the extent that the aggregate is exposed under normal conditions of weathering and use. Concrete surfaces shall not powder or chalk.

603–2 Joints.

a. Construction Joints. Joints shall be made and located so as not to impair the strength of the structure.

b. Isolation (Expansion) Joints. Joints shall be used to separate different parts of the structure to permit both horizontal and vertical differential movements.

c. Control (Contraction) Joints. Joints shall be used to provide for construction caused by drying shrinkage.

d. Concrete slabs shall not contain excessive cracks and voids at expansion and contraction joints.

603–3 Proportioning and Mixing.

603–3.1 *Proportioning.*

Proportions of cement, fine and coarse aggregate and mixing water shall be selected to produce concrete of the required placeability, durability, workability and strength, and other required properties. Except as shown otherwise in this standard, ACI 301, Specifications for Structural Concrete or ACI 318, Building Code Requirements for Reinforced Concrete, shall be utilized to proportion ingredients for concrete. Concrete shall have a compressive strength f'c, at 28 days, of at least the required design strength not not less than that shown in Table 6–3–1.

603–3.2 *Mixing.*

Materials for concrete shall be thoroughly mixed to assure that a uniform distribution of all material has been achieved.

603–3.3 *Concrete Quality.*

a. Water-Cement Ratio. The max. water cement ratios shall be in accordance with ACI 301.

b. Slump.

(1) Max. slump, measured by ASTM C143 standard test, shall not exceed 4 in. for normal weight concrete if consolidation is to be by vibration, 5 in. if consolidation is by other means.

(2) Slump for lightweight aggregate concrete shall not exceed 3 in.

c. Air-Entraining—Durability. Air-Entrained concrete is required for concrete exposed to freezing and thawing. Unless plant or transit-mix concrete is used, air entrained concrete shall be obtained by the use of cement to which an air-entraining agent has been added by the cement manufacturer. Air content shall be between 5 and 7 percent of the volume of concrete.

d. Admixtures and Calcium Chloride. Use of these materials shall be in accordance with ACI-301.

TABLE 6-3.1--MINIMUM COMPRESSIVE STRENGTH, f'c AT 28 DAYS (psi)
(Plant or Transit Mixed)

Type or Location of Concrete Construction	Regional Weathering Areas (1)		
	Negligible	Moderate	Severe
	f'c	f'c	f'c
Basement walls and foundation not exposed to weather.	2000	2000	2000
Basement slabs and interior slabs on grade.	2500	2500	2500
Basement walls, foundations, exterior walls, and other concrete work exposed to weather.	2500	3000	(2) 3500
Driveways, curbs, walks, patios, porches, and garage floors, exposed to weather.	2500	(2) 3000	(2) 3500

Notes:

(1) See Figure 6-3.1 for weather areas. Page 6-18.

(2) Air entrained concrete only.

603-4 Interior Concrete Slabs-on-Ground.

603-4.1 *General.*

a. Slabs shall be designed and constructed in accordance with ACI 302, Recommended Practice for Concrete Floor and Slab Construction, except as shown otherwise in this MPS.

b. Basement floor cracks shall not exceed 5/16 in. in width or 1/8 in. in vertical displacement.

c. Concrete floor in a basement or in a habitable room shall not have pits, depressions or areas of unevenness that would prevent its use as a finished floor.

d. The floor slope, unless designed for specific drainage purposes, shall not exceed 1/240 of the room width.

e. Cracks in concrete slab-on grade floors shall not significantly impair the appearance or performance of the finish flooring material when the finish flooring is in place.

f. Cracks in attached garage slabs shall not exceed 1/4 in. in width or 1/4 in. in vertical displacement.

603-4.2 *Slabs on Fill Within Foundation Walls.*

a. Preparation of Areas. Areas within foundation walls shall have all vegetation, topsoil and foreign material removed. Fill material shall be free of vegetation and foreign material.

b. Slabs on Highly Compacted Fill.

(1) Fill shall be compacted to a density that will assure zero consolidation and 2 percent max. heave under slab or footing loads. Max. thickness of compaction layers shall be 6 in. except where compaction equipment of demonstrated capability is used and where compaction is under the direction of a qualified engineer, deeper layers may be permitted.

(2) Max. depth of fill below slab or base course, if provided, depends upon type of soil, degree of compaction and type of compaction equipment used. Under normal compaction methods, fill depths shall not exceed the following: (soil types based on the HUD Handbook 4075.8).

Clean sand or gravel: Soil types GW, GP, SW, and SP, 24 in.

Other sands or gravel: Soil types GM, GC, and SC, 12 in.

Inert silts and clays: Soil types ML, and CL, 8 in.

(3) Organic or active clays and silts of the OL, MH, CH, OH and PT groups shall not be used for support of slabs on grade.

(4) Where soil is placed and compacted under the direction of qualified engineer, fill depths may be increased.

c. Slabs on Moderately Compacted Fill. Structural slabs supported at edges and through the center by piers or intermediate foundation walls require only moderate compaction.

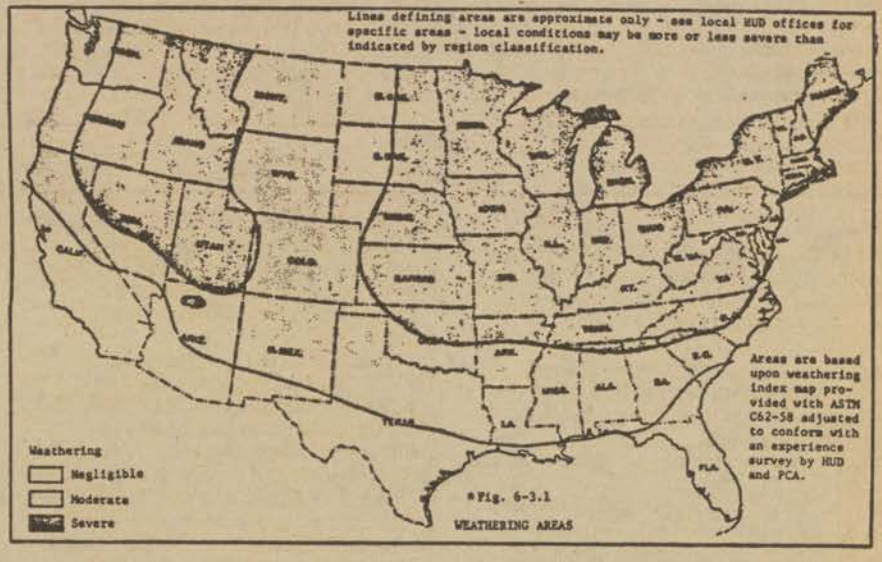
Concrete slabs and piers shall be designed in accordance with ACI 318, Building Code Requirements for Reinforced Concrete.

603-4.3 *Dampproofing Slabs-on-Ground.*

a. General.

Concrete slab-on-ground in habitable areas may require precautions to be taken to prevent damage to flooring materials by moisture or vapor. Habitable area is considered to apply to the entire floor slab within the dwelling except basement floors and floors of built-in or attached garages.

FIG. 6-3.1—WEATHERING AREAS



b. Slabs Above Grade.

(1) Height above finish grade:

Top of slab shall be at least 8 in. above finish grade.

Bottom of wood sills or sleepers below top of slab shall be at least 8 in. above exterior finish grade.

(2) Slabs not having ductwork or piping in or under slab shall comply with Table 6–3.2.

(3) Slabs having ductwork or piping in or under slab shall comply with Table 6–3.2, except that a continuous vapor barrier shall be installed under slab and ductwork in all cases.

c. Slabs Below Grade (Habitable Areas).

Flooring materials used on below grade slabs shall be Group A, as shown in Table 6–3.2, except that Group B flooring materials may be used when specifically recommended by and installed in accordance with the flooring manufacturers recommendations. Install a continuous membrane below slab. Membrane shall be turned up at edges, to top of slab. Provide a 4 in. base course of limited capillarity under slab. Foundation drains and waterproofing of foundation walls enclosing habitable areas below grade shall be required. See 607–2.

d. Slabs Below Grade (Not Habitable Areas).

Where Group A or B flooring materials are proposed for use on concrete slabs below grade, other than habitable areas, comply with 603–4.4c.

e. Base Course.

(1) Base courses of limited capillarity materials, when required, shall be at least 4 in. in thickness.

(2) Base course materials shall be clean graded gravel, crushed rock or crushed blast furance slag. Material shall pass a 2 in. sieve and be retained in a ¼ in. seive.

Where white alkali (sodium sulphate) concentrations exceed 0.1 percent in natural surface soils, base course materials shall pass a 2 in. sieve and be retained on a ½ in. sieve.

(3) Materials other than the above may be used when test results are provided indicating that the capillary rise of liquid water in a 4 in. sample of the material will not exceed 2 in. in 24 hr.

TABLE 6–3.2—FLOORING ON CONCRETE SLABS

Type of Flooring	Vapor Retarders see 603–4.3a	Base Course see 603–4.3e
Group A Asphalt Tile Rubber Tile Vinyl-asbestos Tile Vinyl Tile Terrazzo Ceramic Tile	Provide (1)	Not required (2)
Group B Vinyl Sheet Rubber Sheet Cork Tile Linoleum Tile Vinyl-cork Tile Concrete, stained or painted Carpet	Provide	Provide
Group C Wood Block Wood Strip	Provide (3)	Provide

Notes:

(1) In arid regions where irrigation and heavy sprinkling is not done, and where no drainage or soil problem exists on the site, vapor barrier may be omitted when acceptable to the HUD field office.

(2) Base course should be used when capillarity of subsoil is such that liquid rise from ground water table will permit water to reach bottom of slab.

(3) Vapor retarders may be installed either under or on top of slab.

603–4.4 *Min. Thickness of Slab-on-Ground.*

a. Except where otherwise permitted herein, interior concrete slabs-on-ground shall be at least 4 in. in thickness.

b. Where slab-on-ground are placed in two operations (double slabs) min. thickness of upper slab, 3 in; lower slab, 2 in.

c. Min. slab thickness for basements or areas requiring no floor finsih shall be 3 in.

603–5 Exterior Concrete Slabs-on-Ground.

603–5.1 *Garage and Carport Slabs.*

Slabs shall be at least 4 in. thick.

603–5.2 *Walks.*

Slabs shall be at least 3 in. thick.

603–5.3 *Porches and Entrance Slabs.*

a. Slabs shall be at least 4 in. thick. Slab shall be anchored to or supported at foundation wall by anchors, piers or corbels built with wall. Outer edge of slab shall be supported on foundation wall or grade beam and piers if soil under slab is uncompacted fill or is susceptible to excessive expansion or frost action. Surface of slab shall be sloped to drain away from foundation. For structural slabs, see 603–6.

b. Stoops or steps shall not settle or heave in excess of 1 in. in relation to the house structure. Cracks shall not exceed 1/16 in.

604 *Masonry.*

604–1 General.

Masonry construction shall be such as to assure safe and adequate support of all design loads, to prevent the passage of water or moisture, and to resist deterioration due to weather or other deleterious exposure.

604–1.1 *Design and Construction.*

a. Engineered Masonry Construction shall be designed and constructed in accordance with one of the referenced standards except for modifications stated in the MPS.

Exception: In cases where the design is based on allowable stresses predicated on "with inspection" provisions, it is required that qualified masonry inspection be provided on a continuous basis, whenever masonry is being placed.

b. Earthquake Areas.

(1) Unreinforced masonry shall not be permitted in seismic zones 2 and 3 but may be permitted in seismic zones 1 and 0 if masonry is designed to resist the seismic forces.

(2) Reinforced masonry shall contain at least the amount of reinforcement required by design but not less than the min. stated herein.

c. High Wind Areas. Exterior masonry walls in areas experiencing wind speeds greater than 80 mph shall be designed in accordance with 604–1.1a.

Min. Reinforcement. Masonry walls subject to wind loads of 30 psf and over or located in seismic zone 2 or 3 shall have at least the following amount of steel reinforcement:

Min. area of reinforcement = 0.002 times the gross crosssectional area of the wall, not more than two-thirds of which may be used in either direction. Min. bar size—⅜ in dia. for vertical reinforcement; max. spacing 4 ft oc.

e. Provisions for foundation walls are covered in 601.11.4.

604–1.2 *Bonding.*

a. Masonry walls shall be laid in a running bond pattern with units regularly breaking joints with the course below except as noted for stacked bond.

b. Stacked bond may be used provided walls are reinforced horizontally with continuous joint reinforcing 16 in. oc and bonded to backing. The longitudinal bars or wires of such reinforcement shall be not less than No. 9 ga and at least one longitudinal bar or wire shall be provided for each 6 in. of wall thickness or fraction thereof.

c. Intersecting masonry walls shall be bonded or anchored together.

d. Bonding of Non-reinforced Walls, Except Veneer. The facing and backing in walls of more than one unit or wythe thickness shall be bonded together.

(1) Multiple-wythe non-reinforced brick masonry loadbearing and non-loadbearing walls shall be bonded with masonry bonding units or with corrosion-resistant metal ties as specified in this section.

(2) Bonding with Masonry Headers. Where the facing and backing of solid masonry construction are bonded by means of masonry headers, no less than 4 percent of the wall surface of each face shall be composed of headers extending not less than 3 in. into the backing The distance between adjacent full length headers shall not exceed 24 in. either vertically or horizonatally. In walls in which a single header does not extend through the wall, headers from the opposite sides shall overlap at least 3 in. or headers from the opposite sides shall be covered with another header course overlapping the header below at least 3 in.

(3) Bonding with Metal Ties. The facing and backing (adjacent wythe) of masonry walls shall be bonded with corrosion-resistent $\frac{3}{16}$ in. diameter steel ties or metal wire of equivalent stiffness embedded in the horizontal mortar joints. There shall be one metal tie for not more than each 4½ sq ft of wall area. Ties in alternate courses shall be staggered; the max. vertical distance between ties shall not exceed 24 in.; and the max. horizontal distance shall not exceed 36 in. The ends of ties shall be bent to 90 degree angles to provide hooks not less than 2 in. long or ties bent to a rectangular shape shall be used. Additional bonding ties shall be provided at all openings spaces not more than 3 ft apart around the perimeter and within 12 in. of the opening.

604–1.3 *Masonry Support.*

Masonry shall be supported on masonry, concrete, steel or on systems conforming to standards referenced in Appendix E.

604–1.4 *Lintels.*

Masonry over openings shall be supported by steel lintels, reinforced concrete or masonry lintels or masonry arches, designed to support load imposed.

604–1.5 *Joints.*

a. Max. average thickness of mortar joints shall be ½ in.

b. Solid masonry shall be laid in full bed and head joints.

c. Hollow masonry shall be laid with mortar applied to bed and head joints of face shells except that first course shall be laid in full mortar bed.

d. All exterior joints shall be tooled unless surface is to receive stucco or is otherwise acceptable to the HUD field office. All exposed interior joints shall be tooled.

e. Cracks in mortar joints of masonry walls or veneer shall not exceed ⅛ in. in width.

604–1.6 *Joint Reinforcement (Temperature and Shrinkage).*

a. Continuous joint reinforcement (temperature and shrinkage) is required in all concrete masonry walls and walls with concrete brick veneer exceeding 20 ft in length between corners or control joints. Max. length of wall between corners or control joints shall be 50 ft. Max. spacing of joint reinforcing shall be 16 in. oc.

b. The above applies to concrete masonry walls of either concrete units or concrete brick, except when used as backup for clay brick facing. If high-pressure steam cured masonry units or brick is used, max. length of wall without joint reinforcement, 30 ft.

c. In addition to this joint reinforcement and regardless of length of wall, provide strips of joint reinforcement in the first and second bed joints immediately above and below each opening. The strips shall extend 24 in. beyond each side of the opening.

604–1.7 *Chases and Recesses.*

a. Chases and recesses shall be constructed at the time wall is laid. In exterior walls back of chases shall be dampproofed and insulated.

b. Recesses:

(1) Max. depth in 8 in. walls, 4 in.

(2) Max. width, 30 in. except when under windows.

(3) Max. height, 24 in. except when under windows, recess may extend to sill.

(4) Provide steel or reinforced concrete or masonry lintel over recess exceeding 14 in. in width.

c. Chases:

(1) Max. depth in 8 in. walls, 4 in.

(2) Max. width,

Vertical chases, 4 in. except that width may be 12 in. if less than 4 ft. in height.

Horizontal chases, 8 in.

(3) Max. length,

Vertical chases, 8 ft in 8 in. walls.

Horizontal chases, 5 ft except when chase is totally confined to area under window.

(4) When horizontal chases are used, all loads above chase except wall weight shall be supported by a reinforced bond beam and by wall beyond each end of beam. Horizontal chase shall not intersect with a vertical chase.

(5) A horizontal chase for drainage or vent piping may be constructed using the void of a lintel block in lieu of formed chase. Lintel block shall be set upright in the normal manner. Max. length of chase and intersection with vertical chase restrictions do not apply.

(6) Diagonal chases are not acceptable.

604–1.8 *Bond Beams.*

a. Where earthquake design (seismic zone 2, or 3) or design for high winds (30 psf or over) is required, install a continuous beam at each floor or ceiling level. Bond beam shall be cast-in-place concrete or special masonry units designed for this purpose. Beams shall be anchored to wall below in such a manner to equal net design wind uplift.

b. Min. height, 8 in.; min. thickness, same as wall. Reinforce with not less than two No. 4 bars.

c. Roof and ceiling construction shall be anchored to bond beam.

604–2 Exterior Masonry Walls.

604–2.1 *General.*

Exterior masonry wall construction shall assure safe and adequate support of design loads and shall effectively resist entrance of water or moisture.

604–2.2 *Min. Thickness—Height Limitation (Conventional Masonry Construction).*

When height of wall does not exceed 35 ft, at least 8 in. (nominal) thick walls are required and roof construction shall not impart any horizontal thrust to wall.

a. Exceptions. Except where earthquake design is required (seismic zone 2 or 3) 6 in. (nominal) masonry walls may be used for one-story construction provided:

Height of wall does not exceed 9 ft at plate line and 15 ft to peak of gable.

Girders or other concentrated loads are supported on integral piers or pilasters not less than 8 in. x 12 in.

Compliance with other requirements for 8 in. walls is attained.

b. When walls are designed and constructed in accordance with 604–1.1, Engineered Masonry Construction, they shall be considered acceptable.

604–2.3 *Furring.*

Masonry walls less than 12 in. in thickness in habitable spaces shall be furred except that furring may be omitted in areas not subject to wind-driven rain.

Furring shall be at least ¾ in. thick unless type of insulation installed requires additional thickness. Spacing of furring depends upon type of interior finish proposed.

604–2.4 *Plate Anchorage.*

Wood frame roof and ceiling construction shall be anchored to exterior wall or to bond beam, when required by design analysis.

604–2.5 *Base Flashing and Parging.*

a. Except in arid regions, install base flashing at bottom of all walls arranged to deflect any water penetrating outer course or face shell back to the exterior. Where floor joists penetrate masonry wall, install additional row of base flashing at each floor level above joists. On slab-on-ground construction, base flashing may be omitted at bottom of wall provided a built-in offset is formed in the slab at least 1½ in. below top of slab.

b. Base flashing shall be in accordance with 607–5. Provide weep holes approximately 2 ft oc where required.

c. In areas subject to wind-driven rain, wall shall be parged. In walls of two or more unit thickness, parge the exterior face of back-up units; or the interior face of the exterior wythe; or the inner face of the back-up when through wall header bonding is used. In walls of single unit thickness composed of solid units, parge on inside face under furring, except that parging may be omitted when a moisture barrier is used to separate interior finish from masonry. Walls of single unit thickness of hollow units normally do not require parging if care is used in placing mortar on face shells only, leaving crosswebs without through mortar joints.

604–2.6 *Top Course Capping.*

a. Walls of hollow masonry shall be capped with 4 in. solid masonry or concrete or shall have cells of top course filled with concrete or grout. Capping may be omitted where a rafter plate which bears on both inner and outer face shells is provided.

b. Cap walls of hollow masonry units under girders; min. thickness, 6 in.

604–3 Cavity Wall Construction.

604–3.1 *General.*

Cavity wall construction shall consist of brick, structural clay tile or concrete masonry units or any combination of such units in which facing and backing are completely separated except for the metal ties which serve as bonding.

604–3.2 *Min. Thickness—Height Limitations (Conventional Masonry Construction).*

Min. thickness of each wythe, 4 in. (nominal). Cavity shall not be wider than 3 in.

nor less than 2 in. Max. height of wall, having 4 in. wythes, 25 ft.

Exceptions:

(1) Cavity walls shall not exceed 3 stories or 35 ft in height except that wall having 4 in. wythes shall not exceed 2 stories or 25 ft in height.

(2) Cavity walls constructed of clay or shale brick 3 in. for facing or backing or both shall not exceed 9 ft at the plate and 15 ft at a gable end wall.

604–3.3 *Furring.*

Furring of cavity walls it not required unless necessary to meet insulation requirements. Provide weep holes, approximately 4 ft oc at bottom of cavity for drainage.

604–3.4 *Insulation.*

Insulation placed within cavity shall be held at least 1 in. away from exterior wythe unless cavity is dampproofed on face of inner wythe or water proof insulation is used.

604–3.5 *Corbelling.*

Cavity wall construction may be supported on an 8 in. foundation wall provided the 8 in. wall is corbelled with solid masonry to width of cavity wall. Individual corbels shall not exceed 2 in. nor more than ⅓ the height of each corbelling unit.

604–3.6 *Framing Support.*

Floor joists shall bear on solid masonry not less than 4 in. thick and shall not project into cavity. Where girders, beams or other concentrated loads frame into wall, provide a solid masonry pilaster for bearing. Pilaster shall not be less than 8 in. wide and shall bond inner and outer wythes together.

604–4 Interior Masonry Walls.

604–4.1 *Thickness.*

a. Party or lot line walls, 8 in. when height of wall does not exceed 35 ft. When exceeding this height, 12 in.

b. Bearing partitions, 8 in. except when supporting not more than one floor, 6 in.

c. Non-bearing partitions, 3 in.

604–4.2 *Construction.*

a. Loadbearing walls of hollow masonry shall be capped in compliance with 604–2.6.

b. Intersecting masonry wall shall be bonded or anchored together.

c. Pipe chases shall be constructed at time wall is laid in accordance with 604–1.7.

604–5 Masonry Veneer.

604–5.1 *General.*

Provide a durable exterior finish which will effectively resist entrance of water or moisture.

These standards apply to masonry veneer attached to frame or masonry construction.

604–5.2 *Min. Thickness.*

a. Solid Clay and Concrete Brick.

(1) 3 in. and 4 in. nominal, limited to two stories and height not exceeding 20 ft at plate and 28 ft at gable.

(2) 4 in. nominal may be permitted for three stories and height not exceeding 30 ft at plate and 38 ft at gable under the following conditions:

Wall is veneered to masonry back-up without airspace between veneer and back-up, or

Airspace between veneer and sheathing is reinforced with 1 in. grout and reinforced with 2 in. x 2 in. paperbacked welded wire fabric attached to framing with wall ties attached to reinforcement.

(3) Concrete brick shall conform to ASTM C 55, Grade N. Masonry veneer of concrete brick shall be constructed in accordance with 604–1.6.

b. Concrete Masonry Units or Structural Clay Tile. 4 in. nominal. Max. height of wall shall be set forth in a.(1) or a.(2) above.

c. Ashlar Stone—3 in. actual. Max. height shall be as set forth in 604–5.2a, except 3 in. thickness shall be limited to one story.

604–5.3 *Joints.*

Joints in masonry veneer shall comply with applicable requirements for masonry walls.

604–5.4 *Bonding.*

a. Unless otherwise acceptable to the HUD field office, masonry walls shall be laid in a running bond pattern with units regularly breaking joints with the course below.

b. Stacked bond may be used provided walls are reinforced horizontally with continuous joint reinforcing, 16 in oc.

604–5.5 *Anchorage.*

a. Veneer shall be anchored to back-up or to framing with at least the equivalent of 22 ga ⅞ in. wide, corrugated, corrosion-resistant metal ties spaced to assure that all design loads are adequately transmitted to the structure.

b. In areas experiencing wind speeds greater than 80 mph, tie spacing shall be based on 80 lb per tie.

c. Ties shall be embedded at least 2 in. in a horizontal joint and nailed to studs with 8d nails.

604–5.6 *Veneer Over Frame Construction.*

a. Masonry veneer may be corbelled over foundation wall, not to exceed 1 in.

b. Provide 1 in. airspace between veneer and sheathing.

c. Provide 30 lb asphalt-saturated felt or corrosion-resistent metal base flashing. Extend over top of foundation wall from approximate outside face of wall and not less than 6 in. up on sheathing under sheathing paper. If sheathing paper is omitted, install under sheathing for a height of not less than 6 in.

d. Water-resistant building paper or asphalt-saturated felt shall be installed over sheathing except as provided in 606–5.5.

e. Provide weepholes approximately 4 ft oc by omitting mortar in vertical joints at bottom course of veneer.

604–5.7 *Veneer Over Masonry Backup.*

Provide 30 lb asphalt-saturated felt or corrosion-resistant metal, base flashing at bottom of veneer. Extend over top of foundation, up at least 6 in. and embed in back-up course. Provide weepholes approximately 4 ft oc.

Back-up shall be self-supporting and shall comply with standards for masonry walls.

604–6. Masonry Chimneys.

604–6.1 *General.*

Construct and install chimneys which are structurally safe, durable, smoketight and capable of withstanding action of flue gases.

604–6.2 *Construction.*

a. Masonry chimney walls shall be constructed of masonry units with walls not less than 4 in. thick or rubble stone masonry not less than 12 in. thick. Masonry shall be laid with full, push filled, cross and bed, mortar joints. Concrete masonry shall be solid units.

b. Chimneys and masonry fireplaces shall be supported on concrete or other masonry. Chimney shall not support loads other than their own weight unless they are designed and constructed to support the additional load.

c. Provide a thimble for all masonry chimneys except fireplace chimneys. A clean out door at the bottom of chimney shall be installed in chimneys serving solid fuel burning equipment.

d. Provide a chimney cap of concrete or other waterproof noncombustible material. Chimney cap shall be sloped from flue to outside edge. Min. thickness of concrete cap at outside edge is 2 in.

e. Mortar for flue lining shall be type M or S or be fire clay mortar.

f. A chimney separation greater than ½ in. in any 10 foot measurement, from the main structure is unacceptable.

604–6.3 *Clearances from Combustible Material.*

Masonry chimney walls shall be separated from combustible construction as follows:

a. Framing members, 2 in. airspace. Airspace shall be firestopped at each floor level with strips of asbestos board or other noncombustible material.

b. Subfloor, flooring and roof sheathing, ¾ in. airspace.

c. Furring strips not wider than 1½ in. may be installed with zero clearances at corners of chimney.

d. Piers built integrally with chimney for support of wood beams or girders may be used provided wood is separated from chimney masonry with at least a 2 in. airspace.

604–6.4 *Chimney Termination Height.*

a. Masonry chimneys shall extend at least 2 ft above any part of a roof ridge or roof or parapet wall within 10 ft of the chimney.

b. Except as provided in 615, no chimney shall terminate less than 4 ft in vertical height above the highest barometric damper or draft hood on connected appliances.

604–6.5 *Chimney Connectors.*

a. Metal. Chimney connectors (smokepipes) for appliances using solid or liquid fuel, and vent connectors for gas-fired incinerators, or gas appliances without draft hood, shall be constructed of material having a resistance to corrosion and heat not less than that of No. 24 galv sheet steel.

b. Masonry. Masonry connectors or breeching shall be made of refractory material equivalent in resistance to heat and corrosion to high duty fire brick (ASTM C–106 Type A) not less than 3½ in. thick.

c. Chimney connector (smokepipe) shall have a max. length from appliance outlet to chimney of 75 percent of the vertical height of the chimney, unless part of an engineered venting system.

604–6.6 *Chimney Flue Area.*

a. The flue area for an appliance using solid or liquid fuel shall be as recommended by the appliance manufacturer or as determined by data in the ASHRAE Guide.

b. The area of a chimney into which two or more appliances are connected shall be not less than the area of the largest chimney connector plus 50 percent of the area of all other appliance connectors.

c. Area of flue serving fireplace shall be not less than the following:

(1) 1/10 of area of fireplace opening for chimneys 15 ft in height or over.

(2) ⅛ of area of fireplace opening for chimneys under 15 ft in height.

(3) Corner fireplaces or fireplaces open on two or more sides are considered special and shall be designed for each specific installation.

(4) Height of chimney is measured from fireplace throat to top of chimney.

604–6.7 *Flue Linings.*

a. Fire-clay flue lining, not less than ⅝ in. thick or other equally durable and heat resistant material shall be in all masonry chimneys except that flue lining may be omitted in fireplace chimneys only, when chimney walls are at least 8 in. (nominal) in thickness.

b. Flue linings shall be supported on masonry or concrete and shall extend from a point at least 8 in. below the flue connector to top of chimney; or for fireplaces, from top of throat to top of chimney.

c. Where two flues adjoin each other in same chimney, stagger joints at least 7 in. or install wythe.

d. Where more than two flues are located in same chimney, install 4 in. wythe bonded into chimney separating flues into groups of one or two.

e. Where diagonal offsets are necessary, bevel edges of flue liner at change in direction to insure smooth, tight joints.

f. Flue lining shall resist without cracking or softening a temperature of 1800 F.

604–6.8 *Chimney Reinforcing and Anchorage.*

Where earthquake design is required, masonry chimney shall be reinforced and anchored to frame as follows:

a. Vertical Bars.

Chimney area (sq in.)	No. of Bars	Size of Bars
Less than 300	4	No. 3
300 or over	4	No. 4

b. Horizontal Bars.

(1) No. 2 bars, 24 in. oc embedded in mortar joints, and

(2) No. 3 bars at chimney cap and each plane of anchorage.

c. Anchorage

(1) Anchor chimneys which are entirely or partly outside of exterior walls to structures at each floor line 6 ft or more above grade and at the upper ceiling or roof line.

(2) Anchorages shall consist of ¼ in. steel straps or equivalent reinforcing bars anchored to chimney masonry and to structural members of framework.

604–7 Masonry Fireplaces.

604–7.1 *General.*

a. Fireplace construction shall be safe, durable and suitable for its intended use. All site-built fireplaces, solid fuel or gas burning, shall be provided with a source of combustion air from outside the conditioned atmosphere of the house, directed (1) into the combustion chamber proper, or (2) into the room and along the same wall close to the fireplace. The combustion air supply duct shall be sized for the flow of air needed by the fireplace and shall be not smaller than the smoke pipe or the flue pipe.

b. Fireplaces and chimneys which do not draw properly because of faulty design or construction are not acceptable.

604–7.2 *Construction.*

a. Fireplaces shall be supported on concrete or other masonry. Concrete masonry shall be solid units.

b. Install damper in accordance with manufacturer's recommendations. Damper shall be of type which will effectively close the flue passage.

c. Parge smoke chamber with fire-clay mortar (refractory mortar) on all sides. Parging may be omitted if wall thickness is 8 in. Masonry mortar shall not be used for parging.

d. Hearth, including inner and outer hearth shall be fire brick, brick, concrete, stone, tile or other non-combustible heat-resistant material.

e. Outer hearth shall extend at least 16 in. in front of opening and at least 8 in. beyond each side of fireplace opening. A separate outer hearth is not required when floor construction and finish flooring are of non-combustible materials.

f. Where a lining of fire brick at least 2 in. thick is provided, the total thickness of firebox wall including lining shall be not less than 8 in. Where fire brick lining is not provided, thickness shall be not less than 12 in. Steel fireplace lining at least ¼ in. thick may be used in lieu of fire brick lining. Installation shall be in accordance with manufacturer's recommendations.

g. Separate flues shall be installed for each fireplace.

h. Masonry over a fireplace opening shall be supported by a lintel of noncombustible material.

604–7.3 *Clearances from Combustible Construction.*

a. Fireplace walls shall be separated from combustible construction as follows:

(1) Framing members, 2 in. airspace. Airspace shall be firestopped at floor level with extension of ceiling finish, strips of asbestos board or other noncombustible material.

(2) Subfloor and flooring ¾ in. airspace.

b. Piers built integrally with fireplace to support wood construction may be used provided wood is separated from fireplace masonry with at least 2 in. airspace.

c. Combustible material shall not be placed within 3½ in. of the edges of a fireplace opening. Combustible material above and projecting more than 1½ in. in front of fireplace opening shall be placed at least 12 in. above opening.

605 Metals.

605–1 General.

Metals construction shall assure safe and adequate support of all design loads, and shall be corrosion resistant to the degree required by exposure conditions.

605–2 Structural Steel.

605–2.1 *General.*

a. The design, fabrication, and erection of structural steel for buildings shall conform to AISC Specification for the Design, Fabrication and erection of Structural Steel for Buildings.

b. The design of cold-formed steel structural members shall conform to AISI Specification for the Design of Cold-Formed Steel Structural Members.

c. The design of light ga cold-formed stainless steel structural members shall conform to AISI Specification for the Design of Light Gauge Cold-Formed Stainless Steel Structural Members.

d. The design, fabrication and erection of open web steel joists shall conform to the following specifications adopted by the Steel Joist Institute and AISC: Standard Specifications for Open Web Steel Joists, J and H Series; Standard Specifications for Long Span Steel Joists, LJ and LH Series; and Standard Specifications for Deep, Long Span Steel Joists, DLJ and DLH Series.

605–2.2 *Lintels, Beams and Girders.*

Bearing on walls shall be that required to distribute load but not less than 4 in. Bearing plates, at least ¼ in. thick, shall be installed where beams or girders rest on masonry. Bed in protland cement mortar. Bearing plate may be omitted under wide flange beams.

Connections shall be riveted, bolted or welded.

605–2.3 *Columns.*

Columns supporting wood beams or girders shall have suitable column cap installed. Columns supporting steel beams or girders may be welded, bolted or riveted to beam or have column cap. Column cap shall be anchored to beam. Column base of steel or cast iron shall be installed. Base shall be anchored by bolts or be embedded in concrete at least 2 in.

605–2.4 *Tubular Steel columns.*

Light ga tubular steel columns shall be designed in accordance with the appropriate specification listed in 605–2.1. Adjustable length components of columns shall be installed in the same manner as conventional columns, and securely fastened at the top and bottom in such manner as to form a continuous unit capable of developing the strength of the main column section. The adjustable feature is to serve for purposes of adjusting the length only and shall not be used for jacking purposes. Columns shall be at least 3 in. in outside diameter with wall thickness of 0.120 in. or equivalent and shall be of a size adequate to support the design loads when designed in accordance with 605–2.1.

605–2.5 *Corrosion Protection.*

All structural steel shall be given a shop coat of rust-inhibitive paint and field coat of protective paint, or equivalent, except for steel encased in concrete or concealed by interior finish materials, stainless steel, corrosion resistant steel, or steel treated with coatings to provide corrosion resistance. All surfaces (inside and outside) of tubular steel columns shall be protected.

605–3 Aluminum.

Design and construction of structural aluminum shall be in accordance with the Specifications for Aluminum Structures and Aluminum Formed-Sheet Building Sheating Guide by AA.

605–4 Welding.

Welding shall be in accordance with D1–1, Structural Welding Code and D12.1, Reinforcing Steel Welding Code, by AWS.

605–5 Metal Curtain Walls.

605–5.1 *Panels.*

Panels shall be capable of carrying the design load and deflections without suffering damage as permanent deformation.

Surfaces exposed as finish shall be protected against damage from scratches, stains, discolorations, or other causes. Marred metal or glass shall be refinished or replaced.

605–5.2 *Joints.*

Thermal movements caused by an ambient temperature range of 120 F shall be compensated for in design and fabrication of joints that will permit expansion and contraction of component material. In areas having an outdoor design temperature of 0 F or colder, install thermal breaks for through metal elements in panel jointing.

Joints in exposed work shall be carefully matched to produce continuity of line an design.

605–5.3 *Fasteners.*

Metals used for fasteners and anchorage devices shall be chemically compatible with contiguous metals.

606 *Carpentry.*

606–1 General.

606–1.1 *General.*

a. Wood construction shall be such as to assure safe and adequate support of all design loads and to provide a suitable base for the attachment of finish materials.

b. Wood products, except under special design conditions concerning material treated for use below grade, shallb be at least 8 in. above adjacent finish grade for framing members and 6 in. above finish grade for siding.

c. Bows in interior and exterior walls shall be too slight to detract from the walls' finished surface. Walls shall not be more than ½ in. out of plumb for any 8 ft. vertical measurement nor more than ¼ in. out of plumb within any 32 in. horizontal or vertical measurement.

606–1.2 *Fasteners.*

Application and fastening schedule of all fasteners, power, mechanically or manually driven shall conform to Appendix F unless otherwise shown in this MPS.

606–2 Termite Protection.

606–2.1 Provide protection against termites in those areas where they are determined to be a hazard. Methods of protection are divided into two types, chemical and physical barriers. With the exception of treated lumber, all barriers shown are effective only for subterranean termites. Where dampwood, drywood and Formosan termites present a hazard, additional precautions shall be required by the HUD field office.

606–2.2 *Physical Barriers.*

Acceptable physical barriers are as follows:

a. Concrete foundations, free of cracks and porous areas, for basement and crawl space types of construction except where masonry or masonry veneer walls extend below top of foundation wall and are less than 8 in. above finish grade.

b. Monolithic framed concerete slab, reinforced with at least 6 x 6 10/10 wwf in areas where winter design temperature exceeds 15 F, extending from wall to wall without openings or joints. Piping, ductwork and other penetration of slab shall be thoroughly sealed with coal tar pitch. Interior and exterior sill plates in contact with the concrete slab shall be treated wood in accordance with 506–2.4 or shall be Foundation Grade Redwood.

c. Foundation caps of cast-in-place concrete, not less than 4 in. thick, reinforced with 2 No. 3 bars.

606–2.3 Chemical barriers may be soil treatment referenced in 602 or pressure treated lumber.

606–3 Decay Protection.

606–3.1 *Protection Against Damage by Decay.*

Provide protection against damage by decay where required by the HUD field office. Certain members are required to be protected in all geographic areas. These members and the accepted means of protection are shown in Table 6–6.1.

606–3.2 *Requirement for Treatment of Other Members.*

The requirement for treatment of other members shall be based upon the location of wood members in respect to moisture conditions and upon climatic considerations such as annual precipitation, relative humidity and temperature during periods of high humidity.

TABLE 6–6.1—DECAY PROTECTION

Wood Members to be Treated	Means of Protection (2)	Resistant Species 506–2.4c	Non-Pressure Treatment 506–2.4b	Pressure-Treatment 506–2.4a
Access panels, doors and frames to basementless spaces (1)		X	X	X
Exposed structural members unless protected from direct exposure to rain by overhangs, porch ceilings or carport ceilings (1)		X	—	X
Exterior door and window frames, panel and jalousie doors (1)		—	X	X
Exterior window sash (1)		—	X	—
Exterior wood balconies (1)		X	—	X
Fence and privacy screen posts or columns		X	—	X
Sills, plates or sleepers embedded in concrete slabs concrete slabs		X	—	X

Notes:

(1) Treatment shall be paintable type.

(2) When treated material is cut after treatment, dip or brush-treat exposed ends in 5 percent pentachlorophenol solution or other acceptable wood preservative.

606–4 Framing.

606–4.1 *General.*

a. Wood framing shall provide construction which will assure safe support of all design loads and provide a suitable base for the attachment of sheathing or finish materials.

b. Framing design shall be in accordance with NFPA National Design Specifications for Wood Construction. NFPA Span Tables for Joists and Rafters may be used to determine allowable spans for wood framing when such spans are not determined by structural analysis.

c. Framing shall be designed to support all design loads without exceeding the allowable stresses and deflections. Span and spacing of framing members shall be determined by design except where application of sheathing, subfloor, or finish material requires a lesser spacing.

d. Vertical framing members shall be continuous lengths for each story height without splicing. Splices in horizontal members other than top member of two-member plates shall occur only over bearing points.

e. Structural members whose strength is impaired by improper cutting, drilling, or excessive defects shall be replaced or reinforced in a manner acceptable to the HUD field office.

606–4.2 *Wood Columns*

a. Columns shall bear on concrete or solid masonry bases. In basements, porches, garages and carports, top of base shall be not less than 3 in. above the finish floor. In basementless spaces, top of base shall be not less than 8 in. above inside grade.

b. Exterior columns shall be anchored to pier or base, and roof construction shall be anchored to columns. Columns in basement shall be anchored to girder and doweled or anchored to base. Where earthquake design is required, columns shall be anchored to the base and top of column shall be anchored to girder by bracing in both directions or by other suitable means acceptable to the HUD field office.

606–4.3 *Sills and Plates*

a. These standards apply to sill plates and to rafter and joist plates for masonry wall construction. Frame wall and partition plates or continuous headers are covered under Wall and Partition Framing, 606–4.7.

b. Width of plates shall be such as to provide for full end bearing of studs and not less than 1½ in. bearing for ends of joists and rafters. Rafter plates bearing on uncapped masonry walls shall bear on both faces of the unit masonry.

c. Sills and plates shall be anchored to foundations or walls in such a manner as to resist all wind loads and earth pressure. Except in cases where earthquake design is required, or where concrete slab construction is used, anchors may be omitted when a structural analysis of wind and earth pressure indicates anchorage is not required.

606–4.4 *Wood Floors, Girders and Beams*

a. End bearing for joists and girders shall be such that the allowable bearing stress of the species used is not exceeded and shall be not less than:

(1) Girders, 4 in. Wood shims not acceptable.

(2) Joists, framed into masonry, 3 in.

(3) Joists framed into sides of beams, or onto sill plate or foundation, 1½ in.

b. Joists framed into side of steel beam shall bear on lower flange of beam or on a ledger, bolted to beam. Block between joist if flange bearing is used. Unless lateral tie is provided by subfloor, tie every third joist to opposite joist with a 1½ in. x 18 in. ga steel strap. Where joist frame into only one side of steel beam, prevention of rotation of steel beam shall be assured.

c. Joists and girders framing into masonry walls shall bear on solid masonry not less than 4 in. thick. Provide ½ in. air space at ends and sides of wood girders and joists framing into concrete or masonry walls unless treated wood is used. Joists 5 ft or more above grade shall be anchored to masonry walls by metal anchors, at intervals of not more than 6 ft oc.

d. Joists framed on exterior sill plate or foundation wall shall be anchored in such a manner as to resist all wind loads and earth pressure. Also provide end block or header joist (band joist) to prevent lateral movement and to provide for subfloor nailing when required.

e. Joists shall be doubled under all parallel partitions except when single joist is of sufficient size to adequately support partition load in addition to contributory floor load.

f. Single headers may be used for a max. span of 4 ft, and double headers for a max. span of 10 ft. Header supporting load of bearing partition or concentrated load of kitchen equipment shall be designed as a beam. Single trimmer may be used to support load of single header when opening is near end of joist span. All other trimmers shall be at least doubled. Unless concentrated load from header is supported by column, size and span of trimmer shall be designed to support load from header.

g. Bridging, max. spacing of 10 ft, shall be installed between joists when nominal depth of joists is more than 6 times the nominal width.

606–4.5 *Ceiling Framing*

a. Where stair is provided to attic space, or where space will permit development of future rooms, framing shall comply with requirements for floor framing. Where unusual loading conditions occur such as mechanical equipment located in attic space, provide additional framing as necessary.

b. Ends of ceiling joists shall be lapped or butted over bearing partition or beam and toenailed to bearing. When ceiling joists are used to provide resistance to rafter thrust, lapped joists shall be nailed together, and butted joists shall be tied together in a manner to resist such thrust.

c. Where earthquake design is required, provide diagonal sway bracing over large living areas or other locations where resistance to horizontal forces is not providing for by partitions or roof diaphragm.

606–4.6 *Roof Framing*

a. Rafters shall be cut for even bearing and toenailed to plate. In areas subject to wind uplift forces of 25 psf or greater provide additional anchorage by installing a metal strap nailed to rafter or ceiling joist and to wall stud, or use special anchors designed for this purpose.

b. Rafters and ceiling joists shall be nailed together and to exterior wall plate to resist roof thrust. Where rafters frame in a different direction than ceiling joists, rafters shall be supported at ridge with beam or partition, or shall have other provisions to resist roof thrust. Roof joists for slopes less than 3 in 12 shall be supported at ridge by beam, partition or other suitable means.

c. Ridge board, if used, shall be not less in depth than end cut of rafter.

d. Provide rafter ties, spaced not more than 48 in. oc, in the upper third of attic space. Where tie serves as ceiling joists in 1½ story construction, comply with ceiling framing standards.

e. Hip and valley rafters shall be supported at the ridge by a brace to a bearing partition.

f. Trussed roof framing shall comply with 4950.2, Design Criteria for Trussed Rafters.

606–4.7 *Wall and Partition Framing*

a. Exterior walls shall be anchored to floor framing or sill plate in a manner to resist all uplift, sliding, and overturning loads.

b. Exterior wall construction shall provide resistance to racking by means of diagonal wood sheathing; nominal 4 in. wide corner braces let into face of sole plate, studs, and top plate when used with other sheathing; or by braced wall sections of other material complying with tests and criteria stated in Appendix D.

c. Where earthquake design is required, provide effective bracing in both directions, in each 25 ft of wall, and in principal partitions. Interior bracing may be omitted when roof sheathing qualifies as a diaphragm.

d. Where line wire is used for exterior stucco backing, studs in unsheathed walls shall be blocked at mid-height. Line wire backing without sheathing may be used for one story construction and for 2-story construction in areas not subject to wind loads in excess of 20 psf. In areas subject to earthquake design 2-story construction of this type is permitted only when the structural frame is designed and constructed to withstand the required lateral forces assumed to act nonconcurrently in the direction of each main axis of the structure.

e. Header shall be supported by jamb studs and be designed to support load imposed.

f. Wood posts supporting beams or lintels, as in post and beam framing, shall be designed as columns, and intermediate studs or blocking shall be provided between posts as required for support of interior and exterior covering material.

g. Bearing and exterior wall studs shall be capped with double top plates installed to provide overlapping at corners and at intersections with other partitions. End joints in double top plates shall be offset at least 48 in.

Exception: A single top plate may be installed in bearing and exterior walls provided the plate is adequately tied at joints, corners and intersecting walls by at least the equivalent of 3-inch by 6-inch by 0.036-inch thick galvanized steel that is nailed to each wall or segment of wall by three 8d nails or equivalent, provided the rafters or joists are centered over the studs with a tolerance of no more than 2 inches. Top plates may be omitted over lintels which are adequately tied to adjacent wall sections as previously described or with 1-inch by 4-inch by 12-inch wood members splice nailed to each wall section by three 8d nails or equivalent.

h. A continuous header sized according to the span of the largest opening may be used in lieu of a double top plate. Header members shall be connected at corners and at intersecting bearing partitions with sheet metal corner ties, lag screws or other suitable means.

i. Corners of rooms shall be blocked or framed to receive interior finish.

606–4.8 *Stair Framing*

a. Stringers shall have a min. effective depth of at least 3½ in., and shall have solid bearing at top and bottom. The max. distance between stringers is 30 in. for nominal ¾ in. treads, and 36 in. for nominal 2 in. treads.

b. Factory built stairs having wedged and glued treads and risers may be supported by two stringers when width of stair does not exceed 42 in.

606–5 *Subfloor and Sheathing*

606–5.1 *General*

a. Provide safe support of loads without excessive deflection and provide backing and support for the attachment of finish materials.

b. When roof deck is also finished ceiling surface, a vapor barrier with a permeance of not more than ½ perm shall be installed between deck and roof insulation in areas where the design temperature is 10°F or lower.

c. Application of materials by staples, shall comply with Use of Materials Bulletin No. UM–25.

606–5.2 *Wood Boards and Planks*

Maximum spacing of supports shall comply with Table 6–6–2.

TABLE 6-6.2—MAXIMUM SPACING OF SUPPORT (Inches)

Material	Subfloor	Wall Sheathing	Roof Sheathing
1 in. board - solid	16(1)	24	24
(3/4 in. net) spaced	NA	16(2)	16(2)
3/4 in. board - solid	16(1)	24	24(3)
(5/8 in. net) spaced	NA	16(2)	16(2)&(3)

Notes:

(1) 24 in., when applied diagonally and wood strip flooring is applied perpendicular to joists.

(2) May be 24 in. if board is 4 in. or wider.

(3) Roof slopes of 3 in. to 12 in. and over.

606-5.3 *Plywood*

a. Max. spacing of supports, are shown in Table 6-6.3 for subfloor and sheathing.

b. Where resilient flooring, wood block, carpeting, or ceramic tile is to be applied to subfloor without separate underlayment, a combination subfloor-underlayment grade of plywood shall be used. Thickness, span and installation shall comply with the finish flooring manufacturer's instructions, but not less than the min. thickness and max. joist spacing shown in Table 6-6.4 shall be used.

TABLE 6-6-3—PLYWOOD SUBFLOOR AND SHEATHING

Panel Identification	Thickness (in.)	Maximum Spacing of Supports (in.)					
		Subfloor and roof used as walking surface(1)	Wall Sheathing		Roof Sheathing(1)		
			Exterior finish nailed to		Asphalt, Wood Shingles & Shakes, Built-up roofs		20 year Bonded Roofs
			Studs	Sheathing	Edges(2)		Edges(2)
					Blocked	Unblocked	Blocked
12/0	5/16	NA	16	16(3)	12	12	NA
16/0	5/16	NA	16	16(3)	16	16	NA
	3/8		24	16(5)	16	16	
20/0	5/16	NA	16	16(3)	20	20	NA
	3/8		24	16(5)	20	20	
24/0	3/8	NA	24	16(5)	24	20	16
	1/2		24	24	24	24	16
30/12	5/8	12	24	24	30	26	24
32/16	1/2	16(4)	24	24	32	28	24
	5/8	16(4)	24	24	32	28	24
36/16	3/4	16(4)	—	—	30	30	24
42/40	5/8						
	3/4	20(4)	—	—	42	32	32
	7/8						
48/24	3/4	24			48	36	48
	7/8	24	—	—	48	36	48
Groups 1 & 2	1 1/8	48	—	—	72	48	72
Groups 3 & 4	1 1/4	48	—	—	72	48	72

— = Not applicable NA = Not acceptable

Notes:

(1) Applicable to C-D, Structural I and II, and C-C Exterior grades only.

(2) Blocking of unsupported edges of roof sheathing shall be by means of wood blocking, approved T and G edges or special corrosion resistant metal H clips designed for this purpose. Use one clip for each space less than 48 in. in width, and two clips for spaces 48 in. and wider.

(3) Apply grain of face ply perpendicular to studs.

(4) May be 24 in. if 25/32 wood strip flooring is applied perpendicular to joists.

(5) May be 24 in. if face grain is perpendicular to stud.

TABLE 6-6.4—PLYWOOD COMBINATION SUBFLOOR-UNDERLAYMENT (1)(3)
(Plywood continuous over two or more spans)

Species Groups	Maximum Spacing of Joists (in.) (2)		
	16	20	24
	Plywood Thickness (in.)		
1	1/2	5/8	3/4
2, 3	5/8	3/4	7/8
4	3/4	7/8	1

Notes:

(1) Applicable to C–C Plugged, Underlayment with Intermediate or Exterior Glues and Underlayment grades of plywood. For T & G laminated wood block flooring, laid with ½ bond pattern, sheathing grades of plywood may be used.

(2) Plywood with approved T & G edges shall be used or solid blocking shall be installed under all unsupported edges.

(3) Leave 1/16 in. spacing between joints. Set nails 1/16 in. and lightly sand subfloor at joints if resilient flooring is to be applied.

606–5.4 *Fiberboard and Gypsum Sheathing*

Application shall comply with the procedures directions and with Table 6–6.5.

606–5.5 *Sheathing Paper*

a. Sheathing paper shall be installed over sheathing, or where omission of sheathing is permitted over wall framing, under all exterior wall finish materials with the following exceptions:

(1) Detached garages and garages separated from dwelling by porch or covered entrance platform.

(2) Panel siding with shiplap joints or battens.

(3) Other wall finish materials, except stucco finish, over plywood, fiberboard or treated gypsum board sheathing.

(4) Paper-backed stucco lath may be considered sheathing paper where method of attachment does not puncture paper.

b. Install strips of sheathing paper, at least 6 in. wide, behind all exterior trim unless a weather tight joint can be otherwise assured.

606–6 Finish Carpentry

Construction and installation shall be acceptable to the HUD field office.

606–7 Heavy Timber and Glue-Laminated Timber

Heavy timber and glue-laminated timber construction shall conform to the applicable sections of the AITC Timber Construction Manual.

606–8 Custom Woodwork

Custom woodwork shall meet the requirements of similar noncustom work and shall be acceptable to the HUD field office.

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TABLE 6-6.5---GYPSUM SHEATHING, FIBERBOARD SHEATHING AND FIBERBOARD ROOF DECK

Material	Gypsum Sheathing (2)			Fiberboard Roof Deck (1)	
Size	1/2 in. x 2 ft x 8 ft	1/2 in. x 4 ft x 8 ft (or longer)		2 in.	3 in.
Corner Bracing(3)	Installed	Installed	Omitted	NA	NA
Max. Framing Spacing	24 in.	24 in.	16 in.	32 in.	48 in.
Nail Size(4)	1 1/2 in. x 11 ga.	1 1/2 in. x 11 ga.	1 1/2 in. x 11 ga.	Adequate to penetrate 1 1/2 in. into framing	
Nail Pattern:					
Edge	8 in.	8 in.	4 in.	4 1/2 in. at main supports	
Intermediate	8 in.	8 in.	8 in.	8 in. at ridge and openings	
Installation	Horizontal	Horizontal or Vertical	Vertical	Long dimension perpendicular to framing. Stagger end joints.	

Material	Fiberboard Sheathing (2)							
Size	1/2 in. x 2 ft x 8 ft		1/2 in. x 4 ft x 8 ft		25/32 in. x 2 ft x 8 ft		25/32 in. x 4 ft x 8 ft	
Corner Bracing(3)	Installed	Omitted	Installed	Omitted	Installed	Omitted	Installed	Omitted
Max. Framing Spacing	16 in.	NA	24 in.	16 in.	16 in.	NA	24 in.	16 in.
Nail Size(4)	1 1/2 in. Roofing nail or 6d Common nail				1 3/4 in. Roofing nail or 8d Common nail			
Nail Pattern:								
Edge	Approx. 4 1/2 in. oc	NA	4 in.	3 in.	Approx. 4 1/2 in. oc	NA	4 in.	3 in.
Intermediate			8 in.	4 in.			8 in.	6 in.
Installation	Horizontal	NA	Vertical	Vertical	Horizontal	NA	Vertical	Vertical

Abbreviation: NA = Not applicable.

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Notes:

(1) Structural fiberboard insulating roof deck, without vapor barrier, used as combined roof deck and ceiling finish shall be limited to areas where the outside design temperature is more then 10° F.

(2) Sheathing unless identified as Nail Base, shall not be used as a nailing base. Shingle type exterior finish materials may be supported by nail base sheathing when special methods of attachment designed for this use are used.

(3) Omission of corner bracing is dependent upon compliance with criteria for resistance to racking as shown in Appendix D.

(4) Application by staples shall conform to UM 25. See Appendix F.

607 *Thermal and Moisture Protection*

607–1 General

Construction shall provide: adequate resistance to the penetration of weather and moisture, reasonable durability and economy of maintenance.

607–2 Waterproofing, Dampproofing and Vapor Retarders

607–2.1 *Waterproofing*

Basement and habitable areas below grade shall be designed and constructed so as to be protected at all points against penetration of water.

a. Membrane Waterproofing for Slabs-On-Ground. Where bottom of slabs-on-ground in habitable areas are at or below outside finish grade, install a waterproof membrane under the slab. Membrane material shall provide at least the equivalent protection of 2 ply hotmopped felts, 6 mil polyethylene, or 55 lb roll roofing. All laps shall be sealed.

b. Foundation Waterproofing. Where habitable areas are provided below grade, foundation walls shall be waterproofed by a waterproof membrane extending from edge of footing up to finish grade line. All laps shall be sealed. Membrane shall be firmly affixed to wall. Membrane material shall provide at least the equivalent protection of 2 ply hotmopped felts, 6 mil polyvinyl chloride, or 55 lb roll roofing.

c. Alternate Waterproof Membranes. Alternate membranes shall be tested in accordance with ASTM E154. They shall be of one piece construction or have a practical field jointing system which assures a waterproof joint.

d. Hydrostatic Pressure. Where hydrostatic pressure occurs, slabs-on-ground and exterior surfaces of walls below ground level shall be waterproofed. Waterproofing shall be designed and applied in accordance with accepted engineering practice.

607–2.2 *Dampproofing*

Where waterproofing is not required, install dampproofing to protect spaces below grade against the penetration of moisture.

a. Dampproofing of Slabs. Treatment material having a vapor transmission rate not exceeding ½ perm shall be installed as required by 603–4.4.

b. Dampproofing Walls. Where no habitable areas are provided below grade, foundation walls shall be dampproofed as follows:

(1) Masonry foundation walls. Treatment materials shall provide at least the equivalent protection of 1 coat of portland cement, ⅜ in. thick plus 1 coat of bituminous dampproofing material complying with Appendix C.

(2) Concrete foundation walls. Treatment materials shall provide at least the equivalent protection of 1 coat of bituminous dampproofing material applied at the rate recommended by the material manufacturer. Bituminous material shall comply with Appendix C.

607–2.3 *Foundation Drainage*

Foundation or footing drainage shall be provided around foundations enclosing basements or habitable areas below grade. Drains shall be installed at or below the area to be protected and shall discharge by gravity or by mechanical means to a positive outfall such as a drainage ditch or swale, or into a storm system.

607–2.4 *Vapor Retarders*

a. Walls. A vapor retarder having a vapor transmission rate not exceeding 1 perm shall be installed on the warm side (winter) of the insulated walls. The materials of the wall on the cold side of the vapor barrier, such as insulation, sheathing, exterior finish or combination of materials shall have a vapor transmission rate (perm rating) of more than the interior vapor retarder, or have provision for vapor venting to outside.

b. Ceilings. When a vapor retarder is provided in ceiling under a ventilated roof or attic space, transmission rate of vapor retarder shall not exceed 1 perm. Install on warm side of ceiling.

c. Roof Deck. When a concrete slab, steel deck, wood plank, or other roof deck material is also the finish ceiling surface or the space below is not ventilated, a vapor retarder having a vapor permeance of not more than ½ perm shall be installed near the warm side of the construction.

Joints at sides and ends of fiberboard roof deck shall be designed to provide effective sealing of vapor retarder.

d. Slabs-On-Ground. (See 507–2.2 and 603–4 for requirements).

e. Crawl Spaces. Ground surface treatment material having a vapor transmission rate not exceeding 1 perm shall be installed as required by 402–3 and 601–11.2b(4).

607–2.5 *Special Conditions*

a. In locations where the foundation is subjected to a high water table or where surface or ground water drainage may present a problem, additional precautions will be required.

b. Where the specific site conditions indicate that well drained soil exists or where ground surface water will not present a problem, lower standards may be permitted.

c. In dry regions with an average annual precipitation of less than 15 in., where no problems exist on the site under construction, lower standards for moisture protection may be permitted for slab floors and basement foundations.

607–3 Building Insulation

607–3.1 *General*

Insulation of buildings shall be such as to assure conservation of energy, economy of operation and comfort to the occupants.

607–3.2 *Overall Coefficient of Heat Transmission*

a. All buildings which are heated or cooled mechanically shall be constructed to comply with the U values shown in Table 6–7.1. U values shown do not include adjustments for framing in walls, ceilings or floors, nor for the sash frame in windows or glass doors.

b. Where the stated U value of any one component of roof deck, ceiling, wall or floor cannot be practically obtained, such U value may be increased to the min. figure attainable and the U value for other components decreased until the overall heat gain or heat loss does not exceed the total resulting from conformance to the stated U values.

607–3.3 *Component Coefficient Values*

For ceilings, walls, floors and openings, U values shall not exceed those shown in Table 6–7.1.

TABLE 6–7.1—Maximum U Values for Ceiling, Wall and Floor Sections for Electric Resistance Heat (E.R.) and Heat Pump or Fossil Fuel Heat (F.F.) (1)*

Heating Degree Days (65 F Base)	Ceilings (2)		Walls		Floors (3)		Windows (4)		Sliding Glass Doors (4)		Storm Doors (5)	
	E.R.	F.F.	E.R.	F.F.	E.R.	F.F.	E.R.	F.F.	E.R.	F.F.	E.R.	F.F.
0 - 1000	.05	.05	.08	.08	—	—	1.13	1.13	1.13	1.13	No	No
1001 - 2500	.04	.05	.07	.08	—	—	.69	1.13	.69	1.13	No (6)	No
2501 - 3500	.03	.04	.05	.08	.07	—	.69	1.13	.69	1.13	No (6)	No
3501 - 4500	.03	.03	.05	.07	.05	.07	.69	.69	.69	.69	No (6)	No (6)
4501 - 6000	.03	.03	.05	.07	.05	.07	.47	.69	.69	.69	Yes	No (6)
6001 - 7000	.026	.03	.05	.07	.05	.07	.47	.69	.69	.69	Yes	No (6)
7001 +	.026	.026	.05	.05	.05	.05	.47	.47	.69	.69	Yes	Yes

* In conformance with a Congressional mandate this standard is being considered for revision. Any change will be announced in the Federal Register when adopted.

Notes:

(1) For areas of 5000 heating degree days (HDD) or less, houses using heat pumps may be insulated to levels required for fossel fuels. In areas above 5000 HDD, houses using air to air heat pumps with electric resistance supplemental heat shall be insulated to levels required for electric resistance (ER) heating.

(2) Includes roof/ceiling assemblies, in which the finished ceiling is the underside of the roof deck.

(3) For floors of heated spaces over unheated basements, unheated garages or unheated crawl spaces.

A basement, crawl space or garage shall be considered unheated unless it is provided with a positive heat supply to maintain a min. temperature of 50 F.

Postive heat supply is defined by ASHRAE as "heat supplied to a space by design or by heat losses occurring from energy-consuming systems or components associated with that space."

Where the walls of an unheated basement or crawl space are insulated in lieu of floor insulation, the total heat loss attributed to the floor from the heated area shall not exeed the heat loss calculated for floors with required insulation.

(4) Maximum glass area shall not exceed 15 percent of the gross area of all exterior walls enclosing heated spaces, except when demonstrated that the winter daily solar heat gain exceeds the 24 hour heat loss and the glass area is properly screened from summer solar heat gain. In areas where cooling is the predominant load and the heating load is insignificant (as an example, 2000 or more cooling hours and 2000 or less winter degree days), the maximum glazing area stated above may be waived when glass area is properly screened from solar heat gain. Any additional glass area shall have a significant portion of operable sash in order to provide natural ventilation.

(5) A 1¾ inch metal faced door system with an insulated core and durable weather-stripping providing a U value equal or better than 0.32, and an infiltration rate no greater than .50 cfm per foot of crack length, tested according to ASTM E-283 at 1.567 psf of air pressure, may be substituted for a conventional door and storm door. All exterior doors shall be weatherstripped.

(6) In areas with 1501 or more winter degree days, a storm door is required when the primary door is a hollow core door or is over 25% glass.

607-3.4 *Alternate Performance Criteria*

a. As an alternative to conformance with Table 6-7.1, dwellings which conform to the performance criteria of this section shall be considered acceptable.

b. U_o (gross wall)—Total exterior wall area (opaque wall and window and door) shall have a combined thermal transmittance value (U_o value) not to exceed the values shown in Figure 1. Equation 1 shall be used to determine acceptable combinations to meet the requirements of Figure 1.

Equation 1 Formula for Determining Combinations (See Figure 1) $U_o = ({}^{U}\text{wall}\ {}^{A}\text{wall} + {}^{U}\text{window}\ {}^{A}\text{window} + {}^{U}\text{door}\ {}^{A}\text{door}) / A_o$

Where:

U_o = the average thermal transmittance of the gross wall area, Btu/h x sq ft x F

A_o = the gross area of all exterior walls enclosing heated spaces, sq ft

${}^{U}\text{wall}$ = the thermall transmittance of all elements of the opaque wall area, Btu/h x sq ft x F

${}^{A}\text{wall}$ = opaque wall area enclosing heated spaces, sq ft

${}^{U}\text{window}$ = the thermal transmittance of the window area, Btu/h x sq ft x F

${}^{A}\text{window}$ = window area (including sash), sq ft.

${}^{U}\text{door}$ = the thermal transmittance of the door area, Btu/h x sq ft x F.

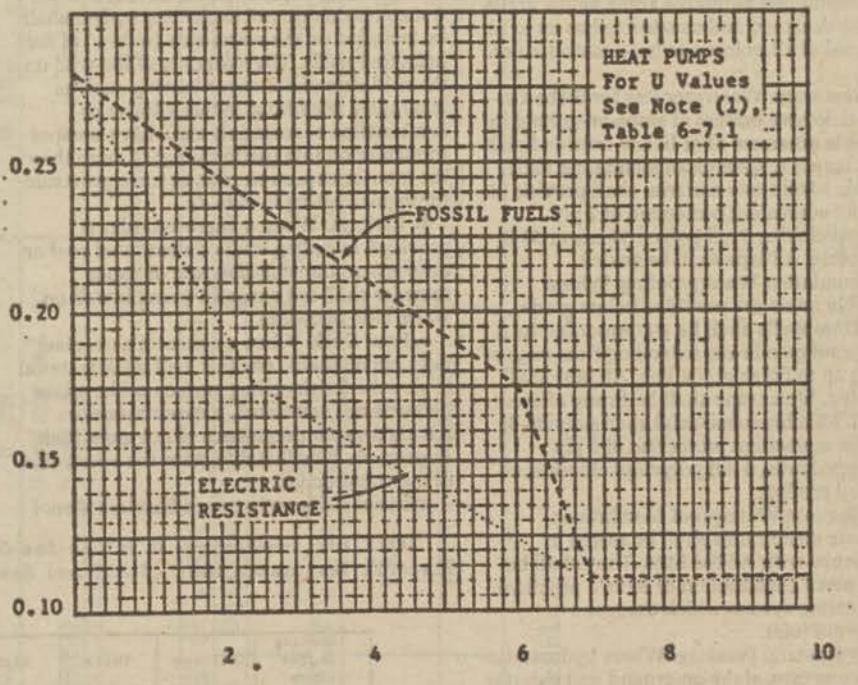
${}^{A}\text{door}$ = door area (including sash), sq ft.

Note.—Where more than one type of wall, window and/or door is used, the U x A term for that exposure shall be expanded into its sub-elements, as:

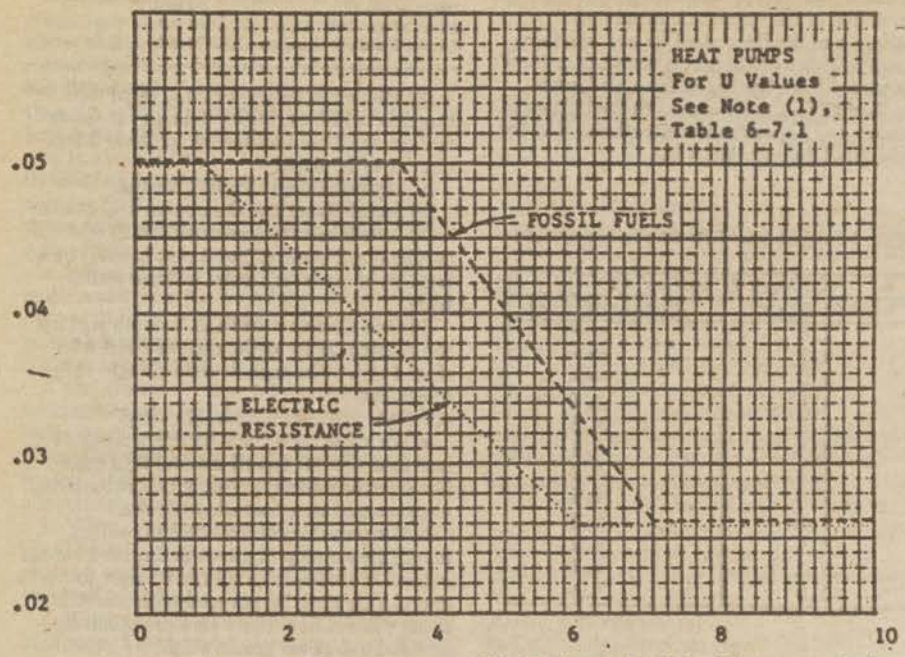
c. U. (gross ceiling)—Total ceiling area (opaque ceiling and skylights) shall have a combined thermal transmittance value (U. value) not to exceed the values shown in Figure 2. Equation 2 shall be used to determine acceptable combinations to meet the requirements of Figure 2.

${}^{U}\text{wall}_1\ {}^{A}\text{wall}_1 + {}^{U}\text{wall}_2\ {}^{A}\text{wall}_2$, etc.

FIGURE 1—GROSS WALLS



GROSS CEILING - FIGURE 2



Equation 2 Formula for Determining Roof/Ceiling Combinations

$U_o = ({}^{U}roof\,{}^{A}roof + {}^{U}skylight\,{}^{A}skylight)/A_o$

where:

U_o = the average thermal transmittance of the gross roof/ceiling area, Btu/h x sq ft x F

A_o = the gross area of a roof/ceiling assembly, sq ft

${}^{A}roof$ = opaque roof/ceiling area, sq ft

${}^{U}roof$ = the thermal transmittance of all elements of the opaque roof/ceiling area, Btu/h x sq ft x F

${}^{U}skylight$ = the thermal transmittance of all skylight elements in the roof/ceiling assembly, Btu/h x sq ft x F

${}^{A}skylight$ = skylight area (including frame), sq ft.

Note.—Where more than one type of roof/ceiling and/or skylight is used, the U x A term for that exposure shall be expanded into its sub-elements, as: ${}^{U}roof_1\,{}^{A}roof_1 + {}^{U}roof_2\,{}^{A}roof_2$, etc.

607-3.5 *Overall Structure Performance Alternative.*

Structures which can be shown by accepted engineering practice to have energy consumption equal to or less than that which would be obtained by conformance to the criteria of 607-3.3 or 607-3.4 shall be considered acceptable. The contribution of passive solar energy and the related storage and reradiation capacity of masonry, water and other mass may be recognized in computing energy consumption under this alternate method. The following requirements shall govern in determining comparability:

a. The methodology shall be cost effective to the energy consumer.

b. The methodology shall not adversely affect the structural capacity, durability, or safety aspects of the structure.

c. All data and calculating must show valid performance comparisons between the proposed option and a structure comparable in size, configuration, orientation and occupant usage designed in accordance with 607-3.3 or 607-3.4.

607-3.6 *Basement or Crawl Space Foundation Walls.*

Insulation may be omitted from floors over heated basement areas or heated crawl spaces if foundation walls are insulated. Foundation walls of heated areas below grade need not be insulated except where recreation or similar use rooms or habitable rooms are provided or where more than 50 percent of the wall is exposed to outside air. The U value of foundation wall sections shall not exceed the value shown in Table 6-7.2 except where the alternative methods shown in 607-3.4 or 607-3.5 are employed and foundation walls are included in the determination of the average thermal transmittance of the gross wall area.

TABLE 6-7.2—Maximum U Values of the Foundation Wall Sections of Heated Basement or Heated Crawl Space

Winter Degree Days (65 F Base)	Maximum U Value
2500 or less	No Requirement
2501 to 4500	0.17
4501 or more	0.10

607–3.7 *Crawl Space Plenum Walls.*

When a crawl space is used as a supply or return plenum, the crawl space perimeter wall shall be insulated to provide a max. heat loss of 35 Btuh per lineal ft of perimeter wall assuming a crawl space air termperature of 70 F for return plenums and 110 F for supply plenums.

607–3.8 *Slab-on-Grade Floors.*

For slab-on-grade floors of heated or mechanically cooled spaces, the thermal resistance of the insulation around the perimeter of the floor shall be not less than shown in Table 607.3. Insulation shall extend downward from the top of the slab for not less than 24 in. or downward to the bottom of the slab and horizontally beneath the slab for a min. total distance of 24 in.

TABLE 6-7.3—Minimum R Values of Perimeter Insulation for Slabs-on-Grade

Winter Degree Days (65 F Base)	Minimum R Values (1)	
	Heated Slab	Unheated Slab
500 or less	2.8	—
1000	3.5	—
2000	4.0	—
2500	4.4	2.5
3000	4.8	2.8
4000	5.5	3.5
5000	6.3	4.2
6000	7.0	4.8
7000	7.8	5.5
8000	8.5	6.2
9000	9.2	6.8
10000 or greater	10.0	7.5

Note.—(1) For increments between degree days shown, U values may be interpolated, or the values shown in Figure 2 of ASHRAE 90–75 may be substituted.

607–4 *Caulking.*

Joints and cracks in exterior wall surfaces and around openings shall be properly caulked to exclude the entry of water. Caulk, provide gasket(s) or otherwise seal around all openings in the exterior envelope of the conditioned atmosphere of the home, at all joints between dissimilar materials and at junctions of major components such as wall-to-floor, etc. Caulking shall be silicone rubber base or butyl rubber base, conforming to Federal Specifications TT–S–1543 and TT–S–1657 respectively, or materials demonstrating equivalent performance in resilience and durability.

607–5 Flashing.

607–5.1 *General.*

a. Flashing shall be provided to intercept or prevent water penetration of the exterior surface of a building element. Materials shall be selected on the basis of their suitability to the particular application for exposure, resistance to deterioration and differential thermal movement of horizontal and vertical building elements.

b. Flashing shall not leak under normally anticipated conditions.

c. Flashing shall have a service life at least equal to the assemblies into which it is built.

d. Alternate products or systems of bitumen-impregnated plastic or elastomeric materials may be used for flashing when they are installed in accordance with the manufacturer's recommendations and are acceptable to the HUD field office. Counter flashing is considered exposed flashing and shall be sheet metal.

e. Caulk between wood or metal and masonry at all openings with a non-hardening caulking compound.

607–5.2 *Head Flashing of Wall Openings.*

Install sheet metal flashing extending from front edge of trim or lintel, up and over trim or lintel and up 2 in. behind sheathing paper, or behind sheathing when sheathing paper is omitted. For cavity and multi-wythe masonry walls, flashing shall extend into the inner wythe.

607–5.3 Jamb Flashing.

For unsheathed wood frame walls, jambs shall be flashed with a 6 in. wide strip of metal, 3 oz copper-coated paper, 6 mil poly-ethylene or reinforced paper flashing complying with F.S. UU–B–790. Paper shall not be exposed to weather at any point. Jamb flashing may be omitted when wood panel siding not requiring sheathing is used.

607–5.4 *Sill Flashing.*

In masonry or masonry veneer walls, install sill flashing extending from front edge of masonry, under masonry sill, up to under side of window sill and under window sill to inside face of wall or into rabbet in underside of window sill. Sill flashing is not necessary when precast single piece sills are used.

607–5.5 *Other Wall Openings.*

a. Other openings or projections through exterior walls shall be made water tight.

b. Ventilators located in exterior walls shall be flashed in same manner as other openings unless self-flashing metal ventilators are used, or ventilator is installed directly under rake molding.

607–5.6 *Exterior Wall—Intersections of Different Materials.*

a. Install sheet metal flashing or concealed flashing at all horizontal and vertical intersections when exterior finish material does not provide a self-flashing joint.

b. All intersections of masonry with other materials shall be caulked.

607–5.7 *Roof Valleys.*

a. Rigid Shingle Roof Covering.

(1) Install sheet metal flashing as follows:

Roof slope	Minimum width
Under 4 inch 12	24 inch.
4 inch 12 to 7 inch 12	18 inch.
7 inch 12 and over	12 inch.

(2) Min. open valley width, 4 in. at top. Increase width at rate of ⅛ in. per ft. Closed valleys shall not be used on roofs with less than 10 in 12 slope.

b. Asphalt Shingle Roof Covering.

(1) Install sheet metal same as a. above, or

(2) Install two thicknesses of 85 lb mineral surfaced roll-roofing. Bottom strip shall be at least 18 in. wide; top strip, at least 36 in. wide.

(3) One thickness of 55 lb. smooth surface roll-roofing, 36 in. wide, may be used with closed or woven asphalt strip shingle valley treatment.

607–5.11 *Eave and Rake Flashing.*

a. For all shingle roofs having a slope of less than 4 in 12, install a metal drip edge along eaves and rake. Apply below underlay at eaves and over underlay at rake.

b. For gravel surfaced built-up roofing, install gravel stop at eaves and rake. In areas subject to winds in excess of 90 mph, joints in gravel stop shall be covered with a metal cover plate. Cover plate shall be precisely profiled to fit over gravel stop.

607–5.12 *Porch and Entrance Platform Slabs.*

Provide sheet metal flashing where concrete slabs abut wood construction. Sheet metal shall extend from inside face of foundation wall, across top of foundation wall under sill plate, and up at least 4 in. above top of slab.

607–5.13 *Parapet Flashing.*

Where wall coping is not an impervious material with watertight joints, through flashing shall be placed in mortar bed under coping. Flashing shall extend not less than ¼ in. on both sides of wall and be turned down to form a drip when copings are flush with wall surfaces. Where copings furnish an adequate drip, flashing may stop at wall surface.

607–5.14 *Spandrel Flashing.*

a. Provide continuous waterproofing at beams. Turn horizontal flashing 2 in. min. up on inner face of masonry wall. Two piece flashing may be used when pieces are lapped 4 in. min.

b. Reglets may be used to receive flashing.

c. Flash structural support for exterior masonry facing.

d. Where cavity walls are supported on concrete spandrel beams, flashing shall be placed on shelf angle and extend 8 in. up beam to corrosion-resistant reglet.

607–5.15 *Base Flashing.*

Base flashing shall be corrosion-resistant sheet metal, 30 lb asphalt-saturated felt or membrane type flashing. Install flashing to extend from outside of wall under outer course, up between courses at least 4 in. and embed in back-course. In single unit walls, extend under wall and up on inside at least 4 in. under furring.

c. Built-up Roof Covering.

Valley flashing is not required for built-up roofs when roof membrane does not require reinforcing.

607–5.8 *Roof to Wall Intersections.*

a. When shingles are used as roof covering, sheet metal flashing shall extend at least 3 in. under shingles and 4 in. up wall. Flashing installed in "step" fashion, providing a 3 in. headlap or one piece flashing may be used. One piece flashing shall not exceed 6 ft in length including overlaps.

b. In masonry walls, install counter-flashing at intersections. Embed top of counter-flashing 1 in. into masonry, extend down wall at least 6 in. lapping flashing a min. of 4 in.

c. When built-up roofing is used, flashing may be provided by mopping roofing directly onto wall provided cant strips and suitable counter-flashing are used.

607–5.9 *Roof to Chimney Intersections.*

a. On sloping roofs, a chimney saddle shall be installed at upper side of all chimneys 30 in. or more in width, when not intersecting ridge. Cover saddle with sheet metal or roofing. If sheet metal is used, extend at least 6 in. under shingles.

b. When shingles are used as roof covering, sheet metal flashing and counter-flashing shall be installed at the intersection as required in 607–5.8 a. and b.

c. When saddle is not installed, flashing on high side of chimney shall extend up at least 4 in. on chimney and extend under shingles to a point equal in height to flashing on chimney but not less than 1½ times shingles exposure. Counter-flash in accordance with 607–5.8b.

d. When built-up roofing is used, flashing may be provided as in 607–5.8c.

e. For chimneys and vents, other than masonry, install metal flashing to provide watertight joints.

607–5.10 *Pipe Projecting Through Roof.*

a. Flash with one piece sheet metal flashing, one piece neoprene gasket type flashing or two piece flange and sleeve flashing. Flange shall extend at least 6 in. on all sides but not less than 1½ times shingle exposure.

b. Counter-flash pipes or seal joints with mastic.

607–5.16 *Miscellaneous Flashing.*

Special flashing, such as at planter boxes, dormer windows, roof ventilators, etc. shall be provided. Details of flashing shall be acceptable to the HUD field office.

607–6 Gutters and Downspouts.

607–6.1 *Gutters.*

a. Gutters shall be provided when either of the following conditions are present:

(1) Soil is of such a nature that excessive erosion or expansion will occur or,

(2) Roof overhangs are less than 12 inches in width for one story or 24 inches in width for two story.

b. When gutters are omitted, a diverter or other suitable means shall be provided to prevent water from roofs or valleys from draining on uncovered entrance platforms or steps.

c. *Minimum size.* Gutters shall be sized as determined by the downspouts and their spacing. Use a gutter having approximately same area as downspouts for spacings up to 40 feet between downspouts. Increase width by 1 inch for each additional 20 feet of gutter.

d. *Basket strainers.* Install strainers at head of downspout when downspout is connected to an underground drain.

e. *Built-in gutters.* Details of built-in gutters shall be acceptable to HUD field office.

607–6.2 *Scuppers.*

a. Install at outfall end of valley for special roof designs such as "butterfly" roofs.

b. Install for overflow of all roofs enclosed by parapet walls except when construction of roof and type of roof covering are designed to hold water. Suitable overflow devices shall be used.

607–6.3 *Downspouts.*

Minimum size. Downspouts shall be sized on the basis of approximately 100 square feet of roof surface to 1 square inch of leader. More or less leader area may be required or permitted by the HUD field office to recognize differences in rainfall characteristics in particular areas.

608 *Doors, Windows and Glazing*

608–1 Door performance—General.

a. Doors shall be durable and installed in good operating condition, free of defects, latching readily and locking securely.

b. Interior wood doors shall not warp to exceed ¼ in. Exterior wood doors shall not warp to exceed ¼ in. Garage doors shall operate properly under normal conditions of use.

608–2 Exterior doors.

608–2.1 *Weatherstripping.*

All exterior doors and weatherstripping shall be properly fitted to eliminate excessive infiltration from open cracks.

608–2.2 *Miscellaneous.*

Provide a safety door check on all doors, including storm and screen doors, opening outward.

608–3 Windows.

608–3.1 *Installation.*

Windows shall be installed in accordance with the recommendations of the manufacturer. Operating hardware shall be installed. Caulk around frames with a nonhardening sealant. Windows shall operate with reasonable ease as intended. Condensation or frost on windows directly attributable to faulty installation is unacceptable.

608–3.2 *Weatherstripping.*

Windows and weatherstripping shall be properly fitted to eliminate excessive infiltration from open cracks.

608–3.3 *Screens.*

Install screens on openable windows in those areas where window screens are customarily provided.

608–4 Glazing.

Glazing shall comply with the latest Flat Glass Marketing Association's manuals: Glazing Manual and Glazing Sealing Systems Manual.

608–5 Metal Curtain Walls (See 605–5).

609 *Finish Materials.*

609–1 General.

Application of finish materials shall be such as to: prevent entrance or penetration of moisture or weather; provide adequate protection from damage by decay, corrosion, insects and other undesirable elements; and provide reasonable durability, economy of maintenance and an attractive appearance.

609–2 Exterior Wall Finishes.

609–2.1 *General.*

a. Exterior wall finishes shall be installed in a manner to restrict the entrance of moisture and weather. Joints between exterior trim elements, including siding, shall not result in open cracks in excess of ¼ in. In all cases, the exterior trim and siding shall be capable of performing its function to exclude the elements. Attachment and anchorage of finish to backing or structure shall be adequate to resist design wind forces. See 601–6.

b. Use of brittle or otherwise easily injured exterior finish materials shall be restricted to 7 ft 0 in. or more above grade where large numbers of children are anticipated or where the probability of damage to the exterior finish is considerable.

c. When sheathing is used for attachment of siding, see 606–5.4 and Table 6–6.5.

d. The separation, cracking or peeling of siding is not acceptable.

e. Siding shall not delaminate or deteriorate within manufacturer's specifications.

609–2.2 *Wood Siding, Hardboard, Plywood.*

a. Wood siding shall be applied with corrosion resistant nails which will penetrate 1 in. into studs, blocking or wood sheathing.

b. Headlap shall be adequate to prevent entrance of moisture into walls.

.c. Butt joints of horizontal sidings shall occur over studs, except where wood sheathing is used. Joints in adjacent pieces shall be staggered.

d. Max. spacing of studs or blocking shall be 24 in. for ⅜ in. square edge ungrooved hardboard panels with or without sheathing. For all other hardboard, max. spacing of studs or blocking shall be 16 in.

e. For spacing of supports for plywood sheathing and siding, see Table 6–6.3 and Appendix F.

609–2.3 *Wood Shakes and Shingles.*

a. Wood shakes and shingles shall be applied with corrosion resistant nails over suitable wood sheathing or to furring strips over fiberboard or gypsum sheathing.

b. Shakes and shingles shall be coursed and lapped in a manner to prevent the entrance of moisture.

609–2.4 *Asbestos Cement Siding.*

a. Application shall be over solid wood sheathing or over fiberboard or gypsum sheathing where nailing strips or other special fastening methods are used.

b. Headlap shall be adequate to prevent entrance of moisture into wall.

c. Use corrosion resistant nails of sufficient length to penetrate supporting materials.

d. Caulk all vertical joints where siding abutts other materials.

e. Installation of flat sheet siding shall be in accordance with the manufacturer's recommendations.

609–2.5 *Stucco (Exterior).*

Preparation and application shall comply with ANSI A42.2 and A42.3. Cracks in stucco walls shall not exceed ⅛ in. in width.

609–2.6 *Aluminum Siding.*

a. Application shall conform to AAMA 1403.2, Installation Specifications for Residential Aluminum Siding.

b. See 606–5.5 for sheathing paper requirements.

609–2.7 *Steel Siding.*

Steel siding conforming to Table 5–7.1 shall be applied over solid sheathing in accordance with the manufacturers specifications and the following:

a. Siding shall be vented by clips or starter strips.

b. J channels or L moldings shall be used at all openings and at extremity of any siding run where a corner is not employed.

609-3 Roof Coverings.

609-3.1 *General.*

a. Roofs shall not leak under normally anticipated conditions. Roof coverings shall restrict the entrance of moisture and weather, be resistant to deterioration, and provide an attractive appearance. Attachment or anchorage of covering to roof sheathing shall be adequate to resist design wind forces. See 601-6.

b. All roofing materials shall be installed in accordance with the recommendations of the manufacturer unless otherwise indicated in these MPS.

c. Nailing.

(1) Use corrosion resistant roofing nails suitable for the material being installed and of sufficient length to penetrate through sheathing or ½ in. into wood plank decks. Where sheathing is low density board sheathing (specific gravity less than 0.45, oven dry), screw thread or annular thread roofing nails shall be used. Where plywood sheathing is used, nails shall be as recommended by the manufacturers of the sheathing and roofing materials being installed.

(2) Stapling may be used in areas which are not subject to high or medium high winds (90 mph), and shall comply with UM-25. See Fig. 6-1.1 for wind areas.

d. In areas where the outside design temperature is 0 F or less and in areas where ice may form along eaves and cause a backup of water, eave protection shall be provided as follows:

(1) Slopes 4 in 12 or more: When overhang is less than 36 in., provide either one course of 90 lb mineral surfaced roll roofing or one course of 50 lb smooth roll roofing over the single underlay. Extend roll roofing a min. of 12 in. beyond inside face of wall. When overhang requires a roll roofing width greater than 36 in., the required horizontal laps shall be cemented and the roll roofing shall cover the underlay for all of that portion of the roof extending beyond the exterior wall line.

(2) Slopes less than 4 in 12: For overhangs of any width, that portion of the underlay extending from the eave to a point 24 in. beyond the interior wall face shall be double and cemented. A uniform continuous layer of plastic asphalt cement shall be applied with a comb trowel at a rate of 2 gals per 100 sq ft to the surface of the underlay starter course before the first full course is applied, and also to the 19 in. underlying portion of each succeeding course within the eave protection area.

e. Shingle Applications.

(1) A starting course providing double thickness at eave shall be used. Shingles shall project over edge of sheathing at eave and rake to form drip.

(2) Individual shingles shall have at least two nails per shingle.

(3) Avoid vertical alignment of shingle joints in alternate courses.

609-3.2 *Asphalt Shingles.*

Provide at least double coverage at all points. Cutouts and spacing between shingles not in excess of ¾ in. may be disregarded in determining double coverage.

b. Exposure shall be as required for ASTM E 108 Class C label.

c. Min. roof slope and underlay shall comply with Table 6-9.1.

TABLE 6-9.1—MINIMUM ROOF SLOPE AND UNDERLAY FOR ASPHALT SHINGLES

Underlay 15 lb 65 in. Endlap	Minimum Roof Slope (in,)	
	Double Coverage Singles	Triple Coverage Shingles
Not required.	7 in 12	4 in 12 (1)
Single, 2 in. Headlap.	4 in 12 (1)	3 in 12 (2)
Double, 19 in. Headlap.	2 in 12	2 in 12

Notes:

(1) May be 3 in 12 for porch roofs.

(2) May be 2 in 12 for porch roofs.

d. Nails shall have deformed, barbed or threaded shanks with heads not less than ⅜ in. diameter.

e. Square butt strip shingles shall have at least four nails per strip except that in areas subject to high winds (90 mph), provide 6 nails per strip.

f. Each shingle tab shall be secured to undercourse when roofing is subject to any of the following conditions:

(1) Roof slopes less than 4 in 12.

(2) All slopes subject to high or medium high winds (90 mph).

(3) All slopes in medium wind zone areas (80 mph), if shingles weight less than 275 lbs per square.

g. On roof slopes 4 to 12 and above in low or medium low wind zone areas (70 mph), secure tabs of shingles as required by Asphalt Roofing Manufacturers Association's publication, Manufacture, Selection and Application of Asphalt Roofing and Siding Products.

TABLE 6-9.2—WOOD SHINGLES

Shingle Length and Face Grade (1)	Minimum Thickness At Butt	Maximum Exposure (in.)	
		Slopes Less than 4 in 12 (Porches)	Slopes 4 to 12 and Over
16 in. #1	5 in. 2 in.	3 3/4	5
16 in. #2	5 in. 2 in.	3 1/2	4 18 in. #1
18 in. #1	5 in. 2 1/4 in.	4 1/4	5 1/2
18 in. #2	5 in. 2 1/4 in.	4	4 1/2
24 in. #1	4 in. 2 in.	5 3/4	7 1/2
24 in. #2	4 in. 2 in.	5 1/2	6 1/2

Notes:

(1) See 509–3.3 for undercourse grades.

609–3.3 *Wood Shingles.*

a. Min. roof slope 4 to 12 except porches which may be 3 to 12.

b. Size, grade, thickness, exposure and slope shall comply with Table 6–9.2.

c. Application.

(1) Lay approximately ¼ in. apart with a min. sidelap of 1½ in. in adjacent courses. Avoid vertical alignment in alternate courses. Double starter course.

(2) Underlay is not required except where eave protection is necessary. See 609–3.1d.

(3) Nails shall be located 1 to 1½ in. above the butt line of the following course and approximately ¾ in. from each edge.

609–3.4 *Wood Shakes.*

a. Min. roof slope, 4 in 12.

b. Size, max. exposure and min. thickness shall comply with Table 6–9.3.

c. Roof sheathing may be either spaced or solid, except that solid sheathing shall be used in areas where wind driven snow is encountered.

Table 6–9.3—WOOD SHAKES

Type	Length (in.)	Min. Thickness (in.)	Max. Thickness (in.)
Hand-split, and resawn	18	1/2	7 1/2
Tapersawn	24	1/2	10
Tapersplit	24	1/2	10
Straight-split	18	3/8	5 1/2
	24	3/8	7 1/2

d. Underlay.

(1) Between each course interlay an 18 in. wide layer of 15 lb or heavier asphalt-saturated felt with bottom edge positioned above shake butts a distance equal to double the weather exposure. End lap of underlay shall be at least 4 in. In areas where wind driven snow is not encountered, felt interlay is not required when straight-split or tapersplit shakes are applied at weather exposures less than ⅓ the total shake length.

(2) Install a 36 in. wide, 15 lb min. starter strip at eaves and a 12 in. wide, 15 lb min. strip over all hips and ridges.

e. Application.

(1) Lay approximately ¼ in. apart. Provide 1½ in. min. sidelap in adjacent courses.

(2) Nail each shake 1 to 2 in. above butts of the following course and approximately 1 in. from edges.

609–3.5 *Slate Shingles.*

Min. slope, 4 to 12 in., except porches which may be 3 to 12 in.

609–3.6 *Asbestos Cement Shingles.*

a. Size, thickness, max. exposure and min. lap shall comply with Table 6–9.4.

b. Nailing.

(1) Nails shall have ⅜ in. heads.

(2) Storm anchors used with dutch lap or ranch design shingles shall be copper, aluminum or lead, approximately ¾ in. long with flat base.

c. Min. roof slope and underlay shall be as shown in Table 6–9.5.

d. Underlay shall be 15 lb asphalt-saturated asbestos roofing felt or 30 lb asphalt-saturated organic felt.

TABLE 6–9.4—ASBESTOS-CEMENT SHINGLES

Type of Application	Size (in.)	Thickness (in.)	Minimum Lap (in.)		Maximum Exposure (in.)
			Head	Side	
Individual Unit	8 x 16	5/32 to 1/4	2	2	7
	9 x 18	1/4	2	2	8
Multiple Unit	14 x 30	5/32	2	-	6
Dutch Lap	16 x 16	5/32	3	4	12 x 13
Ranch Design	24 x 12	5/32	3	4	20 x 9
French	16 x 16	5/32	3	3	13 x 13

609–3.7 *Built-up Roofing.*

a. Quantity of materials and min. roof slopes per square of built-up roofing on wood sheathing or decks shall comply with Table 6–9.6.

b. Materials.

(1) Bituminous materials shall comply with 509–3.2.

(2) Aggregate shall be clean, durable gravel, crushed stone or air-cooled blast furnace slag complying with ASTM D 1863.

(3) Aggregate sized larger than ¾ in. may be used but shall not be included in required weight.

c. Application—Wood Decks.

(1) If underside of roof deck is finished ceiling surface, install one layer of unsaturated building paper over entire roof deck. Min. headlap, 2 in.

(2) Apply two dry plies of 15 lb felt or one dry ply of 30 lb felt, and three plies of 15 lb felt mopped down and mopped together. Over entire surface, apply a uniform flood coat of bitumen and embed surfacing aggregate.

(3) at 19 in. selvage, mineral surfaced, roll

roofing cap sheet may be used when installed over 2 mopped piles of No. 15 felt.

(4) Install metal gravel stop over dry or mopped sheets at eaves and rake.

(5) Where roofing serves as flashing at intersections of walls or chimneys, install cant strips and turn up roofing felts at least 4 in. Mop felts to intersections.

d. Application—Concrete Deck.

Installation shall be four plies of 15 lb roofing felt mopped down and mopped together. Weight of moppings and flood coat and weight of aggregate shall be same as for application to wood decks.

e. Application—Fiberboard Insulating Roof Deck

Comply with Table 6-6.5. In areas subject to high winds, special nails shall be used.

609-3.8 *Roofing Tile.*

a. Concrete roofing tile shall comply with the material and installation requirements of UM-17, Concrete Roofing Tile.

b. Clay roofing tile shall comply with the HUD field office requirements. Installation shall conform to manufacturer's recommendations.

c. Special application methods may be required by the HUD field office in areas subject to high winds.

TABLE 6-9.5—MINIMUM ROOF SLOPE AND UNDERLAY

Minimum Roof Slope (in.)	Underlay (2 in. headlap, 4 in. sidelap)
3 to 12	Double
4 to 12	Double in areas where the outside design temperature is 0 F or less, single in other areas
5 to 12 or more	Single

609-3.9 *Metal Roofing.*

a. Install over solid sheathing. Installation of standing or batten seam roofing shall be in accordance with Aluminum Sheet Metal Work in Building Construction issued by AA or with Architectural Sheet Metal Manual issued by SMACNA.

b. 15 lb asphalt-saturated felt underlay shall be installed over entire roof surface.

c. Min. roof slope:

(1) Aluminum shingles, 4 to 12.

(2) Large sheets:

(a) Standing or lock seam, 3 to 12.

(b) Corrugated or crimped type with lapped seams, 3 to 12.

d. Min. Lap.

(1) Corrugated or crimped type with lapped seams, 6 in. headlap and 1½ corrugations sidelap.

(2) Aluminum shingles, 6 in. headlap and endlap.

e. For zinc-copper alloy roofing, underlayment of vapor barrier building paper shall comply with FS W-P-147, Class C or better. Asphalt saturated felt or "breathing" paper shall not be used.

TABLE 6-9.6—BUILT-UP ROOFING

Roof Type	Minimum and Maximum Roof Slope	Bitumen Per Square			Surfacing Per Square
		Average Mopping Coats	Minimum Flood Coat	Minimum Total Bitumen	
Asphalt (Type I) and Aggregate	1/4 in 12 to 1 in 12	15-20 lbs Asphalt	60 lbs Asphalt	105 lbs Asphalt	400 lbs gravel or crushed rock or 300 lbs slag on level roof. 300 lbs gravel or crushed rock or 225 lbs slag at 3 in 12 roof slope. Proportional weight for intermediate roof slope.
Asphalt (Type II) and Aggregate	1 in 12 to 3 in 12	15-20 lbs Asphalt	50 lbs Asphalt	95 lbs Asphalt	
Coal Tar Pitch (Type I) and Aggregate	1/4 in 12 to 1/2 in 12 (1)	20-25 lbs Pitch	75 lbs Pitch	135 lbs Pitch	
Asphalt (Type II) and Cap Sheet	2 in 12 to 6 in 12	15-20 lbs Aspaht	None	45 lbs Asphalt	19" selvage, double coverage, mineral surface cap sheet

Note:

(1) Slopes less than ¼ to 12 are acceptable when roof is designed and constructed to avoid ponding and excessive deflection.

609-4 Interior Wall and Ceiling Finishes.

609-4.1 *General.*

Wall and ceiling finishes shall be suitably secured to a subbase or framing members. All accessories, trim, fittings and moldings shall be installed in accordance with manufacturer's directions. Joints in moldings or joints between moldings and adjacent surfaces shall not result in cracks exceeding ⅛ in. in width. Interior wall surfaces shall be free of obvious defects of poor workmanship resulting in blisters in tape or excess compound in joints, trowel marks and cracked corner beads.

609-4.2 *Ceramic Tile.*

a. Portland Cement Mortar Method. Installation of cement mortar and ceramic tile shall comply with ANSI A108.1, ANSI A108.2, and ANSI A108.3 and with TCA Handbook for Ceramic Tile Installation except the conventional three coat method over wood frame (scratch coat, setting bed and bond coat) min. thickness shall be ¾ in. total. One coat work (setting bed and bond coat min. thickness ⅜ in.) may be used over masonry, or other solid backing that provides firm anchorage for metal lath.

b. Thin-Setting Method

Ceramic tile installed with adhesives shall comply with ANSI A108.4, or when installed with dry-set portland cement mortar with ANSI A108.5 and with TCA Handbook for Ceramic Tile Installation except that when gypsum backing board is used at bathtubs and showers, special designed water-resistant gypsum backing board conforming with ASTM C 630 shall be used. Insulating (foil-backed) wallboard shall not be used for backing material.

609-4.3 *Gypsum Board.*

The finish and application of gypsum board shall comply with ASTM C840.

609-4.4 *Hardboard.*

a. Min. thickness, ¼ in. direct to framing, ⅛ in. over rigid backing.

b. Max. spacing of framing, 16 in. oc unless over rigid backing.

c. Provide solid backing for all edges. Fit panels to allow for expansion.

d. Nailing

Spacing nails 4 in. oc on along edges and 8 in. oc into intermediate framing. Min. edge distance, ⅜ in.

e. Adhesives or special fastenings may be used when installed in accordance with manufacturer's directions.

609-4.5 *Lath and Plaster.*

a. Furring, lathing, and plastering work shall conform to the following standards:

(1) Specification for Installation of Interior Lathing and Furring, ASTM C-841.

(2) Specification for Installation of Interior Gypsum Plaster, ASTM C-842.

(3) Specifications for Portland Cement Plastering, ANSI A42.2 and A42.3.

b. Run V groove on brown and finish coats around all metal trim, and at similar conditions.

609-4.6 *Plywood.*

a. Provide solid backing for all edges.

b. Max. spacing of supports:

(1) ¼ in. plywood, 16 in. oc. Plywood less than ¼ in. thick apply over rigid backing.

(2) ⅜ in. plywood, 24 in. oc.

c. Nailing.

(1) Length of nail shall be that which will provide at least ½ in. penetration into support.

(2) Space nails at least 8 in. oc on ceilings, 12 in. oc on walls. Min. edge distance, ⅜ in.

d. Adhesives or special fastenings may be used when installed in accordance with manufacturer's directions.

609-4.7 *Solid Wood Paneling.*

a. Apply over vapor barrier when application is direct to exterior wall framing or blocking.

b. Max. width, 12 in.

c. Min. thickness, ½ in.

d. Max. spacing of supports, 24 in. oc.

e. Nailing:

(1) Nail to each bearing with 11 or 12 ga casing or finishing at least ¾ in. penetration into support.

(2) Provide 2 nails at each bearing for boards less than 6 in. wide, and 3 nails in boards 6 in. and wider.

(3) Adhesives or special fastenings may be used when installed in accordance with manufacturer's directions.

609–4.8 *Plastic and Metal Wall Tile.*

Plastic and metal wall tile shall be backed by plaster complying with 609–4.5, or by gypsum board complying with 609–4.3, except at bathtubs and showers the plaster shall be portland cement and gypsum board shall be special designed water resistant, conforming with ASTM C 630. Insulating (foil-backed) gypsum board shall not be used. The tile shall be installed in accordance with manufacturer's directions.

609–4.9 *High Pressure Laminated Plastic Panel Systems*

a. Apply over plywood or other subbase material in accordance with panel manufacturer's recommendations.

b. Min. total thickness of the high pressure laminated plastic panel, 3/16 in.

609–4.10 *Fiberboard.*

a. Min. thickness and max. spacing of supports shall be as follows:

Thickness (in.)	Spacing of supports (in. oc)
1/2	16
3/4	24

b. Nailing.

(1) Nail with 11 or 12 ga casing or finishing nails. Length of nail shall be that which will provide at least ¾ in. penetration into support.

(2) Space nails 6 in. oc on ceilings, 8 in. oc on walls. Min. edge distance, ⅜ in.

c. Fastenings for special types of interior fiberboard finish may be used.

609–5 Finish Flooring, Rigid.

609–5.1 *General.*

Floors regardless of finish shall not be more than ¼ in. out of level within any 32 in. measurement. Floor slope within any room shall not exceed 1/240 of the room width. Installation of rigid finish floors shall be in conformance with recognized trade standards and shall provide a floor free of objectionable defects.

609–5.2 Installation of rigid finish flooring materials shall comply with the requirements of Table 6–9.7, 6–9.8, or 6–9.9 as applicable.

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TABLE 6-9.7---RIGID FINISH FLOORING

Material and Installation	Standards and Other Criteria
Ceramic Tile (1)	
Cement mortar	ANSI A108.1, A108.2, A108.3, - TCA. Min. thickness of setting bed over wood subfloor or over top of beveled joists, 1 1/4 in.
Thin setting method	ANSI A108.4, A108.5, A108.6, - TCA.
Shower receptor	ANSI A108.2, A108.3, - TCA. Use waterproofed building paper conforming to F.S. UU-B-790, with a copper or lead safe pan over a wood subfloor.
Terrazzo	
Monolithic and methods	Terrazzo Specifications, Details, Technical Data," NTMA.
Concrete	See 603

Note:
(1) Ceramic tile shall not crack or become loose.

TABLE 6-9.8---WOOD STRIP FLOORING

Min. Flooring Thickness (1)	Max. Support Spacing (2)	Application
Installation with Wood Board Subfloor		
5/16 in.	16 in.	Apply flooring at right angles to joists except when diagonal subfloor is used.
25/32 in.	24 in.	Apply board subfloor diagonally to supports; apply tongue and groove flooring at right angles to supports. supports.
Installation Direct to Supports (3)		
25/32 in.	16 in.	Apply tongue and groove flooring at right angles to supports. End joints shall break over supports unless end matched. If end matched, no adjoining strips shall break joints in the same space between supports. Each flooring strip shall bear on at least one support.

Notes:
(1) Max. width of flooring, 2 1/4 in., unless precautions are taken to prevent warping or cupping.
(2) Supports may be wood joists or 2 in. x 2 in. sleepers nailed or clipped to concrete slab.
(3) Use No. 15 asphalt-saturated felt or insulation with attached vapor.

TABLE 6-9.9---WOOD BLOCK FLOORING

Installation	Criteria
Nailing to Wood Subfloor	Use T & G flooring and T & G subfloor, underlayment optional
Adhesive, Wood Subfloor	Use T & G or square edge flooring over suitable underlayment
Adhesive, Concrete Slab	Use primer on concrete if asphalt type mastic used. Use no fiberboard or plastic sound isolation underlayment unless recommended by flooring manufacturer.

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609–6 Resilient Flooring.

609–6.1 *General.*

a. Resilient flooring shall not lift, bubble, become unglued or contain readily apparent nail pops.

b. Depressions or ridges in resilient flooring shall not exceed ⅛ in. The ridge or depression measurement is taken as the gap created at one end of a six-inch straight edge placed over the depression or ridge with three inches on one side of the deflect held tightly to the floor.

c. Gaps shall not exceed 1/16 in. in width in resilient floor covering joints. Where dissimilar materials abut, a gap shall not exceed ⅛ in.

609–6.2 Application shall be over a suitable underlayment and in compliance with the recommendations of the manufacturer.

609–6.3 Where resilient flooring is installed on a concrete slab-on-ground either above or below grade, see Interior Concrete Slabs-on-Ground, 603–4.

609–6.4 Seamless coating type flooring shall be installed in accordance with HUD–Assisted Housing Maintenance Guide on Seamless Coating System HM, G 7482.2.

609–6.5 In housing for the elderly, adjacent dissimilar materials shall be flush with each other to provide an unbroken surface. Thresholds and expansion joint covers shall be flush with the floor.

609–6.6 Floors in Housing and Facilities for Physically Handicapped People Shall Comply With ANSI A117.1.

609–7 Painting.

609–7.1 *General.*

a. Exterior paints or stains shall not fail during the first year.

b. Natural finishes or interior woodwork shall not deteriorate during the first year.

c. Interior paint shall be applied in a manner sufficient to visually cover wall, ceiling and trim surfaces where specified.

609–7.2 Application.

a. Application of paints, stains, or other coating systems shall be in strict accordance with manufacturer's directions. Ready-mixed paint shall not be thinned, except as permitted in the application instructions. These finishing systems may be field or factory applied.

b. Paint shall not be applied when the temperature is at or expected to be below 40° F.

c. Apply not less than the number of coats required herein for the specific application. Where the requirement is for a specified dry film thickness, number of coats shall be that necessary to obtain at least the required thickness. Additional coats may be required if the finish surface does not provide acceptable coverage or hiding.

609–7.3 *Exterior Wood Surfaces.*

Exterior wood surfaces shall be finished as follows:

a. Wood Siding, Millwork and Trim.

(1) Knots, resinous wood, and nail holes shall be sealed with a prepared sealer or aluminum paint prior to puttying and priming. Any nail holes or cracks in surfaces to be painted shall be filled with putty.

(2) Apply a prime coat to all surfaces to be painted before or immediately after installation. Primer shall be formulated specifically for application to unfinished wood. Finish coats formulated to serve as primers may be used.

(3) Apply one of the following finish systems. Coverage shall be that which will provide at least the min. thickness recommended by the manufacturer.

(a) Oil paint systems.

(b) Latex paint systems.

(c) Pigmented stains as per manufacturer's direction.

(d) Clear penetrating preservative or water repellent finishing system.

(4) Top and bottom of exterior wood doors, casement sash, awning sash and bottom of double hung sash shall receive two coats of paint or sealer.

(5) Prior to erection, seal all edges of vertical siding with a heavy coat of house paint primer, water repellent stain, exterior aluminum house paint or sealer.

b. Wood Shingles, Shakes, Roughsawn Siding. Apply two coats of oil stain, pigmented oil stain or an oil shingle paint.

c. Hardboard and Softwood Plywood Siding. Finish in accordance with manufacturer's directions.

d. Wood Porch Floors and Decks. Apply one coat of primer and two coats of floor and deck enamel designed for exterior use. Caulk joints between floor and wall.

e. Unfinished Surfaces. Shingles and board siding of vertical grain cedar, redwood and baldcypress may be left unfinished.

f. Soffits, porch and carport ceilings shall be finished as indicated in 609–7.3a.

609–7.4 *Exterior Concrete Masonry Units or Concrete Brick.*

a. Provide at least two coats of masonry paint.

b. Concrete masonry units or concrete brick, except small areas of foundation walls shall be painted to provide a water resistant finish. High density concrete brick or solid split block forming the outer face of double unit walls (veneer, cavity walls, etc.) may be left unpainted when acceptable to the HUD field office.

609–7.5 *Exterior Metal.*

a. Galvanized Steel or Iron. Field painting shall consist of a primer formulation specifically for galv surfaces and a finish coat. Finish coat formulated to serve as a primer may be used.

b. Steel, Iron or Terne Plate

(1) Steel or iron, except stainless steel, weathering steels, or steel treated with coatings to provide corrosion resistance, shall be painted.

(2) Apply a rust inhibitive primer and a finish coat.

609–7.6 *Interior Wood Surfaces.*

a. Millwork and Trim

(1) All millwork and trim including windows, interior doors, window, door and base trim, paneling, closet shelving and trim, etc., shall be finished by painting or natural finishing.

(2) If Painted

If surface is open grain wood, fill or seal to prevent grain rising. Prime surfaces with a primer. Apply one or more finish coats to provide a smooth surface having good hiding and coverage.

(3) If Finished Natural.

Natural finishes may be stain-wax, stain followed by one or more coats of varnish, clear coats of varnish with or without wiped paint undercoats or oil and wax finishes.

b. Wood Floors.

(1) If flooring is open grain wood, apply one coat of filler, wiping off excess.

(2) Finish flooring with:

(a) One or two coats of penetrating sealer and one coat of wax or

(b) Two coats of varnish and one coat of wax or

(c) Two coats of polyurethane or

(d) One or more coats of an acceptable proprietary finish which may be applied at the factory.

609–7.7 *Interior Plaster and Gypsum—Walls and Ceilings.*

a. Plaster surfaces may be painted, or covered or left unfinished except for surfaces of kitchens and baths. If painted, apply a finish coat over a primer-sealer unless finish coats are self-priming type.

b. Gypsum wallboard shall be covered. If painted, apply one coat of wallboard sealer unless finish coats are self-sealing type. Apply two finish coats over sealer. One finish coat, except in kitchen and baths, may be accepted if good coverage is obtained.

609–7.8 *Interior Metal.*

Non-ferrous metals or wrought iron may be painted or left unfinished. Other metals shall be painted in accordance with 609–7.5.

609–7.9 *Interior Concrete Floors.*

a. If painted, apply at least two coats of resin-emulsion paint, a solvent rubber paint or a floor and deck enamel. If oil paint is used, neutralize surface before painting.

b. Apply a coat of wax over paint, stain or integral finish.

609–8 Wall Coverings.

609–8.1 *General.*

Covering material shall be secured to a suitable base in accordance with manufacturer's directions.

609–8.2 *Wallpaper.*

a. Coat plaster walls with sizing before hanging.

b. Drywall shall be sealed with a coat of latex, oil or varnish base sealer, or other acceptable substitute.

c. Any peeling or bubbling of wallpaper is unacceptable.

609–9 Other Finishes.

609–9.1 *General.*

Other finishes shall be installed in accordance with manufacturer's directions.

609–9.2 *Carpeting and Cushioning.*

Wall-to-wall carpeting, installed as the primary floor covering, shall not come up or become loose at its points of attachment. Carpeting and cushioning shall be installed in accordance with the Essentials of Modern Carpet Installation, published by the Carpet and Rug Institute, Box 2048, Dalton, Georgia 30720. The carpet shall be installed over one of the following suitable underlayments.

a. A finish floor as provided and described in 509 and 609;

b. A troweled concrete floor;

c. Plywood subfloor complying with 506, top ply of plywood shall be at least "C–C plugged" grade;

d. Plywood, hardboard or particleboard underlayment over other subfloor described herein;

e. Other materials where they provide a smooth, hard, durable surface.

610 *Specialties.*

610–1 Factory-Built Fireplaces and Fireplace Stoves.

610–1.1 *General.*

All factory-built fireplaces, fireplace stoves and other devices and appliances burning solid fuels shall be provided with a source of combustion air from outside the conditioned atmosphere of the home, directed (1) into the combustion chamber proper, or (2) into the room and along the same wall close to the appliance. The combustion air supply duct shall be sized for the flow of air needed by the appliance and shall be equal to or larger in area than (1) the smoke pipe or connector pipe of the device, or (2) the air inlet opening of the device whichever is smaller.

610–1.2 *Factory-Built Fireplaces and Fireplace Stoves*

Factory-built fireplaces and fireplace stoves shall be listed and labeled by a nationally recognized testing laboratory and shall be installed in accordance with the conditions of the listing and the manufacturer's instructions.

610–2 Factory-Built Chimneys.

Factory-built chimneys shall be listed and labeled by a nationally recognized testing laboratory and shall be installed in conformity with the listing.

610–3 Packaged Incinerators.

Construction and installation of packaged incinerators shall comply with NFPA Standard No. 82, Federal and local air pollution standards and shall be structurally safe, durable, and suitable for the intended use.

611 *Equipment.*

611–1 Kitchen and Vanity Cabinets.

611–1.1 *General.*

a. All manufactured factory finished cabinets shall comply with ANSI A161.1, Recommended Minimum Construction and Performance Standards for Kitchen and Vanity Cabinets or equivalent standard.

All cabinets shall bear the label of an independent inspection agency that maintains continuous control over the testing and inspection of the cabinet.

The label shall identify the manufacturer's name or symbol and indicate compliance with the applicable standards.

b. Construction and installation of job and custom built cabinets shall be acceptable to the HUD field office providing the cabinets are equivalent in quality and construction to cabinets meeting the ANSI A161.1. standard.

611–1.2 *Counter Tops.*

a. Top material shall be securely bonded to a reinforced steel core or to ⅝ in. plywood or other equivalent material.

Countertops fabricated with high pressure laminate coverings shall not delaminate or have chips or surface cracks. The deck area joint may have a max. of 1/16 inch gap. All other areas of the joint may have a max. of 1/16 inch differential in surface alignment.

b. Top material shall be phenolic laminate, vinyl plastic covering, linoleum, ceramic tile, stainless steel or other material suitable for its intended use. At least a 3 in. back and end splash shall be provided against all abutting vertical surfaces which are not water and grease resistant. When back splash is omitted, joints at the juncture of counter top and vertical surfaces shall be tight and sealed.

c. All edges including sink and built-in surface units shall have a non-corrodible metal molding or other suitable edging.

611–2 Kitchen Equipment.

611–2.1 *Gas Appliances.*

Every fuel-burning gas appliance shall be installed in accordance with the approved testing and labeling agency requirements.

Appliances shall bear a permanent and legible factory applied nameplate on which the following shall appear:

a. The manufacturer's name or trademark.

b. The Btu rating.

c. The model and serial number.

d. Instructions for the lighting, operation and shut-down of the appliance.

e. The type of fuel approved for use with the appliance.

f. A seal indicating approval of the appliance by an approved testing agency, if acceptance is based on such approval.

611–2.2 *Electrical Appliances.*

Every major electric appliance shall bear a permanent and legible factory applied nameplate and shall be installed in accordance with the approved testing and labeling agency requirements.

Labeling shall indicate the following:

a. Name and trademark of the manufacturer.

b. The model number or equivalent.

c. The electrical rating in volts, amperes, and phase.

611–3 Sleeves for Air Conditioners.

When packaged air conditioners are to be used, i.e. those which are commonly installed in frames, install metal sleeves through the wall to permit installation of conditioners. The sleeves shall be of the type that can be closed tight if no equipment is installed, and can accommodate more than two different manufacturer's products of the same capacity.

611–4 Public Telephones.

Public telephones accessible to physically handicapped people shall comply with ANSI A117.1.

612 *Furnishings—Carpets and Mats.*

These items are covered in 609 Finish Materials.

613 *Special Construction.*

613–1 Definition.

For the purpose of this MPS, special construction is defined as all methods of construction which are not covered by the other Divisions or Appendices of this MPS.

613–2 Manufactured Housing.

613–2.1 *Structural Features.*

a. Factory or On-Site Fabricated Systems or Components covered by the Requirements of this MPS.

Structural features consisting of factory-fabricated systems or components assembled either at the factory or at the construction site, shall not be considered a special construction method if the total construction is covered by the standards given in the other Divisions or Appendices of Chapters 5 and 6 of this MPS, and can be inspected on-site for determination of compliance with this MPS.

b. Factory Fabricated Systems or Components not covered by this MPS.

HUD handbook 4950.1, Technical Suitability of Products Program Technical and Processing Procedures, describes procedures to be followed in order to obtain acceptance of special structural features of manufactured housing not covered by this MPS.

613–2.2 *Non-Structural Features.*

These features include methods of construction, systems, sub-systems, components, materials and processes which are not covered by this MPS, and whose acceptance cannot be determined by other provisions of this MPS and HUD Handbook 4950.1.

613–2.3 *Advanced and Innovative Features.*

The basis for design, fabrication, construction and acceptance of advanced and innovative systems, sub-systems, components, materials and processes shall be the performance criteria established by HUD in relation to the innovative nature of the system or element thereof. Likewise, the basis for acceptance of the inspection and compliance assurance by the sponsor shall be the criteria established by HUD for these purposes.

613–3 Fallout Shelters.

613–3.1 *General.*

Fallout shelters shall be designed and constructed in accordance with TR–20 (Vol. 1), Fallout Radiation Shielding, dated June 1976, published by Defense Civil Preparedness Agency (formerly the Office of Civil Defense), except as modified by this MPS.

613–3.2 *Modifications.*

a. Where reference is made to local codes, add "and all applicable HUD Standards."

b. The min. number of persons per dwelling shall be determined by the size and number of bedrooms. The master bedroom shall be counted as two (2) persons. The number of persons for other bedrooms shall be counted by the number of single beds that a room will accommodate.

c. Mechanical air blowers must be capable of being manually operable.

613–4 Swimming Pools.

Where semi-private swimming pools are proposed, design and construction shall comply with HUD Handbook 4940.1, Minimum Property Standards for Semi-Private Swimming Pools and Wading Pools.

615 *Mechanical.*

615–1 Construction.

615–1.1 *General.*

a. Provide mechanical systems which will assure safety of operation, convenience and comfort, protection from destructive elements, reasonable durability and economy, and adequate capacity and quality.

b. No leaks of any kind shall exist in any soil, waste, vent or water pipe.

c. No valve or faucet shall leak due to defects in material or workmanship.

d. Fixtures, appliances or fittings shall comply with their manufacturers standards.

615–1.2 *Standards.*

Except as modified herein, the design, construction, installation, adjusting and labeling of all equipment, accessories and appurtenances for heating and air conditioning shall comply with the applicable recognized standards given in Appendices C and E.

615–1.3 *Electrical Equipment.*

All electrical equipment shall be installed in accordance with the current National Electrical Code, NFPA 70.

615–1.4 *Distribution.*

Heating, ventilating and air conditioning systems shall be designed, installed, balanced, adjusted and controlled to provide for the distribution of conditioned air to all habitable rooms and other spaces in accordance with the calculated heat loss or gain of the spaces to be conditioned, and in proportion to fluctuations of outdoor temperature.

615–1.5 *Accessibility.*

All individual items of equipment and components thereof shall be 100% accessible for repair, removal or replacement without funtional impairment or dismantling of any adjoining major surfaces or assemblies.

615–1.6 *Noise.*

The dwelling shall be free of objectionable sound as provided in 24 CFR Part 51, Environmental Criteria and Standards. Equipment conforming to other sound level criteria referenced in these standards shall also be acceptable.

615–1.7 *Stairways.*

Heating equipment or open flame appliances shall not be installed under unprotected combustible stairways.

615–1.8 *Air Quality.*

Heating equipment chimney emissions shall meet applicable local, state and Federal ambient air quality and emissions standards.

615–2 Mechanical Ventilation.

615–2.1 *General.*

a. Section 615–2 applies to all mechanical ventilation systems whether required or optional.

b. Ventilation (either natural or mechanical) shall be provided in accordance with 402. Optional mechanical ventilation or air conditioning may be installed to supplement natural ventilation in living areas or attic.

c. Individual living area ventilating fans shall be controlled by an integral switch or by a wall switch, either independent or combined with light switch. Powered attic ventilators shall be controlled by a thermostat with an on-off switch in the living area.

d. Fan grilles shall be removable or hinged to permit access to fan and motor for cleaning, servicing, replacement, or repair.

e. Air discharge openings through roofs or exterior walls shall be protected against the entrance of rain and snow, birds, large insects and foreign objects. Automatic felted louvers or backdraft dampers shall be provided on other than attic ventilators to prevent a reverse flow of air when the fan is not in operation.

615–2.2 *Bathrooms.*

a. Where natural ventilation is not provided, mechanical exhaust ventilation shall be installed in accordance with 402–2. Air shall be discharged by an exhaust fan directly to the outdoors, or may be discharged into an attic space which is cross-vented with a total net free area of 1/150 of the ceiling area.

b. Make-up air shall be provided to the bathroom by means of an air intake grille located in the lower part of the bathroom door or wall, or by undercutting the bathroom door. If an intake grille is installed, it shall be vision-proof. The make-up air opening shall by sized for the air volume requirements of the exhaust fan at a velocity not to exceed 500 fpm.

615–2.3 *Kitchens.*

a. Where natural ventilation is not provided, mechanical exhaust ventilation shall be provided in accordance with 402–2. Air shall be exhausted from the kitchen directly to the outdoors through a range hood or through a ceiling or wall exhaust grille.

b. Mechanical exhaust air intake openings (grilles) shall be located either:

(1) In the ceiling or wall not more than 4 ft from the center-line of the range,

(2) In the wall directly above the back of the range, or

(3) Integral with the range.

A metal collector hood of the size and height required by 615-2.4b may be optionally installed.

615–2.4 *Range Hoods.*

a. Mechanical kitchen exhaust range hoods shall be labeled and listed by a recognized testing and inspection agency, and installed in accordance with such listing.

b. Range hood shall be at least as long as the range, shall be at least 17 in. wide, and the bottom of the hood rim shall be not more than 30 in. above the range top.

c. Range hood fan shall have a min. capacity of 40 cfm per linear ft of hood length, except that when installed over a range located in an island or peninsula, fan shall have a min, capacity of 50 cfm per linear ft of hood length.

615–2.5 *Combustion Air.*

Furnaces, boilers and domestic water heaters energized by fossil fuels shall be sealed combustion types or shall be separated from the conditioned atmosphere of the home. Combustion and ventilating air shall be provided in the required amounts from outside the conditioned atmosphere of the home in accordance with the requirements of NFPA Standards 31 and 54.

615–3 Heating.

615–3.1 *Heat Loss Calculations.*

a. Calculations of heat loss shall be made in accordance with the data and procedures contained in the current ASHRAE Cooling and Heating Load Calculations Manual, ASHRAE Handbook, IBR Guides sponsored by the Hydronics Institute, ARI, SMACNA, reference. NEMA or NESCA, and the limitations set forth in 607–3. NAHB Research Foundation's Insulation Manual may be used as a reference.

b. Inside design temperature shall be not less than 70 F. Outside design temperature shall be that established by the ASHRAE Handbook at the 97 ½ % design value for the location involved or as determined by the HUD field office based upon its record of experience.

c. For housing for the elderly, inside design temperature shall not be less than 75° F in all habitable rooms and corridors when the outside temperature is at design level. Lower inside design temperatures may be used for storage rooms, work rooms, and other similar spaces.

615–3.2 *Hot Water and Steam Systems.*

a. Design and installation of the entire system shall be in accordance with the ASHRAE Guide or IBR Installation Guides.

b. Heating systems shall be installed with ¾ in. drains at all low points and with a vent at all high points to permit complete drainage of the entire system by gravity.

c. When make-up water is of such a quality that excessive corrosion or scaling is known to exist, a suitable water treatment system as recommended by WQA shall be provided.

d. One pipe system shall be installed in compliance with the recommendation of the manufacturer of the special one pipe system fittings used.

e. Radiators, convectors, baseboard radiation and other terminal heating devices shall be provided with an accessible control valve or damper.

f. Accessible means shall be provided for balancing the distribution of heat to all heated spaces. When a shutoff valve or baseboard or convector damper is combined with a balancing device, the balancing device shall provide a balanced distribution of heat at the adjusted max. opening of the control valve or damper. Series-loop systems, consisting of a single circuit serving baseboard type units on one floor level only, may be installed without balancing devices in the water circuit, but shall have dampers for the air convection control.

g. Boiler insulation shall have a minimum thermal resistance (R) of 2 (hr x sq ft x F)/Btu.

h. Supply and return piping in unheated attic spaces, ventilated crawl spaces, and other exposed locations shall be insulated. The thermal resistance (R) value of the insulation shall be based on insulation material having an R value in the range between 4.0 and 4.6 (hr x sq ft x F)/Btu per in. of thickness of a flat plate at a mean temperature of 75° F. Heating pipes ¾ in. thick insulation.

i. Insulation on heating piping in insulated crawl spaces may be omitted where closable vents are provided.

615–3.3 *Warm Air Heating Systems—General.*

a. Design of all warm air heating systems shall be in accordance with the recommendations of the ASHRAE Guide or applicable manuals of SMACNA, ACCA and ARI. Installations shall comply with NFPA Standards 90B, 31 and 54.

b. Duct insulation is covered in 515–2.1.

615–3.4 *Warm Air Heating—Air Control.*

a. Provide all but one supply air outlet with a shutoff damper.

b. Provide an accessible balancing damper, either behind the supply air register or in the duct. The damper shall be either a friction fit or locking type and shall be adjustable. The position of the damper shall be indicated by an adjustment arm outside the duct or shall be visible for adjustment when the air outlet is removed.

615–3.5 *Warm Air Heating—Return Air.*

a. A return air inlet shall not be provided in a bathroom, kitchen, garage, utility space, a space used for fuel or flammable storage, or a confined space in which a draft diverter or draft regulator is located, or to which combustion air is supplied. Otherwise, all other habitable spaces shall be provided with an access to a return inlet.

b. Return air from any living unit shall not be delivered to or pass through any other living unit.

615–3.6 *Warm Air Heating—Perimeter Systems—Slab-on-Grade.*

a. Perimeter heating ducts shall be completely encased in not less than 2 in. of concrete except when the duct is of concrete pipe, ceramic tile, asbestos-cement or other materials acceptable to the HUD field office. All ducts imbedded in slabs shall have a min. of 2½ in. of concrete above the duct.

b. When the bottom of ductwork adjacent to the perimeter of the slab is at or above exterior finish grade, ducts and fittings (except within two duct diameters of the supplying plenum) may be of any suitable, non-combustible material not subject to deterioration or mildew in the presence of moisture.

c. When the bottom of ductwork adjacent to the slab perimeter is below exterior finish grade, the duct system wholly or partially below such grade shall be of ceramic tile pipe conforming to ASTM C 700, asbestos-cement pipe conforming to ASTM C 428 or concrete pipe conforming to ASTM C 14. Joints which are wholly or partly below exterior grade shall be watertight. Taped or cement grouted joints are not considered watertight.

615–3.7 *Warm Air Hearing—Underfloor Plenum.*

a. When underfloor space is used as a supply plenum, a clearance of at least 1 in. shall be maintained between furnace plenum and joists, beams, or any combustible construction.

b. The construction enclosing an underfloor plenum shall be sealed against air leakage and the ground surface shall be covered with a vapor retarder material. When plastic film is used, joints shall be lapped at least 2 in. when not sealed. The ground cover material shall have a flame spread classification not exceeding 200, unless it is covered with at least 2 in. of sand.

c. Unless the ground is covered with at least 2 in. of sand, there shall be firmly placed and secured under each floor opening into the plenum a noncombustible receptacle at least 3 in. wider than the opening and having 1 in. vertical lips all around.

d. The perimeter wall shall be insulated in accordance with 607–3.

e. Fuel-burning devices shall not be installed in a plenum. All material enclosing the underfloor space, including perimeter wall insulation, shall have a flame spread classification not exceeding 200.

615–3.8 *Warm Air Heating—Self-Contained Units.*

a. Self-contained heating units, such as room or space heaters, and recessed heaters, may be installed in single story structures, and also in split-level or two story structures provided that head distribution is achieved throughout the building.

b. There shall be not more than one doorway or one archway between the heater outlet and any space or room to be heated by it.

c. The distance between the heater outlet and the center of any space to be heated by it shall not exceed 20 ft. measured through the center of the intervening opening. This distance may be increased at the discretion of the HUD field office for locations having outside design temperaturs of 20° F. or higher.

d. Dampers designed to restrict warm air flow self-contained heaters having a single outlet shall not be installed. Dampers for heaters with two or more outlets shall be designed to limit warm air flow to no more than 50% of the total area of all outlets.

e. Thermostats for the control of self-contained heaters shall be located in the space or room in which the principal heater outlet is located.

615–3.9 *Electric Heating.*

a. All electric heating installations shall comply with NEC. When a recognized industry certification of testing program is available for heating units, systems and components, such equipment shall be labeled to show conformance. Test results to verify uncertified equipment shall be made available to the HUD field office upon request.

b. The average heat output of an electric heating unit shall not exceed the heat output rate permitted by the listed rating.

c. Thermostatic control for electric heating shall be provided in each heated room or space except when a central electric heating system is installed.

d. The wattage rating of electric heating units shall not exceed the rating of the controlling thermostat and/or relay conbination.

e. All resistance heating cables and prefabricated electric conductive panels shall bear a label identifying the manufacturer and rating of each unit. Cable shall be of standard lengths and shall not be cut. Prefabricated electric conductive panels shall not be cut, and lighting fixtures shall not be fastened to nor cut into the active area of the panel. Panels and cables shall be thermostatically controlled.

f. Bathroom wall heaters and switches shall be located as far as practicable from plumbing fixtures, and at least 30 in. from tub or shower.

615–3.10 *Oil Fired Equipment.*

a. Installation of fuel oil burners, oil tanks, and piping shall comply with NFPA Standard No. 31.

b. Oil fired equipment, unless otherwise listed by a qualified testing, rating and listing agency, shall be equipped with a listed barometric draft regulator.

c. Type L vents may be used with oil fired equipment when listed as being suitable for such venting use.

615–3.11 *Gas Fired Equipment.*

a. All gas fired heating equipment including conversion burners, vents and convectors shall be labeled, listed and installed in conformance with the appropriate ANSI/UL, AGA, or NFPA requirements and the manufacturers instructions.

b. All gas fired heaters shall be vented.

c. Above-roof enclosures or housing shall not be installed in connection with single wall metal pipe used for venting gas applicances.

d. Unless provided in the listing, no gas vent shall terminate less than 5 ft. in vertical height above the highest draft hood on connected applicances.

615–3.12 *LP Gas Containers and Piping.*

The construction and installation of storage containers and service piping for liquefied petroleum gases shall comply with NFPA 58.

615–4 Mechanical Cooling.

615–4.1 *General.*

a. These standards apply to mechanical or absorption-type refrigeration equipment providing summer air conditioning by either a central system with distribution ducts or piping, or packaged room or zonal air conditioners with free air discharge. They do not apply to evaporative coolers.

b. For requirements pertaining to individual air cooling units for single rooms, see 515–4.

c. The capacity of the system and its equipment shall be as recommended by ARI, ASHRAE, and ACCA.

d. Suitable and durable means shall be provided to prevent transmission of objectionable noise or vibration generated by the system or equipment. See 515–4.5 and 615–1.6.

615–4.2 *Heat Gain Calculations.*

a. Calculations shall be made in accordance with SMACNA, ARI and ACCA Manuals, the ASHRAE Handbook or the ASHRAE Cooling and Heating Load Calculation Manual.

b. Average inside design temperature shall be 75° F. dry bulb.

c. Heat gain calculations shall be made using the summer design dry bulb at 2½% as shown in the current ASHRAE Handbook.

615–4.3 *Air Distribution Systems.*

a. Duct insulation is covered in 515–2.1.

b. For underfloor plenum systems suitable for both cooling and heating, see 615–3.7.

c. Return air inlets shall be of sufficient number and so located that return air will not cause objectionable drafts. Grilles for return air shall be sized so that the velocity of air will not exceed 500 fpm. When multiple return air ducts are installed, they shall include dampers to balance the designed air flow.

d. Cooling coils shall be locaed so that conditioned air leaving the coil will not pass over the heat transfer surface of any furnace. Exception: Factory assembled units which are specifically tested and listed for this type of service.

e. The requirements of 615–3.3a, 615–3.3b, 615–3.4b, and 615–3.5b are also applicable to cooling air distribution systems.

615–4.4 *Coolant Distribution Systems.*

a. Distribution systems employing liquid media for cooling shall be designed in accordance with the applicable criteria contained in the ASHRAE Handbook and shall be capable of producting summer comfort conditions within the concept of this standard. Coolant lines shall be insulated with a min. ½ in. thick material having a vapor transmission rate not in excess of 0.1 perms. The thermal resistance (R) value of the insulation shall be based on insulation material having an R value in the range between 4.0 and 4.6 per in. of thickness of a flat surface at a mean temperature of 75° F.

b. All exposed refrigeration piping located less that 6 ft. above any floor or outside grade shall be suitably protected to prevent damage to piping or injury to persons.

c. Where condenser cooling water is known to cause excessive corrosion, scaling or obstruction within the piping or equipment, suitable approved water-treatment means will be required by the HUD field office. Dielectric connectors shall be used between ferrous and non-ferrous piping in the cooling water circuit.

d. Suitable means shall be provided for the collection and disposal of condensate from

cooling equipment. The condensate drain shall be at least ¾ in. nominal pipe size and of corrosion-resistant material.

e. Where the cooling coil or air-conditioning unit is located above a habitable space, or where structural damage may result from condensate overflow, an additional watertight pan of corrosion-resistant matal shall be installed beneath the cooling coil or unit to catch overflow condensate due to a clogged condensate drain; or one pan with standing overflow and separate drain may be provided in lieu of the second drain pan. The additional pan, or the standing overflow, shall be provided with a drain pipe, min. ¾ in. nominal pipe size, discharging at a point which can be readily observed.

615–4.5 *Electrical Equipment.*

Motors shall conform to Standard for Air Conditioners, Central Cooling Standard, ANSI/UL No. 465.

615–4.6 *Guarantee.*

Standard manufacturer's warranty shall be provided for all equipment and remain effective regardless of change of ownership.

615–5 Plumbing.

615–5.1 *General.*

a. Except as modified herein, plumbing and water supply systems, equipment and materials shall be installed in accordance with the prevailing model plumbing code having jurisdiction in the area. In the design of water using devices, water volume conservation shall be considered.

b. Hot and cold water shall be supplied to all plumbing fixtures except water closets which will be supplied with cold water.

615–5.2 *Fixtures.*

a. All fixtures shall be securely supported so that no strain is placed on the connected piping. Unless otherwise recommended by the manufacturer, bathtub rims at wall shall be supported on metal hangers or wood blocks secured to wall construction.

b. Drinking Fountains Accessible to Physically Handicapped People Shall Comply With ANSI A117.1

c. Waterproof shower safe pans shall be installed under all manonry shower receptors except those conforming with the test procedures contained in Appendix D.

d. Shower safe pans shall be formed of:

(1) Sheet lead or sheet copper heavily coated on both sides with an asphalt compound;

(2) Non-metallic material qualifying under test procedure in Appendix D.

(3) Hot-mopped asphalt pan conforming with CTI Standard Specifications for the Installation of Tile Lined Receptors, CTI R6–103.

e. Safe pans laid on wood floors shall be protected against nail popping by two layers of 15 lb. or one layer of 30 lb. asphalt-saturated felt.

f. Sides of pans shall be turned up a min. of 6 in. Corners may be formed by folding.

g. Shower heads shall have flow controls complying with ANSI A112.

h. Faucets at lavatories and kitchen sinks shall have flow controls complying with ANSI A112.

615–5.3 *Piping.*

a. Water service to each living unit shall be not less than ¾ in. pipe or tubing.

b. Water service pipe shall be laid on solid ground below frost line. Service pipe may be laid in same trench with sewer pipe provided it is laid on a shelf of solid earth at least 1 ft. above the sewer pipe. Service trenches shall be filled with earth free of cinders, wood, rocks or other debris.

c. Piping shall not be installed in or below cinders.

d. Piping installed in corrosive soil shall be either of a material unaffected by such soil or shall be isolated from it by a protective coating. The coating and its application shall conform to AWWA C–203.

e. Underground threaded joints in ferrous pipe shall be coated and wrapped. Coating and wrapping material and its application shall confrom with AWWA C–203.

f. Piping shall be installed without critical damage to structural members. See 606–4.

g. Pipe hangers and supports shall be of material similar to that of the piping. Dielectric insulating fittings shall be used where pipe of dissimilar metals are connected.

h. Piping shall be properly sloped and arranged for draining.

i. Cold water piping installed in locations of the building subject to freezing temperatures, or where pipe sweating may create a problem shall be insulated and covered with a vapor barrier. Drain, waste and vent or water pipes shall be adequately insulated to prevent freezing during normally anticipated cold weather.

615–5.4 *Valves and Fittings.*

a. Shutoff valve and drain accessible for operation by the occupant shall be provided in the water service pipe to each living unit. Also provide shutoff valves in the branch pipe to each water closet and to the water heater.

b. A non-syphoning type ball cock or other anti-syphon device acceptable to the HUD field office shall be provided for water closets.

c. Provide at least two hose bibbs at convenient exterior locations except where special configuration (duplex with units one above the other, triplex, quadruplex, etc.) of living units obviates need for the second hose bibb. In areas where hose bibbs are likely to freeze, they shall be of the frostproof type or have an individual stop and waste valve. Back siphonage protection shall be provided.

d. When normal street main water pressure exceeds 80 psi, a pressure reducing valve acceptable to the local code authority shall be provided in the water service pipe to reduce the water pressure to not more than 80 psi.

615–6 Domestic Water Heating Systems and Storage.

615–6.1 *Water Heater Capacities.*

The capacity of the water heater shall be based on the hourly consumption for the household in accordance with the table in the ASHRAE Handbook. This shall take into consideration the number of persons and the quantity of water needed for the household chores.

615–6.2 *Controls and Safety Devices.*

a. All individual direct-fired, automatic storage-type water heaters, including electrical shall be provided, at the time of installation, with a reseating type temperature and pressure relief valve constructed, listed, and installed in accordance with ANSI Z21.22. This requirement is in addition to the energy cutoff device installed by the heater manufacturer in conformance with appropriate standards.

b. All tankless indirect water heater installations shall include a thermostatic mixing valve to regulate the heated domestic water. When a check valve, pressure regulator or other backflow preventive device is installed between the heater and the street main or other water source, a pressure relief valve shall be installed between the heater and such valve, regulator or device.

c. Indirect water heater installations shall include operating controls for the heat source, of the type recommended by the boiler manufacturer. The installation shall be made in accordance with the boiler manufacturer's instructions.

d. The pressure relief elements of relief valves shall be set to open at not less than 25 psi in excess of available or system water pressure. Setting shall not exceed tank working pressure.

e. Relief valves shall be piped to discharge by gravity through an air gap into a plumbing fixture or floor drain. In those installations where neither floor drain nor plumbing fixture has been provided or, for some reason may be inaccessible, the relief valve discharge shall then be piped through an exterior wall, terminating in an elbow turned to discharge downward and shall be located approximately 1 ft above the exterior grade. Discharge piping shall be the same size as relief valve outlet.

f. For housing for the elderly, provide automatic temperature limit controls so that hot water for showers shall not exceed 110 F.

615–6.3 *Tank Connections.*

The heater tank connections shall be stainless steel, copper-lined steel, brass, or copperplated steel threated pipe nipples equipped with electrically inert waterway permanently fixed to each nipple. Dip tube may be metallic, electically insulated from the tank, or non-metallic conforming to ANSI Z21.10. Copper dip tubes may be used with brass nipples without dielectric fittings in copper tanks.

615–7 Special Piping Systems.

615–7.1 *Gas Transmission.*

Gas transmission systems shall be installed to obtain not less than the level of safety performance required by Part 192, Title 49, Code of Federal Regulations entitled, Transportation of Natural or Other Gas by Pipeline. Liquid petroleum pipelines shall conform to 49 CFR, Part 195. See 307–1.1.

615–7.2 *Gas Service Piping.*

Gas service piping installations shall be installed in a separate trench. Joints between lines of dissimilar metals shall electrically isolate one metal from the other.

615–7.3 *Steel and Iron Piping.*

All steel and wrought iron piping for gas service shall be coated and protected against corrosion as recommended in AWWA C–203.

615–7.4 *Plastic Pipe.*

Plastic pipe for gas service lines shall terminate below ground at foundation wall.

615–7.5 *Dielectric Fittings.*

Dielectric insulating fittings shall be provided on service side of gas meters when dissimilar metals are connected.

615–8 Water Supply System.

615–8.1 *General.*

a. Provide each living unit with a continuing and sufficient supply of safe water under adequate pressure and of appropriate quality for all household uses, and one that will not impair the function or durability of the plumbing system of attachments.

b. With respect to safe water, the chemical and bacteriological standards of the health authority having jurisdiction shall apply. In the absence of such standards, the max. contaminant levels of EPA shall apply.

c. Whenever feasible, connection shall be made to a public water system. When a public system is not available, connection shall be made when feasible to a community system which shall comply with HUD Handbook 4940.2.

615–8.2 *Individual Water Systems.*

a. The system should be capable of delivering a flow of 5 gpm over at least a 4 hr period.

b. Water quality shall meet the chemical and bacteriological requirements of the health authority having jurisdiction. If the local health department having jurisdiction does not not have chemical and physical standards, the max. contaminant levels of EPA shall apply. A water analysis may be required by either the health authority or the HUD field office.

c. Water that requires continuing or repetitive treatment to be safe bacterially is not acceptable.

d. After installation, the system shall be disinfected in accordance with the recommendations of the health authority. In absence of a health authority, system cleaning and disinfection shall conform to the current EPA Manual of Individual Water Supply Systems.

e. Bacteriological examination of a water sample collected by a representative of the local or state health authority shall be made when required by that authority or the HUD field office.

f. Any method for individual water supply contained herein which is not permitted by the local health authority having jurisdiction shall not be used.

615–8.3 *Location of Well.*

a. A well located within the foundation walls of a dwelling is not acceptable except in arctic and sub-arctic regions.

b. Water which comes from any soil formation which may be polluted or contaminated or is fissured or creviced or which is less than 20 ft below the natural ground surface (subject to the requirements of the local health authority) is not acceptable.

c. Individual water supply systems are not acceptable for individual lots in areas where chemical soil poisoning is practiced if the overburden of soil between the ground surface and the water bearing strata is coarse-grained sand, gravel, or porous rock, or is creviced in a manner which will permit the recharge water to carry the toxicants into the zone of saturation.

d. Table 6–15.1 shall be used in establishing the min. acceptable distances between wells and sources of pollution located on either the same or adjoining lots. These distances may be increased by either the health authority having jurisdiction or the HUD field office.

615–8.4 *Well Construction.*

a. The well shall be constructed to allow the pump to be easily placed and to function properly.

b. All drilled wells shall be provided with a sound, durable and watertight casing capable to sustaining the loads imposed.

The casing shall extend from a point several ft below the water level at drawdown or from an impervious strata above the water level, to 12 in. above either the ground surface or the pump room floor. The casing shall be sealed at the upper opening.

c. Board wells shall be lined with concrete, vitrified clay, or equivalent materials.

d. The space between the casing or liner and the wall of the well hole shall be sealed with cement grout.

e. The well casing shall not be used to convey water except under positive pressure. A separate drop pipe shall be used for the suction line.

f. When sand or silt is encountered in the water-bearing formation, the well shall either be gravel packed, or a removable strainer or screen shall be installed.

g. The surface of the ground above and around the well shall be graded to drain surface water away from the well.

h. Openings in the casing, cap, or concrete cover for the entrance of pipes, pump or manholes, shall be made water-tight.

i. If a breather is provided, it shall extend above the highest level to which surface water may rise. The breather shall be watertight, and the open end shall be screened and positioned to prevent entry of dust, insects and foreign objects.

TABLE 6–15.1—DISTANCE FROM SOURCE OF POLLUTION

Source of Pollution	Min. Horizontal Distance (ft)
Property Line	10
Septic Tank	50
Absorption Field	100 (1)
Seepage Pit	100 (1)
Absorption Bed	100 (1)
Sewer Lines w/ Permanent Watertight Joints	10
Other Sewer Lines	50
Chemically Poisoned Soil	100 (1)
Dry Well	50
Other	— (2)

Notes to Table 6–15.1:

(1) The horizontal distance between the sewage absorption system and the well, or the chemically poisoned soil and the well, may be reduced to 50 ft only where the ground surface is effectively separated from the water bearing formation by an extensive, continuous impervious strata of clay, hardpan, or rock. The well shall be constructed so as to prevent the entrance of surface water and contaminants.

(2) Recommendation of local health authority.

615–8.5 *Pump and Equipment.*

a. Pump shall be capable of delivering the volume of water required herein under normal operating pressure within the living unit. Pump capacity shall not exceed the output of the well.

b. Pump and equipment shall be mounted to be free of objectionable noises, vibrations, flooding, pollution, and freezing.

c. Suction lines shall terminate below max. drawdown of the water level in the well.

d. Horizontal segments of suction line shall be placed below the frost line in a sealed casing pipe or in at least 4 in. of concrete. The distance from suction line to sources of pollution shall be not less than shown in Table 6–15.1.

615–8.6 *Storage Tanks.*

a. Provide a pressure tank having a min. capacity of 42 gals. However, prepressured tanks and other pressurizing devices are acceptable provided that delivery between pump cycles equals or exceeds that of a 42 gal. tank.

b. Tanks shall be equipped with a clean-out plug at the lowest point, and a suitable pressure relief valve.

615–9 *Sewage Disposal System.*

615–9.1 *General.*

a. Provide each living unit with a water-carried system adequate to dispose of domestic wastes in a manner which will not create a nuisance, contaminate any existing or prospective water source or water supply, or in any way endanger the public health.

b. Whenever feasible, connection shall be made to a publicly owned system.

c. When a public system is not available or connection thereto is not feasible, connection shall be made to a community system, if feasible. Such system shall comply with HUD Handbook 4940.3. All public and community systems shall be approved by the state health and pollution control authorities and the local health department.

d. When service from an acceptable public or community system is not available or feasible, and ground water and soil conditions meet the requirements of this standard, an individual system may be accepted by the HUD field office provided it is installed in accordance with the requirements contained herein.

e. An individual system which is acceptable herein but which is not permitted by the local health authority having jurisdiction shall not be used. Evidence of approval by such authority for each completed system will be required in all cases.

f. Septic system shall be capable of properly handling normal flow of household effluent. Sewers, fixtures and drains shall operate properly.

615–9.2 *Individual Systems—General.*

a. No part of the system shall be installed closer to other features of the property than the min. distances shown in Table 6–15.2.

b. Installation of individual systems in swampy areas, areas with a high water table (permanent, fluctuating or seasonal), areas with ledge rock or areas which are subject to flooding is not acceptable.

c. The type of system shall be determined on the basis of location, topography, soil absorbency and the depth and fluctuation of the ground-water level.

d. Each individual sewage-disposal system shall consist of a house sewer, a septic tank, and acceptable absorption system (subsurface absorption field, seepage pit or pits, or subsurface absorption bed). The system shall be designed to receive all sanitary sewage (bathrooms, kitchen and laundry) from the dwelling, but not footing or roof drainage. It shall be designed so that gases generated anywhere in the system can easily flow back to the building sewer stack.

e. The structural design and materials used in the construction of septic tanks and seepage pits shall be in accordance with generally accepted good structural engineering practice providing a sound, durable structure which will safely sustain all the dead loads, live loads, and liquid and earth pressures involved in each case.

TABLE 6–15.2—MIN. DISTANCES (FT)

FROM	TO			
	Septic Tank	Absorption Field	Seepage Pit	Absorption Bed
Well	50	100	100	100
Property line	10	5	10	10
Foundation	5	5	20	5
Water lines	10	10	10	10
Seepage pit	6	6	3 Diameters	--
Dry well	20	20	20	20

615–9.3 *House Sewer.*

a. The house sewer shall be installed in accordance with the nationally recognized model plumbing code having jurisdiction in the area. State and local codes which deviate from nationally recognized plumbing codes or standards in order to satisfy local conditions may be accepted by the HUD field office if such deviations are identified and substantiated with satisfactory engineering data.

b. The house sewer shall have watertight joints. It shall be on a grade of not less than ⅛ in. per ft.

c. The generally recognized practices for good pipe installation outlined in ASTM D2316 shall be followed.

TABLE 6–15.3—SEPTIC TANK CAPACITY

Number of Bedrooms	Min. Capacity (Gals)
2 or less	750
3	900
4	1000
each additional bedroom add	250

615–9.4 *Septic Tank.*

a. The design shall provide adequate volume for settling, for sludge and scum storage, and access for cleaning. The structural design shall provide for a sound, durable tank which will sustain all loads and pressures, and will resist corrosion. The HUD field office may require a test for watertightness and strength.

b. Liquid capacity shall be based on the number of bedrooms proposed or reasonably anticipated and shall be at least as required in Table 6–15.3. The liquid depth of the tank or a compartment thereof shall be not less than 30 in. A liquid depth greater than 6 ft. shall not be considered in determining tank capacity.

c. No tank or compartment thereof shall have an inside horizontal dimension less than 24 in. Scum storage volume shall be not less than 15% of the required liquid capacity.

d. Inlet and outlet connections shall be submerged or baffled. The inlet invert shall be at least 1 in. above the outlet invert.

e. Baffles, and pipe fittings used as baffles, shall extend upward to within 1 in. of the underside of the cover, and downward to a point of 40% of the liquid depth below the liquid surface. If an outlet fitting has no opening above the liquid level of the tank through which the tank scum layer could enter, the 1 in. clearance to the underside of the cover is not required. When a partition wall is used to subdivide the tank, it shall have a 4 in. diameter min. opening, with the same invert elevation as the tank outlet. The partition wall opening shall have an outlet device equivalent to the tank inlet our outlet, so that outside air can enter both sides of the partition.

f. When multi-compartment tanks are used, the volume of the first compartment shall be equal to or greater than that of any compartment.

g. Access to each compartment of the tank shall be provided by a 16 in. min. manhole or removable cover. The inlet and outlet connections shall also be accessible through properly placed manholes, handholes or by easily removable covers.

h. Provide a min. of 4 in. of soil over the top of the septic tank for growing grass. Where the top of the tank is lower than 18 in. below grade, manholes shall be built up to within 18 in. of grade.

615–9.5 *Percolation Tests.*

a. Percolation tests shall be conducted in accordance with the procedure given in Appendix D.

b. For individual lots, one percolation test per lot is required as a min. provided the soil is uniform and of one type. Where the soil is not uniform or there are more than one type of soil on the lot, one percolation test per lot is required as a min. at the center of each variation of type of soil of significant size.

c. For subdivisions or multiple lots, one percolation test per acre is required as a min. for each area consisting of a uniform solid of one type.

d. Test results and soil evaluation shall be used by the HUD field office to determine suitability for a soil absorption system and the type, design and size of the system to be installed.

615–9.6 *Subsurface Absorption Field.*

a. Where percolation rates (Table 6–15.5) and soil characteristics and site conditions are acceptable to the HUD field office an absorption field may be installed in an area which is well drained, has an acceptable slope, and is acceptable for excavation.

b. Size and spacing of trenches and area of the absorption field shall comply with Tables 6–15.4 and 6–15.5. Other characteristics shall comply with Table 6–15.6. The areas in Table 6–15.5 provide for plumbing fixtures and appliances common in residential use, including automatic sequence washer, mechanical garbage grinder, and dishwasher.

c. Where permeable soil formations are encountered, especially near existing wells, the distance between the well and the proposed absorption field as given in Table 6–15.2, shall be increased as required by the HUD field office.

d. Effluent from the septic tank shall be conducted to the absorption field through a watertight line with a grade of at least ¼ in. per foot. Tees, wyes or other distributing devices shall be of sufficient size to accommodate the necessary field lateral lines. The invert of all outlets shall be level and the inlet invert shall be at least 1 in. above the outlet invert.

e. That portion of an absorption trench below the top of the distribution pipe shall be in natural or acceptably stabilized earth such as GW, GP, SW, or SP, as defined in HUD Handbook 4075.8. The HUD field office may require special precautions, including tests, especially if other granular soils are used.

f. In locations where the absorption field is almost level (6 in. or less fall in any direction) the trenches shall be connected to form a continuous system with trench bottoms level.

g. In locations where the ground over the absorption field area slopes greater than 6 in., within the field, a system of serial distribution trenches following the contours of the land may be used. Trenches may be installed at different elevations, but the bottom of each individual trench shall be level throughout its length. Trenches shall be

connected with a watertight overflow line such that a trench will be filled with sewage to the depth of the gravel before the sewage flows to the next lower trench. At the point where an overflow pipe leaves an absorption trench, the trench for this pipe shall be dug no deeper than the top of the soil-gravel interface. The inlet shall be placed as far as possible from the outlet of the same trench.

h. The spacing between individual tiles shall be no greater than ¼ in. Filter material shall be crushed stone (½ to 2½ in.), gravel, slag, or similar clean (no fine) material, and shall completely encase the tiles or perforated pipe. An effective barrier such as building paper or straw, shall be provided between the filter material and the backfill.

i. Avoid disarrangement and breakage of tile and barrier during backfilling. Avoid compaction or smearing of soil at sides and bottom of excavation. Heavy equipment shall not be moved over bottom of completed excavation, nor over the area during or after backfilling.

TABLE 6-15.3 — SEPTIC TANK CAPACITY

Number of Bedroom	Min. Capacity (Gallons)
2 or less	750
3	900
4	1000
each additional Br. add	250

TABLE 6-15.4 — TRENCH SIZE AND SPACING

Trench Width at Bottom (in.)	Min. Trench Spacing (ft)
12 to 18	6.0
18 to 24	6.5
24 to 20	7.0
30 to 36	7.5

615-9.7 *Absorption Beds.*

a. Use of an absorption bed with a septic tank is acceptable only when necessary because of soil and topography. Approval for its use must be obtained from the HUD field office and local health authorities.

b. If used, design and installation shall comply with the requirements of paragraphs c, d, e, h, and i of 615-9.6, for absorption fields, and the construction of the bed shall comply with Table 6-15.7.

c. The site for the bed construction should be relatively flat, with not more than 6 in. of fall in any direction within the bed area.

d. The effective absorption area (bottom area of bed only) shall be determined from Table 6-15.5 using results of percolation tests discussed above.

e. The bottom of the absorption bed shall terminate in a porous formation at least 4 ft in thickness. No bed excavation shall extend into the water table. Where ground water is encountered, the bottom of the bed shall be raised by backfilling with clean coarse sand at least 3 ft above the water table. Absorption beds constructed in filled ground are not acceptable.

f. Filter material and a surface barrier shall be provided in accordance with 615-9.6h. Backfilling over the filter and barrier shall come from the loose excavated soil (without rocks) originally removed from the bed. Avoid compaction, smearing, and heavy equipment.

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TABLE 6-15.5---SUBSURFACE ABSORPTION FIELD OR BED
(Min. bottom area per bedroom)

Absorption Time (1) (minutes per in.)	Min. Bottom Area (sq ft)
2 or less	8
3	100
4	115
5	125
10	165
15	190
30	250
45	300
60	330
Over 60 minutes is not acceptable	

Note:
(1) Percolation tests shall be performed in accordance with the procedure in Appendix D.

TABLE 6-15.6---SUBSURFACE ABSORPTION FIELD DETAILS

Items	Unit	Max.	Min.
No. of lateral trenches	--	--	2
Length of trenches	ft	100	--
Width of trenches	in.	36	12
Depth of tile lines (bottom)	in.	36	18
Slope of tile lines	in./100 ft	6	(1)
Depth of coarse material			
Under pipe	in.	--	6
Over pipe	in.	--	2
Under pipe within 10 ft of trees	in.	--	12
Size of coarse material	in.	2 1/2	1/2
Depth of backfill over coarse material	in.	--	12
Clearance from bottom of field to water table	ft	--	3

Note:
(1) Level preferred.

TABLE 6-15.7---ABSORPTION BED CONSTRUCTION DETAILS

Item	Unit	Max.	Min.
Depth of backfill over bed	in.	--	12
Depth of tile lines (bottom)	in.	36	18
Slope of tile lines	%	0.5	(1)
Depth of filter material:			
Under pipe	in.	—	6
Over pipe	in.	—	2
Total	in.	—	12
Under pipe located within 10 ft of trees	in.	—	12
Size of filter material	in.	2 1/2	1 1/2
Effluent distribution pipes:			
Number	--	—	2
Distance between multiple pipes	ft	6	--
Distance between pipe and sidewall	ft	3	—
Length of distribution line	ft	100	—
Number of tile lines	—	—	2

Note:
(1) Bottom of bed should be relatively level.

TABLE 6-15.8---SEEPAGE PITS (MIN. AREA REQUIRED)

Symbol	Character of Soil by HUD Handbook 4075.8	Wall Area Per Bedroom (Sq Ft)
GW	Well-graded gravels, gravel-sand mixtures, little or no fines	50
GP	Poorly graded gravels or gravel-sand mixtures, little or no fines	50
SW	Well-graded sands, gravelly sand, little or no fines	75
SP	Poorly graded sands or gravelly sands, little or no fines.	75
SM	Silty sand, sand-silt mixtures	125
GC	Clayey gravels, gravel-sand-clay mixtures	150
GM	Silty gravels, gravel-sand-silt mixtures	150
SC	Clayey sands, sand-clay mixtures	150
ML	Inorganic silts and very fine sands, rock flour, silty or clayey silts with slight plasticity	300
CL	Inorganic clays of low to medium plasticity, gravelly clays, sandy clays, silty clays, lean clays	350
OL	Organic silts and organic silty clays of low plasticity	(1)
MH	Inorganic silts, micaceous or diatomaceous fine sandy or silty soils, elastic silts	(1)
CH	Inorganic clays of high plasticity, fat clays	(1)
OH	Organic clays of medium to high plasticity organic silts	(1)
Pt	Peat and other highly organic soils	(1)

Note:
(1) Unsuitable.

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615–9.8 *Seepage Pits.*

a. Use of seepage pits with septic tanks is acceptable only when soil conditions of topography are appropriate, and only with the approval of the HUD field office and the health authority having jurisdiction. Seepage pits are not acceptable in lime stone areas nor in localities where shallow wells are used.

b. When more than one seepage pit is used, installation may be operated in series or in parallel. If operated in series each pit shall be equipped with an inlet tee or ell. If operated in parallel, a tee, wye, or distribution box shall be used. An outlet tee or ell shall be raised to prevent scum floating into the second pit.

c. Effective absorption area of a seepage pit shall be calculated as the side area only below the inlet, exclusive of any hard pan, rock or impermeable clay soil layer. Required seepage area shall be determined from Table 6–15.8.

d. A min. depth of 4 ft of porous formation shall remain or be provided at the bottom of each pit. Pits less than 20 ft deep shall have an inside diameter of at least 4 ft. No pit excavation shall extend into the water table. Where ground water is encountered the bottom of the pit shall be backfilled with clean coarse sand at least 3 ft above the water table.

e. Pipe with tight joints shall be used in connecting the septic tank to the pit.

f. All seepage pits shall be either lined or filled with coarse stone. The lining may be brick, stone, block, or similar durable materials, laid in cement mortar above the inlet and with tight butted joints below the inlet. The annular space between the lining and the earth wall shall be filled with crushed rock or gravel.

g. Provide for each pit a 4 in. thick concrete top, equipped with a watertight concrete pumphole and cover. The top shall bear on at least 12 in. of soil around the pit, or on top of the pit wall. The top shall be not more than 18 in. below the finished grade.

616 *Electrical.*

616–1 General.

Provide an electrical system which will assure a safe and adequate source of energy for satisfactory illumination and for efficient and convenient operation of household appliances and mechanical equipment. All switches, fixtures and outlets shall operate as intended.

616–2 *Standards.*

Except as modified herein, the design, construction, installation, adjusting and labeling of all electrical equipment, accessories and appurtenances shall comply with the applicable recognized standards given in Appendices C and E.

616–3 *Electrical Installation.*

All electrical equipment shall be installed in accordance with the current National Electrical Code, NFPA 70.

616–4 Night Light.

In housing for the elderly a convenience outlet for receiving a night light shall be provided approximately 2 ft above the floor between the bed location and the bathroom.

Appendix A

Definitions

Abbreviations, terms, phrases, and words used in these Minimum Property Standards shall have the meanings given in this appendix. The following terms are defined for HUD purposes and the definitions may differ from those used in building codes and elsewhere.

Community System. A central utility system owned, operated and maintained by a private corporation or a nonprofit property owner's association.

Conductance, Thermal. The time rate of heat flow through a unit area of a material of a given thickness, per unit of temperature difference. Value is expressed in Btu/(hr x sq ft x F). (symbol C).

Condutivity, Thermal. The time rate of heat flow through a unit area of a homogenous material under the influence of a unit temperature gradient. Value is expressed in (Btu x in.)/(hr x sq ft x F). (symbol k).

Conventional Masonry Construction. unreinforced masonry that is desgined in accordance with empirical requirements and limitations, i.e. not designed in accordance with engineered masonry construction.

Court:

Inner Court. An open outdoor space enclosed on all sides by exterior walls of a building or by exterior walls and property lines on which walls are allowable.

Outer Court. An open outdoor space enclosed on at least two sides by exterior walls of a building or by exterior walls and property lines on which walls are allowable, with one side open to a street, driveway, alley, or yard.

Dwelling. A building designed or used as living quarters for one or two families.

Detached. A living unit which is completely surrounded by permanent open space.

Duplex. A detached building with two living units arranged side by side or one above the other.

End-Row. Same as semi-detached.

Row. A living unit, the walls on two opposite sides of which are party, lot line or common walls. Configurations such as quadruplexes and triplexes containing living units with two party, lot line or common walls not necessarily opposite to each other may be considered row or end-row houses.

Semi-Detached. A living unit of which one side wall is a party, lot line or common wall.

Engineered Masonry Construction. Construction that is designed based on engineering analysis, i.e. in accorance with SCPI, NCMA, and ANSI A41.2 Standard for Engineered or Reinforced Masonry.

Exit. That portion of a means of egress which provides a way of travel to the exterior.

Finish Rating. The time at which the stud, joist or core reaches an average temperature rise of 250 F or an individual temperature rise of 325 F as measured on the plane of the stud, joist or core nearest the fire in accordance with ASTM E119 test.

Habitable Room. A room designed and used in accordance with the MPS for living, sleeping, eating or cooking, or combination thereof. Bathrooms, toilet compartments, closets, halls, storage spaces, laundry and utility rooms, basement recreation rooms and similar areas are not considered habitable rooms.

Impact Insulation Class (IIC). A single-figure rating which provides an estimate of the impact sound insulating performance of a floor-ceiling assembly. It shall be determined in accordance with ASTM E492–73T Laboratory Measurement of Impact Sound Transmission Through Floor-Ceiling Assemblies Using the Tapping Machine.

Independent Inspection Agency. Where the term "independent inspection agency" is used in these standards, the reference is to an agency which maintains a program of continuous control, testing and inspection over the quality of the product. Such an agency must conform to procedures set forth in ANSI Z34.1–59, and shall be acceptable to HUD.

Individual System. A utility system such as water or sewerage serving a single property and located on that property.

Listed and Listing. Terms referring to materials, equipment or products which have been tested to and comply with an applicable standard and which are shown in a list published by a recognized certifying agency.

Living Unit. A single residential unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

Noncombustible. As applied to a building construction material means a material no part of which will ignite, burn or release flammable vapors when subjected to fire in accordance with ASTM E136 test Noncombustibility of Elementary Materials.

Perm. The unit of measurement of the water vapor permeability of a material. Value of one perm is equal to one grain of water vapor per square foot per hour per inch of mercury vapor pressure difference.

Property. An area of ground under one legal ownership including all buildings and improvements thereon.

Public Space. Public space is a legal open space on the premises accessible to a public way or street, such as a yard, court, or open space permanently devoted to public use and abutting the premises.

Public System. A central utility owned, operated, and maintained by a municipality, county, or other unit of local government having power to tax or levy assessments.

R Thermal Resistance. A measure of ability to retard heat flow. Thermal conductance: R=1/C.

Required. Mandatory.

Shall. Indicates that which is required.

Sound Transmission Class (STC). A single-figure rating which provides an estimate of the airborne sound insulating performance of building walls and floor-ceiling assemblies. It shall be determined in accordance with ASTM E90 and ASTM E413.

Story. That portion of a building between a floor and the next floor above, or roof.

First Story (First Floor). The lowermost story which is primarily above exterior grade on one or more sides, containing at least 50 percent living accommodations or related nonresidential uses. Stories below grade used for storage, parking, mechanical equipment or other services are considered basement

stories. Related nonresidential uses include laundry space, recreation or hobby rooms, commercial use and related corridor space.

Half Story. A story finished as living accommodations located wholly or partly within the roof frame and having a floor at least half as large as the story below. Space with less than 5 ft clear headroom shall not be considered as floor area.

Top Story. The story between the uppermost floor and the ceiling or roof above.

Toilet Room. (Half Bath). Enclosed space, containing a watercloset and a lavatory.

U Overall Coefficient of Heat Transmission. The combined thermal value of all the materials in a building section, air spaces, and surface air films. U is expressed in Btu/(hr × sq ft × F).

Wall.

Common Wall. A wall separating two living units in the same real estate entity.

Firewall. A wall with qualities of fire resistance and structural stability which subdivides a building into fire areas, and which retards the spread of fire.

Lot Line Wall. A wall adjoining and parallel to the lot line used primarily by the party upon whose lot the wall is located. Lot line walls may share common foundations.

Party Wall. A wall used jointly by two parties under easement, erected upon a line separating two parcels of land, each of which is a separate real estate entity.

Appendix B—Abbreviations

AA Aluminum Association.
AAMA Architectural Aluminum Manufacturers Association.
AACA Air Conditioning Contractors Association (Formerly NESCA).
ACI American Concrete Institute.
agg Aggregate.
AGA American Gas Association.
AHA American Hardboard Association (Formerly American Board Products Association).
AHAM Association of Home Appliance Manufacturers.
AHLI American Home Lighting Institute.
AIA American Insurance Association.
AISC American Institute of Steel Construction.
AISI American Iron and Steel Institute.
AITC American Institute of Timber Construction.
AMCA Air Moving and Conditioning Association.
ANSI American National Standards Institute.
APA American Plywood Association.
ARI Air Conditioning & Refrigeration Institute.
ASCE American Society of Civil Engineers.
ASHRAE American Society of Heating, Refrigerating and Air Conditioning Engineers.
ASME American Society of Mechanical Engineers.
ASTM American Society for Testing and Materials.
AWPA American Wood Preservers Association.
AWPB American Wood Preservers Bureau.
AWPI American Wood Preservers Institute.
AWS American Welding Society.
AWWA American Water Works Association.
BIA Brick Institute of America (Formerly Structural Clay Products Institute—SCPI).
BOCA Building Officials and Code Administrators, International, Inc.
BRAB Builders Research Advisory Board.
Btuh British thermal units per hour.
cf or cu ft Cubic feet.
cfm Cubic feet per minute.
CFR Code of Federal Regulations.
CISPI Cast Iron Soil Pipe Institute.
CMA Cellulose Manufacturers Association.
CPSC Consumer Product Safety Commission.
CS Commercial Standard.
CTI Ceramic Tile Institute.
cts Coats.
cy Cubic yards.
dBA Sound pressure level as measured using the A-weighted network (decibels).
dwv Drain, waste and vent.
EEA Electric Energy Association.
EEI Edison Electric Institute.
EPA Environmental Protection Agency.
ext. Exterior.
F Fahrenheit (degrees).
FHA Federal Housing Administration.
FHDA Fir and Hemlock Door Association.
fpm Feet per minute.
FS Federal Specification.
ft Feet.
ga Gauge.
gals Gallons.
galv Galvanized.
GAMA Gas Appliance Manufacturers Association.
gph/kw Gallons per hour per kilowatt.
gpm Gallons per minute.
gpsf/h Gallons per square foot per hour.
HPMA Hardwood Plywood Manufacturers Association.
hr Hour.
HUD Department of Housing and Urban Development.
HVI Home Ventilating Institute.
HYDI Hydronics Institute (See IBR).
IAPMO International Association of Plumbing and Mechanical Officials.
IBR Institute of Boiler and Radiator Manufacturers (Superseded by HYDI).
ICBO International Conference of Building Officials.
IIC Impact Insulation Class.
id Inside diameter.
in. Inches.
IPS International Pipe Standard.
int. Interior.
kw Kilowatts.
lb Pounds.
lin ft Linear feet.
LP Liquified Petroleum.
max. Maximum.
MCA or MCAA Mechanical Contractor's Association of America.
MIMA Mineral Insulation Manufacturers Association (Formerly NMWIA).
min. Minimum.
mph Miles per hour.
MPS Minimum Property Standards.
NAAMM The National Association of Architectural Metal Manufacturers.
NAHB–RF National Association of Home Builders—Research Foundation.
NBBPVI National Board of Boiler and Pressure Vessels Inspectors.
NBS National Bureau of Standards.
NCMA National Concrete Masonry Association.
NEC National Electric Code.
NECA National Electrical Contractors Association.
NEMA National Electrical Manufacturers Association.
NFPA National Forest Products Association.
NFPA National Fire Protection Association.
NOFMA–OFGR National Oak Flooring Manufacturers' Association—Official Flooring Grading Rules.
NPA National Particleboard Association.
NRCA National Roofing Contractors Association.
NRMCA National Ready-Mixed Concrete Association.
NSF National Sanitation Foundation.
NTMA National Terrazzo & Mosaic Association.
NWMA National Woodwork Manufacturers Association.
oc On center.
od Outside diameter.
oz Ounces.
PCA Portland Cement Association.
PCI Prestressed Concrete Institute.
PS Product Standard.
ppm Parts per million.
psf Pounds per square foot.
psi Pounds per square inch.
pvc Polyvinyl chloride.
SBI Steel Boiler Institute—Division of Hydronics Institute.
SCACM Southern California Association of Cabinets Manufacturers.
SCS Soil Conservation Service.
SEAOC Structural Engineers Association of California.
SFPA Southern Forest Products Association.
SGCC Safety Glazing Certification Council.
SI International Standard.
SJI Steel Joist Institute.
SMACNA Sheet-Metal and Air Conditioning Contractors National Association, Inc.
SPMA Sump Pump Manufacturers Association.
sq yd Square yard.
SSBC Southern Standard Building Code.
STC Sound Transmission Class.
t & g or T & G Tongue and groove.
TCA Tile Council of America.
TECO Timber Engineering Company.
TPI Truss Plate Institute.
U Coefficient of thermal transmission Btu/(hour) (square foot) ($^{\circ}$inside—$^{\circ}$outside).
UBC Uniform Building Code by ICBO.
UL Underwriters' Laboratories, Inc.
UM Use of Materials Bulletin.
USDA United States Department of Agriculture.
vcp Vitrified clay pipe.
wi Wrought iron.
WM Western Wood Moulding and Millwork Producers.
WQA Water Quality Association (Formerly Water Conditioning Foundation).

Appendix C

Material Standards

Materials listed in Appendix C are a partial listing of materials considered to meet the min. requirements of the MPS. For other

acceptable materials, see 500, 501, 513 and Appendix F.

502 *Site.*

Site Improvements....FS RR–H–1070
Bituminous Work—Asphalt Institute Standards
Drainage—Culvert and Pipes:
Clay Drain Tile.... ASTM C 4
Clay Pipe, Extra Strength and Standard Strength.... ASTM C 700
Perforated Clay Pipe, Standard Strength and Extra Strength...ASTM C 700
Pipe, Clay (Vitrified Fittings and Perforated Pipe).... FS–SS–P–361
Concrete Culvert, Storm-Drain and Sewer Pipe.... ASTM C 76
Concrete Drain Tile.... ASTM C 412
Concrete Sewer, Storm Drain and Culvert Pipe.... ASTM C 14
Homogenized Bituminous Fiber Drain and Sewer Pipe....ASTM D 1861
Perforated Concrete Pipe....ASTM C 444
Pipe, Corrugated (Iron or Steel, Zinc Coated).... FS WW–P–405
Porous Concrete Pipe.... ASTM C 654
Reinforced Concrete D-Load Culvert Storm Drain and Sewer Pipe....ASTM C 655
Premolded Joint Filler (Non-extruding)....ASTM D 544
Poured Joint Filler.... FS SS–F–336
Chain Link Fence, Type A.... FS RR–F–191

503 *Concrete.*

Materials Chapters of:
Building Code Requirements for Reinforced Concrete....ACI 318
Specifications for Structural Concrete in Buildings....ACI 301
Cementitious Materials:
Portland Cement, Type I, II, III, or V.... ASTM C 150
Blended Hydraulic Cements...ASTM C 595
Gypsum Plasters, Calcined Gypsum.... ASTM C 28
Aggregate:
Normal Weight.... ASTM C 33
Light Weight.... ASTM C 330
Lightweight Aggregate for Insulating Concrete....ASTM C 332
Gypsum Plaster....ASTM C 35
Reinforcement:
Cold-drawn Steel Wire....ASTM A 82
Deformed Billet Steel.... ASTM A 615
Rail-steel Deformed Bars.... ASTM A 616
Axle-steel Deformed Bars.... ASTM A 617
Bar and Rod Mats.... ASTM A 184
Prestressed Steel Strand....ASTM A 416
Prestressed Steel Wire....ASTM A 421
Admixtures:
Air Entraining.... ASTM C 260
Fly Ash—Pozzolan (Raw or Calcined)....ASTM C 618
Chemical.... ASTM C 494
Ready-mixed Concrete....ASTM C 94
Gypsum Concrete....ASTM C 317
Precast Reinforced Gypsum Concrete Slabs....ASTM C 377
Expansion Joint Materials...FS HH–F–341E, ASTM D 994 or D 1751, D 1752
Penetration Resistance of Hardened Concrete....ASTM C 803

504 *Masonry.*

Brick Masonry—SCPI, Building Code Requirements for Engineered Brick Masonry (Section 2).
Concrete Masonry—NCMA, Specifications for the Design and Construction of Load Bearing Concrete Masonry (Chapter 2).
Cementitious Materials (1):
Portland Cement....ASTM C 150
Portland Cement, Air Entraining...ASTM C 175
Portland Blast Furnace Slab Cement.... ASTM C 205
Hydrated Lime, Type S.... ASTM C 207
Quick Lime....ASTM C 5
Gypsum.... ASTM C 22
Masonry Cement.... ASTM C 91

Note (1):
Cementitious materials other than allowed by ASTM C 270 or listed herein are considered nonstandard materials and shall be submitted for review before use in accordance with 500–3. Chemical analysis and tests for compressive strength (ASTM C 270) and for bond strength (ASTM E 149) will be required.

Aggregate.... ASTM C 144
Mortar and Grout:
Reinforced Masonry.... ASTM C 476
Non-reinforced Masonry Types M, S, N, or O....ASTM C 270
Other Mortars....ASTM E 447
Building Brick:
Clay Brick.... ASTM C 62
Facing Brick....ASTM C 216
Sand Lime Brick....ASTM C 73
Fire Brick....FS HH–R–191 or ASTM C 106
Sewer and Manhole Brick.... ASTM C 32
Paving Brick....ASTM C 7
Structural Clay Tile:
Load Bearing...FS SS–T–341 or ASTM C 34
Glazed Structural Clay Tile...ASTM C 126
Non-Load Bearing...FS SS–T–351 or ASTM C 56
Structural Clay (facing)....ASTM C 212
Hollow Masonry Units Made from Clay or Shale....ASTM C 652
Concrete Masonry:
Hollow Units....ASTM C 90
Hollow Non-load Bearing.... ASTM C 129
Solid Units.... ASTM C 145
Concrete Brick—Solid Core Split Block.... ASTM C 55
Cast Stone.... ACI 704
Miscellaneous Masonry:
Clay Flue Lining....ASTM C 315
Ceramic Glazed Facing, Tile or Brick.... ASTM C 126
Structural Clay Floor Tile...FS SS–T–321 or ASTM C 57
Sewer Brick... FS SS–B–391 or ASTM C 32
Ceramic Tile.... TCA 137.1
Concrete Masonry Catch Basins, Manholes....ASTM C 139
Precast Concrete Culvert, Storm Drain, Sewer Pipe....ASTM C 76
Drain Tile..... ASTM C 4, or ASTM C 412
Cold-drawn Steel Wire....ASTM A 82
Screen Tile....ASTM C 530
Gypsum Tile or Block....ASTM C 52

505 *Metals.*

Aluminum—AA, Aluminum Construction Manual.
Aluminum—See chemical composition in standards.
Carbon Steel Forgings....ASTM A 235
Alloy Steel Forgings.... ASTM A 237
Mild- to Medium-Strength Carbon-Steel Casting for General Application....ASTM A 27
High Strength Steel Castings.... ASTM A 148
Structural Steel....ASTM A 36
High Strength, Low Alloy Steel....ASTM A 242
High Strength Structural Steel....ASTM A 440
High Strength, Low Alloy Steel....ASTM A 441
Structural Steel, 42,000 psi.... ASTM A 529
High Strength, Low Alloy Steel....ASTM A 572
High Strength, Low Alloy Steel....ASTM A 588
Welded and Seamless Steel Pipe...ASTM A 53
Cold-Formed Welded and Seamless Steel Tubing.... ASTM A 500
Hot-Formed Selded and Seamless Steel Tubing.... ASTM A 501
Hot-Formed Welded and Seamless High-Strength Low-Alloy Structural Tubing.... ASTM A 618
Flat-Rolled Carbon Sheets of Structural Quality.... ASTM A 245
High Strength Cold-Rolled Steel Sheets and Strip.... ASTM A 374
High Strength Hot-Rolled Steel Sheets and Strip.... ASTM A 375
Steel Sheet, Zinc Coated (Galvanized) by the Hot-Dip Process, Physical (Structural) Quality.... ASTM A 446
Hot Rolled Carbon Steel Sheets and Strip.... ASTM A 570
Steel Hot-Rolled and Cold-Rolled Sheet and Strip....ASTM A 606
Steel Sheet and Strip Hot-Rolled and Cold-Rolled.... ASTM A 607
Cold-Rolled Steel Sheet Carbon Structural....ASTM A 611
Tempered Alloy Steel Plate.... ASTM A 514
Steel Structural Rivets.... ASTM A 502
Low Carbon Steel Fasteners....ASTM A 307
High-Strength Bolts for Structural Steel Joints, Including Suitable Nuts and Plain Hardened Washers..... ASTM A 325
Quenched and Tempered Steel Bolts...ASTM A 449
Quenched and Tempered Steel Bolts...ASTM A 490
Steel Welding—AWS Structural Welding Code.... AWS D 1.1
Corrosion-resisting, Chromium-Nickel Steel....ASTM A 167
Stainless and Heat Resisting Steel...ASTM A 412
Metal Curtain Walls...NAAMM Specification Manual

506 *Carpentry.*

Dimension, Board Lumber and Timbers....PS–20
Softwood Plywood....PS–1
Structural Glued Laminated Timber.....PS–56
Adhesives Used in Nonstructural Glued Lumber Products..... ASTM D 3110
Pressure Treated Lumber and Plywood:
Above ground use:
Water Borne Preservatives.... AWPB LP–2
Light Petroleum Solvent-penta Solution.... AWPB LP–3
Volatile Petroleum Solvent-penta Solution.... AWPB LP–4
Ground contact use:
Water Borne Preservatives...AWPB LP–22
Light Petroleum Solvent-penta Solution.... AWPB LP–33
Volatile Petroleum Solvent-penta Solution.... AWPB LP–44
Basic Hardboard....ANSI/PS–58
Hardboard Siding.... ANSI/PS–60

Vacuum Treated Exterior Softwood Millwork....NWMA IS 4
Non-pressure Treated Millwork... NWMA IS 4
Fire Retardant Pressure Treatment:
Lumber....AWPA C-20
Plywood...AWPA C-27, ASTM E 84, ASTM D 2898
Gypsum Sheathing...FS SS-L-30 or ASTM C 79
Fiberboard Sheathing...FS LLL-I-535 or Class E, ASTM C 208
Cellulosic Fiber Insulating Board....PS 57
Application of Structural Insulating Board (Fiberboard) Sheathing....ASTM C 846
Mat-Formed Wood Particleboard...ANSI A208.1
Sheathing Paper...FS UUB-790, Grade D or ASTM D 226
Nails....FS FF-N-105 or CS-263
Vinyl Wrapped Interior Moulding and Millwork....WM 2-73, Section 4
Staples....FHA UM-25
Screws....FS FF-S-111
Bolts....FS FF-B-561 or FF-B-571

507 *Thermal and Moisture Protection.*
507-1 Waterproofing and Dampproofing.
Asphalt....FS SS-A-666 or ASTM D 449
Felt, Asphalt-saturated....ASTM D 226
Felt, Coal-tar-saturated....ASTM D 227
Coal-tar Pitch....FS R-P-381 or ASTM D 450
Roll Roofing, 55 lb Smooth Surface...FS SS-R-501 or ASTM D 224
Clay Drain Tile....ASTM C 4
Perforated Clay Pipe....ASTM C 700
Concrete Drain Tile....ASTM C 412
Pipe, Clay (Vitrified Fittings and Perforated Pipe)....FS SS-P-361
Perforated Asbestos-Cement Drain Pipe....FS SS-P-340 or ASTM C 508
Perforated Corrugated Iron and Steel Drain Pipe....FS WW-P-405
Bituminous Fiber Drain Pipe...FS SS-P-1540, ASTM D 1861, ASTM D 1862, ASTM D 2311, ASTM D 2316, ASTM C 2417
Acrylonitrile-Butadiene-Styrene Plastic Drain Pipe....ASTM D 2661, ASTM D 2751
Poly (Vinyl Chloride) (PVC) Sewer Pipe and Fittings....ASTM D 2729
Poly (Vinyl Chloride) (PVC) Plastic Drain, Waste and Vent Pipe and Fittings....ASTM D 2665
Corrugated Polyethylene Tubing...ASTM F 405, ASTM D 2321
507-2 Vapor Barriers.
Test for Water Vapor Transmission—Thick Material....ASTM C 355
Test for Water Vapor Transmission—Thin Material....ASTM E 96
Under Concrete and as Ground Cover....ASTM E 154
Polyethylene Plastic Sheets...FS L-P-512, ASTM D 2103
Vinyl Chloride Plastic Sheets...FS-L-P-375, ASTM D 1593
507-3 Building Insulation.
Cork Board....FS HH-I-525
Cellular Glass....FS HH-I-551
Cellulose, Vegetable or Wood Fiber...FS HH-I-515
Expanded Polystyrene Insulation Board....FS HH-I-524
Fiberboard...FS LLL-I-535, Class C or E or ASTM C 209
Insulation Board (Urethane)....FS HH-I-530
Mineral Fiber, Board (Roof)....FS HH-I-526
Mineral Fiber, Insulation Blanket...FS HH-I-521
Mineral Fiber, Pneumatic or Poured...FS HH-I-1030
Perimeter Insulation...FS HH-I-524, Type II, FS HH-I-558, Form A, Class I or II
Reflective, Thermal....FS HH-I-1252
Cellulosic Fiber Insulating Board....PS-57
Application of Structural Insulating Board (Fiberboard) Sheathing...ASTM C 846
Vermiculite (used as masonry wall filler)....FS HH-I-585
Vermiculite (for other uses) ASTM C 516
Perlite....FS HH-I-574 or ASTM C 549
Urea-Based Foamed in Place....UM 74
507-5 Sheet Metal.
Aluminum—Aluminum Sheet Metal in Building Construction, AA
Copper....F SQQ-C-567, ASTM B 370
Galvanized Steel or Iron...ASTM A 361 or ASTM A 525
High Strength Low Alloy Steel....ASTM A 606
Sheet Lead....FS-QQ-L-775
Stainless Steel...Type 302 or 304, ASTM A 167
Terne Plate....FSQQ-T-191, QQ-T-201
Zinc Copper Alloy....FS QQ-Z-100
507-6 Caulking and Sealants.
Elastomeric Type; Multi-Compound...FS TT-S-227
Elastomeric Type; Single-Compound...FS TT-S-230
Oil and Resin Base Type....FS TT-C-598
Silicone Rubber Base....FS TT-S-1543
Butle Rubber Base; Single-Compound...FS TT-S-1657
NAAMM Specification for Non-skinning Bulk Compounds.
NAAM Specification for Non-skinning Non-resilient Preformed Compounds.
NAAMM Specification for Non-skinning Resilient Preformed Compounds.
Celluar Neoprene....ASTM C 509
NAAM Specifications for Rubber-like Gasket Materials.
NAAMM Specifications for Plastic Gasket Materials.

508 *Doors, Windows, Glazing Panels*
Metal Doors and Frames:
Interior Steel Doors and Frames (flush)....PS-4
1¾ in. thick Steel Doors and Frames....CS-242
Aluminum Storm Doors....ANSI A134.4
Wood Doors and Frames:
Hardwood, Hardboard and Plastic Faced Flush Doors....NWMA IS-1
Hinged Interior Wood Door Units....PS-32
Ponderosa Pine Doors....NWMA IS-5
Douglas Fir, Sitka Spruce and Western Hemlock Doors....FHDA-4
Wood Flush Doors....NWMA IS-1
Wood Storm Doors....NWMA IS-5
Exterior Wood Door Frames....WM 3
Special Doors:
Aluminum Sliding Glass Doors...ANSI A134.2
Wood Sliding Patio Doors....NWMA IS-3
Metal Windows and Frames:
Aluminum Prime Windows...ANSI A134.1
Alumimum Combination Storm Windows....ANSI A134.3
Wood Windows and Frames:
Wood Window Units...ANSI A200.1 Class A or B
Hardware:
Lockset....ANSI A156.2
Wire Fabric (Insect Screening)...FS RR-W-365 (Amend. 1967)
Screening, Insect, Non-metallic...FS L-S-125
Insect Screening and Louver Cloth Woven from Vinyl-Coated Glass Fiber Yarn....ANSI/ASTM D 3656
Glass and Other Glazing Panels:
Acrylic Plastic Sheets for Glazing....FHA UM-58
Glass....FS DD-G-451
Safety Glass and Other Safety Glazing Panel Materials...CPSC 16 CFR Part 1201
Safety Glazing Material Used in Buildings...SGCC Certified Products Directory
Tempered Glass....FSDD-G-1403
Voluntary Standards and Tests of Thermal Performance of Residential Insulating Windows and Sliding Glass Doors....AAMA 1502.6

509 *Finish Materials.*
509-2 Exterior Wall Finishes.
Aluminum....AAMA 1402.2
Asbestos-cement...FS SS-S-346, ASTM C 220, ASTM C 221, ASTM C 223
Building Paper, Grade D....FS UU-B-790
Fiberboard Shingle Backer...ASTM C 208, Class G
Basic Hardboard....PS-58, ANSI A135.4
Hardboard Siding....PS-60, ANSI A135.6
Mat-Formed Wood Particleboard...ANSI A208.1, Grade 2-M-1
Plywood....PS-1 or PS-51
Rigid PVC (polyvinyl chloride)....PS-55
Textured Plywood Panel Siding....UM-64
Stucco (exterior plaster)....ANSI A42.2
509-3 Roof Coverings
Asbestos-cement Shingles...ASTM C 222 or FS SS-S-291
Asphalt Shingles A, B and C Fire Rating...ASTM D 225, FS SS-S-1534, Class C
Asphalt Shingles, Glass Fiber Mat, A and B Fire Rating....ASTM D 3462
Underlayment:
Asphalt Saturated Felt...ASTM D 226, FS HH-R-595
Asphalt-Saturated-Asbestos Felt...ASTM D 250, FS HH-R-590
Building Paper-Type 1 Graded....FS UU-B-790
Concrete Roofing Tile....FHA UM-17
Built-up Roofing:
Aggregate....ASTM D 1863
Asphalt....ASTM D 312 or FS SS-A-666
Asphalt-saturated Asbestos Felt...ASTM D 250, ASTM D 655 or FS HH-R-590
Asphalt-saturated Felt...ASTM D 226 or FS HH-R-595
Bituminous-saturated Cotton...ASTM D 173 or FS SS-C-450
Coal-tar-saturated Felt...ASTM D 277 or FS HH-R-595
Coal-tar-pitch...Type A ASTM D 450 Type 1, FS-R-P-381
Asphalt-prepared Felt, Mineral surface....FS SS-R-630
Wide Salvage Roll Roofing... ASTM D 371
Elastomeric CSPE Sheets....FHA UM-62

509–4 Interior Wall and Ceiling Finish
Accoustic Tile.....FS SS–S–118
Ceramic Wall Tile.....TCA 137.1
Portland Cement..... ASTM C 150, Type 1
Hydrated Lime...ASTM C 206, C 207, Type S
Sand.....ASTM C 144
Metal Lath.....ANSI A42
Organic Adhesives.....ANSI A136.1
Dry-set Portland Cement Mortar...ANSI A118.1
Fiberboard ASTM C 208, Class D, FS–LLL–I–535, Class D
Gypsum Veneer Base.....ASTM C 588
Gypsum Veneer Plaster.....ASTM C 587
Gypsum Wall Board...ASTM C 36 or FS SS–L–30
Water-resistant backing board...ASTM C 630
Nails.....ASTM C 514
Laminating Adhesives.....ASTM C 475
Standard Specification for the Application and Finishing of Gypsum Board ASTM C 840
Hardwood and Decorative Plywood.....PS–51
High Pressure Laminated Plastic Panel.....NEMA LD–1
Prefinished Hardboard Paneling PS–59 ANSI A135.5
Basic Hardboard.....PS–58
Lath and Plaster:
Metal Lath.....ASTM C 841
Gypsum Lath... ASTM C 37 or FS SS–L–30
Gypsum Plaster...ASTM C 28 or FS SS–P–402
Inorganic Aggregates.....ASTM C 35
Lime.....ASTM C 6 or C 206
Keene's Cement...ASTMC 61 or FS SS–C–161

509–5 Finish Flooring-Rigid.
Ceramic Tile.....TCA 137.1
Adhesive (organic)..... ANSI A136.1
Dry-set Portland Cement Mortar...ANSI A118.1
Expoxy Adhesive and Grout...ANSI A118.3
Terrazzo (NTMA Specs and Technical Data).
Wood:
Block, Slat.....PS–27
Block, Laminated.....HPMA–LF–71
Strip Oak Flooring...NOFMA–OFGR/Vol. 1, No. 1

509–6 Resilient Flooring.
Asphalt Tile (Type I)—Vinyl Tile (Type III)—Rubber Tile (Type II)—Vinyl-asbestos Tile (Type IV)...FS SS–T–312
Linoleum.....FS LLL–F–1238
Rotovinyls (Unvilled Vinyl Sheet)...FS L–F–001641
Seamless Coating System.....FS TT–C–1685
Backed Vinyl Plastic Sheet or Tile (Grade C).....FS L–F–475
Homogeneous Vinyl Sheet.....FS L–F–00450
Underlayment:
Basic Hardboard..... PS–58, ANSI A135.4
Particleboard (Grade 1–M1)...ANSI A208.1
Plywood.....PS–1

509–8 Wall Coverings.
Vinyl-coated Wall Covering....FS CCC–W–408

509–9 Other Finishes.
Carpeting and Cushioning..... FHA UM–44
Bonded Urethane Carpet Cushion...FHA UM–47

510 Specialties.
Chimneys, Fireplaces and Venting Systems.....NFPA 211
Fireplace Stoves.....ANSI/UL737
Factory-Built Fireplaces..... UL127

511 *Equipment.*
Minimum Construction Performance Standards for Kitchen Cabinets...ANSI A161.1

515 *Mechanical.*

515–2 *Mechanical Ventilation.*
Ventilation.....HVI-Air Flow Test, AMCA–210
Fan Noise Rating...HVI-Sound Test, AMCA–300

516–3 Heating.
Air Duct, Insulated.....NFPA 90B
Furnaces:
Oil..... ANSI/UL727 and 730
Gas.....AGA listed
Electric..... ANSI/UL573, NFPA–70
Solid Fuel Type Room Heaters..... UL1482
Fireplace Stoves.....ANSI/UL737
Boilers (Steam & Hot Water):
Oil...ASME, MCA, SBI, IBR, ANSI/UL726 and 296
Gas.....ASME, MCA, SBI, AGA, IBR
Electric..... ASME, SBI
Radiation:
Baseboard.....IBR rated
Finned Tube..... IBR rated
Electric.....ANSI/UL1042, NEMA
Fuel Tanks.....ANSI/UL58

515–4 Cooling.
A/C Central.....ARI 210, ANSI/UL465
Room Units.....ANSI/UL484, ANSI Z234.1
Sound Rating.....ARI 270
Heat Pump..... ARI 240, ANSI/UL559

515–5 Plumbing.
ABS DWV..... FHA UM–79
ABS Pipe.....FHA UM–78
Cast Iron Soil Pipe...ASTM A 74, C564, CISPI HS–72, CISPI HSN–72.
Cast Iron Water Pipe...AWWA 106, AWWA 108,
Clay Pipe...ASTM C 700, ASTM C 425, ASTM C 594
Copper Drainage Tube...ANSI H23.6, ASTM B 88
Copper Water Tube and Pipe K, L & M.....ANSI H23.1, ASTM B 88
Welded Brass Tube.....ASTM B 587
CPVC Pipe.....FHA UM–76
Galvanized Steel Threaded Pipe...FS WW–P–406
Hubless C.I. Pipe.....FHA UM–77
Patented Joint for Use with Hubless C.I. Pipe.....CISPI 310
Plumbing Fixtures...FS WW–P–541, ANSI A112
Slip-Resistant Bathing Facilities...ASTM F 462
Polybutylene Water Distribution Pipe...FHA UM–76
PE Pipe.....FHA UM–78
PVC DWV..... FHA UM–79
PVC Pipe.....FHA UM–78
PVC Thin Wall.....ASTM D 2949
Stainless Steel—Grade TP–409....ASTM A 268
ABS DWV..... ASTM F 628

515–6 Domestic Water Heaters.
Oil..... ANSI/UL732
Gas.....AGA listed
Electric..... ANSI/UL174

515–7 Special Piping Systems.
Gas Piping.....NFPA 54 and 58

515–8 Water Supply System.
Water Softeners..... WQA S–100
Water Filters..... WQA S–200
Community Water Systems:
Minimum Design Standards for Community Water Supply Systems.....HUD Handbook 4940.2

515–9 SEWAGE DISPOSAL SYSTEM
Community Sewage Systems:
Minimum Design Standards for Community Sewerage Systems...HUD Handbook 4940.3
Tanks, Septic, Bituminous-Coated Metal.....ANSI/UL70

516 *Electrical.*
All Electrical Equipment (Wiring, Lighting, Appliances, Etc.)...NEC and ANSI/UL AHLI Standards

Appendix D

Test Procedures and Performance Criteria

Appendix D is a partial list of the testing procedures and performance criteria required by the Minimum Property Standards.

500 *General.*

A Wall Assemblies and Sheathing Materials—Resistance to Racking.

A–1 *Test Procedures.* Test of Walls shall be conducted in accordance with ASTM E 72, "Standard Methods of Conducting Strength Tests of Panels for Building Construction." Panel size shall be 8 ft by 8 ft.

A–2 *Performance Criteria.* The following criteria shall apply:

a. *Dry Tests.*
Load increments—400 lb.
Maximum load—5,200 lb or 0.65 kips/ft.
At load of—1,200 lb average total deflection 0.20 in. Residual deflection 0.10.
At load of—2,400 lb average total deflection 0.60 in. Residual deflection 0.30.

b. *Wet Tests.*
Load increments—400 lb.
Maximum load—4,000 lb or 0.50 kips/ft.
At load of—1,200 lb average total deflection 0.28 in. Residual deflection 0.14 in.
At load of—2,400 lb average total deflection 0.80 in. Residual deflection 0.40.

508 *Doors, Windows and Glazing.*

A Windows and Sliding Glass Doors—Air Infiltration.

A–1 *Test Procedure.* Air leakage shall be tested in accordance with ASTM E 283.

A–2 *Performance Criteria.*

a. When tested at a static air pressure of 1.567 psf, the rate of air leakage will not exceed ½ cfm per ft of crack length. Air leakage for jalousie windows is not to exceed 1½ cfm per sq ft of total ventilating area. Air leakage for sliding glass doors is not to exceed 1 cfm per sq ft of overall frame dimension.

b. In areas subject to winds (90 mph and over) the performance requirement for sliding glass doors may be increased at the discretion of the HUD field office so that the air leakage will not exceed ½ cfm per sq ft of overall frame dimension.

B Windows and Sliding Glass Doors—Water Resistance.

B–1 *Test Procedure.* Water infiltration shall be tested in accordance with ASTM E 331.

B–2 *Performance Criteria.*

a. Minimum Performance—No water shall pass the interior face of the unit when tested at a static pressure of 2.86 psf with water applied at the rate of 5.0 U.S. gal per sq ft per hour for a time period of 15 minutes.

b. In areas subject to wind driven rain (90 mph and over) the static pressure in (a) may be raised to 6.24 psf at the discretion of the HUD field office.

C Windows and Sliding Glass Doors—Physical Load.

C–1 *Test Procedure.* Physical load tests shall be conducted in accordance with ASTM E 330.

C–2 *Performance Criteria.*

a. Minimum Performance.

(1) Under a uniform load of 10 psf applied to surface of unit, except jalousie windows and sliding glass doors, max. deflection of any member shall not exceed 1/175 of its span.

(2) Under a uniform load of 20 psf applied for 10 seconds to the ext., then a uniform load of 10 psf applied to the int. for 10 seconds, there shall be no glass breakage, damage to hardware or residual deflection.

b. In areas subject to winds 90 mph and over, the uniform loads, shown in a. (2) may be increased to 40 psf ext. and 20 psf int. loadings, at the discretion of the HUD field office.

615–5 *Plumbing.*

Precast Terrazzo Concrete Shower Receptors for Use Without Shower Pans

A General.

Receptors shall be of concrete with no voids. Top surface aggregate shall contain sufficient marble chips to assure a finished surface of at least 65 percent marble. (See Fig. 1 for details.)

Metal reenforcing band, if used, and the drain shall be integrally cast with the concrete.

Top surface shall be ground and polished with a 100 grit or smoother stone. Bottom surface shall be steel troweled.

All surface voids shall be filled with wet cement and polished or troweled to match adjoining surfaces.

All top surfaces shall be treated with a synthetic resin type terrazzo sealer to prevent staining. Sealer shall be applied in accordance with manufacturer's instructions.

Receptor shall be labeled to permit identification of manufacturer and model of unit. Label shall be placed so that it is visible after the receptor is installed.

B Test Procedure and Performance Criteria.

B–1 *Specimen.* Two 36 in. x 36 in. receptors which will have an age of 28 days from the date of manufacture to the date the following tests are applied shall be selected from the manufacturer's stock.

B–2 *Visual Examination Test.*

a. Method of Testing. Receptor shall be examined for over-all general appearance and shrinkage cracks.

b. Performance Criteria. The examination shall show no evidence of surface defects or shrinkage cracks.

B–3 *Leakage Test.*

a. Method of Testing. One receptor shall be filled with water to a level of ½ in. below the top of the shoulder and allowed to stand for 7 days at room temperature. Water level shall be maintained within approximately ¼ in. of the initial level.

b. Performance Criteria. The bottom surface of the receptor shall show no evidence of moisture at the end of the 7 days period.

B–4 *1,000 Pounds Concentrated Load Test.*

a. Method of Testing. Receptor shall be supported at two diagonally opposite corners with the line of support 3 in. from each corner to provide a bearing length of approximately 6 in. at each support. To permit observation of the bottom of the receptor, the supports should be at least 30 in. above the platen of the load testing machine. Fill receptor with water before load is applied. See Drawing No. 1 for details of test set-up and method of applying load.

b. Performance Criteria. The receptor shall show no evidence of cracking and/or leaking during any part of the 1,000 lb load application.

Continue application of the load until first crack or leak appears. Record the amount of load at appearance of first crack or leak.

B–5 *Water Absorption Test.*

a. Method of Testing. Obtain a segment of the receptor cracked during the above load test. The segment shall be approximately twenty-five (25) sq in. in surface area and shall be taken from any part of the receptor floor having a thickness of less than two (2) in.

Dry the segment in a ventilated oven at a temperature of 110° C for 72 hrs. Cool to room temperature and weigh the segment.

Submerge the segment in clean tap water and allow to soak for 24 hrs.

At the end of the soaking period, remove the segment from the water, blot with a damp towel and weigh segment immediately after blotting.

Report the water absorbed as a percentage of the dry weight.

b. Performance Criteria. Water absorbed shall not exceed 7 percent of the segment dry weight.

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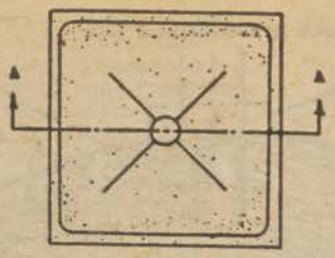
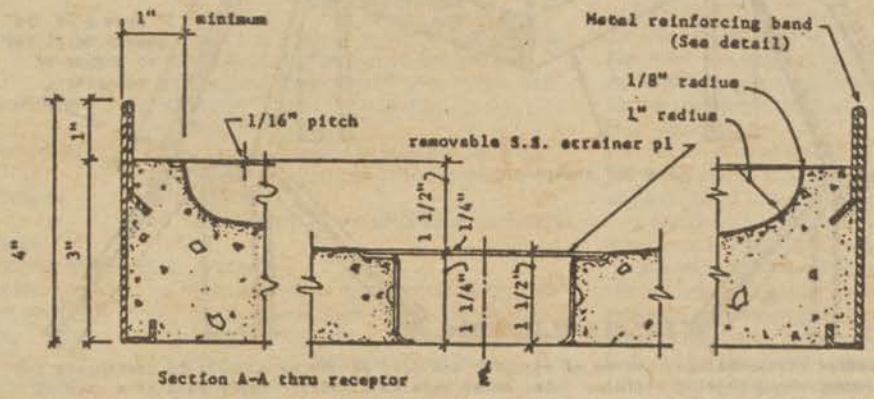
Note: When metal band is not used, minimum shoulder height shall be 6"; the height may be reduced to a minimum of 5" at the threshold.

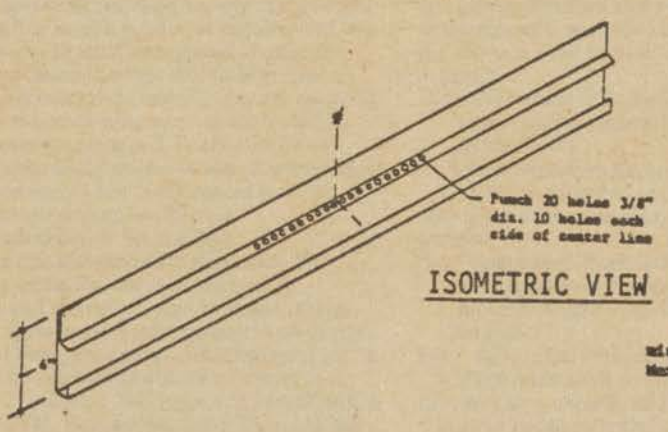


Plan of Receptor



Section A-A thru receptor

Fig. 1 PRECAST CONCRETE SHOWER RECEPTOR



ISOMETRIC VIEW

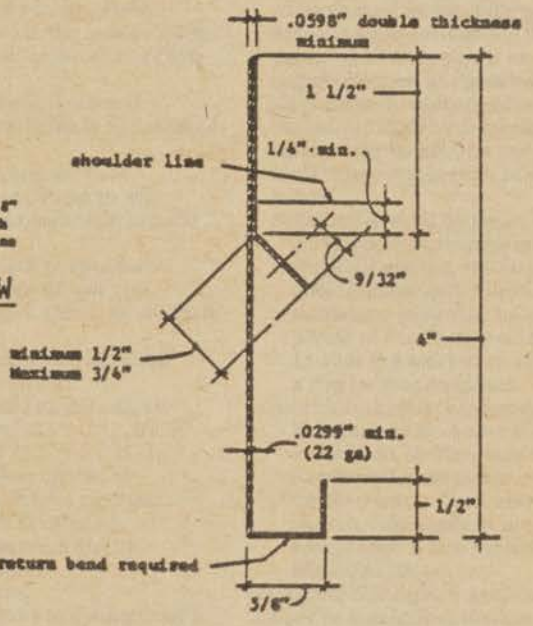
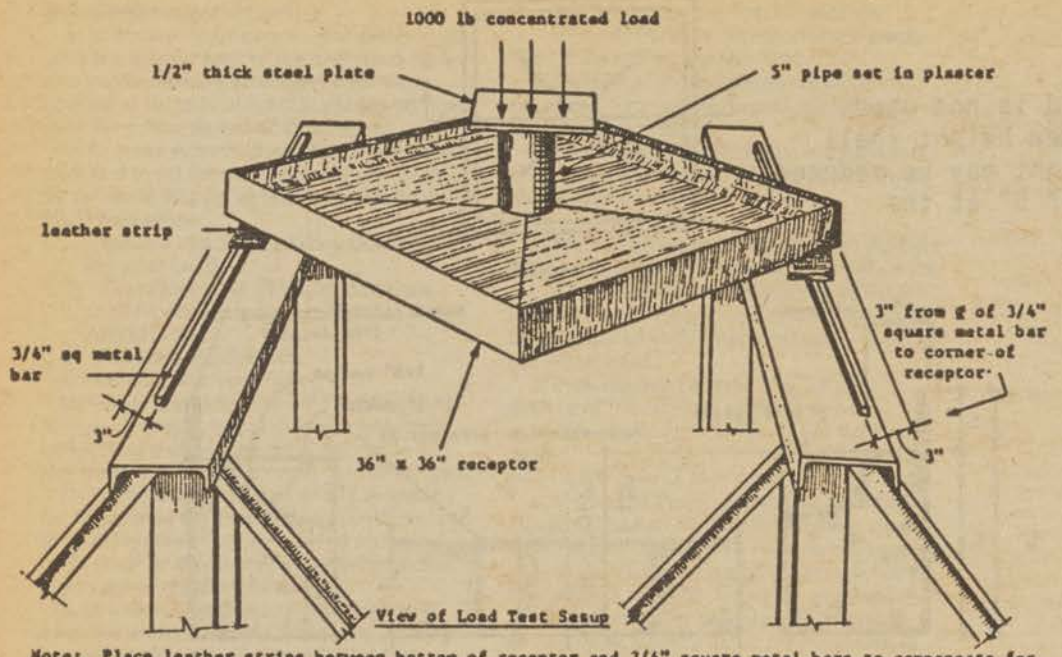


Fig. 2 DETAIL: METAL REINFORCING BAND



Note: Place leather strips between bottom of receptor and 3/4" square metal bars to compensate for any unevenness along bearing surface. Set metal bars in plaster. Apply load at a rate of approximately 100 pounds per minute.

Fig. 3

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615–5 *Plumbing.*

Test Procedure and Performance Criteria of Materials for Use as Shower Pans

A General.

All of the following requirements apply to materials from which shower pans are fabricated.

A–1 *Hydrostatic Pressure Test*—According to Section C.

A–2 *Alkali Resistance Test*—According to Section D.

A–3 *Micro-organism Resistance Test*—According to Section E.

A–4 *Strength and Toughness Tests*—According to Section F.

These tests include:

a. *Puncture Resistance Test* according to Section F, par. 1.

b. *Indentation Resistance Test* according to Section F, par. 2.

c. *Folding Resistance Test* according to section F, par. 3.

B Sampling and Rejection Procedures.

B–1 *Sampling.* The material from which test units are to be taken shall be selected at random from regular production stock. In each roll, or group of sheets thus selected, test units comprised of a required number of specimens shall be taken from a portion not including the first or last foot of the rolls; or in the case of flat sheets not including portions within 6 in. of edges or corners.

B–2 *Rejection procedures.* If two or more specimens required for any one test unit fail to meet a particular requirement, the material shall be rejected. If only one specimen in a test unit fails to meet a particular requirement, another complete test unit of specimens of the material from the same roll, or sheet shall be subjected to the same test. If one or more specimens fail in the repeat test, the material shall be rejected.

C Hydrostatic Pressure Test.

This test is intended to determine the ability of the shower pan material to withstand water pressure without leaking.

C–1 *Specimens.* Each test unit shall consist of three specimens of flat material 3 in. x 3 in. selected in accordance with B–1.

C–2 *Apparatus.* The apparatus, described in ASTM, Designation D583 known as the American Association of Textile Chemists and colorists specimen holder for hydrostatic pressure test, shall consist essentially of a pressure tube connected to a specimen holder. The inner diameter of the pressure tube shall be 2 in. and the outer diameter 3 in., with a means for introducing water from below the specimen. An extension tube shall be connected to permit a water head of 2 ft with a cutoff valve or other suitable device at the water inlet to the pressure tube for isolating the sample until the desired head is reached.

C–3 *Procedure.* Clamp the test specimen face down in the holder, which has been previously filled with water; the face being that surface which is intended to be installed toward the shower receptor. Take care to avoid trapped air between the specimen and the water. This is done by filling the holder with water and sliding the specimen onto the holder in direct contact with the water after having used a piece of transparent material for practice and for becoming familiar with the technique.

C–4 *Performance Criteria.* Record the time to the first sight of water penetration under a 2 ft head. Observations shall be made at ten-minute intervals for the first hour, and at hourly intervals for the succeeding seven hrs after which the specimen shall be left under hydrostatic pressure for forty hrs and again examined.

Evidence of wetness on top of the material, or the formation of a droplet, are both considered as visible water penetration and require rejection of the material.

D Alkali Resistance Test.

This test is intended to indicate the effect of hot alkali solutions on the shower pan materials.

D–1 *Specimens.* These shall be as in Section C–1.

D–2 *Procedure.*

a. Make a solution by dissolving 5.0 grams of reagent grade sodium hydroxide and 5.0 grams of reagent grade potassium hydroxide in one liter of distilled water in a beaker. The solution shall be maintained at a temperature of 150 F. (66 C) measured in the solution.

b. Each specimen shall be immersed in its own individual beaker of solution prepared as in D–2a. The term of immersion shall be for 72 hrs, and the solution shall be completely changed every 24 hrs. Before immersion of a specimen in the new solution, the solution shall be at a temperature of 150 F. (66 C).

D–3 *Performance Criteria.* Test each specimen for waterproofness as specified in Section C.

E Micro-Organism Resistance Test

This test is intended to determine the resistance of shower plan materials to mold growth.

E–1 *Specimens.* Each unit of specimens shall consist of twelve samples of material each 1½ in. x 1½ in. sq selected as in B–1.

E–2 *Apparatus, Medium and Test Fungi*

a. Apparatus shall consist of:

An autoclave, capable of maintaining an interior temperature of 122 ± 2 C (251 ± 3.6 F) at a pressure of 15.5 ± 0.5 lb per square in. gauge for the purpose of sterilizing glassware and the medium.

Erhlenmeyer flash, 100 CC capacity.

Glass beads, ¼ in. diameter, 5 pieces.

Glass pipettes, two required.

Wire loop, nichrome wire.

Petri dishes, 10 centimeters in diameter with covers capable of being sealed with cellophane tape. One petri dish is required for each of the twelve samples comprising a test unit.

An incubation chamber, capable of maintaining a temperature 29 ± 1 C (84.5 ± 1.8 F) and a relative humidity of at least 50 percent.

A sterile room, dust free, using sterilamps, antiseptic spray, or air filtration under pressure to maintain sterile conditions.

b. *Test fungi:*

Chaetomium globosum shall be Chaetomium globosum, ATCC 6205.

Aspergillus niger shall be Aspergillus niger ATCC 6275.

c. *Medium:*

A culture medium of the following composition:

NH_4NO_3	3.0 grams
KH_2PO_4	2.5 grams
$MgSO_4.7H_2O$	2.0 grams
K_2HPO_4	2.0 grams
Agar	20.0 grams

Distilled Water to Make 1,000 milliliters

The pH shall be adjusted to a range of 6.4 to 6.8 with HC1 or HaOH as required. This is the base medium for both fungi cultures. However, the medium to be used for the Aspergillus niger shall be especially enriched by the addition of 30 grams of brown sugar.

E–3 *Procedure:*

a. *Medium* as specified in E–2c shall be prepared and poured in the required number of Petri dishes to a depth of ⅜ in.

b. *Sterilize* in the autoclave all of the apparatus in E–2a, including the medium contained in the Petri dishes by retention in the autoclave at the temperature and pressure prescribed in E–2a for 60 minutes. After sterilization, remove to sterile room of E–2a taking care not to contaminate the sterilized equipment and medium. The sterile room shall be used for all preparation procedures.

c. *Cultures, stock and substocks, and inoculum:*

(1) *Chaetomium globosum* fungus stock cultures shall be carefully maintained on strips or squares of sterile porous filter paper, or blotting paper, on a sterilized culture medium as specified in E–2c and E–3b. If there is evidence of contamination, the culture shall be promptly renewed. The culture may be kept for not more than four months in a refrigerator at approximately 3 to 10 C.

Subcultures shall be prepared from a stock culture by transferring spores from the stock culture to a sterilized covered Petri dish containing sterilized medium. The subculture shall then be incubated for a period of 7 to 21 days at 29 ± 1 C (84.5 ± 1.8 F) in the incubation chamber until in a ripe fruiting condition.

Inoculum shall be prepared by transferring the spores with the sterilized wire loop to a sterilized Ehrlenmeyer flask containing 5 sterilized glass beads and 10 ml of distilled water. This mixture shall be shaken sufficiently to break up the spores after which the solution shall be diluted to 200 ml.

(2) *Aspergillus niger* fungus stock cultures shall be carefully maintained as specified in E–3c(1) on a medium as specified in E–2c for this growth.

Subcultures shall be prepared and incubated as in E–3c(1) using a medium as specified in E–2c.

Inoculum shall be prepared as specified in E–3c(1).

d. *Six specimens of each test* unit as defined in E–1, shall be inoculated with each of the two varieties of fungi. Three will be inoculated with the face side up; three with the back side up.

(1) *Preparation:* Each specimen shall be handled under aseptic conditions and shall

be sterilized by dipping in 70 percent ethanol for a few seconds followed by a thorough rinse in distilled water after which each is put in place firmly in the center of the solidified agar medium in its respective Petri dish. Six of the specimens shall be tested with one fungi and six with the other. Also of each subunit of six three shall have one surface in contact with the medium and three with the opposite surface as stated under E–3d.

(2) *Controls* shall be placed in each Petri dish along with the specimen. Each control shall be a strip of sterile blotting paper or filter paper placed on the agar separated from the specimen. The purpose of the control is to provide a medium for the fungi, thus proving that the fungi is active.

(3) *Innoculation* with a particular fungus shall be made by using a sterile pipette individual to the fungus. With the pipette approximately 1.5 ml of inoculum shall be distributed over the specimen, the control and the surrounding medium.

e. *Incubation* of the inoculated specimens shall be for a period of 28 days at a temperature of 29 ± 1 C (84.5 ± 1.8 F) and a relative humidity of 90 percent. An appropriate incubation condition is obtained by placing the covered and sealed Petri dishes in a room or chambers maintained at 85 F and 50 percent relative humidity.

E–4 *Performance Criteria.* Test dishes with controls that do not exhibit a substantial growth of fungi after 7 days of incubation shall be rejected and shall be started anew. A unit test, the controls of which indicate a substantial fungus growth, shall be examined after the required period of 28 days incubation. If after this period any one of the specimens show evidence of evenly distributed or intense localized fugus growth under 16 X magnification on either side of the sample (excluding growth overlapping the edges), the test sample shall be considered to have failed under the test of Section E. See B–2 for details on rejection procedure in event of failure to meet requirements.

Photographs of the specimen taken at the end of the 28 day incubation period are required as part of the test on fungus resistance. Each photograph shall be taken with a scale laid beside the specimen to indicate its size, and the light conditions shall be such that the photographs reveal the nature and height of the fungus growth on the surface of the material. The photographs should be enlarged so the specimen will be a 6 in. x 6 in. size in the enlargement.

F Strength and Toughness Tests.

F–1 *Puncture Resistance Test.* The intent of this test is to determine the resistance of the shower pan material to mechanical damage which might occur during the installation of the shower pan.

a. *Specimens.* Six 10 in. x 10 in. pieces of flat material shall make up each test unit.

b. *Apparatus.*

(1) The specimen holder shall consist of two 10 in. x 10 in. sq pieces of ¾ in. smooth surfaced plywood. One of these pices shall contain a symmetrically located 6 in. x 6 in. opening in the center. The specimen shall be sandwiched between these two specimen holders placing the holder with the opening on top. Four thumb screws located in the center of each side are used to securely clamp the specimen within the holder.

(2) *Impact dart:* A 200 gram steel dart complying with ANSI Z26.1, Safety Code for Safety Glazing Materials for Glazing Motor Vehicles Operating on Land Highways, ANSI Z26.1, shall be used.

C. *Procedure.*

(1) Three specimens shall be tested with one side up and three with the other side up.

(2) Place a single specimen between the holding frame halves and clamp securely by tightening the thumb screws. Suspend the impact dart vertically above the center of the specimen with a vertical distance of three ft between the nose of the dart and the surface of the specimen.

(3) Release the dart for one free fall on each specimen.

d. *Performance Criteria.*

(1) Visible rupture of two specimens of the unit shall require rejection of the material in accordance with B–2.

(2) A specimen which passes this test F–1.d(1) for rupture shall be further hydrostatically tested according to Section C with the point of impact in the center of the test apparatus.

F–2 *Indentation Resistance Test.* To determine the ability of the shower pan material to withstand nail-head indentation without impairing waterproofing.

a. *Specimens.* These shall be as specified in Section C–1.

b. *Apparatus.* The apparatus shall consist of an indenter acting under a total weight of 120 lb, a smooth steel plate as a specimen support, and a rigid form for supporting the indenter and the imposed weight. The indenting head shall be a 0.178 in. diameter steel bar with the pressing face buffed smooth, but not rounded. The rigid support shall hold the indenter vertically so that the indenting face shall contact the specimen in the plane of the contact surface of the specimen when the specimen is placed on the horizontal steel plate. The shaft of the indenter shall be capable of vertical motion along its axis without friction when the weight causing indentation is imposed thereon.

c. *Procedure.* The specimen shall be placed on the supporting plate of the apparatus with the bottom surface up, and then the indenter shall be lowered gently until the indenter face contacts the surface of the specimen. Within one or two seconds the total load of 120 lb shall be applied to the specimen and maintained for a period of sixty minutes.

d. *Performance Criteria.* Each specimen of the test unit shall be hydrostaticaly tested as in Section C with the water contacting each of the specimens on the side opposite the indentation and with the indentation centered in the hydrostatic test specimen holder.

F–3 *Folding Resistance Test.* To determine the ability of the shower pan material to withstand corner folding without impairing waterproofness.

a. *Specimens.* These shall be as specified in Section C–1.

b. *Apparatus.* These shall consist of a 10 lb weight having a smooth flat surface, a ¼ in. diameter mandrel, and a constant temperature chamber to be maintained at 24 ± 2 F.

c. *Procedure.* The specimen, weight, and mandrel shall be placed in the constant temperature chamber and all operations for the bend test shall be accomplished therein. After temperature conditioning the apparatus and the test unit of specimens for four hr at with in ± 2 F. of the temperature indicated in F–3.b, each specimen shall be bent over the mandrel through an angle of 180 F. The bend shall be made in the middle of each specimen and it shall be completed within one second. After this the specimen shall be removed from the mandrel without unfolding and placed on a smooth hard surface for support while the weight is placed on the fold for thirty seconds; the weight being placed so that its force is evenly distributed over the full length of the fold. Unfold each specimen and repeat the bending and weighting operation on each specimen with the second bend being at 90 F to the first and on the same side. Note that all bends shall be made with the surface of the material intended to be toward the shower on the inside of the bend.

d. *Performance Criteria.* After unfolding, each specimen of the test unit shall be hydrostatically tested as in Section C with each specimen placed so that the inside of the fold shall be in contact with the water and the intersection of the two folds are centered in the hydrostatic test specimen holder.

615–9 *Sewage Disposal Systems.*

A Percolation Tests.

A–1 *General.*

a. Subdivisions.

(1) At least one representative test should be made for each significant soil variation encountered or expected.

(2) Each test hole should be located by a key number on a topographic map of the tract.

(3) Soil borings should be made (one every 5 acres, or if subsoil conditions indicate, a greater number will be required) to show clearly the type of soil or soil material existing beneath the absorption area. Borings shall extend to a point at least 6 ft below the finish grade of proposed absorption trenches.

b. Individual Lots. In uniform soils one percolation test should be made for each absorption field site. If significant soil variations are encountered or expected, additional tests should be made for each variation.

A–2 *Test Procedure.* All percolation tests required should be performed in accordance with the following:

a. Dig or bore the holes with horizontal dimensions of from 4 to 12 in. and vertical sides to the depth of the bottom of the proposed absorption device. Holes can be bored with 4 in. diameter post-hole type auger.

b. Roughen or scratch the bottom and sides of the holes to provide a natural surface. Remove all loose materials from the hole. Place about 2 in. of coarse sand or fine gravel in the hole to prevent bottom scouring.

c. Fill the hold with clear water to a minimum depth of 12 in. over the gravel. By

refilling, or by supplying a surplus reservoir of water (automatic siphon), keep water in hole for at least four hr, and preferably overnight. In granular soils, i.e., GW, GP, SW, or SP classified according to the "Unified Soils Classification System," the test can be made after the water from one filling has seeped away.

d. Percolation rate measurements should be made on the day following the saturation process, except in sandy soils.

e. If water remains in the test hole after overnight saturation, adjust the depth to 6 in. over the gravel. From a fixed reference point, measure the drop in water level at approximately 30 minute intervals over a 4 hr period. The drop which occurs during the final 30 minute period is used to calculate the percolation rate. The above 4 hr period may be omitted if the soil has been saturated at least 12 hrs. In which case, the drop which occurs during the 30 minute period following soil saturation is used to calculate the percolation rate.

Note—If a soil or site is determined to be poorly drained with an accompanying high water table, it is unsuitable regardless of percolation test data.

f. If no water remains in the hole after overnight saturation, add clear water to a depth of about 6 in. over the gravel. From a fixed reference point, measure the height of the water surface at approximately 30 minute intervals over a 4 hr period, refilling the hole to a depth of 6 in. when the percolation rate indicates the hole will run dry before the next reading is made. The drop which occurs during the final 30 minute period is used to calculate the percolation rate.

Note—If a hole must be refilled to obtain a final 30 minute reading, determine from the previous reading the water level drop during that interval. Add water until the level above the bottom equals this figure plus one-half in. Continue the test, measuring the drop during the final 30 minute period.

g. In sandy soils, or other soils in which the first six in. of water seeps away in less than 30 minutes, after the overnight saturation period, the time interval between measurements can be taken as 10 minutes and the test run over a period of one hr. The drop which occurs in the final 10 minute period is used to calculate the percolation rate.

Appendix E—Accepted Engineering Practice Standards

Design and construction completed in accordance with the applicable standards in this Appendix shall be considered to satisfy the requirements of the MPS, unless stated otherwise.

601 *General Structural Requirements.*

601–1 Subsurface Soil Exploration.
- Engineering Soil Classification for Residential Developments—HUD Handbook 4075.8.
- Special Procedures for Testing Soil and Rock for Engineering Purposes—ASTM–STP 479.
- Soil Sampling and Testing for Residential Development—HUD Handbook 4075.5.
- Foundations for Residential Structures in Seismic Areas—BRAB Report—National Academy of Sciences, National Research Council—1969.

601–2 Structural Design (Seismic).
- Seismic Design for Building—Department of the Army Technical Manual TM 5–809–10.
- Building Code Requirement for Minimum Design Loads in Buildings and other Structures—ANSI A58.1—For Seismic Zone 3 the provisions of Recommended Lateral Force Requirements and Commentary (1973) of the Structural Engineers Association of California shall apply.

601–16 Foundations.
- Pressure Treated Timber Piles for Permanent Structures—AWPI.
- Pile Foundations Know-How—AWPI.
- Soil Bearing Capacity—Load Testing ASTM D 1194.
- Load Settlement Relationship for Individual Vertical Piles Under Static Axial Load—ASTM D 1143.
- Criteria for Selection and Design of Residential Slabe-on-Ground—BRAB—National Academy of Sciences No. 1571, 1968.
- Method of Laboratory Determination of Moisture Content of Soil—ASTM D 2216.
- ASTM—Special Procedures for Testing Soil and Rock for Engineering Purposes—ASTM STP 479.
- All Weather Wood Foundations System—NFPA Technical Report No. 7,
- Soil Sampling and Testing for Residential Development—HUD Handbook 4075.5.

601–17 Foundations in Seismic Regions.
- Foundations for Residential Structures in Seismic Areas—BRAB Report—National Academy of Sciences—National Resarch Council—1969.
- Seismic Design for Buildings—Department of the Army Technical Manual TM 5–809–10.

602 *Site.*
- Asphalt Pavement Structures for Streets and Highways—Asphalt Institute.
- Installing Vitrified Clay Sewer Pipe—ASTM C12.
- Slope Protection for Residential Developments—HUD Handbook 4075.7.
- Criteria for Compacted Fills—HUD Handbook 4075.6.
- Test for Moisture—Density Relation of Soil–ASTM D 1557.
- Installing Bituminized Fiber Drain & Sewer Pipe—ASTM D 2316.

603 *Concrete.*
- Recommended Practice for Selecting Proportions for Concrete.....ACI 211.1
- Recommended Practice for Selecting Proportions for Structural Lightweight Concrete.....ACI 211.2
- Guide for Structural Lighweight Concrete.....ACI 213
- Recommended Practice for Evaluation of Compression Test Results of Field Concrete.....ACI 214
- Specifications for Structural Concrete for Buildings.....ACI 301
- Recommended Practice for Concrete Floor and Slab Construction.....ACI–302
- Guide to Joint Sealants for Concrete Structures.....ACI 304
- Recommended Practice for Concrete Inspection.....ACI 311
- Manual of Standard Practice for Detailing Reinforced Concrete Structures.....ACI 315
- Building Code Requirements for Reinforced Concrete.....ACI 318
- Structural Plain Concrete.....ACI 322
- Recommended Practice for Concrete Formwork.....ACI 347
- Recommended Practice for Shotcreting.....ACI 506
- Recommended Practice for the Application of Paint to Concrete Surfaces.....ACI 515
- Fabrication, Handling and Erection of Precast Concrete Wall Panels.....ACI 533–19
- Quality Standards and Tests for Precast Concrete Wall Panels...ACI 533–51
- Selection and Use of Materials for Precast Concrete Wall Panels...ACI 533–11
- Recommended Practice for Hot Weather Concreting.....ACI 605
- Recommended Practice for Cold Weather Concreting.....ACI 606
- Recommended Practice for Measuring, Mixing and Placing Concrete.....ACI 614
- Manual for Quality Control for Plants and Production of Precast Prestressed Concrete Products...PCI MNL–116
- Manual of Quality Control for Plants and Production of Architectural Precast Concrete Products.....PCI MNL–117
- Control of Quality of Ready-Mixed Concrete.....NRMCA Bulletin No. 44
- Code for Welding in Building Construction.....AWS D1.0
- Recommended Practices for Welding Reinforcing Steel, Metal Inserts and Connection in Reinforced Concrete Construction.....AWS D12.1
- Testing Gypsum and Gypsum Products.....UBC 24–26
- Veneer Application, Recommended Standards of ICBO.....UBC 30–1

604 *Masonry.*
- Brick Masonry—Building Code Requirements for Engineered Brick Masonry—SCPI—1969.
- Load Bearing Concrete Masonry—Specifications for the Design and Construction of Load Bearing Concrete Masonry—NCMA—1970.
- Building Code Requirements for Masonry—ANSI A41.1—1953.
- Building Code Requirements for Reinforced Masonry—ANSI A42.2—1960.
- Concrete Masonry Structures—Design and Construction—ACI Committee 531—Report Title No. 67—23a, ACT Journal—May, June 1970.
- Recommended Practices for Cold Weather Masonry Construction—Available from BIA.

605 *Metals.*
- Specification for the Design, Fabrication and Erection of structural Steel For Building—AISC.
- Specification for the Design of Cold-Formed Steel Structural Members—AISI.

Specification for the Design of Light Gage Cold-Formed Stainless Steel Structural Members—AISI.
Standard Specifications for Open Web Steel Joists, J and H Series, Steel Joist Institute—AISC.
Standard Specifications for Long Span Steel Joists, LJ and LH Series, Steel Joist Institute—AISC.
Standard Specifications for Deep, Long Span Steel Joists, DLJ and DLH Series, Steel Joist Institute—AISC.
Manual of Cold-Formed Welded Structural Steel Tubing—Welded Steel Tube Institute.
Design Manual for Structural Steel Tubing—AISI.
Aluminum Formed Sheet Building Sheathing Design Guide—AA.
Specifications for Aluminum Structures—AA Aluminum Standards and Data—AA.
Welding Aluminum—AA.
Metal Curtain Walls, NAAMM Specifications Manual.
D1.1, Structural Welding Code—AWS.
D12.1, Reinforcing Steel Welding Code—AWS.

606 *Carpentry.*
Span Tables for Joists and Rafters and National Design Specifications for Wood Construction—NFPA.
Maximum Span for Joists and Rafters—Southern Forest Products Association Technical Bulletin #2 and Canadian Dimension Lumber—Canadian Wood Council.
Design Criteria for Trussed Rafters—HUD Handbook 4950.2.
Timber Construction Manual—AITC.
Plywood Design Specification—APA Y510.
Design Specifications for Plywood-Lumber Components—APA V815.
Fabrication Specifications, Plywood-Lumber Components—APA V820.
Plywood Diaphragm Construction—APA U310.
Plywood Residential Construction Guide—APA Y405.
Plywood Commercial/Industrial Construction Guide—APA Y300.
Glued Floor System—APA U405.
Adhesives for Field-Gluing Plywood to Wood Framing—APA Specification AFG-01.
Home and Garden Bulletin No. 73; Wood Decay in Houses—How to Prevent and Control It—USDA.
Wood Handbook—USDA.

607 *Thermal and Moisture Protection.*
Recommended Reference Guide—NAHB Insulation Manual for Homes and Apartments.

609 *Finish Materials.*
Specification Manual—National Oak Flooring Manufacturers' Association.
Wood Floors for Dwellings—USDA Handbook No. 204.
Recommended Installation Specification for Vinyl Asbestos Tile Flooring—Resilient Floor Covering Institute.
NRCA Manual of Roofing Practice.

610 *Specialties.*
Standard for Chimneys, Fireplaces and Venting Systems.....NFPA 211

611 *Equipment.*
611-1 Kitchen Cabinets.
Recommended Minimum Construction and Performance Standards for Kitchen and Vanity Cabinets...ANSI A161.1
Certified Construction Standards and Specifications.....SCACM
611-2 Kitchen Equipment.
ANSI Z223.1—National Fuel Gas Code—NFPA UL—Electrical Appliance and Utilization Equipment List.

615 *Mechanical.*
615-2 Mechanical Ventilating.
Ventilation.....HVI AMCA 261
Fan Noise Rating.....HVI Noise Test
Combustion Air Intake...NFPA No. 31, 54 NFPA No. 50
Electical Work..... NFPA No. 70, NEC
Test Procedures—Air Flow and Sound Test Procedures of HVI Standards for Natural and Mechanical Ventilation..... ASHRAE 62-73
615-3 Heating.
Design Practices:
ASHRAE Guide and Data Books
ASHRAE Handbook of Fundamentals
ASHRAE Cooling and Heating Load Calculation Manual
NESCA Manual J
IBR-H21
SM
NEMA
Installation:
Standard for the Installation of Oil Burning Equipment—NFPA No. 31
Standard for the Installation of Gas Appliances and Gas Piping—NFPA No. 54
Standard for the Installation of Warm Air Heating and Air Conditioning Systems—NFPA No. 90B
Standard for Chimneys, Fireplaces, and Venting Systems—NFPA No. 211
National Electrical Code—NFPA No. 70
Also applicable standards by:
American Insurance Association ASME ANSI/UL, AGA, NECA
Furnaces:
Oil.....ANSI/UL727 & 730
Gas.....AGA listed
Electric..... ANSI/UL573, NFPA 70
Boilers (Steam & Hot Water):
Oil.....MCA, SBI, IBR, UL726 & 296
Gas.....MCA, SBI, AGA, IBR
Electric.....SBI, ANSI/UL174
Radiation:
Baseboard.....IBR rated
Ranned Tube.....IBR rated
Electric.....ANSI/UL, NEMA
Fuel Tanks.....ANSI/UL58
Boiler Ratings:
Net ratings of boilers shall conform to their listing in:
IBR Ratings for (Cast Iron) Boilers—Hydronics Institute.
Net Load Recommendations for Heating Boiler—Mechanical Contractors Association of America.
Directory of Approved Appliances and Listed Accessories—American Gas Association.
Boiler Ratings—Steel Boiler Institute.
Boiler Construction:
Code for Low Pressure Heating Boilers—ASME
Warm Air Furnaces:
One and Two Family Dwelling Code (Under Nationally Recognized Model Codes) Chapters 11, 12, 13, 15 and 16
Hot Water & Steam Systems:
ASHRAE Handbook
IBR Installation Guides
Ducts:
One and Two Family Dwelling Code (Under Nationally Recognized Model Codes) Chapter 16
Self Contained Heating Units:
One and Two Family Dwelling Code (Under Nationally Recognized Model Codes) Chapter 14, Vented Decorative Appliances, Floor Furnaces, Vented Wall Furnaces and Vented Room Heaters
Gas Vents:
One and Two Family Dwelling Code (Under Nationally Recognized Model Codes) Chapter 15, Venting of Appliances
Heat Output of Radiator, Baseboard and Convector Systems:
IBR Test
Product Standard (PS)
Commercial Standard (CS)
615-4 Mechanical Cooling.
Summer Air Conditioning—Central Design:
ASHRAE Handbook
ASHRAE Cooling and Heating Load Calculation Manual
ARI Standard 230, ANSI/UL465
ACCA Manual J
NFPA Standard 90B
IBR C 30
SMACNA Installation Standard and Guides
NEMA
Summer Air Condtioning—Room Units:
ANSI/UL 484
ANSI Z234.1
Refrigeration System:
ANSI B9.1
ANSI Z21.40.1 Gas Fired Units
ANSI Z21.40.1a Gas Fired Units—Addenda
Gas Piping and Systems:
NFPA No. 54
NFPA No. 58
Oil Systems:
NFPA No. 31
Safety:
ANSI B15.1
Electrical:
NEC
ANSI/UL—No. 465
Heat Pump:
ARI 240
ANSI/UL 559
615-5 Plumbing.
Joints and Connections:
ASTM C 564; CISPI-HSN; CISPI 301; CISPI 310; CISPI Cast Iron
Soil Pipe and Fittings Engineering Manual; CISPI Cast Iron
Soil Pipe and Fittings Handbook
Pipe Protection:
AWWA—C—204
Water Conditioner:
WQA S-100
Plumbing, Drainage and Venting Systems
Chapter 22—One and Two Family Dwelling Code (BOCA, NBC, SSBC and UBC)
615-6 Domestic Water Heating Systems and Storage.
Electric Hot Water Heater Standards:
EEI, FS, ANSI/UL174

Gas Hot Water Heaters:
AGA—listed
Oil Hot Water Heaters:
ANSI/UL732
Water Heater Controls:
ANSI Z21.22
Pressure Relief Valves—Water Heaters:
NBBPVI, AGA
Hot Water Tank Construction:
ANSI Z21.10
Service Water Heating:
ASHRAE Handbook
615–7 Special Piping Systems.
NFPA Standards 54 and 58
615–8 Water Supply.
Drinking Water Standards:
U.S. Public Health Service Drinking Water Standards
U.S. Environmental Protection Agency, National Interim Primary Drinking Water Regulations, effective June 24, 1977, **Federal Register**, December 24, 1975 and July 9, 1976
Individual Water Systems:
Manual of Individual Water Supply Systems—U.S. Environmental Protection Agency
615–9 Sewage Disposal System.
HUD Handbook 4075.8
HUD Handbook 4940.3
Installing Vitrified Clay Pipe Sewers.....ASTM C 12
Underground Installation of Flexible Thermoplastic Sewer Pipe....ASTM D 2321
Percolation Test Procedure:
See Appendix D
616 *Electrical.*
616 Materials and Installation.
NEC, UL

APPENDIX F—Use of Materials Bulletins

Appendix F is a partial list of Use of Materials Bulletins describing products and methods which are not included in the standard but which have been found to be technically suitable for use in HUD programs.

505 *Metals.*
Application and Fastening Schedule Power, Mechanically and Manually Driven Fasteners.....No. UM–25
506 *Carpentry.*
Mat-Formed Wood Particleboard for Floor Underlayment.....No. UM–28
Grade Marking of Lumber.....No. UM–38
Grade Marking of Plywood.....No. UM–40
Labels of Independent Programs for Certifying Pressure Treated Lumber and Plywood.....No. UM–48
Supplement 1.....No. UM–48
Supplement 2.....No. UM–48
Supplement 3.....No. UM–48
Supplement 4.....No. UM–48
Supplement 5.....No. UM–48
Combination Subfloor/Underlayment Particleboard for Factory Built Modular Housing Units.....No. UM–57
Plywood Combination Subfloor/Underlayment Floor Panel.....No. UM–66
Particleboard Interior Stair Treads.....No. UM–70
Field Glued Plywood & Wood Frame Structural Floor Systems...No. UM–60
Supplement 1.....No. UM–60
Supplement 2.....No. UM–60
507 *Thermal and Moisture Protection.*
Polystyrene Foam Insulation Sheathing Board.....No. UM–71
Thermal Insulation, Urea-Based, Foamed in Place.....No. UM–74
Spray Applied Cellulosic Thermal Insulation.....No. UM–80
508 *Doors, Wisdows, Glazing Panels.*
Labels of Independent Programs for Certifying Aluminum Windows and Sliding Glass Doors.....No. UM–39
Quality Certification and Labeling for Wood Flush Doors.....No. UM–52
Acrylic Plastic Sheets for Glazing.....No. UM–58
Labels Identifying Independent Certification of Wood Windows...No. UM–59
Polycarbonate Plastic Sheets for Glazing.....No. UM–67
509 Finish Materials.
Concrete Roofing Tile.....No. UM–17
Minimum Standands for Carpeting and Cushioning.....No. UM–44
Bonded Urethane Carpet Cushion.....No. UM–47
Textured Plywood Panel Siding...No. UM–64
Factory-Applied Laminated Roofing Systems Based on Chlorosulfonated Plyethylene (CSPE).....No. UM–62
Controlled Density Cellular Concrete Floor Fill.....No. UM–65
Self-Adhering Vinyl Asbestos Floor Tile.....No. UM–69
515 Mechanical.
Plastic Bathtubs, Plastic Shower Stalls and Receptors and Plastic Lavatories.....No. UM–73
Chlorinated Poly (Vinyl Chloride) CPVC and Polybutylene (PB) Hot and Cold Water Distribution Piping.....No. UM–76
Cast Iron Sanitary Drainage System with Hubless Pipe and Fittings.....No. UM–77
Polyethylene (PE), Acrylonitrile-Butadiene-Styrene (ABS), Poly (Vinyl Chloride) (PVC) and Polybutylene (PB) Plastic Piping for Domestic Cold Water Service...No. UM–78
Acrylonitrile-Butadiene-Styrene (ABS) and Poly (Vinyl Chloride) (PVC) Plastic Drain, Waste and Vent Pipe and Fittings.....No. UM–79

APPENDIX G

SI Conversion Units

In view of the present accepted practice in this country for building technology, common U.S. units of measurement have been used throughout this publication. In recognition of the Metric Conversion Act of 1975, P.L. 94–168, appropriate conversion factors have been provided in the table below. The reader interested in making further use of the coherent system of SI units is referred to:

NBS SP330, "The International System of Units"
ASTM E380, Metric Practice Guide (ANSI Z210.1)

Table of Conversion Factors to Metric (SI) Units

Physical Quality	To convert from	to	multiply by
Length	inch	meter	$2.54^{*} \times 10^{-2}$
	foot	m	$3.048^{*} \times 10^{-1}$
Area	$inch^2$	m^2	$6.4516^{*} \times 10^{-4}$
	$foot^2$	m^2	$.290 \times 10^{-2}$
Volume	$inch^3$	m^3	1.639×10^{-5}
	$foot^3$	m^3	2.832×10^{-2}
Temperature	Fahrenheit	Celsius	$t_c = (^tF-32)/1.8$
Temperature difference	Fahrenheit	Kelvin	$K = (\ ^tF)/1.8$
Pressure	inch Hg (60F)	$newton/m^2$	3.377×10^3
Mass	lbm	kg	4.536×10^{-1}
Mass/unit area	lbm/ft^2	kg/m^2	4.882
Moisture content rate	lbm/ft^2 week	kg/m^2s	8.073×10^{-6}
Density	lbm/ft^3	kg/m^3	1.602×10^1
Thermal conductivity	(Btu x in.)/(hr x ft^2 x F)	$\frac{W}{mK}$	1.422×10^{-1}
U-value	Btu/hr x ft^2 x F	$\frac{W}{m^2K}$	5.678
Thermal resistance	(hr x ft^2 x F)/Btu	m^2 x K/W	1.761×10^{-1}

*Exact value; others are rounded to fourth place.

Appendix H—Minimum Property Standards Reference Sources

This Appendix gives the addresses from which the standards referenced in the Minimum Property Standards can be obtained.

Abbreviation and Address

AA Aluminum Association, The, 818 Connecticut Ave., N.W., Washington, DC 20006;

AAMA Architectural Aluminum Manufacturers Association, 35 East Wacker Dr., Chicago, Illinois 60601;

ACCA Air Conditioning Contractors of America, 1228 17 St., N.W., Washington, DC 20036;

ACI American Concrete Institute, P.O. Box 19150, Redford Sta., Detroit, Michigan 48219;

AGA American Gas Association, 1515 Wilson Blvd., Arlington, Virginia 22209;

AHA American Hardboard Association, 205 West Touhy Ave., Park Ridge, Illinois 60068;

AHLI American Home Lighting Institute, 230 North Michigan Ave., Chicago, Illinois 60601;

AISC American Institute of Steel Construction, Inc., 1221 Avenue of the Americas, New York, New York 10020;

AISI American Iron and Steel Institute, 1000 16th St., N.W., Washington, DC 20036;

AITC American Institute of Timber Construction, 333 W. Hampden Ave., Englewood, Colorado 80110;

ALSC American Lumber Standards Committee, Suite 204, 20010 Century Blvd., Germantown, Maryland 20767;

ANSI American National Standards Institute, Inc., 1430 Broadway, New York, New York 10018;

APA American Plywood Association, 1119 A St., Tacoma, Washington 98401;

ARI Air-Conditioning and Refrigeration Institute, 1815 North Fort Myer Drive, Arlington, Virginia 22209;

ARMA Asphalt Roofing Manufacturers Association, Suite 555B, 230 Park Ave., New York, New York 10017;

ASHRAE American Society of Heating, Refrigerating and Air Conditioning Engineers, Inc., 345 East 47th St., New York, New York 10017;

ASME American Society of Mechanical Engineers, Inc., 345 East 47th St., New York, New York 10017;

ASTM American Society for Testing and Materials, 1916 Race St., Philadelphia, Pennsylvania 19103;

AWPA American Wood-Preservers' Association, Suite 4444, 7735 Old Georgetown Rd., Bethesda, Maryland 20014;

AWPB American Wood Preservers Bureau, Box 6085, 2772 S. Randolph St., Arlington, Virginia 22206;

AWPI American Wood Preservers Institute, 1651 Old Meadow Rd., McLean, Virginia 22101;

AWS American Welding Society, Inc., 2501 N.W. 7th St., Miami, Florida 33125;

AWWA American Water Works Association, 6666 W. Quincy Ave., Denver, Colorado 80235;

BIA Brick Institute of America, 1750 Old Meadow Rd., McLean, Virginia 22101;

BOCA Building Officials and Code Administrators, International, Inc., 1313 East 60th St., Chicago, Illinois 60637;

BRAB Building Research Advisory Board, National Academy of Sciences, 2101 Constitution Ave., N.W., Washington, DC 20006;

CFR Code of Federal Regulations, Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402;

CISPI Cast Iron Soil Pipe Institute, 2020 K St., N.W., Washington, DC 20006;

CHA Cellulose Manufacturers Association, 5908 Columbia Pike, Baileys Crossroads, Virginia 22041;

CPSC Consumer Product Safety Commission, 1111 18th St., N.W., Washington, DC 20207;

CRI The Carpet and Rug Institute, 310 Holiday Ave., Box 2048, Dalton, Georgia 30720;

CS National Bureau of Standards, Technology Building B166, VPS Program, Washington, DC 20234;

CTI Ceramic Tile Institute, 700 North Virgil Ave., Los Angeles, California 90029;

CWC Canadian Wood Council, 701 Place Laurier, 170 Laurier Ave., West Ottawa, Ontario KIP 5V5;

EPA Environmental Protection Agency, 401 M St., S.W., Washington, DC 20460;

FHDA Fir and Hemlock Door Association, Yeon Building, Portland, Oregon 97204;

FS GSA Specification Section, Building 197, Washington Navy Yard, Washington, DC 20407;

HPMA Hardwood Plywood Manufacturers Association, 1825 Michael Faraday Drive, Reston, Virginia 22090;

HVI Home Ventilating Institute, 230 N. Michigan Ave., Chicago, Illinois 60601;

HYDI The Hydronics Institute, 35 Russo Place, Berkeley Heights, New Jersey 07922;

IBR See HYDI;

ICBO International Conference of Building Officials, 5360 S. Workman Mill Road, Whittier, California 90601;

IES Illuminating Engineering Society, 345 East 47th St., New York, New York 10017;

MCA Mechanical Contractors Association of America, Inc., 5530 Wisconsin Ave., N.W., Suite 750, Washington, DC 20015;

NAAMM National Association of Architectural Metal Manufacturers, 1031 South Boulevard, Oak Park, Illinois 60302;

NAHB National Association of Home Builders of the U.S., 15th & M Sts., N.W., Washington, DC 20005;

NAHB–RF National Association of Home Builders, Research Foundation, 627 Southlawn Lane, Rockville, Maryland 20850;

NBBPVI National Board of Boiler and Pressure Vessel Inspectors, 1055 Crupper Ave., Columbus, Ohio 43229;

NCMA National Concrete Masonry Association, 6845 Elm St., McLean, Virginia 22101;

NEC See National Fire Protection Association;

NEMA National Electrical Manufacturers Association, 2101 L St., N.W., Washington, DC 20037;

NESCA See ACCA;

NFPA National Fire Protection Association, 470 Atlantic Ave., Boston, Massachusetts 02210;

NFPA National Forest Products Association, 1619 Massachusetts Ave., N.W., Washington, DC 20036;

NOFMA National Oak Flooring Manufacturers Association, 804 Sterick Building, Memphis, Tennessee 38103;
NPA National Particleboard Association, 2305 Perkins Place, Silver Spring, Maryland 20910;
NRCA National Roofing Contractors Association, 1515 North Harlem Avenue, Oak Park, Illinois 60302;
NRMCA National Ready Mixed Concrete Association, 900 Spring St., Silver Spring, Maryland 20910;
NTMA National Terrazzo and Mosaic Association, Inc., 2–A West Loudoun St., Leesburg, Virginia 22075;
NWMA National Woodwork Manufacturers Association, Inc., 400 West Madison St., Chicago, Illinois 60606;
One- and Two-Family Dwelling Code, Congress of American Building Officials, 560 Georgetown Building, 2233 Wisconsin Ave., N.W., Washington, DC 20007;
PS See CS;
SBI See HYDI;
SCACM Southern California Association of Cabinet Manufacturers, 1933 S. Broadway, L.39, Los Angeles, California 90007;
SCPI See BIA;
SGCC Safety Glazing Certification Council, 1640 West 32nd Ave., Hialeah, Florida 33012;
SJI Steel Joist Institute, Suite 204, 1703 Parham Rd., Richmond, Virginia 23229;
SMACNA Sheet Metal and Air Conditioning Contractors, National Association, Inc., 8224 Old Courthouse Rd., Vienna, Virginia 22180;
SPMA Sump Pump Manufacturers Association, 221 North LaSalle St., Chicago, Illinois 60601;
SBCC Southern Building Code Congress International, Inc., 900 Montclair Rd., Birmingham, Alabama 25213;
TCA Tile Council of America, Inc., Box 326, Princeton, New Jersey 08540;
TECO Timber Engineering Company, 5530 Wisconsin Ave., N.W., Washington, DC 20015;
TM Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402;
UBC Uniform Building Code by ICBO, 5360 South Workman Mill Rd., Whittier, California 90601;
UL Underwriters Laboratories, 333 Pfingsten Road, Northbrook, Illinois 60062;
USDA U.S. Department of Agriculture, 1200 to 1400 Independence Ave., Washington, DC 20024;
WM Wood Moulding and Millwork Producers, Inc., P.O. Box 2578, Portland, Oregon 97225;
WQA Water Quality Association, 477 East Butterfield Rd., Lombard, Illinois 60148;
WSTI Welded Steel Tube Institute, 522 Westgate Tower, Cleveland, Ohio 44116.

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Thursday
September 18, 1980

Part IV

Consumer Product Safety Commission

Chain Saws and Their Components and Replacement Parts; Development of a Consumer Product Safety Standard

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Ch. II

Chain Saws and Their Components and Replacement Parts; Development of a Consumer Product Safety Standard by the Commission

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of Commission intent to develop a proposed consumer product safety standard.

SUMMARY: The Commission announces that it intends to develop a proposed consumer product safety standard for chain saws and their components and replacement parts that would reduce the risk of injury to consumers caused by kickback occurring when the moving chain at the tip of the blade contacts an object or when the moving chain is pinched in the cut. The Commission has determined that it is more expeditious for the Commission to develop this standard itself than for interested parties outside the Commission to develop the standard. The Commission seeks public comment on its determination to develop the standard itself. The Commission also asks persons interested in participating in the standard development proceeding to notify the Commission of this interest.

DATES: Interested persons may submit written comments concerning the Commission's decision to develop a safety standard itself rather than to seek offers to develop a standard until October 20, 1980. Comments received after that date will be considered to the extent practicable. Persons wishing to indicate their interest in participating in the development of the standard may submit their names and other information described in Section C below at any time.

ADDRESSES: Comments should be submitted to the Secretary, Consumer Product Safety Commission, 3rd Floor, 1111 18th Street, N.W., Washington, D.C. 20207. Persons interested in participating in the development of the standard should direct their letters to the Office of Public Participation, Office of the Secretary, at the same address.

FOR FURTHER INFORMATION CONTACT: Carl Blechschmidt, Office of Program Management, Consumer Product Safety Commission, Washington, D.C. 20207, phone (301) 492–6557.

SUPPLEMENTARY INFORMATION:

A. Background

In recent years, the use of wood-burning stoves and fireplaces in this country has increased, and the wood needed to fuel them is increasingly cut by consumers themselves using chain saws. It is estimated that 3.5 million chain saws were shipped in 1979, compared to 2.3 million in 1970. Unfortunately, the increase in the use of chain saws has been accompanied by an increase in injuries associated with chain saws. The Commission estimates that there were over 100,000 chain saw injuries requiring medical attention in 1979, which is up from an estimated 76,800 injuries in 1976. It is further estimated that about 23% of the injuries associated with chain saws resulted from a phenomenon known as "kickback."

Kickback is the sudden and potentially violent rearward and/or upward movement of the chain saw that can be caused by sudden interference with the movement of the chain. This interference can be caused by the chain binding in the cut, by the chain hitting an unusually hard portion, or other obstruction, in the wood being cut, or by the chain striking the wood or another object on the top quadrant of the tip of the bar. This interference with the movement of the chain transfers the energy that is driving the chain into a movement of the entire saw, causing the bar tip to move back and/or up so fast that the operator may be struck by the moving chain, frequently in the face, neck, or throat area. The great majority of kickback accidents are believed to be caused by contact in the upper quadrant at the tip of the bar.

A number of devices have been developed in attempts to reduce the risk of kickback occurring or to reduce the likelihood of injury if it occurs. One way to help prevent kickback is to provide a guard to cover the chain at the upper quadrant of the tip of the blade, thereby preventing contact with the chain in this area. Another device is to provide a chain brake intended to stop the chain before contact with the operator can occur. The chain brake is generally operated by contact of the operator's hand with a hand guard as the saw moves back, although some types of chain brakes are actuated automatically by an inertial sensing device. A hand guard alone can also provide significant protection against kickback and other injuries.

There are also features that can be provided in the design of the saw chain or guide bar that will reduce the energy produced when kickback occurs.

By a letter dated March 21, 1977, John Purtle, Esq., of Batesville, Arkansas, petitioned the Commission (Petition CP 77–10) to begin proceedings under section 7 of the Consumer Product Safety Act (CPSA) to develop a mandatory consumer product safety standard to "minimize and prevent chain saw kickback." Mr. Purtle suggested that every chain saw incorporate a safety device such as "* * * a chain saw brake, a nose-tip guard, a kill switch or other safety device."

While the Commission's staff was evaluating this petition, the Chain Saw Manufacturers Association recommended that the petition be denied on the ground that a mandatory standard was not needed because the industry was taking significant voluntary steps to address the chain saw kickback hazard. CSMA estimated that 50–60% of the saws being sold at that time already contained some type of kickback protection. The industry expected the American National Standards Institute (ANSI) to approve an interim design standard by February, 1978. The interim voluntary standard (ANSI B 175.1, published in April, 1980), would require gasoline chain saws to incorporate such protection as a nose-tip guard, a chain brake, a low kick chain, or a low kick guide bar. The technology to define kickback in terms of a performance standard was said not to exist, but CSMA estimated that a test method could be developed and performance requirements drafted in approximately 2½ years.

In December, 1977, CSMA proposed a joint 18 month effort with the Commission to develop a voluntary performance standard. The Commission directed the staff to study the proposal to determine whether it provided an acceptable effort as the most expeditious and cost effective strategy for reducing chain saw kickback injuries.

Subsequently, the Commission denied the petition (43 FR 26103, June 16, 1978) and, later the same month, formally agreed to participate with CSMA in a joint effort to develop a voluntary performance standard to reduce chain saw kickback injuries. The joint process involved the active participation of consumer, industry, and government representatives in the development of testing equipment and procedures, study of operator interaction with the saw, and analysis of injury data. The process was overseen by a Standards Review Board (SRB) consisting primarily of non-industry members. This board was charged with supervising the effort and formulating a standard. The agreement specified that work on the standard was to be completed by December 31, 1979.

Much sound engineering and analytical work was accomplished prior to the December 31, 1979, expiration date of the process. However, no

requirements were drafted by any of the committees operating under the terms of the agreement. On December 11, 1979, at the final Standards Review Board meeting, CSMA presented the Standards Review Board with a "discussion draft" consisting of performance requirements for chain saws and backup documentation. The Board did not consider the draft because it believed that sufficient information to write a standard did not exist. The Board recommended that CSMA request an extension of the project. In a letter to the Commission, CSMA declined to request an extension because CSMA believed that sufficient information was available to write a standard and rationale.

On December 21, 1979, CSMA submitted the same draft to the Commission. The accompanying correspondence represents the draft as being both "a final standard and rationale" and a draft with sufficient information to write a supportable proposal, although "additional work on correlation would be desirable."

The draft standard submitted by CSMA calls for using a specified test apparatus to measure the maximum energy generated at the tip of the chain bar at the initial moment of kickback. A computer model then translates the maximum energy measurement into the angle that the saw would rotate toward an operator. In making this translation, the model uses (1) the energy measurement, (2) information describing key characteristics of the saw being tested, (3) an equation for converting the measured energy into horizontal, vertical and rotational energy, and (4) formulas intended to describe the influence of the operator's hands on the handle during kickback. The result is a "Derived Angle of Rotation," which is compared to acceptance criteria to determine whether the saw meets or fails the requirements.

The acceptance criteria provided that a saw was acceptable (1) if the Derived Angle of Rotation (DAR) is 20 degrees or less, (2) if a hand guard is provided and the DAR is less than 50 degrees, or (3) if the chain stops before the DAR reaches 50 degrees and the ultimate DAR is 60 degrees or less.

The staff's evaluation of CSMA draft standard and rationale has left serious doubts that the standard as submitted would reduce injuries associated with chain saws. The following specific deficiencies were identified.

1. The portion of the computer model that attempts to account for the action of the operator's hands on the saw is based on an unproved assumption. CSMA attempted to prove the assumption by correlating the results from the computer model to actual tests of hand-held saws during kickback situations. However, CSMA's correlation was based on tests with only 3 test operators and 2 chain saws, and this is not sufficient to show that the computer model is applicable to all saws. Furthermore, it was not established that the hand-held tests that were performed related to the situation where kickback occurs with an unsuspecting user.

2. The lack of a method to determine the angle at which the chain would stop, and the inability of the model to predict the angle at which the chain stops, prevent use of the acceptance criteria applicable to chain brakes.

3. There is no analysis of the sensitivity of the computer model to variations in input data. The model cannot be considered valid without investigating the effect on the derived angle of rotation of slight inaccuracies in the measurements used to compute this angle.

4. The draft standard would apply only to saws of 3 cubic inch displacement (CID) and less, whereas the Commission has data indicating that saws up to 4.5 CID are used regularly by consumers.

These deficiencies, and the failure of CSMA to perform the development process in the manner specified in the agreement (in that the requirements were formulated by CMSA and not the SRB), caused the Commission to conclude preliminarily that the Commission cannot rely solely on the voluntary process being conducted by CSMA to offer adequate protection for the public from the risk of injury associated with the kickback of chain saws. Furthermore, since numerous serious injuries continue to occur from kickback, and since it appears that the technology to substantially reduce these injuries is feasible to incorporate in chain saws at a reasonable cost, the Commission preliminarily concludes that the risk of kickback injuries associated with chain saws is unreasonable and that a consumer product safety standard is necessary to reduce or eliminate this unreasonable risk. However, if a valid voluntary standard applicable to a sufficient number of consumer saws is developed and implemented in the future, the need to complete the development of a mandatory standard could be reconsidered at that time.

In starting the effort to develop a standard addressing kickback, the Commission expects the standard to apply to both gasoline-powered and electric chain saws. The standard that is developed could be a performance standard that would, for example, specify allowable levels of kickback energy or allowable kickback angles under specified test conditions. However, if the Commission concludes that a performance standard is not feasible, the standard could require the incorporation of specified design features to reduce the risk of kickback injuries. Or, the standard might incorporate both design and performance requirements. In addition, it has not been determined whether the standard should apply only to the assembled chain saw, only to components of the saw such as saw chain, or both, or whether replacement parts such as saw chain should be subject to requirements of the standard. These question will all be considered during the development of the standard. For the time being, however, where the term "chain saw" is used in this notice, it also refers to the components and replacement parts of chain saws.

B. How The Proposed Standard Will Be Developed

Under the Consumer Product Safety Act, a proposed consumer product safety standard may generally be developed in the following ways:

1. The Commission may publish an existing standard as a proposed consumer product safety standard, or the Commission may invite persons or organizations outside the Commission to submit to the Commission an existing standard which could be proposed as a consumer product safety standard.

2. The Commission may solicit offers from persons or organization outside the Commission to develop a recommended standard. Persons submitting such offers are referred to as "offerors," and the development of recommended standards in this manner is called the "offeror process." Alternatively, the Commission may develop the proposed standard itself it the Commission determines that it is "more expeditious" than development by the offeror process.

I. No Existing Standard Is Adequate

In the case of the kickback hazard associated with chain saws, the Commission is not aware of any standard issued, adopted, or proposed by any Federal department or agency or by any other qualified agency, organization, or institution that could be published as a proposed standard by the Commission.

The voluntary standard presently in effect in the United States (ANSI B 175.1, Safety Specification for Gasoline Powered Chain Saws, published in April, 1980), while requiring at least some features to reduce the hazard, does not go far enough and still permits

the marketing of consumer saws that may present an unreasonable risk of injury. A similar standard, ANSI B 175.2, is being developed for electric chain saws. There are also a number of standards in effect in foreign countries that may be effective in reducing the unreasonable risks of kickback, but the requirements of these standards have not been developed to the point that they could be proposed as a consumer product safety standard. Some of these standards allow the exercise of an ad hoc judgment by the country's regulating authorities as to the suitability of certain safety features. Where specific tests and requirements are specified in these standards, insufficient technical and economic rationale presently exists to enable the Commission to make the findings that are required by section 9(c) of the Consumer Product Safety Act in issuing consumer product safety standards.

II. Development of a Standard

In determining whether a standard should be developed by the Commission itself rather than through the offeror process, the Commission is required to consider the following factors.

1. The nature of the risk of injury associated with the product.
2. The expertise of the Commission with respect to the risk of injury.
3. The expertise of the Commission in developing consumer product safety standards.
4. The resources available to the Commission and the priorities established by the Commission.

How each of these factors applies to the development of a mandatory safety standard for chain saw kickback is discussed separately below:

1. *The nature of the risk of injury associated with the product.* As discussed above, the risk of injury to be addressed by the standard is contact between the saw and the user resulting from the rapid upward and/or backward movement of the chain saw when there is sufficient interference with the movement of the chain. This risk of injury was studied by the Commission's staff during the development effort that was conducted in conjunction with CSMA. The staff has analyzed the incidents that have been reported to the Commission and is fully familiar with the details of these incidents. Therefore, the Commission's staff is at least as qualified as any offeror to analyze and identity the nature of the risk of injury associated with kickback from chain saws.

2. *The expertise of the Commission with respect to the risk of injury.* As a result of its previous analysis of this hazard and its participation in the previous voluntary effort to develop a standard, the Commission's staff is fully aware of all aspects of the risk of injury and of the techniques which are likely to be successful in reducing the risk. Many of the groups that could be considered potential offerors would have to duplicate much of what the Commission's staff has already done before they could proceed with the development of a standard. Accordingly, the Commission believes that the fact that the Commission already has a high degree of expertise with respect to the risk of injury would tend to make it more expeditious for the standard to be developed by the Commission rather than by an offeror.

3. *The expertise of the Commission in developing consumer product safety standards.* The Commission has issued four safety standards that were developed under the offeror process. The Commission has also initiated four other proceedings under section 7 of the act to develop consumer product safety standards. As a result of working with the mandatory safety standards that have been developed under the CPSA as well as under the other statutes administered by the Commission, the Commission's staff has developed considerable expertise that can be applied to the development of consumer product safety standards.

Furthermore, in relation to the development of this particular standard, the Commission already has a CSMA test device installed in its laboratory and is installing another device that has been developed to measure chain saw kickback angles.

In addition to the development of the standard itself, before a standard can be promulgated by the Commission, the Commission must make the extensive findings required by section 9 of the act relating to the need for, and impact of, the standard and must provide substantial evidence showing why the requirements of the standard are reasonably necessary to reduce or eliminate an unreasonable risk of injury associated with the products. Although an offeror could draw on the experience of the Commission in formulating section 9 findings, an offeror cannot be expected to be as familiar with this aspect of the development of mandatory safety standards as is the Commission's staff.

In view of the fact that an offeror would have to become familiar with the existing information relevant to development of a standard addressing chain saw kickback and to the formulation of section 9 findings, and because an offeror would also have to obtain and calibrate test devices for measuring kickback energy and/or angles, the Commission estimates that it would take an offeror 12 to 18 months longer than the Commission to develop a recommended standard. This estimate is based on the assumption that it will not be necessary to do extensive rewriting or technical work on any standard developed by an offeror.

Because of the severe risk associated with this product, the Commission believes that it is essential that a standard be developed in the shortest possible time and with the maximum likelihood that the standard that is developed will be suitable for promulgation as a consumer product safety standard. In view of the expertise of the staff in the development of such standards, the Commission concludes that the best way to insure that these goals are achieved is for the Commission to develop the standard itself rather than by using the offeror process.

4. *The resources available to the Commission and the priorities established by the Commission.*

In the case of a chain saw standard development proceeding, it is likely that an offeror would require compensation from the Commission for performing the work needed to develop a standard. Therefore, the Commission cannot conclude that the offeror process would be less burdensome to Commission resources than would development by the Commission. This is especially true since an offeror would have to perform extra work in becoming familiar with background materials and in acquiring suitable test equipment.

In addition, as explained above, an offeror is likely to take 12 to 18 months longer to develop a standard than would the Commission.

After considering the factors discussed above, the Commission has determined that it will be more expeditious for the Commission to develop a consumer product safety standard for chain saws itself than for it to develop the standard by an offeror process.

The decision for the Commission to develop this standard itself does not mean that the Commission will not use the offeror process when appropriate in the development of future consumer product safety standards. The offeror process can be a useful way to develop standards with the expenditure of a minimum of staff time. In this case, however, the need to have a standard in place as soon as possible must take precedence.

C. Public Participation

There will be opportunities for interested persons (including individual consumers, consumer organizations, manufacturers, distributors, retailers, importers, trade associations, professional and technical societies, testing laboratories, Federal and State agencies, and educational institutions) to participate with the Commission in the development of the standard.

As required by section 7(d)(4) of the act, the Commission had issued regulations governing the development of proposed consumer product safety rules by the Commission. These regulations are set forth in Subpart C, Part 1105, of Title 16 of the Code of Federal Regulations and include requirements for notice to and opportunity for interested persons to participate in the development of proposed standards.

The Commission's regulations at § 1105.19 of Title 16 of the Code of Federal Regulations provide that the Commission may agree to contribute to the cost of persons who participate with the Commission in developing a proposed standard if the Commission determines:

(1) That a contribution is likely to result in a more satisfactory standard than would be developed without a contribution; and

(2) That the participant to whom a contribution is made is financially responsible.

By November 30, 1980, the Commission expects to publish a **Federal Register** notice formally beginning the standard development proceeding, stating the development plan for the standard, and describing how and when interested persons may participate in the development of the standard.

In the meantime, the Commission is interested in compiling a list of persons or organizations who would be interested in participating in the development of the proposed standard for chain saw kickback. Interested persons should provide the Office of Public Participation, Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207 with their name and address and a description of their experience, qualifications, and interest. The Commission will send to those persons who express an interest in participating in this proceeding copies of the **Federal Register** notice that describes the opportunity for public participation. The Commission is especially interested in obtaining the names of technically oriented consumers and technical organizations who have no financial interest in the manufacture or use of chain saws.

Of particular interest to the Commission are individuals or organizations with expertise in the following areas:

(1) Analyzing and extracting technical data from high speed movies,

(2) Computer modeling and analysis techniques applied to the transfer of mechanical energy or force between a machine and its operator.

(3) Testing and analysis of high speed portable equipment.

D. Public Comment on the Determination for the Commission To Develop the Standard

The act also provides that the Commission shall give interested persons an opportunity to submit written comments to the Commission during the 30 day period following publication of its determination to develop a standard itself. Even though the Commission does not intend to formally begin the standard development proceeding until November, 1980, the Commission is announcing its determination at this time in order that it may receive public comment as soon as possible. Accordingly, interested persons may submit written comments on the Commission's determination to develop a standard itself for chain saw kickback by October 20, 1980. The Commission will consider any timely comments that may be submitted before developing a proposed standard.

E. Conclusion

Therefore, under section 7(b) of the Consumer Product Safety Act, 15 U.S.C. 2058(b), and after considering the factors specified in section 7(b)(2) of the act, the Commission states that it intends to develop a proposed consumer product safety standard for chain saws, and their component and replacement parts, addressing the hazard of chain saw kickback.

Dated: September 15, 1980.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

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Part V

Department of Transportation

Office of the Secretary and Federal Aviation Administration

Metropolitan Washington Airports; Policy and Implementing Rules

DEPARTMENT OF TRANSPORTATION

Metropolitan Washington Airports Policy

Introduction

Washington National Airport is unique among the Nation's airports. One of only two air carrier airports operated by the federal government, it serves as the principal air gateway to the Capital. Its location immediately across the Potomac from Washington makes it one of the most convenient airports in the Nation, and at present it has better mass transportation access than the other two airports serving the metropolitan area. To those who live in its flight paths, however, it is at best an unwelcome neighbor. Despite runway limitations, National is one of the busiest airports in the national system. Its more than sixty operations (takeoffs and landings) per hour, of which forty are by certificated air carriers, mean a constant noise impact through the day and early hours of the night.

National currently operates under stricter conditions than any other air carrier airport. Four-engine jets, the noisiest in the air carrier fleets, are prohibited. By regulation, scheduled air carrier operations are limited to 40 per hour. By informal agreement, carriers do not schedule flights between 10 p.m. and 7 a.m., and general aviation jets generally do not operate after 11 p.m. Widebody jet aircraft are also prohibited. The Federal Aviation Administration (FAA), the Airport's operator, has adopted special flight procedures to limit noise impacts on the region. These extraordinary limitations are not, however, sufficient. Most of the Airport's neighbors would like further restrictions on the use of National; some would like to see it closed altogether, with traffic handled at the more remote and underutilized Dulles International Airport, or Baltimore-Washington International.

To many of the Airport users, however, convenience is the paramount issue. The airlines have found that they can achieve higher load factors on flights scheduled at National than at the other metropolitan area airports, chiefly, they contend, because most passengers in the area would prefer to leave from there. Further, passengers not traveling to Washington find the greater number of flights allow for more convenient connections. This divergence of opinion has fueled a continuing debate on the proper use of National.

A coherent policy for the operation of National has never been developed. Its operations are governed by a patchwork of informal rules developed in the sixties, at the time jet aircraft were first introduced. The terminal buildings, except for limited improvements made by the airlines, for the most part date back to the days of propeller-driven aircraft. Proper development of the Airport facilities has been delayed pending resolution of its future use. Repeated efforts to decide what to do about National, whether to expand it, rebuild it, or sell or transfer it to a local authority, have never come to fruition. As a result, almost not improvements have been made. As passenger levels have continued to grow, the terminal has grown increasingly crowded, and the roadways and parking lots serving the Airport are normally congested.

Continuation of the present uncontrolled operating conditions is intolerable. On this point, most proponents and opponents of increased use of National are in agreement. Further, whether more or less air traffic is served by National in the future, the physical plant must be improved. Before such improvements can be undertaken, however, the future role of the Airport must be established. No matter what policy is selected, continued unrestricted growth in passengers served cannot be permitted in the future. It would be impossible, as a practical matter, to accommodate all the potential demand at National, and the environmental impacts of attempting to do so would be unacceptable. Thus, provision must be made for handling air traffic to Washington at the other two area airports.

When I took office as Secretary of Transportation, the Federal Aviation Administration was in the process of developing a new policy proposal for the operation of its two airports. Convinced that such a policy was long overdue, I made it a personal priority. In September, we advised the U.S. district court that had ordered an environmental impact statement prepared on the operations of National that we would produce the required statement by August 15, 1980. In January, our proposed policy was published for public comment; hearings were conducted in March. In addition to the hearing transcripts, over 500 written comments were submitted to the public docket. In June, the House Committee on Public Works and Transportation held oversight hearings. After exhaustive review of the record and extensive consultation with the Federal Aviation Administrator, I have decided on an operating policy for the Metropolitan Washington Airports.

Summary of the Policy

In brief, after January 1, 1981, operations at Washington National and Dulles International Airports will be conducted under the following principles. The FAA is issuing final rules that incorporate the principal elements of the Policy.

1. Passenger Ceiling (Cap)

National Airport will not be permitted to accommodate more than 17 million total passengers per year. That level will be maintained by periodically adjusting the numbers of "slots", or rights to schedule landings or takeoffs, that are available to certificated and commuter air carriers. The FAA expects the ceiling to be reached in 1983.

2. Operating Rights (Slots)

The total number of slots at National will remain at 60 per hour, as provided in the current High Density Rule. The portion of that total available to certificated air carriers will be reduced to 36 per hour, a reduction of four from the current allowance of 40. The air taxi allowance will be invesed from the current eight per hour to 12 per hour, and the category of carrier entitled to use them will be changed to "commuter". The current allowance of 12 per hour for general aviation activity will remain unchanged.

The hourly scheduling limitations will be in force each day between the hours of 7:00 a.m. and 8:59 p.m. Between 9:00 p.m. and 9:30 p.m., each of the three categories of user will be permitted one-half the hourly allowances, 18 slots for certificated air carriers, six for commuter carriers, and six for general aviation.

As a result of the change from "air taxi" to "commuter", certificated air carrier slots will be available only to scheduled carriers using aircraft of 56 or more passenger's seats, while commuter slots will be used by all carrier aircraft with fewer than 56 seats. At present, flights by commuter carriers operating on certificated routes count against the air carrier allotment.

3. Hours of Operation (Scheduling Limitations and Curfew)

Carriers will be permitted to schedule operations, consistent with the hourly slot limitations, only between the hours of 7:00 a.m. and 9:30 p.m.

In addition, a curfew will be imposed to halt late operations. Initially, the hours of operation at National will be modified to prohibit all aircraft departures between the hours of 10:30 p.m. and 7:00 a.m. There will be a similar curfew on all aircraft arrivals between the hours of 11:00 p.m. and 7:00 a.m.

Many commenters urged that, in lieu of closing National to all traffic at night, smaller aircraft that are substantially quieter than jet transports should be permitted to operate past the 10:30 or 11:00 p.m. closing hours. Since the necessary environmental data on this proposal is not available, the FAA will analyze this proposal further. If appropriate, a separate rulemaking will be issued, to be concluded by January 1, 1981.

4. Equipment Limitations (Widebodies)

The policy prohibition on the use of 2- and 3-engine widebody aircraft at National will be removed on January 1, 1981. The FAA is satisfied that widebodies can be operated there safely. Each carrier's right to operate this type of equipment will turn on an evaluation of the safety of its operation by the Office of Aviation Standards and a decision by the Director of the Metropolitan Washington Airports that the use of such aircraft is compatible with the Airport's airside and terminal facilities and roadway capabilities.

5. Cities Served (Perimeter Rule)

The nonstop service perimeter for National will be established at 1,000 miles, with no exceptions. This policy would permit airlines to add nonstop service to cities such as Birmingham, Fort Lauderdale, Kansas City, and New Orleans to the more than 50 cities receiving nonstop service under the present system.

6. Physical Developments (Master Plan)

The Federal Aviation Administration will immediately undertake to develop, with public participation, a Master Plan for physical redevelopment of National, including improved access to public transportation, and will then proceed with such a redevelopment program.

7. Dulles

Dulles International Airport will continue to provide all types of aviation services to the Washington area at all hours of the day. Capacity at Dulles will continue to be added as necessary. The Dulles Airport Access Highway will continue to serve airport traffic only, with the several exceptions currently in force. Additional access improvement to Dulles, particularly those oriented to public transit modes, will be pursued.

Changes From the Proposed Policy

As a result of public comment and our analysis, two modifications have been made to the Policy as proposed last January:

The passenger ceiling has been reduced from 18 million to 17 million. The purpose of a ceiling is to limit growth at National, without causing sudden disruption to existing air service patterns. The recent continuing decline in passenger traffic growth will mean that the reduced cap will probably not be reached until approximately 1983.

The proposed policy set a 10:30 absolute curfew for operations into National. Experience shows that flights scheduled for 9:30 will occasionally arrive after 10:30 p.m. In order to minimize the extreme inefficiency and inconvenience that could be caused by the diversion of late flights to Dulles or Baltimore, the arrival limitation will be extended to 11:00 p.m.

Other Issues

Commenters expressed considerable concern that both the immediate and future reductions in flights at National will exacerbate the present trend of carrier emphasis on the larger markets at the expense of service to smaller communities. National is the primary airport serving government. We must assure that the limited capacity of National is made available to the public on an equitable basis.

A separate notice of proposed rulemaking will be issued within thirty days on the allocation of slots among carriers. It will contain one or more alternative methods to assure that nonstop service to National is equitably distributed among cities within the perimeter.

A second rulemaking will be issued to establish a mechanism for determining the number of slot reductions required in the future to assure that the number of passengers served at National does not exceed 17 million.

Underlying Considerations

There are two basic reasons that a comprehensive operating policy for the Metropolitan Washington Airports is necessary. First, the future role of National must be established so that the facility can be improved to deal adequately with the traffic it will carry. Second, growth at National must be controlled both so that the adverse environmental impacts of the airport can be limited, and so that congestion can be reduced. This in turn will permit orderly improvements in access to Dulles and Baltimore-Washington International.

Existing limitations at National are simply not adequate to deal with the potential for growth. Although the number of flights per hour have been limited, the airlines have been able, through the introduction of larger two- and three-engine aircraft, to increase substantially the number of passengers. The readily observable result has been the continuing ground and terminal congestion passengers and carriers at National must face. The capacity of roadway and parking facilities has long been overwhelmed by growth. Aircraft aprons are undersized and crowded. Even counter space is too limited to handle passenger loads efficiently. The cure to this problem cannot be reconstruction of the terminal alone. National has limited space on which to expand, and there are further limits to the ground transportation network.

Noise impacts on surrounding communities are also severe, even under present operating conditions. National is one of the busiest airports in the nation. Present schedules allow jet transport takeoffs and landings every minute and a half. For the residents to the area that live along the Potomac River flight paths flight paths where flight activity is concentrated, the noise levels are already especially offensive because of their perception that the concentration of activity at National is unjustified, given the availability of Dulles and Baltimore.

A policy is also necessary to assure that Dulles is fully utilized. As long as carriers are able to increase the number of passengers carried at National, they will continue to do so. It has been to their advantage to shift longer haul flights formerly scheduled at Dulles to National, at the expense of shorter haul markets traditionally served there.

Another important consideraton is the availability of Dulles International and

Baltimore-Washington International Airports to service the metropolitan area. These airports, both open at all hours, are readily accessible to many in the metropolitan area, and do not present environmental problems as serious as National's. As operations are limited at National, passengers will have excellent alternative facilities that, while not as convenient to downtown as National, provide service superior to that at many other cities.

Annual Passenger Limitation

Background

Despite the existing limitation on the number of air carrier operations that may be scheduled per hour at National, the Airport has experienced considerable growth in passengers carried. Passenger activity has increased from approximately 11 million in 1972 to 15 million in 1979 while the number of operations of certificated air carriers actually declined somewhat because of the introduction of larger capacity aircraft. Congested as it may be. National is not yet near the saturation point under the existing policy. Growth trends are expected to return, despite the recent downturn in air traffic. If the present operating conditions were not changed. Washington-area passengers would be distributed in the future as follows:

Annual Passengers

[Forecast in million annual passengers]

Year	National	Percent market	Dulles	Percent market	Baltimore	Percent market
1980	14.8	67	3	16	3.8	17
1985	18.8	64	4.6	16	5.8	20
1990	19.2	51	9.4	25	8.9	24

The forecast activity shows National continuing to dominate, in terms of the market served, well into this decade and beyond, even assuming, as the above figures do, that widebodies were not allowed there. If widebodies, which seat about 200 to 275 passengers, were permitted to replace the 90 to 150 seat aircraft now serving National, passenger activity would grow even faster. It would be projected to reach 19 million as soon as 1985.

The growth potential is so great that, even with the reduction in operating hours and number of operations per hour proposed in this policy, National passenger traffic could reach substantially the same levels as if these capacity limitations were not adopted. The reduction from 40 to 36 flights per hour would thus only slow the rate of growth, and would not in itself bring about a significant shift in future passenger activity to Dulles or Baltimore.

Initial Proposals

When this policy was published for public comment in January, it proposed a ceiling on growth of 18 million passengers per year to assure that National's growth would be contained.

The environmental impact statement analyzes the impacts of no cap and caps of 18 and 16 MAP, as well as a more restricted alternate that included a 14 MAP cap.

Policy Decision

An annual ceiling of 17 million passengers per year will be adopted for National. This lower limit will probably be reached in 1983, two years sooner than the 18 million proposal. The limit was chosen to set a level that provides an adequate degree of environmental protection without severely disrupting passenger traffic patterns, and the recent downturn in traffic enables this goal to be accomplished with a reduced cap.

The adoption of this cap will enable the FAA to develop plans for the modernization of National facilities and anticipate any necessary improvements at Dulles as well. Other advantages will flow from this provision, however, As the airlines take advantage of the decision to admit widebody aircraft, and as load factors on all aircraft at the Airport increase, fewer and fewer flights will be permitted at National. The FAA estimates that in 1990, as a result of the cap, certificate air carrier slots could be reduced to 30 scheduled operations per hour.

At the same time, the introduction of the quieter widebodies and new design aircraft will mean continuing improvements in the noise impact on National's neighbors.

The more drastic proposal of reducing hourly slots to 20 immediately, eliminating grandfather cities, and setting a cap of 14 million, proposed by the Metropolitan Washinton Council of Governments, has been rejected. The disruptive impact on established passenger service would be too extreme forcing longer distance traffic through already crowded hubs, principally Atlanta and Chicago, and ending service to many smaller communites immediately.

Operating Rights

Background

The present FAA high density rule for National (14 CFR 91.193) was adopted in 1969 and has never been changed. Air carrier operations, the principal source of noise impact on National's neighbors, have been limited to 40 per hour. This limitation no longer provides the same protection it originally did. Over the years, the carriers have increasingly substituted larger, heavier airplanes for the ones they originally flew. Jets have almost completely replaced propeller-driven aircraft. This trend has contributed to increased noise levels and airport congestion.

Over the past several years, commuter air carrier service has grown substantially throughout the Nation. Since enactment of the Airline Deregulation Act of 1978, the commuters' role has become increasingly important as they have moved into markets no longer served by the certificated carriers. At National, however, commuters have been limited to eight slots per hour. The effect of this limit has been somewhat alleviated by Civil Aeronautics Board procedures that permit commuters to operate certificated air carrier routes not being flown by a certificated carrier. This has not been sufficient, however, to meet the potential demand for commuter operations at National.

General aviation has been limited to twelve operations per hour. This provision, however, is not as signifcant to the users as the two air carrier allotments because slots are actually "IFR" (instrument flight rule) reservations, or the right to operate in weather conditions where visbility is poor enough to require the use of instruments. General aviation aircraft, which do not operate by schedule, are able to operate in greater numbers when visual flight rules apply and reservation are not required. Scheduled carriers, on the other hand, must operate on a schedule and therefore do not schedule more flights than the IFR capacity of the Airport.

Initial Proposal

The January policy proposal was to reduce air carrier slots from 40 to 36 per hour, increase commuter slots from eight to 12, and leave general avaiation slots unchanged. An alternative proposal would have reduced general aviation slots to nine, and increased commuter slots to 15.

In addition, we proposed to redefine the slot categories. The present commuter slots are reserved for "air taxis", and obsolete category of air carrier. The proposal would reserve commuter slots for aircraft certificated to carry fewer than 56 passengers.

The final environmental impact statement analyzed the impact of our initial proposal a variable hourly slot

proposal, and a reduced activity alternative, which combine a 20 slot per hour limit with a 14 million passenger cap.

Policy Decision

Air carrier slots will be reduced to 36 per hour, commuter slots increased to 12, and the proposed redefinition of slot categories will be adopted. The results will be an immediate reduction in noise and a reduction in the passenger traffic grow rate at National.

There are two basic reasons for reducing certificated air carrier operations from 40 to 36 per hour and increasing the commuter air carriers, from eight to 12. First is the need to limit the growth of National and to direct the future growth in activity toward Dulles and Baltimore. The second is to make more slots available to commuter carriers.

Many commenters on the proposed policy alleged that a reduction of four slots would be insignificant and would not contribute measurably to the reduction in used of National Airport. It should be clear that the reduction in air carrier slots is an indication of this Department's resolve to control future growth at National. When added to the cutback in the number of hours and a cap on total passenger activity at the airport, the four slot reduction does have a meaningful impact. The reduction of four scheduled operations per hour will eliminate 64 potential operations by certificated air carriers based on the present operating hours and will immediately slow the rate of growth of National. The combined reduction in operating hours and the reallocation of slots will remove 118 of the existing 640 air carrier operating slots per day, an 18.4 percent reduction. For the next years airport activity should be below current passenger levels.

Commuter operations could not be increased by simply increasing the total number of IFR reservations per hour. But even though the total limitation has stood since 1969, in spite of advances in air traffic control technology, and installation of the latest equipment in the National control tower, the instrument flight rules condition capacity of the Airport remains approximately 60 operations per hour.

Eight commuter carriers now operate at National. Slots are not made available to new carriers until release by others, and 15 operators are currently waiting to acquire them. The cities that they propose to serve from Washington are the smaller communities within several hundred miles that have only limited, if any service by certificated air carriers. The cities proposed to be served by the carriers on the waiting list include Norfolk, Bridgeport, New Haven, Atlantic City, Lynchburg, and White Plains.

The FAA will address the problem of smaller communities in a future Notice of Proposed Rulemaking on Operating Slot Allocation. Nevertheless, the redistribution of slots to the commuter air carriers will be beneficial to these cities. The redistribution of slots to permit more operations of commuter aircraft is long overdue at National. It will enable commuter air carriers that are available for replacement service to communities that have experienced a loss of certificated air carrier service to obtain the necessary slots for operation at National Airport. In addition, the redistribution of slots permits the quieter commuter aircraft to operate in lieu of larger turbojet aircraft and should result in a noise benefit to the community.

To promote the most efficient use of both air carrier and commuter slots, FAA regulations will require that operations with aircraft having a certificated maximum passenger capacity of fewer than 56 seats, which category includes most commuter aircraft, be conducted with the commuter air carrier slots, even if the carrier is certificated. Commuter air carriers that have acquired a certificate of public convenience and necessity from the Civil Aeronautics Board and are presently using certificated air carrier slots with small aircraft will thus henceforth operate with commuter air carrier slots. This would return approximately 30 slots per day to the certificated air carriers to be operated with aircraft with 56 or more seats. The immediate return of these slots alleviates somewhat the certificated air carriers long-term "losses" from the quota redistribution of 40 to 36.

The policy proposal gave consideration to a further redistribution of slots to increase commuter air carrier slots to 15. These slots would have been deducted from the general aviation allocation of 12 per hour. Supporters of this alternative generally point to our ability to serve more people if these operating slots are allocated to air carriers. Private and corporate aircraft, they contend, contribute to the delay and congestion on the airport, but do not produce a transportation benefit to large numbers of people.

Were it solely the question of adding capacity to National Airport, we might favor this approach. It is not certain, however, that an increase of more than four slots per hour is needed at this time for commuter air carriers. Furthermore, additional slots will be made available to the commuters as the cap on growth results in further slot reductions for certificated carriers.

Industry opponents to slot redistribution, principally the Air Transport Association (ATA), claim that a significant adverse impact on distant communities could result from this Department's proposal to reduce the air carrier slots from 40 per hour to 36 per hour. The ATA, not convinced that the policy as here adopted provides sufficient environmental improvements to justify the "deleterious impact on commercial activity and impingement on public service," formally proposed an alternative it contends produces a more meaningful noise relief and fewer disruptions of the air transport service. At its heart is a flexible and variable allocation of slots that, while maintaining the total of 60 operations per hour, would increase air carrier operations from the present 40 to 44 per hour during the day. During the off-peak hours, including the early morning and late evening hours, air carrier slots would be reduced below the present 40 to either 36 or 34 operations per hour. There would be a corresponding adjustment in either commuter or general aviation slots to maintain the total of 60 operations per hour. In addition, ATA urged reduced quotas for Saturdays and for Sunday mornings. Its proposal would also permit scheduling up to 9:59, with no more than 36 operations between 9:00 and 9:59, and 18 operations between 9:30 and 9:59.

We have rejected the ATA proposal. An analysis of the recommended variable slot proposal indicates that it will not produce a significant environmental benefit compared to present day operations. The environmental impact statement indicates that in 1990 there will be 82,000 persons residing in the NEF-30 zone, an increase over existing conditions. This is to be compared to 21,000 to 24,000 persons under the policy adopted. The ATA has offered to take slot reductions in hours where the carriers have not experienced much demand. With the exception of the slots at 10 p.m. the carriers would be giving up slots that are not used. The following table illustrates the situation with respect to Sunday slots:

Sunday Air Carrier Slots

[July 1980]

	7	8	9	10	11	12	1	2	3	4	5	6	7	8	9	10
Currently available	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40
Currently used on Sundays	15	21	31	36	30	30	33	38	38	39	38	35	37	39	40	20
Proposed by ATA	28	34	34	36	36	36	36	44	44	44	44	44	44	44	36	0

In contrast, the four slots per hour added during the peak hours would most certainly be used. As a result, FAA forecasts that under the ATA proposal, which does not include a cap on growth, National Airport would by 1985 handle more than 19 MAP out of a regional total of 29 MAP. With this unrestricted growth approach, National Airport would continue to serve well over 50% of the region's air passengers after 1990. This is inconsistent with the basic objectives of our policy. In sum, the ATA's proposal does not include a nighttime closing, would permit aircraft operations to be scheduled up to 10 p.m. and to be completed thereafter, and would not impose a cap on total annual passengers at National Airport. Viewed in its entirety, this alternative does not offer environmental improvement when compared to the adopted policy.

Hours of Operation

Background

Since the introduction of air carrier turbojets in 1966, National Airport has been operating under a voluntary arrangement with the air carriers and other airport users to ensure that late night hours remain relatively free of jet operations. These voluntary arrangements include an agreement by the airlines not to schedule jet aircraft operations after 10:00 p.m. and before 7:00 a.m. General aviation operators are asked not to operate jet aircraft after 11:00 p.m. and before 7:00 a.m. As a result of these voluntary restrictions, there has been relatively little activity at National Airport during the late night hours. Over a 24-hour day, 95 per cent of all operations occur between the hours of 7:00 a.m. and 10:30 p.m. Late night operations consist mainly of scheduled air carrier operations that are late because of mechanical or weather delays, and general aviation propeller-driven aircraft.

Although the airlines do not schedule operations after 10:00 p.m., 20 to 25 flights are normally scheduled right at 10:00 p.m., which technically counts as a full hour, since scheduling hours for the rest of the day run for 60 minutes, from :00 to :59. On many nights it takes until 10:30 p.m., and often later, to complete scheduled turbojet operations at National. Thus, while in a statistical sense the late night hours are relatively free of intrusive aircraft operations, operations after 10:00 p.m. and those during the very early morning hours are highly intrusive upon the community. The voluntary nature of the 10:00 p.m. scheduling cutoff has bred inconsistent adherence by the carriers and confusion and misunderstanding within the community. Many airport neighbors think the 10:00 p.m. voluntary scheduling limit is an absolute operating curfew that the FAA is choosing not to enforce. In fact, the scheduling restriction is not regulatory and FAA cannot enforce it.

Initial Proposal

The policy proposal in January was to prohibit the scheduling of commercial flights after 9:30 p.m. and before 7:00 a.m. Late flights would have been permitted to take off or land until 10:30 p.m., after which the Airport would have been closed to all traffic.

The environmental impact statement analyzed alternative policies that included the current situation, the 9:30 limit, and a 9:59 limit, with rights to continue all scheduled flights until completed.

Policy Decision

With the availability of the other two major airports in the region, the community surrounding National can be spared disruptive aircraft noise during the nighttime hours without severely hampering access to the metropolitan area. The policy therefore prohibits the air carriers and commuter airlines from scheduling activities after 9:30 p.m. Further nighttime restrictions will apply to all flight activity at National. Operations may not commence before 7:00 a.m. Initially, all aircraft will be required to depart by 10:30 p.m. and arrive by 11:00 p.m.

In response to comments, we are prepared to consider, in a separate supplemental rulemaking, whether relatively quiet, smaller aircraft should have to cease operations at these hours or whether there is a noise threshold below which they could operate during the nighttime hours without an appreciable problem to the community, particularly in light of the relatively infrequent nature of this type of activity. Many commenters on the proposal have urged adoption of such a rule, but since it was not part of our January policy proposal, it cannot be adopted on the basis of the present record. Moreover, the environmental impact statement prepared with respect to this policy does not provide sufficient technical data to evaluate such a rule.

The FAA will therefore undertake additional analysis in a supplemental EIS to determine if a noise level cutoff could be adopted that would permit some smaller aircraft to operate without imposing a significant noise burden upon the community. That analysis will be completed and, if appropriate, a rulemaking will be undertaken. Any final rule will be issued to be effective on January 1, 1981, concurrent with the rest of the policy.

The adoption of a complete curfew on air carrier operations will eliminate much of the confusion and misunderstanding about the scheduling and operation of air carrier aircraft, particularly when coupled with the 9:30 p.m. scheduling cutoff. The current practice of concentrating flights at the end of the day by scheduling 40 air carrier flights from 9 p.m. to 9:59 p.m. and 20 flights at 10 p.m. produces approximately 60 flights in 61 minutes. Under the policy here adopted, the air carriers will be permitted to schedule 36 flights per hour until 8:59 p.m. and 18 flights from 9 p.m. to 9:30 p.m. This will permit 54 flights over a 91-minute period. This eliminates the concentration of scheduled flights at the end of the day and consequent spillover.

The curfew on departing aircraft will take effect at 10:30 p.m. Arrivals will be permitted to occurs until 11:00 p.m. On the basis of public comments and experience, the FAA has concluded that flights scheduled to arrive by 9:30 will on occasion reach Washington as late as 11:00 as a result of mechanical or weather delays. With only 18 certificated carrier arrivals or departures scheduled to occur between 9:00 p.m. and 9:30 p.m., in all but the most unusual circumstances, these operations will be completed before 10:00 p.m.

Widebody Aircraft

Background

Under the informal arrangements reached in the sixties, four-engine jet aircraft, then and now the noisiest available, were not to be used at National. As widebody aircraft were introduced into service, they were not scheduled at National, principally because of their capacity. Such aircraft are in fact quieter than the jets now serving National. Many of the gates at the Airport could not handle them, and other facilities are not adequate to deal with the substantial number of passengers they carry. When the widebodies were new, there were also unanswered quesions about how they would mix with other traffic at an airport as busy as National. These questions have since been resolved.

Initial Proposal

The policy proposal was to admit two and three engine widebodies at National when the FAA was satisfied that they could operate safely at the airport and that they would not unduly interfere with ground traffic. The final environmental impact statement analyzed alternatives both with and without widebodies.

Policy Decision

Air carriers will be permitted to operate both two- and three-engine widebody aircraft at National Airport. The FAA Office of Aviation Standards has considered all safety questions raised by widebody operations at National, including operation of this type aircraft with the Airport's existing traffic mix. It has concluded that the operation of these aircraft types can be accomplished safely at National. Before an individual air carrier is permitted to operate a widebody aircraft there, however, the carrier must meet two tests. First, it must satisfy the Office of Aviation Standards that the manner in which the carrier proposes to operate each type of widebody aircraft is safe.

Second, the Director of the Metropolitan Washington Airports must grant access. This decision on individual carrier's applications will be made after an evaluation of the carrier's proposed operating plan and will be based on the proposed operation's compatibility with the airport facility. This condition is necessary because high capacity widebody aircraft can strain the ground-side capabilities of the Airport. It would not be in the best interests of air travellers to permit widebody aircraft to operate where the result would be further overcrowding of the terminal, roadways, and parking areas.

Aside from safety and compatibility with the facility, the principal concern expressed by commenters has been the effect on passenger activity at National. With few exceptions, the existing narrow-body aircraft carry no more than 125 passengers per operation. Widebody aircraft carry between 200 and 275 persons per operation, and are expected by many to fuel the excessive use and growth of National. Many commenters while recognizing the efficiency and environmental benefits, have advocated that each widebody operation be permitted only in exchange for cancellation of two or more narrow-body operations. Such a requirement would be a strong, perhaps complete disincentive to their use and to the noise benefits they will provide. In many cases, a carrier would prefer to provide a greater frequency of service than more seats. Some widebodies, particularly the smaller ones that would fit more easily at National, would provide fewer than twice the seats of the aircraft they would replace.

The answer to these concerns is the 17 million annual passenger cap. As widebodies are introduced and passenger demand grows, the numbers of slots available to the carriers will be reduced. Widebodies will also permit the larger markets to be served more efficiently, leaving slots available for service to smaller communities.

Nonstop Perimeter

Background

At the time restrictions were first placed on National, basic service patterns were essentially frozen by the informal adoption of a perimeter for the scheduling of nonstop service. The basic agreement, between the ten scheduled airlines serving National at the time and filed with the Civil Aeronautics Board, expired in 1967, but has been observed by the carriers ever since. Nonstop flights may serve any point within 650 miles of National, plus seven "grandfather" cities: Minneapolis, St. Louis, Memphis, Orlando, Miami, Tampa, and West Palm Beach. While this arrangement has preserved the short- and medium-haul nature of service at National, it has engendered continuing complaints from cities not receiving nonstop service.

Initial Proposal

The policy proposal was either to codify the present arrangement in a regulation, or establish a perimeter rule of 1000 miles, a distance that would retain service to all cities presently served and provide all cities equally distant from National with nonstop access.

The final environmental impact statement analyzed the impact of the 1000-mile perimeter, the existing practice, and a 650-mile perimeter without grandfather cities.

Policy Decision

The new perimeter rule will provide for equal access to all cities within 1000 miles. We anticipate that the carriers will provide nonstop service to four new cities in addition to the approximately 55 presently so served: Birmingham, Fort Lauderdale, Kansas City, and New Orleans.

After 14 years, the existing perimeter agreement, by freezing the *status quo*, has created the perception of inequity for cities outside the perimeter but closer than the grandfather cities. It is a matter of fairness that they be given a chance to have service similar to similarly situated communities. Conversely, there is no rational basis on which the current rule with its exceptions can be defended.

Commenters had two principal reactions to the perimeter proposal. Some feared that the introduction of new cities with nonstop service would cause further growth at National. The reduction in air carrier slots per hour, the scheduling limitations, and the 17 million passenger cap will all prevent such a development. Moreover, many passengers to the new cities served are already using one-stop flights out of National.

Several cities in the western states urged that the perimeter be eliminated and that market forces be permitted to determine what cities receive nonstop service. They argued that such an approach would be more consistent with the principles of deregulation of the airlines. These arguments have been rejected.

First, deregulation principles do not apply here, where a single airport proprietor provides unlimited access to a city through two airports, and a third unlimited access airport is available as well. It would make as much sense to insist that all three New York airports handle international flights. But more importantly, the elimination of a perimeter would have a crippling impact on Dulles Airport in the short term. To the extent they could, carriers would schedule long-haul trips out of National, since those are geneally more profitable. National would then serve a larger proportion of high-density markets, and the reduction in service to many of the cities it presently serves could be especially severe.

The Metropolitan Washington Council of Governments and some local citizens groups urged a 650-mile perimeter with no grandfather cities. This alternative is neither necessary nor prudent. It would do nothing to improve the environmental impacts of service at national; cities within that perimeter could readily use all slots available to them. Except for long-haul routes, which in taking off with full loads of fuel climb more slowly and therefore cause more noise impact on the ground, there are virtually no environmental differences between flights to different destinations. More over, elimination of the grandfather cities would cause substantial disruption to long-established travel patterns. Several of the grandfather cities are important hubs for connections to points further west. If they were to lose service, passengers would be forced to connect at the already overcrowded Chicago and Atlanta airports.

Another set of commenters, chiefly the airlines serving smaller communities, alleged that extension of the perimeter might force them to give up that service in favor of more profitable markets. The point at which economic pressures lead them to take such action will not depend on the perimeter rule alone. Whatever policy were adopted for National, even no policy at all, would in time prevent carriers from scheduling all the flights they might desire there. The critical element in determining what cities may receive service will continue to be the slot allocation method employed to distribute the limited number of operating rights available at National. Alternative slot allocation methods will be addressed in a separate rulemaking to be published within the next month. It will include one or more possible alternative devices to assure that nonstop service to National is equitably distributed.

Dulles International Airport

Dulles International Airport has the capacity to service all types of aviation: certificated air carriers, commuter air carriers, corporate and pleasure aircraft operators. Its runways are adequate for all types of aircraft, from single-engine piston to supersonic transports. The FAA will ensure that Dulles will remain open to all users so that the Metropolitan Washington area will have complete access to the air transportation system at all times.

Airfield capacity is not now and will not for many years be a problem at Dulles. Its problems are related to terminal capacity and surface transportation access. Dulles, though lightly used most of the day, endures a pronounced peak in activity between 4:00 and 8:00 p.m. During this time almost half of all Dulles's air carrier flights are scheduled, producing overcrowding in the terminal and parking lot, and a reduction in the level of service to airport patrons. A substantial increase in the activity at Dulles will require terminal improvements in passenger holding areas, baggage handling systems and the parking lot. The FAA has already startig on the terminal improvements: the domestic passenger hold room and baggage handling areas are being expended. The flight inspection and baggage claim area for international arrivals has already been modernized and expanded. FAA plans a total expenditure of $10.7 million in capacity-related improvements at Dulles in the near future.

Surface transportation issues are not as near a resolution. As a number of commenters have pointed out, it takes approximately 40 minutes longer to travel the 26 miles from downtown Washington to Dulles than the five miles to National. Many believe that the total trip time precludes all but the travelers from nearby suburbs from commuting from Washington and back in a single day. Many commenters on both sides of the National Airport restrictions isues believe that high-speed ground transportation between Dulles and downtown is necessary in order to make Dulles more attractive and competitive with National.

The median of the Dulles Airport Access Road was designed for the future construction of rapid rail transit. It will be made available to the Washington Metropolitan Transit Authority (Metro) without cost if a decision to build rail rapid transit is reached. Because of construction costs and potentially high operating costs, such a project needs further study. The Urban Mass Transportation Administration, the FAA and local governments will study these issues. In the meantime, the FAA will work to improve existing bus service to and from downtown. There is also existing van service between the Airport and many points in suburban Virginia and Maryland. At present the travel time to a midtown hotel via an airport bus is about 50–60 minutes. Service is provided by a private company under a concession contract with airport management. FAA is now considering ways to improve that service.

We need not delay stressing greater use of Dulles before rapid rail transit is available. Even with rapid mass transit to Dulles, National Airport will always be more convenient to downtown Washington. If access time alone were to dictate this policy, the emphasis on increased use of Dulles Airport would not, indeed, could not, be nearly as great.

However, convenience of access is but one of the competing factors to be reconciled by this decision. The policy is intended to direct the forecast growth away from National Airport. National's neighbors will pay a significant price in terms of environmental impact if future activity is not redirected, and airport congestion and service deterioration will continue. In view of this alternative the travel time to Dulles from downtown Washington is reasonable, particularly if improved in the future.

A further improvement in ground transportation travel time will result from the completion of the final section of the Dulles Access Highway to connect up with Interstate 66. This road will eliminate the need for much of the airport traffic to take the heavily traveled routes used today. Savings from 10 to 15 minutes in peak hours can be achieved by using this road. I am requesting FAA to place the completion of the final section of the Access Highway among its highest priorities.

Furthermore, population data shows that there are many persons who find Dulles as convenient or more convenient than National. Fairfax County, Virginia, had the fastest population growth rate of any jurisdiction in Metropolitan Washington in the past decade. The population forecasts released by the Metropolitan Washington Council of Governments (COG) show that Fairfax will have grown from approximately 250,000 persons in 1960 to more than 700,000 in 1985. By mid-decade, Fairfax County will be the most populous jurisdiction in the area, exceeding even the population of the District of Columbia. If the population trend continues, Fairfax will have a population of over 1,000,000 in 20 years. The neighboring jurisdictions of Montgomery County, Maryland and Loudoun and Prince William Counties, Virginia, are also experiencing rapid growth, whereas the District of Columbia, Arlington and Alexandria, Virginia, are not forecast to experience significant new growth. With regard to employment, COG forecasts that, while the District of Columbia will remain the employment center of the region, Fairfax County will add nearly 100,000 jobs by 1990 for a total of 300,000 jobs in the county. These population data and trends indicate that Dulles Airport could be the preference of more and more potential air travelers including business

travelers. A markedly different air service pattern at Dulles will emerge as that market is developed.

For the reasons expressed above, the Department stands fully committed to improving and promoting the use of Dulles Airport.

Status of the Policy

This Policy Statement also constitutes a proposed record of decision under the Council on Environmental Quality regulations implementing the National Environmental Policy Act. As such, it will be filed with the Environmental Protection Agency today as part of the final environmental impact statement (EIS). The decisions set forth in it will be embodied in final rules to be published in the **Federal Register** and will take effect subsequent to a 30 day review period for the EIS. Since the regulations will not become effective until Janaury 1, 1981, no final action will be taken during the regulatory waiting period. Any environmental objections to the proposed action should be addressed to the regulatory docket, which will be kept open for that purpose.

The address is: Docket Clerk, Office of the Chief Counsel, AGC–204, Federal Aviation Administration, Washington, D.C. 20591.

Neil Goldschmidt,

Secretary.

August 15, 1980

[FR Doc. 80–28936 Filed 9–17–80; 8:45 am]

BILLING CODE 4910–62–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 93 and 159

[Docket No. 19948; Amdt. Nos. 93-37 and 159-20]

Metropolitan Washington Airports

AGENCY: Federal Aviation Administration (FAA), Department of Transportation.

ACTION: Final rule.

SUMMARY: The FAA is adopting rules to implement the DOT/FAA policy to guide the future operation and development of Washington National Airport and Dulles International Airport and to improve the quality of the environment in the area around National. The policy announced by the Secretary of Transportation is published elswhere in this **Federal Register.** The FAA is changing the hourly allocation of operations at National from the present 40 per hour for air carriers, 8 for commuter air carriers and 12 for general aviation, to 36 scheduled operations per hour for the certificated air carriers, 12 for commuter air carriers and 12 for general aviation. Also, the users of the two air carrier classes will be defined by the maximum certificated passenger capacity of the aircraft used. Aircraft with a maximum certificated passenger capacity of less than 56 are required to be used in commuter air carrier slots. Aircraft with maximum of 56 or more passengers are required to use certificated air carrier slots.

At National, the certificated and commuter air carriers are permitted to schedule operations between 7:00 a.m. and 9:30 p.m. No aircraft can takeoff after 10:30 p.m. regardless of when the operation was scheduled. No aircraft may land after 11:00 p.m. regardless of when it was scheduled.

Two- and three-engine widebody aircraft are permitted to use National Airport subject to a determination by the airport management that their operation is compatible with airport facilities.

Nonstop service is to be permitted from National Airport to points up to 1,000 statute miles without exception.

EFFECTIVE DATE: January 5, 1981.

FOR FURTHER INFORMATION CONTACT:
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SUPPLEMENTARY INFORMATION: The Metropolitan Washington Airports Policy has been set forth in a decision by the Secretary of Transportation, August 15, 1980. The decision is intended to control the growth of National Airport to reduce both detrimental environmental impacts on the neighboring community and congestion in the terminals. The policy is also intended to permit the needed improvement of National Airport.

The policy announced by the Secretary necessitates amendments to existing Federal Aviation Regulations that assign operations to the different classes of aircraft operators using Washington National. These are the certificated air carriers, the commuter air carriers and "others," primarily corporate and individually owned general aviation aircraft. In addition, rulemaking is needed to modify the existing practices relating to the hours of operation, scheduling hours, nonstop service and aircraft type restrictions at National Airport.

Interested persons were invited to participate in the making of the policy and these rules by Notices published January 21, 1980 (Notice 80-2, 45 FR 4314; Notice of Proposed Policy, 45 FR 4320). Written comments were received from citizens residing near the airport, local municipal and county governments, cities served or desiring service into National, and the air carrier and general aviation industries. In addition, FAA heard the views of more than 100 citizens at three public hearings. Many of the speakers represented large organizations of citizens or airport users.

In January FAA also issued a supplement to the Draft Environmental Impact Statement (DEIS) which had been issued in March 1978. Comments were requested on the Supplemental EIS.

The comments received on the policy, the proposed regulations and the EIS were placed in the same public rules docket. Comments relating to the rules and the EIS were largely subsumed by the comments on the policy. The issues raised by the comments were therefore addressed in the Secretary's policy decision, which appears elsewhere in this **Federal Register.** In addition, the comments on the EIS were addressed in the Final Impact Statement issued and filed with the Environmental Protection Agency on August 15. That EIS assessed five policy options ranging from a significant reduction in activity at National Airport to an expanded role for the airport. The impacts of the policy adopted by the Department and implemented by these rules are in the mid-range of impacts described for limiting the passenger activity at National to 16 and 18 million passengers per year. The Final EIS may be obtained from Mr. Charles C. Erhard at the address listed under "For Further Information Contact." Reference should be made to those documents for the disposition of comments.

The policy adopted by the Department of Transportation for the Metropolitan Washington Airports is as follows:

1. Growth Limitation at National

Washington National Airport will not be permitted to accommodate more than 17,000,000 total passengers per year. That level will be maintained by periodically adjusting the numbers of slots available to scheduled certificated air carriers.

2. Operating Hours

The hours of operation at Washington National Airport will be modified to provide that no airline or commuter activity may be scheduled between the hours of 9:30 p.m. and 7:00 a.m. Additionally, a curfew will be in force on aircraft departures between the hours of 10:30 p.m. and 7 a.m. Similarly, there will be a curfew on aircraft arrivals between the hours of 11 p.m. and 7:00 a.m. FAA will determine if a noise level limitation in lieu of an absolute curfew can be adopted consistent with the objective of maintaining a quiet nighttime environment. If the FAA determines that a noise level limitation is appropriate a separate rulemaking action will be initiated.

3. Slot Availability to Various User Classes

The total number of operating slots at Washington National will remain at 60 per hour, as provided in the current High Density Rule. The portion of that total which is available to scheduled, certificated air carriers will be reduced to 36 per hour, a reduction of four per hour from the current allowance of 40 per hour. The commuter allowance will be increased from the current eight per hour to a new level of 12 per hour with additional slots contemplated as the air carrier slots are further reduced over time. The current allowance of 12 per hour for general aviation activity will remain unchanged. The above limitations will be in force each day between the hours of 7 a.m. and 8:59 p.m. Between 9 p.m. and 9:30 p.m., each of the three categories will be permitted one-half of the above allowances, i.e., 18

slots for scheduled air carriers, 6 for commuter carriers, and 6 for general aviation.

"Air carrier" slots will have to be used by all carriers (both airlines and commuters) utilizing aircraft of 56 or more passengers seats, while "commuter" slots will have to be used by all carriers utilizing aircraft with less than 56 seats.

4. Use of Widebody Aircraft at National

The policy constraints on the use of 2- and 3-engine widebody aircraft at Washington National will be removed. Prior to the use of any such aircraft at National, the operators of such aircraft must:

- Satisfy whatever remaining requirements the FAA decides are appropriate to establish that the use of such aircraft are operationally feasible.
- Secure the concurrence of the Director of FAA's Metropolitan Washington Airports that the use of such aircraft are compatible with that operator's apron and terminal facilities and with the airport's other terminal and roadway capabilities.

5. Nonstop Perimeter at National

The nonstop service perimeter for Washington National is established at 1,000 statute miles, with no exceptions.

6. Improvement of Washington National

The Federal Aviation Administration will immediately undertake a program to Master Plan a physical redevelopment of Washington National Airport and will then proceed with such a redevelopment program. This program will emphasize public transit to and from the airport, including a suitable relationship between the airline terminals and the Metrorail system.

7. The Role of Dulles

Dulles International Airport will continue to provide all types of aviation services to the Washington area, with a priority given to commercial air transportation service. Capacity at Dulles will continue to be added as necessary. The Dulles Airport Access Highway will continue as an "Airport traffic only" facility, with the several exceptions currently in force. Additional access improvements to Dulles, particularly those oriented to public transit modes, will be pursued.

As a result of the comments received, two principal modifications to the policy as proposed last January have been made. First, the passenger ceiling has been reduced from 18 million to 17 million annual passengers. This ceiling will permit sufficient time for a slowing down and an eventual halt in the growth of National Airport's passenger activity. The cap will be reached, it is estimated, in 1983 instead of 1985. Additional rulemaking will be necessary to establish a mechanism for adjusting the number of slots to assure that the number of passengers served at National does not exceed 17 million. For the purposes of this rule, total passengers, enplaned and deplaned, by commuter and certificated air carriers as well as general aviation will be subject to the ceiling.

The other principal change from the policy as proposed relates to the curfew. In order the minimize the number of diversions of aircraft from National, the curfew on arrivals will be 11:00 p.m. for all aircraft. Air carrier aircraft must be scheduled to arrive by 9:30 p.m. Since the rules adopted eliminate bunching of scheduled operations, it is believed that aircraft arriving as late as 11:00 p.m. will be an infrequent occurrence occasioned by weather or mechanical delays encountered en route. These operations will be allowed up to 11:00 p.m.

A final rule to implement the curfew is adopted in new Section 159.40(a), except for emergency operations, aircraft may not depart after 10:30 p.m. and before 7:00 a.m., or arrived after 11:00 p.m. and before 7:00 a.m. Air traffic control records departures at the time of liftoff and arrivals at the time of touchdown on the runway. Air Traffic recorded departure and arrival data will be used by airport operations personnel who will be responsible for enforcement of the curfew. Persons found to be in violation of the curfew will be subject to sanctions, including civil penalties under the Federal Aviation Act (49 U.S.C. § 1471) and criminal penalties under Section 5 of the Act for the Administration of Washington National Airport (54 Stat. 686, as amended by 61 Stat. 94).

In accordance with the Secretary's decision, FAA is analyzing whether a noise level limitation can be adopted in lieu of an absolute curfew. The FAA recognizes that new technology aircraft are significantly quieter than their predecessors. If such aircraft can operate so as not to markedly increase the noise exposure as described in the EIS for the 16 to 18 million annual passengers alternatives these nighttime operations may be permitted. If it is determined that a noise level limitation is appropriate, FAA will propose amendments to this rule. It is FAA's intention to make a decision by January 5, 1981, when the absolute curfew will otherwise become effective.

The Secretary's decision removes the policy constraint against the operation of 2- and 3-engine widebody aircraft at National Airport. The FAA Office of Aviation Standards has carefully considered the safety questions raised by widebody operations at National including operation of this type of aircraft with National's existing traffic mix. FAA has concluded that the operation of these aircraft types at the airport, and in that environment, can be accomplished safely. However, before an individual air carrier is permitted to operate a widebody aircraft at National Airport, the carrier must meet two tests. First, the carrier must satisfy the FAA's Office of Aviation Standards that the manner in which the carrier proposes to operate each type of widebody aircraft meets the safety standards that the FAA has established. Second, the Director of the Metropolitan Washington Airports must be satisfied that each carrier's proposal to use widebody aircraft is compatible with the Airport's airside and terminal facilities and its roadway system.

Additional Information

The Secretary's decision constitutes a memorandum of decision under the Council on Environmental Quality regulations implementing the National Environmental Policy Act. It was filed with the Environmental Protection Agency as part of the Final Environmental Impact Statement. Since the regulations will not become effective until January 5, 1981, no final action will be made during the regulatory waiting period. The FAA docket No. 19948 will remain open until October 20, 1980, so that any environmental objections to the action may be lodged. Environmental comments should be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention Rules Docket, AGC–204, 800 Independence Avenue, SW., Washington, D.C. 20591.

Effective Date

The final rule will become effective on January 5, 1981. The lead time is necessary in order to permit the air carriers to make the schedule modifications necessitated by these rules. The original proposal to make them effective January 1 has been modified slightly to permit carriers to serve the holiday weekend traffic without a sudden reduction in flights.

Final Rules

Accordingly, Subpart K of Part 93 of the Federal Aviation Regulations (14 CFR Part 93) and Subpart C of Part 159 of the Federal Aviation Regulations (14 CFR 159) are amended, effective January 5, 1981, as follows:

PART 93—SPECIAL AIR TRAFFIC RULES AND AIRPORT TRAFFIC PATTERNS

1. By amending paragraph (a) of § 93.123 in the chart entitled "IFR OPERATIONS PER HOUR," by deleting the numbers "40" "8" "12" in the vertical column beneath the words "Washington National Airport" and by substituting for them the following numbers: "36" "12" and "12".

2. By amending paragraph (b)(3) of § 93.123 by deleting the number "40" wherever it appears and by substituting for it the number "36".

3. By adding new paragraph (c) to § 93.123 to read as follows:

§ 93.123 High density traffic airports.

* * * * *

(c) For operations at Washington National Airport, after January 4, 1981—

(1) "Air carrier except air taxis," as used in this section, is defined as operations conducted by air carriers with aircraft having a certificated maximum passenger seating capacity of 56 or more.

(2) "Scheduled air taxis," as used in this section, is defined as operations conducted by air taxis, or air carriers, with aircraft having a certificated maximum passenger capacity of less than 56.

PART 159—NATIONAL CAPITAL AIRPORTS

4. By adding to Part 159 new § 159.40 to read as follows:

§ 159.40 Hours of operation.

(a) After January 4, 1981, except in an emergency, no person may operate an aircraft.

(1) So as to depart from Washington National Airport after 10:30 p.m. and before 7:00 a.m. as recorded by Air Traffic Control.

(2) So as to arrive at Washington National Airport after 11:00 p.m. and before 7:00 a.m. as recorded by Air Traffic Control.

(b) After January 4, 1981, no certificated air carrier or scheduled air taxi may schedule an aircraft operation to occur at Washington National Airport after 9:30 p.m. and before 7:00 a.m.

(c) After January 4, 1981, from 9:00 to 9:30 p.m. at Washington National Airport, the total number of scheduled operations for certificated air carriers and scheduled air taxis may not exceed one half the IFR operations per hour allocated to each of those classes of user under § 93.123 for Washington National Airport. If one half the allocated operations is a fraction, the next higher whole number may be scheduled.

5. By amending § 159.59 by redesignating paragraphs "(a)", "(b)" and "(c)" as "(c)", "(d)" and "(e)" and by adding new paragraphs (a) and (b) as follows:

§ 159.59 Aircraft equipment and operation rules.

(a) Except in an emergency, no person may operate a four engine turbojet transport category aircraft at Washington National Airport.

(b) After January 4, 1981, no person may operate at Washington National Airport a transport category aircraft of a type not regularly operated at that airport as of January 15, 1980, except as authorized by the director of Metropolitan Washington Airports. The Director may request the person proposing to operate aircraft of this type at Washington National to submit a plan describing how the aircraft operation will be compatible with the airport facilities, including a description of the aircraft type, the schedule, and the gate position proposed to be used. The Director shall base his authorization or denial on the compatibility of the operation with the National Airport facility.

* * * * *

6. By adding to Part 159 new section 159.60 to read as follows:

§ 159.60 Nonstop operations.

After January 4, 1981, no person may operate an air carrier aircraft nonstop between Washington National Airport and any airport that is more than 1000 statute miles away from Washington National Airport.

(Secs. 103, 307(a), (b) and (c), 313(a), of the Federal Aviation Act of 1958, as amended (49 U.S.C. §§ 1303, 1348 and 1354); Secs. 2 and 5 of the Act for the Administration of Washington National Airport, 54 Stat. 688 as amended by 61 Stat. 94; Sec. 4 of the Second Washington Airport Act, 64 Stat. 770; Sec. 6 of the Department of Transportation Act (49 U.S.C. 1655))

Note.—The FAA has determined that this document is a significant regulation under Executive Order 12044 as implemented by DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). FAA has prepared an evaluation covering economic and urban community impacts. A copy of this evaluation is contained in the regulatory docket.

Issued in Washington, D.C., on September 15, 1980.

Langhorne Bond,

Administrator.

[FR Doc. 28937 Filed 9-17-80; 8:45 am]

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611 58870
651 61634
674 59172

Proposed Rules:

17 ..... 58166, 58168, 58171, 59909
23 60455
32 ..... 59602, 59603
33 59603
80 59914
222 60956
223 60956
224 60956
225 60956
226 60956
277 60956
601 58632
611 ..... 59914, 60457, 60957
652 61341
656 60457
662 60957
672 59914
680 60957
810 60455

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/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.
Comments on this program are still invited.
Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408

NOTE: As of September 2, 1980, documents from the Animal and Plant Health Inspection Service, Department of Agriculture, will no longer be assigned to the Tuesday/Friday publication schedule.

REMINDERS

The "reminders" below identify documents that appeared in issues of the **Federal Register** 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

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

ENERGY DEPARTMENT

Economic Regulatory Administration—

55374 8–19–80 / Distribution of strategic petroleum reserve crude oil

ENVIRONMENTAL PROTECTION AGENCY

55179 8–19–80 / State implementation plans; Md.

55178 8–19–80 / State implementation plans; Pa.

FEDERAL COMMUNICATIONS COMMISSION

55205 8–19–80 / FM broadcast station in Bethel, Alaska; Table of assignments

55202 8–19–80 / FM broadcast station in Blue Ridge, Ga. and Murphy, N.C.; Table of assignments

FEDERAL MEDIATION AND CONCILIATION SERVICE

55394 8–19–80 / Arbitration of pesticide data disputes

List of Public Laws

Note.—No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws.**

Last Listing September 17, 1980